



DATE: 16 August 2022

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

12.00PM WEDNESDAY, 24 AUGUST 2022

QUORUM: Three Panel members.

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

AGENDA

WLPP-2208.A **Apologies**

WLPP-2208.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2208.1 **PAGE 4** **671 – 683 Old South Head Road, VAUCLUSE NSW 2030 - Demolition of dwellings and construction of a four-storey seniors living building with 37 units including basement parking and associated landscaping works (DA-455/2021)**

Report dated 12 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be granted Deferred Commencement Consent for the reasons contained in the report.

WLPP-2208.2 **PAGE 106** **11A Fletcher Street, TAMARAMA NSW 2026 - Alterations and additions to Residential Flat Building including conversion of sub floor area into a studio unit and attic addition. (DA-492/2021)**

Report dated 15 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.

WLPP-2208.3 **PAGE 190** **81 Francis St, BONDI BEACH NSW 2026- Alterations and additions to the existing residential flat building including replacement and extension of existing balconies to units 6, 7, 8, 9, 10 and 11 at the rear of the site. (DA-264/2022)**

Report dated 8 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.

WLPP-2208.4

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78 Denison Street, BONDI JUNCTION NSW 2022 - Alterations and additions to attached terrace dwelling including extension to ground floor, new attic & rear courtyard landscaping works (DA-163/2022)

Report dated 3 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.

WLPP-2208.5

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U 3/16 Consett Avenue, BONDI BEACH NSW 2026 - Alterations and additions to Unit 3. (DA-225/2022)

Report dated 10 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.



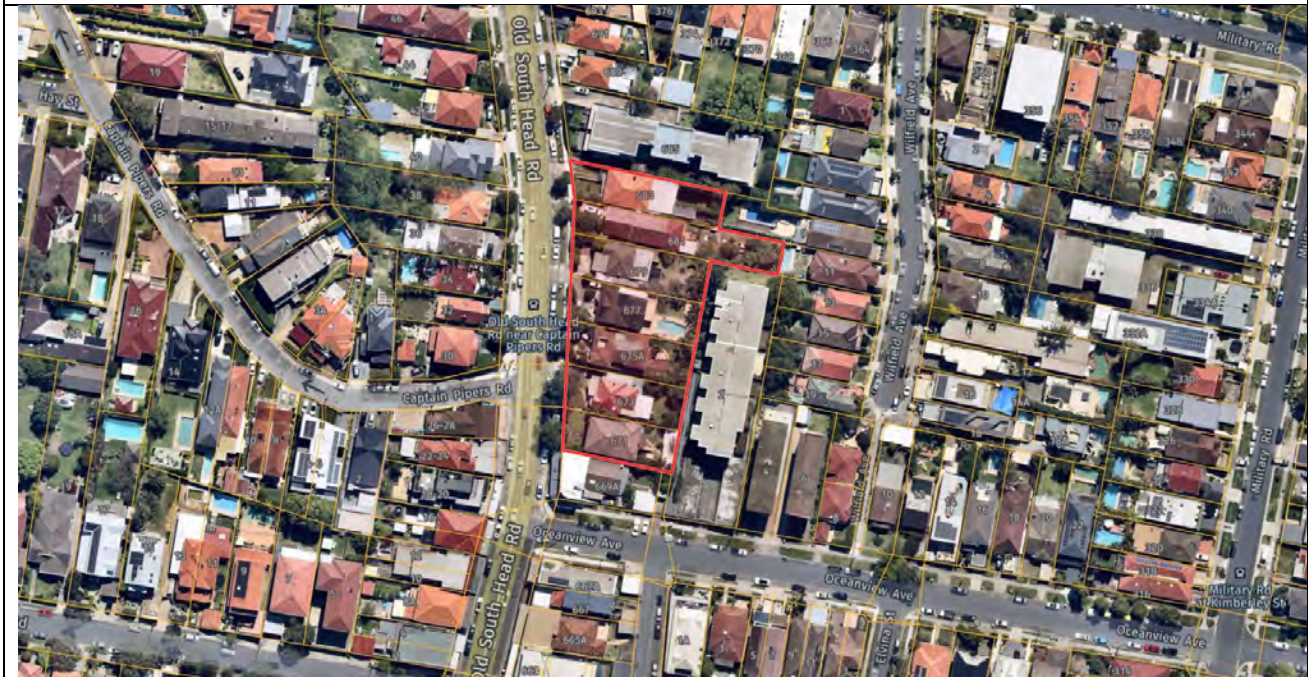
Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-455/2021
Site address	671-683 Old South Head Road, VAUCLUSE
Proposal	Demolition of dwellings and construction of a four-storey seniors living building with 37 units including basement parking and associated landscaping works
Date of lodgement	15 October 2021
Owner	671 OSHR at Vaucluse Pty Ltd
Applicant	Blare Management Pty Ltd
Submissions	Sixty (60) submission received
Cost of works	\$27,422,067
Principal Issues	<ul style="list-style-type: none"> • Building height • Remediation of land
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of existing structures and construction of a four-storey seniors housing development with 37 units, basement car parking and associated landscaping at the site known as 671-683 Old South Head Road, VAUCLUSE.

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

- Breach of the height of buildings development standard under Waverley Local Environmental Plan 2012; and
- Remediation of land.

The assessment finds these issues acceptable.

A total number of 60 submissions were received, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 17 November 2021.

The site comprises seven (7) allotments, detailed below.

Site identified as:	Known as:
Lot 2 in DP 10314 and Lot B in DP 324744	671 Old South Head Road, VAUCLUSE
Lot 1 in DP 169310	673 Old South Head Road, VAUCLUSE
Lot 4 in DP 192614	675 Old South Head Road, VAUCLUSE
Lot 1 in DP 168877	677 Old South Head Road, VAUCLUSE
Lot 1 in DP 167942	679 Old South Head Road, VAUCLUSE
Lot 1 in DP 666626	681 Old South Head Road, VAUCLUSE
Lot 2 in DP 316716	683 Old South Head Road, VAUCLUSE

The site is irregular in shape with a frontage to Old South Head Road, measuring 92m (western boundary). It has an area of 3867.3m² and it falls from the from the south towards the north by approximately 3.5m.

The site is occupied by seven (7) allotments, each containing either a single or double storey detached dwelling house.

The site is adjoined by a variety of residential and retail development. To the north is 685-687 Old South Head Road, containing a three to five storey residential flat building. To the east is 2 Oceanview Avenue, which is a four (4) storey residential flat building and the rear of detached dwellings at 9 and 11 Wilfield Street. To the west on the opposite side of Old South Head Road are mostly one and two storey dwellings. To the south is 669 Old South Head Road, which comprises a two-storey mixed development with retail at ground floor and residential above. On 26 May 2021, DA-374/2020 was approved and granted development consent for demolition of the building at 669 Old South Head Road and construction of a four-storey building with retail at ground level, residential units above and basement car parking.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Site viewed from the western side of Old South Head Road looking south



Figure 2: Site viewed from the western side of Old South Head Road looking north



Figure 3: Aerial image of subject site and surrounding area (Source: Google Maps)

1.3. Relevant Development History

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

- 675 Old South Head Road, Vaucluse – DA-340/2021, approved on 11 November 2021, granted consent for alterations and additions to the dwelling including conversion of the first floor into a secondary dwelling and two car spaces.
- 671-679 Old South Head Road, Vaucluse - DA-355/2018, approved on 27 November 2019. The Waverley Local Planning Panel granted consent for demolition of existing dwellings and construction of a four storey residential flat building comprising 16 units, basement car parking and Strata subdivision. The approved building exceeds the height development standard by 0.5m (4%) and the floor space ratio development standard by 325.43sqm (13.7%). It is noted that the subject development application (DA-455/2021) includes all properties that formed part of DA-355/2018, plus an additional two (2) properties being 681 and 683 Old South Head Road.



Figure 4: Photomontage of approved development at the subject site (DA-355/2018)

1.4. Proposal

The development application seeks consent for demolition of the existing dwellings and structures on each lot of the site, amalgamation of the lots and construction of a three and four storey Seniors Housing development with 37 units, specifically the following:

- Two (2) levels of basement for car parking, bicycle parking, motorbike parking, storage, plant, loading area and bin rooms;
- Ground floor residential lobby, mail room and common areas including lounge and dining room, kitchen, wine room, gym, cinema, treatment rooms, plant and storage rooms;
- First floor residential units comprising a total of eleven (11) units, being one x 1 bedroom unit, three x 2 bedroom units and seven x 3 bedroom units;
- Second floor residential units comprising a total of eleven (11) units, being one x 1 bedroom unit, three x 2 bedroom units and seven x 3 bedroom units;
- Third floor residential units comprising a total of ten (10) units, being one x 1 bedroom unit, two x 2 bedroom units and seven x 3 bedroom units;

- Forth floor residential units comprising a total of five (5) units, being one x 2 bedroom unit and four x 3 bedroom units;
- Rooftop containing plant and lift overrun, and photovoltaic cells; and
- Landscaping around the site including a courtyard with water feature and outdoor pool with amenities pavilion.

The proposal seeks to rely on a bonus Floor Space Ratio of 0.5:1 under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 under Part 6 Vertical Villages Clause 45(2). The requirements of this bonus floor space are outlined in Clause 45(6), as follows:

(6) Requirements relating to affordable places and on-site support services A consent authority may only grant consent to a development application as referred to in subclause (2) if—

(a) the consent authority is satisfied, on written evidence, that—

(i) the proposed development will deliver on-site support services for its residents, and

(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and

(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.

In seeking to satisfy the above requirements, the applicant advised that the affordable housing places will be provided off-site and provided legal advice to support this position. The advice reported that this can be done, subject to a clause 4.6 written request to vary the development standard and the offer of a Voluntary Planning Agreement for affordable dwellings to be provided off-site. This was discussed internally, and it was determined that the requirement of the bonus FSR under Part 6 of SEPP (Housing for Seniors or People with a Disability) 2004 was that on-site support services are provided, so the capacity of Council to provide equivalent accommodation off-site which offered the required on-site support idealistic and impractical. As such, the applicant was advised that in order to benefit from the bonus FSR, the affordable dwellings were required to be on-site as per Part 6 of SEPP (Housing for Seniors or People with a Disability) 2004.



Figure 5: Photomontage of the front view of the proposal



Figure 6: Photomontage of the front view of the proposal



Figure 7: Photomontage of the rear view of the proposal

1.5. Background

The development application was lodged on 15 October 2021 and deferred on 8 December 2021 for the following reasons:

1. Strategic Planning matters regarding SEPP (Housing for Seniors or People with a Disability) 2004¹ and assessment against Part 6 *Development for vertical villages*. The applicant was requested to submit additional information that identifies which of the proposed dwellings that will be set aside as affordable places. The applicant is to provide written evidence that on-site support services will be provided for its residents.

Applicant's response: The applicant provided a response outlining that 10% of the apartments will be offered as affordable places (as per SEPP (Housing for Seniors or People with a Disability) 2004) and nominated apartments numbered GU-07, GU-10, L1-07 and L2-07. Accompanying this was a statement from Kirby Consulting Group outlining the on-site support services to be provided for residents. This deferral matter is resolved.

¹ As indicated in section 2.1.3 of this report, SEPP (Housing for Seniors or People with a Disability) 2004 has been repealed since this DA was lodged, however, is saved and excepted from its replacement SEPP, known as SEPP (Housing) 2021.

2. The submitted SWRMP is insufficient and that the proposed commercial waste collection service (twice per week) is not supported.

Applicant's response: The applicant an Operational Waste Management Plan outlining that weekly collection can be achieved and the bin rooms have been increased in size to handle the additional storage. The additional information was re-referred to Council's Waste and Recycling team who have recommended conditions of consent. This deferral matter is considered to be resolved.

3. Council's Sustainability Officer requesting more information be provided in the BASIX commitments, including the pool heating system and energy efficiency lighting commitments. The applicant was also requested to consider alternatives to natural gas in the building.

Applicant's response: The applicant submitted amended plans which adequately mark the BASIX commitments with regard to the above matters. The applicant notes the recommendation about alternatives to natural gas. This deferral matter is resolved.

4. Council's Environmental Health officer advised that the proposal does not satisfy the requirements of SEPP 55 and to address the requirements of SEPP 55, the hierarchy of assessment may include but not be limited to the following:
 - a. Preliminary Environmental Site Assessment (PESA) (Also known as Stage 1)
 - b. Detailed Environmental Site Assessment (DESA) (Also known as Stage 2)
 - c. Remediation Action Plan (RAP)
 - d. Validation Assessment
 - e. Site Audit Statement (SAS)

Applicant's response: The applicant submitted a Stage 1 Preliminary Site Contamination Assessment prepared by GEO Environmental Engineering. This determined that the risk of actual contamination is low and therefore GEO considers that Stage 2 DESA can be completed as a condition of the Development Consent and during the CC stage. This was re-referred to Council's Environmental Health Officer who recommended that deferred commencement consent be granted, requiring documentation that demonstrates the site is suitable for the proposed use. This deferral matter is resolved.

5. Council's Traffic Engineer recommended that a maximum of 45 resident car parking spaces be provided, with six accessible spaces designed in accordance with the Australian Standards. In addition, 41 bicycle parking spaces are to be provided. The inbound driveway to the Porte Cochere is to be a maximum width of 3m at the property boundary and the two way main driveway is to be a maximum width of 6m at the property boundary.

Applicant's response: The applicant provided amended plans addressing the above matters. The amendments were re-referred to the Traffic and Development team who advised that the

proposal is acceptable, subject to recommended conditions of consent. The Engineer also recommended that plans be provided demonstrating compliance of the ramp to the basement and loading bay with AS2890.2 for access by small rigid vehicles. The applicant confirms that the ramp complies for the use of small waste vehicles. This deferral matter is considered to be resolved.

6. Council's Stormwater Engineers outlined inconsistencies and a lack of information provided in the submitted documentation with regards to stormwater.

Applicant's response: The applicant provided amended and additional documentation with regards to stormwater management. This information was re-referred to Council's Stormwater Engineers who provided recommended conditions of consent. This deferral matter is considered to be resolved.

7. At the time of sending the deferral letter to the applicant, comments from Council's Fire Safety, Urban Design, Community and Development and Public Domain teams had not been provided. These comments were provided to the applicant in due course. Comments from Fire Safety, Urban Design and Public Domain did not require any further information or amendments from the applicant. Council's Community and Development team provided comment seeking further information about the type and number of affordable housing units and their marketing strategy and target market. Further, it was recommended that consideration be given to the cost of luxury fit outs and amenities to increase the number of affordable units and allocating a percentage of rental units and affordable units for purchase below market value. The Community and Development team also requested a Statement of Consistency with the BCA and Australian Standards for Accessibility on the detailed construction design form a specialist access auditor, and that the Australian Standards for Accessibility and Liveable Housing Guidelines are checked by a suitably qualified auditor before a construction certificate is issued.

Applicant's response: The applicant provided clarification of the specific units to be offered as affordable housing in accordance with SEPP (Housing for Seniors and People with a Disability) 2004. In addition, the letter prepared by Kirby Consulting outlined the on-site uses, marketing strategy and target market. The applicant has provided an Access Report by Vista Access Architects, who are ACAA Accredited Access consulted, the highest level of qualifications for access consulting in Australia. The Access Report submitted with the DA provides a statement of consistency with the BCA and Australian Standards. The applicant acknowledges that the unit layouts comply with SEPP (Housing for Seniors and People with a Disability) 2004, which requires a substantially higher level of access as compared to the Silver level of Liveable Housing Design Guidelines. This deferral matter is resolved.

The submitted Cost Summary Report from Berco Consulting details the cost of works for the proposed development as \$27,422,067. Given that development with a capital investment value (CIV) of over \$30 million is to be referred to Sydney Eastern City Planning Panel (SECPP) for determination, Council sought a peer review of the Cost Summary Report submitted with the development application to confirm

whether the application may indeed have a CIV of over \$30 million. The review was undertaken by MBM Pty Ltd who confirms that a cost of works of \$27,422,067 is considered fair and reasonable. However, MBM Pty Ltd noted that the Cost Summary Report is based on 6,902sqm, which differs from the other documentation submitted with the application. This was queried with Berco Consulting who advised that the area included in the cost summary report differs from other documentation because Architects calculate the area based on usable residential area (i.e in accordance with the GFA definition) and the Australian Institute of Quantity Surveyors has a different definition of area measurement based on fully enclosed area plus unenclosed covered area. Notwithstanding this, the eventual outcome was that the submitted Cost Summary Report is considered reasonable, and the application is not deemed 'regionally significant', meaning it does not require to be determined by the Sydney Eastern City Planning Panel. The relevant consent authority for this DA is the Waverley Local Planning Panel.

Finally, amended GFA diagrams and shadow diagrams were requested during the assessment period. These were provided by the applicant and relied upon for the assessment of the application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP (Resilience and Hazards) 2021.
- SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors).
- SEPP (Transport and Infrastructure) 2021

A detailed discussion is provided for relevant SEPPs as follows:

2.1.2. SEPP (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) 2021 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires Council to consider whether a site is contaminated. It is unknown whether the site is considered to be potentially contaminated.

Before determining an application, Clause 4.6(2) requires the consent authority to consider a report specifying the finding of a preliminary investigation of the land concerned. The application is accompanied by a preliminary Environmental Site Assessment (Stage 1) prepared by Geo-Environmental Engineering (Report No: E21071VAU-R02F) and dated 20 January 2022. This report recommends a Detailed Environmental Site assessment (Stage 2) be conducted and does not conclude that the site is suitable for the proposed use.

Therefore, it is recommended that deferred commencement consent be granted, requiring documentation that demonstrates the site is suitable for the proposed use. That may include but not be limited to the following:

- Detailed Environmental Site assessment (Stage 2)
- Remediation Acton Plan (RAP)
- Validation Assessment
- Site Audit Statement (SAS)

2.1.3. SEPP (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 Division 17 Subdivision 2 *Development in or adjacent to road corridors and road reservations*, specifically Clause 2.119 applies to the development as Old South Head Road is a classified road. Under Clause 2.119(2), the consent authority must not grant consent to development on land than has a frontage to a classified road unless it is satisfied that:

- (a) *Where practical and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *Where safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of –*
 - i. *The design of the vehicular access to the land, or*
 - ii. *The emission of smoke or dust from the development, or*
 - iii. *The nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and design, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal provides vehicular access to the site from Old South Head Road. Given the location of the site, this is considered appropriate. The safety, efficiency and ongoing operation of Old South head Road will not be adversely affected by the development as all vehicles are able to enter and exit in a forward motion. Further, the proposal incorporates a porte cochere to allow drop off and pick up of residents in a safe location without disrupting traffic on Old South Head Road. The development will not emit smoke or dust and the nature, volume and frequency of vehicles using Old South Head Road to gain access to the land will not have a significant impact.

The development has been appropriately located and designed, including measures to ameliorate potential traffic noise or vehicle emissions from Old South Head Road. The building is set back from the Old South Head boundary, planters and Juliet balconies have been incorporated on the front façade.

Most apartments have dual frontages and/or outlooks. Communal open space has been orientated towards the rear of the building, away from noise and vehicle emissions.

The development is considered to satisfy the requirements of Clause 119(2) with regards to development on a classified road.

It is noted that many submissions received noted objection regarding traffic generation as a result of the proposed development. SEPP (Transport and Infrastructure) 2021 Clause 2.122 notes traffic-generating development as the development specified in Schedule 3 of the SEPP. Schedule 3 of the SEPP notes residential accommodation with 300 or more dwellings as traffic-generating development. Therefore, the proposal for 37 units is not considered ‘traffic-generating development’.

2.1.4. SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)

SEPP (Seniors) was repealed on 26 November 2021, replaced by SEPP (Housing) 2021. However, Schedule 7A Clause 2 states that the Policy does not apply to development applications lodged, but not yet determined on or before the commencement date. The subject development application was lodged on 15 October 2021, so SEPP (Seniors) applies to this development.

SEPP applies to the development as the proposal is for seniors housing, as per the definition of seniors housing within the SEPP.

The applicant is relying on Part 6 *Development for Vertical Villages* specifically Clause 45(2) which allows a consent authority to consent to a development application for seniors housing that exceeds the floor space ratio permitted under another environmental planning instrument by a bonus of 0.5 added to the floor space ratio. Clause 6 *Requirements relating to affordable places and on-site support services* states that:

A consent authority may only grant consent to a development application as referred to in subclause (2) if–

- (a) The consent authority is satisfied, on written evidence, that-*
 - a. The proposed development will deliver on-site support services for its residents, and*
 - b. At least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places.*

The development is assessed against the relevant provisions of SEPP Seniors. The assessment is presented in the table below.

Table 1: SEPP (Housing for Seniors or People with a Disability) Compliance table

Provision	Compliance	Comment
4 Land to which this Policy applies (1) Land within NSW zoned for urban purposes	Yes	The land is zoned for urban purposes and dwelling houses are permitted on the land, with consent.

Provision	Compliance	Comment
13 Self-contained dwellings	Yes	The proposal provides 37 units that comply with the definition of self-contained dwellings.
<p data-bbox="233 331 608 432">17 Development on land adjoining land zoned primarily for urban purposes</p> <p data-bbox="233 472 632 931">Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following: (a) a hostel, (b) a residential care facility, (c) serviced self-care housing.</p> <p data-bbox="233 972 632 1635">(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided: (a) for people with a disability, or (b) in combination with a residential care facility, or (c) as a retirement village (within the meaning of the <i>Retirement Villages Act 1999</i>).</p>	<p data-bbox="722 472 767 499">Yes</p> <p data-bbox="722 972 767 999">Yes</p>	<p data-bbox="855 472 1418 539">The proposal is for self-contained dwellings, which serviced self-care housing is a subset of.</p> <p data-bbox="855 580 1418 860"><i>Serviced self-care housing</i> is defined as seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care and nursing care. These services are available to occupants of the proposed development and can be engaged by residents.</p> <p data-bbox="855 972 1394 1039">The proposal will provide housing for people with a disability.</p>
Part 1A Site compatibility certificates	N/A	As per clause (1A), a site compatibility certificate is not required as the proposed development is permissible with consent on the land under Waverley LEP 2012.
Part 2 Site-related requirements		
<p data-bbox="233 1836 560 1897">26 Location and access to facilities</p> <p data-bbox="233 1937 584 2004">(2) Access complies with this clause if:</p>	Yes	Facilities referred to in sub clause 1 includes shops, banks and other retail and commercials services that may be reasonably required, community services, recreation facilities and the practice of a GP. The site is located within close proximity to the Rose Bay (north) local

Provision	Compliance	Comment
<p>(b) proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services) referred to in subclause (1)) complies with subclause (3)</p>		<p>village centre, located on Old South Head Road which contains these facilities.</p> <p>The SEE accompanying this application has provided details of local shops and services within 1km of the subject site.</p> <p>The development complies with clause 26 (2)(b) as there is a bus stop located approximately 100m from the subject site on Old South Head Road, serviced by bus route 387 (South Head Cemetery to Bondi Junction). Approximately 100m to the north of the site on Military Road is a bus stop serviced by route 380 (Watsons Bay to Bondi Junction via Bondi Beach).</p> <p>The bus stops are regularly serviced in compliance with (b) (iii).</p> <p>The SEE accompanying this application has provided details of suitable gradients provided along the pathways, which are acceptable and supported.</p>
<p>28 Water and sewer A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	Yes	<p>The proposed additional buildings will connect into the existing stormwater and sewerage services provided on the site.</p> <p>A condition would be included in any consent requiring the applicant to obtain a section 73 certificate from Sydney Water, due to the proposed increase in services.</p>
<p>Part 3 Design requirements</p>		
<p>30 Site Analysis A consent authority must not consent to a development</p>	Yes	<p>The relevant criteria in this Clause has been adequately addressed in the Site Analysis provided by the project architects.</p>

Provision	Compliance	Comment
<p>application made pursuant to this Chapter unless the consent authority has taken into account a site analysis prepared by the applicant in accordance with this Clause.</p>		
<p>32 Design of residential buildings</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>Yes</p>	<p>The relevant criteria of Division 2 have been detailed below. The proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>
<p>Division 2 Design Principles</p>		
<p>33 Neighbourhood amenity and streetscape</p> <p>Recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area</p> <p>Maintain reasonable neighbourhood amenity and appropriate residential character</p>	<p>Yes</p>	<p>Complies. The proposed development is considered to contribute to the quality and identity of the area and responds to the streetscape. A reasonable neighbourhood amenity and appropriate residential character is maintained. The height of the building, street frontage and setbacks, massing and scale are compatible with the streetscape.</p>
<p>34 Visual and acoustic privacy</p> <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents</p>	<p>Yes</p>	<p>The proposed development is considered to provide an acceptable level of visual and acoustic privacy for both residents and neighbouring properties.</p>
<p>35 Solar access and design for climate</p> <p>Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space</p>	<p>Yes</p>	<p>Complies</p>
<p>36 Stormwater</p>	<p>Yes</p>	<p>The application was referred to Council's Stormwater Engineer who has advised that</p>

Provision	Compliance	Comment
		the proposed stormwater plans are satisfactory, subject to conditions of consent.
37 Crime prevention	Yes	The proposed development is considered able to provide security for residents and visitors.
38 Accessibility	Yes	An Access Report has been submitted as part of the application and identifies the compliance status of the relevant accessibility requirements of the BCA and requirements relating to the SEPP. The proposal is able to comply with the accessibility requirements of the SEPP.
39 Waste management	Yes,	The application was referred to Council's Waste and Recycling section who have advised that the proposed waste facilities are satisfactory, subject to conditions of consent.
Part 4 Development standards to be complied with		
(40) Development standards (1) A consent authority must not consent to a development application unless it complies with the standards specified for this clause	Yes	The proposal complies with the standards specified for this Clause. The specific requirements are noted below.
(2) Site size The size of the site must be at least 1,000 square metres.	Yes	The site area is 3867.3m ²
(3) Site frontage The site frontage must be at least 20 metres wide	Yes	The site frontage measures 92m
(4) Height in zones where residential flat buildings are not permitted	N/A	The site is located in the R3 Medium Density Residential zone where residential flat buildings are permitted.
Part 6 Development for vertical villages		
45 Vertical villages (2) Granting of consent with bonus floor space Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry	Yes	The proposal is for seniors housing. The maximum permissible FSR under Waverley LEP 2012 is 0.9:1. The bonus 0.5 brings the permissible FSR to 1.4:1. The details of subclause (6) are detailed below.

Provision	Compliance	Comment
<p>out development on land to which this clause applies of the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument by a bonus 0.5 added to the gross floor area component of that floor space ratio.</p>		
<p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan</p>	N/A	Noted. The permitted FSR for the site is in the Waverley LEP 2012.
<p>(4) in calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded</p>	Yes	The treatment rooms and kitchen on the ground floor have been excluded from the GFA calculation as these areas are used to deliver on-site support services.
<p>(5) however, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</p>	N/A	Noted. The GFA referred to in subclause (4) does not exceed 50% of the total gross floor area.
<p>(6) Requirements relating to affordable places and on-site support services A consent authority may only consent to a development application as referred to in subclause (2) if – (a) the consent authority is satisfied, on written evidence, that – (i) the proposed development will deliver on-site support services for its residents, and</p>	Yes	<p>Clause (12) states the definition of on-site support services for residents as:</p> <ul style="list-style-type: none"> (a) 3 meals a day provided on a communal basis to a resident's dwelling, and (b) Personal care, and (c) Nursing home visits, and (d) Assistance with housework. <p>The applicant has provided a detailed list of on-site services that are to be provided for residents, including the above. Council can be satisfied that the proposed development will</p>

Provision	Compliance	Comment						
<p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p>		<p>deliver on-site support services for its residents in accordance with Clause (6)(a)(i)</p> <p>Clause (12) states the definition of affordable places means a dwelling for the accommodation of a resident –</p> <p>(a) <i>Whose gross household income falls within the following ranges of percentages of the median household income for the time being of the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics –</i></p> <table border="1" data-bbox="954 712 1417 913"> <tbody> <tr> <td data-bbox="954 712 1193 779">Very low income household</td> <td data-bbox="1193 712 1417 779">Less than 50%</td> </tr> <tr> <td data-bbox="954 779 1193 846">Low income household</td> <td data-bbox="1193 779 1417 846">50% or more but less than 80%</td> </tr> <tr> <td data-bbox="954 846 1193 913">Moderate income household</td> <td data-bbox="1193 846 1417 913">80-120%</td> </tr> </tbody> </table> <p>(b) <i>Who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.</i></p> <p>The applicant has identified Units GU-07, GU-10, L1-07 and L2-07 will be dedicated as affordable housing places. This equates to 10% of the total dwellings on site.</p>	Very low income household	Less than 50%	Low income household	50% or more but less than 80%	Moderate income household	80-120%
Very low income household	Less than 50%							
Low income household	50% or more but less than 80%							
Moderate income household	80-120%							
<p>(7) Grounds on which consent cannot be refused A consent authority must not refused consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in Clause 40(4)(a), 48(a), 49(a) or 50(a).</p>	Yes	Noted. The development is not recommended for refusal.						
<p>(8) conditions on grants of development consent A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continue provision of the affordable places identified in the application.</p>	Yes	Noted. A condition has been included requiring the creation of a restrictive or positive covenant on title to ensure the continued provision of affordable places.						

Provision	Compliance	Comment
(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.	Yes	Noted. A condition has been included requiring the affordable places to be owned and managed by an organisation providing community housing that is registered with the Office of Community Housing.
(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on development consent, or allow conditions to be imposed on a development consent otherwise in accordance with the Act.		Noted.
(11) Clause does not apply to certain heritage affected land Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the <i>Heritage Act 1977</i> applies.	N/A	The site is not heritage listed.
Part 7 Development standards that cannot be used as grounds to refuse consent		
46 Inter-relationship of Part with design principles in Part 3 (1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.	Yes	Noted. The application is not recommended for refusal.

SEPP (Design Quality of Residential Apartment Design)

While State Environmental Planning Policy 65 (Design Quality of Residential Apartment Design) does not apply to the development, the application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 10 November 2021. The DEAP provided comment on the proposed development against the nine design quality principles under Schedule 1 of SEPP 65. A planning response to each comment are set out in **Table 2** of this report.

Table 2: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<p><i>The Panel appreciated the sophisticated approach the Proponent and project team have made in successfully fitting this development into the site's context.</i></p> <p><i>The Panel appreciated the size, design resolution and location of the ground floor pedestrian and vehicular entry off Old South Head Road and the low-key basement entry and exit configuration.</i></p>	Noted.
2. Built form and Scale	<p><i>The Panel noted that the proposed built form and scale of the development was appropriate for the proposed building's use and fitted appropriately with the site's streetscape.</i></p>	Noted.
3. Density	<p><i>The proposal has successfully achieved a high level of resident amenity for each apartment based on well designed and laid out apartment and overall the facility offers residents a high level of amenity offered with accessible communal facilities.</i></p>	Noted.
4. Sustainability	<p><i>The proposal's thoughtful use of generous stair wells on the western façade enables good solar access to all four of the residential lobby spaces and the Panel suggest that the Applicant utilise open louvers to enable natural ventilation in these important spaces.</i></p> <p><i>The Panel recommends the inclusion of ceiling fans through the apartment spaces</i></p> <p><i>The Panel was positive about the use of a large area for PV cells on the roof</i></p>	The Panel's comments regarding natural gas were forwarded to the applicant who advised that this advice was noted.

Principle	Panel's Comment	Planning Comment
	<p><i>of the southern building and suggested that the roof of the Northern building could be used for the same use.</i></p> <p><i>The Panel noted that if possible, the non-accessible roofs could be considered green roof space that offers low maintenance vegetation and PV cells.</i></p> <p><i>The Panel recommends that natural gas should not be used in the building at all. Cooktops, water heating and air heating are better covered by electricity as that is a more sustainable approach.</i></p>	
5. Landscape	<p><i>The comprehensive landscape proposal was well considered in terms of creating suitable domestic garden and over structure planting opportunities that would aid in further setting the proposal into the sites existing residential character and context.</i></p> <p><i>The Panel noted that the proposal notes that numerous (13) existing site trees were to be retained and protected on site and (7) trees were designated as trees to be replanted on the site, these trees need to be clearly noted on the landscape plans and align with the consulting Arborist's report.</i></p>	Noted. Council's Tree Management Officer has reviewed the application and concurs with the submitted landscape plan and Arborist's report and provided conditions of consent to be included.
6. Amenity	<p><i>The panel noted that the proposal offers a high level of apartment and communal use amenity throughout the complex.</i></p> <p><i>The Panel suggested that the Architects review the extent and effectiveness of some of the Eastern facing apartments (in particular the Southern building) façade screening in terms of potential overlooking issues associated with the residential flat building at 2 Oceanview Avenue.</i></p>	The building is set back 8 metres from the south eastern boundary of the site and has a minimum building separation distance of 12m between the proposed building at 2 Oceanview Avenue, which is considered adequate.
7. Safety	<i>As above</i>	
8. Housing Diversity and Social Interaction	<i>As above</i>	
9. Aesthetics	<i>As above</i>	

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as Seniors Housing, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	The overall building height of the proposed development is defined by the lift overruns, which is 13.5m above existing ground level. The development exceeds the height of buildings development standard by 1m or 8%.
4.4 Floor space ratio <ul style="list-style-type: none"> 1.4:1 (0.9:1 under WLEP, plus additional 0.5:1 under SEPP (Seniors)) 	Yes	The proposed GFA is 5,388sqm which equates to a FSR of 1.39:1, which complies.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation for basement levels. The excavation is largely within the building footprint. The setbacks from side boundaries are adequate at between 4 to 5 metres, except for the vehicle access ramp which is on the northern boundary. The proposal is considered to satisfy Clause 6.2.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height development standard of 12.5m. The proposed development has maximum height of 13.5m, exceeding the standard by 1m, equating to a variation of 8%.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The objectives of the standard are achieved notwithstanding non-compliance with the standard*
 - (ii) The proposal is consistent with the desired medium density character of the area and complies with the FSR development standard. The bulk and scale are consistent with that envisaged by Council's controls.*
 - (iii) The proposed height is compatible with the context and desired future character of the precinct whilst preserving the amenity of the adjoining properties.*
 - (iv) Enforcing strict compliance would thwart the objectives of the standard by unnecessarily requiring the removal of parts of the building for no particular environmental outcome. This could recreate an inconsistent built form and prevent the efficient redevelopment of the site in accordance with the desired future character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The proposal is permissible within the R3 Medium Density Residential Zone and is consistent with the relevant zone objectives and satisfies two of the tests established by the Court in Wehbe.*
- (ii) *The small area of additional height will not result in unreasonable amenity impacts; and does not constitute an over-development of the site.*
- (iii) *The minor additional height does not add to the visual bulk of the building and would not be discernible as being non-compliant height. Instead, the proposal is in keeping with the desired density for the area. The height of the building remains below that of the neighbouring residential flat building at 2 Oceanview Avenue and it will be consistent with other recently approved development by Council.*
- (iv) *The minor contravention will help improve and optimise the amenity for future occupants and their guests and the lifts provide well considered accessibility in accordance with the Disability Discrimination Act 1992.*

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) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as the proposal complies with the FSR development standard and is consistent with the objectives of the height of buildings development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard, particularly as the minor contravention will help improve and optimise the amenity for future occupants and their guests by providing sufficient accessibility in the development in accordance with the *Disability Discrimination Act 1992*.

Is the development in the public interest?

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

The relevant objectives of the height of buildings development standard are as follows:

- (a) *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

The portions of the building which exceeds the height development standard do not have an impact on the environmental amenity of neighbouring properties. The non-compliance occurs at three lift overruns and a portion of the southwest corner of the building and the northern parapet. The location of the non-compliance does not have an impact on views from neighbouring properties or public spaces. It also does not result in unreasonable overshadowing and visual impacts. Therefore, the proposed development is deemed to preserve the environmental amenity of neighbouring properties and public spaces.

- (d) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The building is compatible with the bulk, scale, streetscape and desired future character of the locality. The building height is consistent with the neighbouring residential flat buildings at 2 Oceanview Avenue and 669 Old South Head Road (as approved). The tallest part of the building, being the lift overruns are set back from the site frontage and do not add to the bulk of the building. The south west corner and the northern parapet of the building slightly exceed the development standard, however meets objective (d) in that the building will positively complement and contribute to the physical definition of the street. The submitted height plane

indicates the portion of the building which exceeds 12.5m. Notwithstanding the contravention of the development standard, the proposed building fits contextually within the locality.

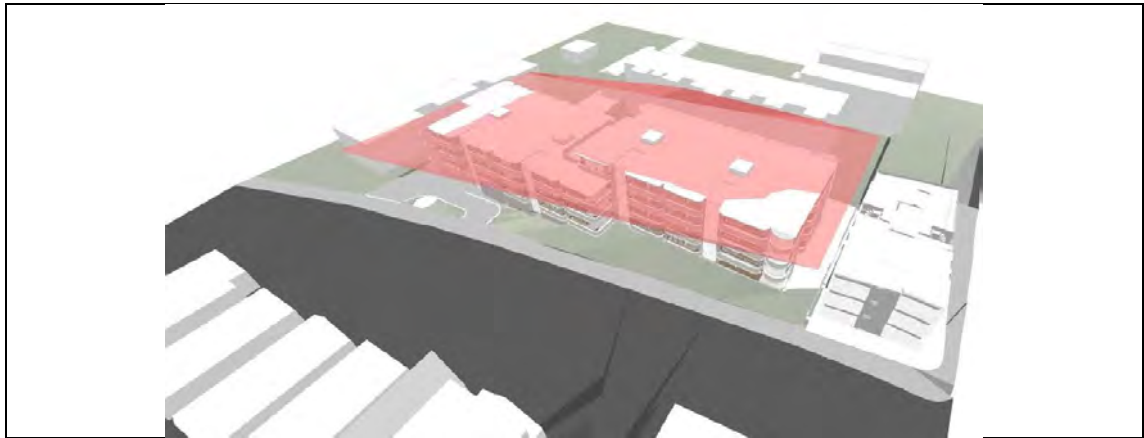


Figure 8: Height plane (viewed from the south west perspective) showing the areas of height non-compliance being the lift three of the four overruns, a portion of the south west corner and the northern parapet



Figure 9: Height plane (view from the north west perspective) showing the areas of height non-compliance being the lift three of the four overruns, a portion of the south west corner and the northern parapet

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

The proposal will provide for the housing needs of the community by providing a seniors housing development within the locality. The applicant has provided details to indicate their intended population are over 70 years of age and looking to downsize but remain within the locality. The development will provide a type of housing stock that is very much required in this area.

- *To provide a variety of housing types within a medium density residential environment.*

The proposal will provide a mix of one-, two- and three-bedroom units within a seniors housing setting.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

All residents will have access to on-site support services and communal facilities including concierge, gym, cinema, kitchen, lounge and dining areas, outdoor landscaped area and pool.

- *To maximise public transport patronage and encourage walking and cycling.*

Walking and cycling is encouraged given that there is ample space provided onsite in the basement for storage of bicycles.

Conclusion

For the reasons provided above the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height development standard and the R3 Medium Density Residential zone.

2.1.6. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 was on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.7. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport Maximum parking rate: • 45 Visitor parking: • 7	Yes	The proposal provides for 45 car parking spaces, which complies. Section 8.2.2 of WDCP 2012 requires 10% of all car spaces to be accessible. A minimum of 5 accessible parking spaces is required. The proposal includes 6 accessible car parking spaces, which complies.

Development Control	Compliance	Comment
Motorcycle parking: <ul style="list-style-type: none"> Resident and visitor: 17 Bicycle parking: <ul style="list-style-type: none"> Resident: 37 Visitor: 4 	<p>No</p> <p>Yes</p>	<p>The proposal includes 15 motorcycle spaces, which is a shortfall of 2 motorcycle spaces. Given the site is to be used for seniors housing, a minor shortfall in the number of motorcycle parking spaces is justifiable and considered acceptable.</p> <p>41 bicycle parking spaces are provided, which complies.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	Yes	Yes, the site exceeds 15m street frontage and does not result in isolated sites.
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/9.5m 	No	<p>The proposal seeks to vary the wall height control of 9.5m. Control 3.2(c) states that Council may consider a varied wall height where the following matter are addressed:</p> <ul style="list-style-type: none"> i) Compliance with FSR – the proposal complies with the bonus FSR afforded to the development. ii) Compliance with Height – the proposal exceeds the height development standard and a CI4.6 has been submitted which is discussed above. iii) Compliance with side setback controls – the proposal exceeds the side setback controls. iv) Visual aspect of bulk and scale – the proposed building is visually compatible with the surrounding locality. v) Amenity of adjacent properties – the proposal does not have an adverse impact on neighbouring properties with regard to sunlight, visual and acoustic privacy and views; and vi) A high design quality is achieved – A high design quality is achieved and the proposed development was praised by the Design

Development Control	Compliance	Comment
		<p>Excellence Advisory Panel as discussed above.</p> <p>Given the matters in 3.2(c) are addressed, the variation to the maximum external wall height is considered appropriate in this instance.</p>
3.3 Setbacks		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal provides a consistent street setback of at least 4m.
<p>3.3.2- Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The side setbacks are 4.5m to the south (with 669 Old South Head Road) and 4.5m to the north (with 685-687 Old South Head Road).</p> <p>There is no predominant rear building line, a setback of at least 8m has been provided to the rear, which is adequate.</p> <p>Deep soil planting can be accommodated within a 4.275m setback from the southern boundary and a 5m setback from the rear boundary. The driveway is located along the northern boundary so deep soil planting cannot be provided in this location.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	<p>No</p> <p>Yes</p> <p>No</p>	<p>The proposed building is approximately 49m along Old South Head Road, however it is a heavily articulated built form and is compatible with surrounding development.</p> <p>The maximum unit depth is approximately 23m, which does not comply. However, those apartments are afforded natural cross ventilation and adequate amenity.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages 	<p>Yes</p> <p>Yes</p> <p>N/A</p>	The proposal responds to the streetscape and has sympathetic external finishes. The Design Excellence Advisory Panel remarked the “built form and scale of the development was appropriate for the building’s use and fitted appropriately with the site’s streetscape”.
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within 	Yes, via condition of consent	The proposal includes a timber front fence, set within the landscaped area. However, the plans do not clearly indicate the height of the fence. It is recommended a condition be included requiring these details to be submitted to Council for approval.

Development Control	Compliance	Comment
property if required for traffic noise <i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m <i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 		Similarly, the side and rear boundary fences are indicated on the elevations. However, specific height and materials is not provided. A condition of consent is recommended requiring these details to be submitted for approval.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	The proposed pedestrian entry is at street level, is accessible, legible, safe and separate to the vehicular entry. The Design Excellence Advisory Panel notes <i>"The Panel appreciated the size, design resolution and location of the ground floor pedestrian and vehicular entry off Old South Head Road and the low-key basement entry and exit configuration"</i> .
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 1,160.19m² 50% of the above is to be deep soil: 580m² 	Yes	The total landscaped area is 1,988sqm, equating to 51.4% of the site, which exceeds the control. A minimum of 50% of the required landscaped area is to be deep soil (i.e 580sqm). The proposal includes 976.5sqm of deep soil area, which is 84% of the required landscape area, which exceeds the control.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 580m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	Yes Yes Yes Yes	The communal open space measures 966.8sqm (25% of the site area), which exceeds the control. The minimum dimensions exceed 6mx6m. The communal open space receives sunlight between 10am and 1pm on the winter solstice and is accessible.
3.11 Private Open Space		
3.11.1 – Courtyards <ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided Private open space not to be provided at the front, unless a buffer is provided Max gradient 1 in 10 3.11.2 – Balconies/decks	Yes Yes	The proposed courtyards on the ground floor exceed the minimum size requirements and provide planting. Apartment GU-01 provides a courtyard to the front of the site, however it is adequately screened and bounded with the fencing and landscaping.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 		The balconies are incorporated into the design of the building and are designed to maximise solar access and privacy.
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	The proposed car parking is integrated into the design of the building and does not dominate the streetscape. The car parking access does not impact pedestrian safety, nor does it contravene deep soil requirements.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. 	<p>Yes</p> <p>Yes</p>	<p>30 of the 37 apartments (81%) receive a minimum of three hours of sunlight on 21 June.</p> <p>More than two hours of sunlight is maintained to solar collectors on adjoining properties on 21 June.</p> <p>The proposal will not result in any additional overshadowing beyond what was approved under DA-355/2018.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained. 	Yes	The proposed development will not result in any view loss beyond what has been approved under DA-355/2018. Due to the topography of the land and the height and orientation of surrounding buildings, the proposal will not obstruct any views.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped 	No, but considered acceptable	The apartments on the northern side of the site have balconies about the courtyards/private open space of the dwellings on the ground floor.

Development Control	Compliance	Comment
<p>areas of adjoining properties or be screened</p> <ul style="list-style-type: none"> • Privacy be considered in relation to context density, separation use and design. • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development • Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>This is considered acceptable as the ground floor units maintain an area below the balconies above and the level of landscaping provides a level of screening or buffer for privacy.</p> <p>The side and rear setbacks exceed the minimum requirements under WDCP 2012 which provides greater privacy in relation to context density, separation, and design.</p> <p>The rooftops are not trafficable.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> • Max habitable room depth for single aspect dwelling is 8m from a window • Max with of dwelling over 15m deep is min 4m • All habitable rooms to have a window • Provide a range of dwelling types and sizes • Min sizes Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² • Flexible design • Accessible and Adaptable 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Habitable room depths range from 3m to 11.5m from a window, which slightly exceeds the requirements in some instances. However, the widths of the living, dining and kitchen all exceed the minimum requirements so proportions are not compromised.</p> <p>All habitable rooms have a window.</p> <p>A range of apartment sizes and types are provided (three x 1-bedroom; nine x 2-bedroom; and 25 x 3-bedroom). All apartments exceed the minimum size requirements. The 1-bedroom units are a 58sqm each; the 2-bedroom units range between 91-112sqm each; and the 3-bedroom units range between 135-170sqm each.</p> <p>The apartments are flexible, accessible and adaptable.</p>
3.17 Ceiling Heights		
<ul style="list-style-type: none"> • Min 2.7m floor to ceiling height residential floors 	<p>Yes</p>	<p>The ceiling heights to living rooms and bedrooms is 2.7m. The ceiling heights to bathrooms and kitchens is 2.4m.</p>
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> • Studio and 1 bed = 6m³ • 2 bed = 8m³ 	<p>Yes</p>	<p>Storage areas exceed the minimum requirements in all units and additional storage is provided for residents in the basement.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • 3 or more bed = 10m³ • All to provide bulk storage are in basement or ancillary structure 	Yes	
3.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes	The layout of apartments is considered suitable.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> • All dwellings to be naturally cross-ventilated • Building to be orientated to maximise breezes • Ceiling fans are to be provided in all habitable rooms. 	<p>No, but acceptable</p> <p>Yes</p> <p>Yes</p>	<p>31 of the 37 apartments (84.2%) are naturally cross ventilated. While section 3.20 of WDCP 2012 specifies all dwellings are to be naturally cross-ventilated.</p> <p>The building is orientated to maximise breezes.</p> <p>The ceiling heights in habitable rooms can accommodate ceiling fans.</p>
3.21 Building services		
<ul style="list-style-type: none"> • Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures • Outdoor Communal clothes drying area to be provided • Plant rooms away from entry communal and private open spaces and bedrooms. • Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	<p>Services including substation, cold water meter room, gas meter and regulator room, and mail room are all integrated into the design of the building. The plant rooms are away from the entry, communal and private open spaces and bedrooms.</p> <p>Outdoor communal clothes drying area is not provided however there is adequate space should one be required in the future. It is noted that all units have internal laundry facilities and laundry services are offered as part of the on-site services.</p> <p>Plant equipment is provided on the roof, however, it is set back over 6m from the building edge and is not visible from the street or impacts any views.</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 21 days between 28 October and 19 November 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the submitted documents related to additional information and did not make any changes that resulted in additional impacts.

A total of 60 unique submissions were received from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	30 Old South Head Road, Vaucluse
2.	34 Old South Head Road, Vaucluse
3.	36 Old South Head Road, Vaucluse (3 submissions)
4.	38 Old South Head Road, Vaucluse
5.	40 Old South Head Road, Vaucluse
6.	66 Old South Head Road, Vaucluse
7.	669 Old South Head Road, Vaucluse
8.	685 Old South Head Road, Vaucluse (no unit provided) (5 submissions)
9.	12/685 Old South Head Road, Vaucluse
10.	10/685 Old South Head Road, Vaucluse
11.	14/685 Old South Head Road, Vaucluse
12.	15/685 Old South Head Road, Vaucluse
13.	18/685 Old South head Road, Vaucluse
14.	695 Old South Head Road, Vaucluse
15.	699a Old South Head Road, Vaucluse
16.	2 Oceanview Avenue, Vaucluse (no unit provided) (2 submissions)
17.	1/2 Oceanview Avenue, Vaucluse
18.	3/2 Oceanview Avenue, Vaucluse
19.	20/2 Oceanview Avenue, Vaucluse
20.	3 Captain Pipers Road, Vaucluse (3 submissions)
21.	8 Captain Pipers Road, Vaucluse (2 submissions)
22.	12 Captain Pipers Road, Vaucluse (2 submissions)
23.	2/10 Diamond Bay Road, Vaucluse (6 submissions)
24.	31 Kimberley Street, Vaucluse
25.	11 Wilfield Avenue, Vaucluse
26.	7 Ethel Street, Vaucluse
27.	97 Kings Road, Vaucluse
28.	3/39 Olphert Avenue, Vaucluse
29.	19 Village Lower Road, Vaucluse

30.	2A Dalley Avenue, Vaucluse
31.	9 Craig Avenue, Vaucluse
32.	3/345 Military Road, Vaucluse
33.	5 Military Road, Dover Heights
34.	21 George Street, Dover Heights
35.	25 Beaumont Street, Rose Bay (2 submissions)
36.	35 Albemarle Avenue, Rose Bay
37.	117 Dover Road, Rose Bay
38.	34 Carlisle Street, Rose Bay
39.	36 Blake Street, Rose Bay
40.	16 Stewart Street, North Bondi
41.	Owen Street, North Bondi (remainder of address not provided)
42.	13/2 Vaucluse (remainder of address not provided)
43.	No address provided (7 submissions)

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

- Building height;
- FSR;
- Overshadowing;
- Length of building;
- Landscaping; and
- Parking Requirements.

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

Issue: Traffic and parking issues, the streets are already congested, lack of infrastructure to support more development in the area

Response: The proposal complies with the parking requirements. With regards to traffic generation, Council's Traffic and Development team have advised that according to *RMS Technical Direction: Guide to Traffic Generating Developments Updated Traffic Surveys*, the proposed development will generate 0.19 trips per unit during AM peak and 0.15 trips per unit during PM peak. In total, the data outlines that the proposed 37 units will generate 7.03 trips in the AM peak and 5.55 vehicles trips in the PM peak. The additional vehicle trips generated from the proposed development during the peak house will not have a significant impact on the surrounding road networks.

Issue: Overdevelopment of the site and the surrounding area. There is an abundance of mid-size development in the area and 4-storeys is too high. This will create a second Bondi Junction.

Response: The proposed development complies with the bonus FSR control for the site and is not considered an overdevelopment. The site is zoned R3 Medium Density Zone, which is why there is an 'abundance' of medium size development in this area. Four storeys are considered a suitable building height for the R3 zone.

Issue: The developer is using 'Seniors Housing' as a loophole to exploit the system so they do not need as much car parking. People who are over 50 may live here and they still have children.

Response: This statement is incorrect. The proposal is for a seniors housing development, and has been assessed as such. There is no loophole with regards to car parking and the proposal complies with the parking requirements for the site. It is noted that the SEPP defines "Seniors" as people aged 55 or more years. Notwithstanding this, the applicant has provided further information about the development having a target market of people over 70 years of age.

Issue: Construction impacts including noise and air pollution, dust, traffic

Response: Conditions of consent are included to minimise disturbance during construction including specifications on the hours of construction noise and dust generating activities.

Issue: Mental health implications for surrounding residents

Response: This is not a planning consideration.

Issue: Submissions which alluded to allegations of corruption

Response: These allegations are not taken lightly, and should any objectors have legitimate concerns these should be reported via the proper channels.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought. The referral comments were provided to the applicant when the application was deferred. The referral comments are discussed in Part 1.5 Background section of this report.

4. CONCLUSION

The development application seeks consent for demolition of the existing buildings on site and construction of a new seniors housing development at the site known as 671-683 Old South Head Road VAUCLUSE.

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

- Non-compliance with the height of buildings development standard; and
- Remediation of land

The assessment finds these issues acceptable.

A total number of 60 submissions were received, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 7 December 2021 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, A Rossi and B McNamara.*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be GRANTED DEFERRED COMMENCMENT CONSENT by the Waverley Local Planning Panel subject to the conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Emma Finnegan	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 3 August 2022	Date: 12 August 2022

Reason for WLPP referral:

- 2. Contentious development (10 or more objections)

The consent authority must be satisfied as to the following matters before the consent can operate.

DEFERRED COMMENCEMENT

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the *Environmental Planning and Assessment Act 1979*.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

1. Documentation prepared by an NSW Environment Protection Authority (EPA) accredited site auditor that demonstrates the site is suitable for the intended use. This may include, but is not limited to, the following:
 - a. Detailed Environmental Site Assessment (DESA);
 - b. Remediation Action Plan (RAP);
 - c. Validation Assessment; and,
 - d. Site Audit Statement (SAS).

The documentation is to be provided to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Upon satisfying the consent authority as to the matters in Attachment A, the following conditions will apply.

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bates Smart of Project No: S12551 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A00.000 Rev C	Cover page	22/02/2022	24/02/2022
A01.001 Rev A	Site plan	10/10/2021	24/02/2022
A01.002 Rev A	Existing conditions	10/10/2021	24/02/2022
A01.003 Rev A	Demolition	10/10/2021	24/02/2022
A03.001 Rev C	Ground lower plan	21/02/2022	24/02/2022
A03.002 Rev A	Ground upper plan	10/10/2021	24/02/2022
A03.003 Rev A	Level 01 plan	10/10/2021	24/02/2022
A03.004 Rev A	Level 02 plan	10/10/2021	24/02/2022
A03.005 Rev A	Level 03 plan	10/10/2021	24/02/2022
A03.006 Rev A	Roof plan	10/10/2021	24/02/2022
A03.007 Rev B	Basement 01	20/01/2022	24/02/2022
A03.008 Rev A	Basement 02	10/10/2021	24/02/2022
A09.001 Rev A	Building elevation	10/10/2021	24/02/2022
A09.002 Rev B	Building elevation	22/02/2022	24/02/2022
A10.001 Rev A	Building section	10/10/2021	24/02/2022
A10.002 Rev B	Building section	22/02/2022	24/02/2022
A10.003 Rev A	Building section	10/10/2021	24/02/2022
A10.004 Rev B	Building section	22/02/2022	24/02/2022
A10.005 Rev A	Building section	10/10/2021	24/02/2022
A11.001 Rev A	Facade type 01	10/10/2021	24/02/2022
A11.002 Rev A	Facade type 02	10/10/2021	24/02/2022
A11.003 Rev A	Facade type 03	10/10/2021	24/02/2022
A13.001 Rev A	Apartment type – 3B	10/10/2021	24/02/2022
A13.002 Rev A	Apartment type – 3B	10/10/2021	24/02/2022
A13.003 Rev A	Apartment type – 2B & 1B	10/10/2021	24/02/2022
A13.004 Rev A	Apartment type – 3B penthouse	10/10/2021	24/02/2022
A41.001 Rev A	Material schedule	10/10/2021	24/02/2022

(b) Landscape Plans L-100, L-401, L-402, L-403, L-404, L-405, L-406, L-600, L-700 all Issue 9 and documentation prepared by Arcadia, dated 11 October 2021 and received by Council on 15 October 2021

- (c) BASIX and NatHERs Certificate/s
- (d) Preliminary Site Contamination Investigation (Stage 1) Rev 0, prepared by Geo-environmental engineering dated 20 January 2022, and received by Council on 25 January 2022.
- (e) Arboricultural Impact Assessment Report and Tree Management Plan Ref: 7581, prepared by Redgum Horticultural Arboriculture Consultants dated 6 October 2021, and received by Council on 15 October 2021.
- (f) Traffic and Parking Assessment Ref: 21291 Issue C, prepared by Transport and Traffic Planning Associates dated October 2021, and received by Council on 15 October 2021. Along with Supplementary Assessment Response letter prepared by Transport and Traffic Planning Associates dated 24 January 2022, and received by Council on 25 January 2022.
- (g) Access Report Ref: 21300 Issue A, prepared by Vista Access Architects dated 8 October 2021, and received by Council on 15 October 2021. Along with letter prepared by Vista Access Architects dated 19 January 2022, and received by Council on 25 January 2021.
- (h) Noise Impact Assessment Re: 610.30547-R01 Version c0.2, prepared by SLR dated October 2021, and received by Council on 15 October 2021.
- (i) On-Site Services Report Ref:22573 Rev B, prepared by Epicentre Consulting Engineers dated 8 October 2022, and received by Council on 15 October 2021.
- (j) Structural Design Report prepared by MPN Structural Design & Engineering dated October 2021, and received by Council on 15 October 2021.
- (k) Geotechnical Investigation Report Ref: G21071VAU-R01F Rev 0, prepared by Geo-environmental Engineering dated 8 October 2021, and received by Council on 15 October 2021.
- (l) Fire Safety Report Ref: 21694-L01-01, prepared by Innova Fire Safety Specialists dated 11 October 2021, and received by Council on 15 October 2021.
- (m) BCA Assessment Report Ref: 114739-BCA-r2, prepared by BCA Logic dated 11 October 2021, and received by Council on 15 October 2021.
- (n) Operational Waste Management Plan, prepared by Waste Audit dated October 2021, and received by Council on 15 October 2021. Along with Operational Waste Management Plan, prepared by Waste Audit dated January 2022, and received by Council on 25 January 2022.
- (o) Civil Services drawings No. 22573-C-000, 22573-C-001, 22573-C-100, 22573-C-300, 22573-C-301, 22573-C-350, 22573-C-450, 22573-C-451, 22573-C-460, 22573-C-461, 22573-C-500 & 22573-C-601 all Issue B, prepared by Epicentre Consulting Engineers dated 24 January 2022 and received by Council on 25 January 2022.

Except where amended by the following conditions of consent.

2. FENCE DETAILS TO BE SUBMITTED

Details of the finished front, side and rear fences, including heights and materials, are to be submitted to and approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. The side and rear boundary fences must not exceed 1.8m in height, unless agreement is reached between the adjoining landowners.

3. MULTI UNIT HOUSING DEVELOPMENT DESIGN

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

4. HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

The development has been approved under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Therefore, the occupants of the accommodation to which this development consent relates must only be:

- (a) Senior people or people who have a disability, as defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ("SEPP"),
- (b) People who live within the same household with seniors or people who have a disability, or
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.

A restriction as to user must be registered against the title of the property, in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates.

5. AFFORDABLE HOUSING

The following condition is imposed in accordance with Part 6 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*:

- (a) Units GU-07, GU-10, L1-07, and L2-07 as nominated on the approved plans contained in condition 1 of this consent is to be used for the purposes of 'affordable housing', as defined in Part 6 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates.

6. PUBLIC DOMAIN IMPROVEMENTS

At the time of engineering plan approval, the public domain on Old South Head Road frontage for the development site shall be upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM). During construction and prior to the issuance of the Occupation Certificate, a public domain plan for the following works must be submitted to and approved by the Executive Manager, Infrastructure Services (or delegate):

- Pedestrian footpath
- Vehicular Crossings
- Kerb & gutter
- Stormwater infrastructure located on the Council kerb
- Street furniture
- Street lighting
- Landscape and street tree plantings.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

7. 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

8. SECTION 7.12 CONTRIBUTION

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

9. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$548,441.34** 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.

10. 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 **five (5) trees situated on the nature strip on Old South Head Road**. The bond is to be lodged prior to the issue of any Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council.

11. LONG SERVICE LEVY

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

12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant must pay Council fees for the assessment of all engineering and public domain plans, as well as inspection of completed works in the public domain, in accordance with Council's Schedule of Fees & Charges, prior to Council's approval of the engineering plan.

The Applicant will receive an invoice for the amount payable, which will be calculated based on the design plans for the public domain works.

PLAN DETAILS

13. BASEMENT STORAGE

The basement levels are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

CONSTRUCTION & SITE MATTERS

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

TRAFFIC MANAGEMENT

20. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER & FLOODING

21. 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 Epicentre Consulting Engineers, Dwg No. 22573-C-000, 22573-C-001, 22573-C-100, 22573-C-300, 22573-C-301, 22573-C-350, 22573-C-450, 22573-C-451, 22573-C-460, 22573-C-461, 22573-C-500 & 22573-C-601, Issue B, dated 24/01/2022 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 practising Civil Engineer and:

- a) The plans shall provide a complete and detailed on-site stormwater detention (OSD) design including the OSD layout, multiple cross-sections (drawn to a suitable scale), proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be completed and submitted. A certificate from a

registered structural engineer certifying the structural adequacy of any OSD tank structure is to be provided.

- b) The OSD system shall be designed to be free draining with the invert level of the system 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).
- c) Details of any rainwater reuse system required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted. Where a rainwater reuse system is proposed in a basement, it shall be designed to adequately withstand all service loads and provide adequate service life (minimum 50 years).
- d) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building.
- e) 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.
- 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.
- g) A long section of the connection to the below ground drainage system 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).
- h) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.
- i) Must achieve a minimum of 90% reduction in the post development mean annual load of total gross pollutants (greater than 5 mm); 80% reduction in the post development mean annual load of total suspended solids (SS); 55% reduction in the post development mean annual load of total phosphorus (TP) and 40% reduction in the post development mean annual load of total nitrogen (TN).
- j) Transport for NSW (TfNSW) Plan Approval: The design and construction of the vehicular crossing, stormwater infrastructure, kerb and gutter within Old South Head Road shall be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained.

Approved correspondence is to be submitted to Council prior to issue of the relevant construction certificate and commencement of any Public Domain works within Old South Head Road.

*Note Council will provide final approval once TfNSW approval is granted.

- k) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass

verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
- Where works are proposed in another local government area, consent is to be obtained from the relevant authority.

22. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works must be designed and built in accordance with the terms of this consent. The approved works must be completed to the satisfaction of Council at no cost to Council.

Prior to the issuance of the Construction Certificate, full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and submitted to Council for approval by the Executive Manager, Infrastructure Services (or delegate).

The applicant must submit plans and specifications to the Council's Public Domain Engineer for the following infrastructure works:

- a) Footpath, Kerb and Gutter: Replace all footpaths, kerbs, and gutters along the frontages of Old South Head Road. Within the scope of the kerb and gutter works, any storm-water kerb lintel infrastructure must be replaced. Proposed kerb profiles must be provided in order to ensure proper connections to the existing kerb and gutter along the street frontage.

All redundant driveway laybacks must be removed and replaced with kerb and gutter along both street frontages.

At the time of engineering plan approval, the existing paved footpath traversing the Old South Head Road frontage shall be upgraded to comply with the local village centre precinct masterplan, in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM). Council will advise on the proposed footpath material, profile, and street furniture details traversing the frontage.

- b) Street Trees: A minimum of three (3) street trees must be planted along Old South Head road frontage, as well as street furniture. According to the Waverley Council Public Domain Technical Manual, all new trees proposed within the Council verge will require the installation of appropriate tree pits, surrounds, and root cell barriers.
- c) Streetlights: Make provision for new streetlights serviced by metered underground power and on multifunction poles (MFPs) along Old South Head Road. The consultant shall liaise with Council in obtaining Council's requirements and specifications for the street column and components including the appropriate LED luminaires.

- d) Any existing or proposed utility pillars on the site frontages must be either underground or inside the proposed development's property boundary. Before beginning any work, the applicant must seek approval from the appropriate authorities and provide written confirmation to Council.

23. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure that Council's infrastructure is adequately protected, a pre-construction dilapidation report on existing public infrastructure near the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, must be submitted to Council. The report must include, but is not limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure, as applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

24. 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, shall 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, TfNSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

ENERGY EFFICIENCY & SUSTAINABILITY

25. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

26. 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.

27. 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 components of the development;

- **Residential**

- 18 x 240L MGBs for general waste collected weekly
- 18 x 240L MGBs for container recycling collected fortnightly
- 18 x 240L MGBs for paper recycling collected fortnightly
- 1 x 240L MGB for garden organics collected fortnightly should this type of waste be generated at the development
- 4m² floor space is required to store bulky household waste and 1m² floor space is required to store problem waste such as textiles and e-waste, which are awaiting collection
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

NOISE

28. NOISE MANAGEMENT PLAN - DEMOLITION EXCAVATION & CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

29. NOISE - ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

30. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by SLR Consulting Australia Pty Ltd [Reference No.610.30547-R01-v0.2-20211008.docx] dated October 2021 shall be implemented.

31. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

32. VERMIN AND RAT CONTROL

A Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

33. 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

34. 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

35. 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.

36. 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.

37. 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.

38. 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

39. 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*.

40. 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.

41. 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.

42. 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.

43. 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.

44. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

45. 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

46. 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.

47. STREET TREES TO BE RETAINED / TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

48. NEW VEHICLE CROSSING

Two new vehicle crossings are to be provided to access the porte cochere and proposed basement car park. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The proposed vehicle crossing to the basement car park is to be maximum 6 metres wide at the property boundary.

49. VEHICLAR 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.

50. 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.

51. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to the start of public domain works, a notice must be submitted to the Council's Public Domain Engineer. This notice must include the name and insurance information for the Contractor who will be responsible for the construction work, as well as the name and contact information for the managing site supervisor/engineer. The applicant is also responsible for obtaining from the appropriate authorities all Road Activity Permits required for the works.

52. PUBLIC AREAS AND RESTORATION WORKS

At all times, public areas must be kept in a safe condition. The restoration of disturbed road and footway areas caused by construction activities must be made safe for the general public and must be prioritised. This includes, but is not limited to, work done for the purpose of connecting to public utilities, as well as repairs to damaged infrastructure. If Council discovers any unsafe construction activities in the public areas surrounding the development, the works must be completed immediately and to Council's satisfaction.

53. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

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

54. 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 to which this development consent relates.

The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner.

55. 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.

56. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

57. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following at minimum.

- (a) Location of all waste and recycling storage areas.
- (b) Responsibilities for cleaning bins, transporting bins to the nominated collection point, 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.
- (c) Directions for cleaning and maintaining the waste storage areas and bins

- (d) Signage placement to identify different bin types, where to place bulky household waste and problem waste
- (e) Bin placement to ensure recycling bins are placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) All waste and recycling bins cannot be presented for collection earlier than one day before the nominated collection day and must be brought back onto the property no later than one day following collection.
- (g) The occupant/body corporate must have one copy of the Waste Management Plan and make this available upon request.
- (h) Details of ongoing waste management strategy are to be documented within the Waste Management Plan and updated where required.

58. 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.

59. 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.

60. 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 conditions of consent (including the operational conditions) as well as the recommendations made in the acoustic report have been satisfied.

61. 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.

62. 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, rainwater harvesting facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

63. WORKS-AS-EXECUTED PLAN - PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

64. SUPERVISING ENGINEER FINAL CERTIFICATE - PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

65. 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.

66. 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 the below ground stormwater drainage system at least up to the next pit downstream of the

proposed works. This is to ensure the below ground stormwater drainage system is adequately protected and there are no damages due to any construction activities.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the below ground stormwater drainage system downstream of the proposed works 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.

67. 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.

68. CERTIFICATION OF PUBLIC DOMAIN WORKS

Prior to the issue an Occupation Certificate, a final inspection of the completed public domain works is required from Council's Public Domain Engineer (Infrastructure Services), to ensure that the public domain works required under the consent have been completed to Council's satisfaction. If satisfactory, a compliance certificate will be issued. A fee is applicable for this final inspection under Council's Schedule of Fees & Charges which must be paid to obtain the compliance certificate. To organise an inspection please contact the public domain team at assets@waverley.nsw.gov.au or 9083 8886.

69. 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.

70. 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.

VEHICLE ACCESS AND PARKING

71. CAR PARKING

A total of **52** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 45 resident parking spaces
- (b) 7 visitor parking spaces
- (c) Minimum 5 of the spaces to be accessible spaces with adjacent shared area in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities
- (d) Minimum 4 'Level 2' AC fast electric vehicle charging points
- (e) Minimum 1 electric charging point and parking space for bicycles and motor scooters

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

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.

Car parking spaces shall not be independent lots, but rather part lots attached to units.

72. BICYCLE PARKING

A minimum of 41 bicycle parking spaces are to be provided within the development, allocated in the following manner:

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.

73. PARKING PERMITS

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

74. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM

A vehicle priority system shall be provided. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

75. 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.

76. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling

77. 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.

78. ALLOCATION OF STREET NUMBER

The redevelopment of the property requires the allocation of street numbers as follows:

- No. 671 – primary address site number;
- Old South Head Road – primary address location.

Within the whole site, the apartments/units/retail units should all be allocated a unique sub-address number:

- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement Etc
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,

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

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

E. OPERATIONAL MATTERS

79. 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.

80. ON SITE GARBAGE COLLECTION

The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.

81. 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.

82. NOISE EMISSIONS

- (a) 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.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

83. REFRIGERATION UNITS AND MECHANICAL PLANT

Air conditioning units, refrigeration motors/units and other mechanical plant 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.

84. 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.

85. ONGOING MAINTENANCE - STORMWATER TREATMENT SYSTEM

The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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. 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.

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. 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.

AD8. 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.

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.

VAUCLUSE SENIORS LIVING

ARCHITECTURAL DA DRAWINGS



Drawing List				
Sheet Number	Sheet Series	Sheet Name	Sheet Status	Current Revision
A00.000	A00	COVER PAGE - DRAWING LIST	DA ISSUE	C
A00.001	A00	EXTERNAL PERSPECTIVE 01	DA ISSUE	A
A00.002	A00	EXTERNAL PERSPECTIVE 02	DA ISSUE	A
A00.003	A00	EXTERNAL PERSPECTIVE 03	DA ISSUE	A
A00.004	A00	EXTERNAL PERSPECTIVE 04	DA ISSUE	A
A01.001	A01	SITE PLAN	DA ISSUE	A
A01.002	A01	EXISTING CONDITIONS	DA ISSUE	A
A01.003	A01	DEMOLITION	DA ISSUE	A
A03.001	A03	GROUND LOWER PLAN	DA ISSUE	C
A03.002	A03	GROUND UPPER PLAN	DA ISSUE	A
A03.003	A03	LEVEL 01 PLAN	DA ISSUE	A
A03.004	A03	LEVEL 02 PLAN	DA ISSUE	A
A03.005	A03	LEVEL 03 PLAN	DA ISSUE	A
A03.006	A03	ROOF PLAN	DA ISSUE	A
A03.007	A03	BASEMENT 01	DA ISSUE	B
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A09.001	A09	BUILDING ELEVATION	DA ISSUE	A
A09.002	A09	BUILDING ELEVATION	DA ISSUE	B
A10.001	A10	BUILDING SECTION	DA ISSUE	A
A10.002	A10	BUILDING SECTION	DA ISSUE	B
A10.003	A10	BUILDING SECTION	DA ISSUE	A
A10.004	A10	BUILDING SECTION	DA ISSUE	B
A10.005	A10	BUILDING SECTION	DA ISSUE	A
A11.001	A11	FACADE TYPE 01	DA ISSUE	A
A11.002	A11	FACADE TYPE 02	DA ISSUE	A
A11.003	A11	FACADE TYPE 03	DA ISSUE	A
A13.001	A13	APARTMENT TYPE - 3B	DA ISSUE	A
A13.002	A13	APARTMENT TYPE - 3B	DA ISSUE	A
A13.003	A13	APARTMENT TYPE - 2B & 1B	DA ISSUE	A
A13.004	A13	APARTMENT TYPE - 3B PENTHOUSE	DA ISSUE	A
A21.001	A21	SHADOW DIAGRAMS - PLAN	DA ISSUE	B
A21.002	A21	SHADOW DIAGRAM - PERSPECTIVE	DA ISSUE	A
A22.001	A22	AREA PLANS	DA ISSUE	A
A22.002	A22	AREA PLANS	DA ISSUE	A
A22.003	A22	AREA PLANS	DA ISSUE	A
A41.001	A41	MATERIAL SCHEDULE	DA ISSUE	A

Grand total: 36

NathERS summary for 671-683 Old South Head Road Vacluse		
Building Elements	Material	Detail
External Walls	162mm Concrete + stud + plasterboard	R1.5 insulation (product value)
Internal walls within dwelling	Plasterboard on studs	-
Common walls between units	Hebel + stud + plasterboard	-
Common walls between units and lift shafts	200mm Concrete + furring channel + plasterboard	-
Common walls between units and stairs	200mm Concrete + furring channel + plasterboard	R1.5 insulation (product value)
Ceilings – Units: L1-10, L1-L11	Plasterboard	R1.0 insulation (product value) to ceilings exposed to outside air
Ceilings – Units: L2-05, L2-07, L2-08, L2-09, L2-10, & level 3 units	Plasterboard	R3.5 insulation (product value) to ceilings exposed to outside air
Floors	Concrete	R1.0 insulation (product value) to floors suspended over storage rooms & floors suspended to outside air – Units GU-01, GU-02, GU-03, GU-04, GU-05, GU-10, GU-11
Roof	Concrete	-
Windows/Doors – except as stated below	Awning windows: Aluminium frame, single glazed clear	U value 6.70 or less and SHGC 0.57 +/- 10%
	Sliding windows/doors & fixed windows: Aluminium frame, single glazed clear	U value 6.70 or less and SHGC 0.70 +/- 10%
Windows/Doors to units – GU-05, GU-11, L1-02, L2-02, L1-11, L2-07, L2-10, L3-02	Awning windows: Aluminium frame, single glazed low e or similar	U value 5.40 or less and SHGC 0.49 +/- 10%
	Sliding windows/doors & fixed windows: Aluminium frame, double glazed or similar	U value 4.80 or less and SHGC 0.59 +/- 10%
Ceiling fans	900mm ceiling fans to bedrooms, 1200mm ceiling fans to living areas	

Lighting: Units have been rated with non-ventilated LED downlights as per NathERS summary.
Note: In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.
Note: Self-closing damper to bathroom, WC & ensuite exhaust fans.
Note: Additional insulation may be required to meet acoustic requirements
This Development must comply with Section J of the BCA
Building & Energy Consultants Australia dissolves itself from any responsibility associated with the selection of insulation, sarking type materials, thermal breaks and other componentry which fail to comply with the fire safety requirement provisions under Part C of the BCA

BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT*				
WATER				
Fixtures	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom taps
	3 star(>7.5but<=6L/min)	4 star	4 star	4 star
Appliances:	Dishwashers - 5.0-star water rating Clothes washers – 3.5 star water rating			
Rainwater tank	Central rainwater tank – size 7000 litres to collect run-off from at least 300m2 of roof area and connection to allow irrigation of 350m2 of common garden area and connection to toilets			
Swimming pool	Water and energy requirements as per BASIX			
ENERGY	Hot water system: Central hot water system - gas Instantaneous			
	Bathroom ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Kitchen ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Laundry ventilation system: Individual fan, ducted to façade or roof manual switch on/off			
	Cooling system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed (zoned)			
	Heating system: air-conditioning 1 Phase – EER 3.0-3.5 living/bed (zoned)			
	Artificial lighting: As per BASIX Natural lighting: As per BASIX			
	Appliances: Gas cooktop & electric oven in the kitchen of the units Dishwashers: 3.5-star energy rating Clothes washer: 3.5-star energy rating Fridges to the units: 3.5-star energy rating Clothes dryers: 2-star energy rating Indoor or sheltered clothes drying line to be provided			
Alternative energy	Photovoltaic system: Rated electrical output (min): 37.5 peak kW			
COMMON AREAS	Refer to approved BASIX cert			

Central energy systems	Type	Specification
Central hot water system (No. 1)	gas instantaneous	Piping insulation (ringmain & supply risers): (a) Piping external to building: R0.6 (~25 mm); (b) Piping internal to building: R0.6 (~25 mm)
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 7
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 7
Lift (No. 3)	gearless traction with V V V F motor	Number of levels (including basement): 6
Lift (No. 4)	gearless traction with V V V F motor	Number of levels (including basement): 6
Pool (No. 1)	Heating source: electric heat pump	Pump controlled by timer: yes

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	7000.0	To collect run-off from at least - 300.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/ lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 350.0 square metres of common landscaped area on the site
Pool (No. 1)	Volume: 60.0 kLs	Location: Building 1 Pool shaded: no	-
Fire sprinkler system (No. 1)	-	-	-

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Gym	air conditioning system	time clock or BMS controlled	light-emitting diode	manual on / manual off	No
Car park area	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	motion sensors	No
Lift car (No.1)	-	-	light-emitting diode	connected to lift call button	No
Lift car (No.2)	-	-	light-emitting diode	connected to lift call button	No
Lift car (No.3)	-	-	light-emitting diode	connected to lift call button	No
Lift car (No.4)	-	-	light-emitting diode	connected to lift call button	No
Switch room	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Comms room	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Cold water & meter room	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Garbage bin rooms	ventilation exhaust only	-	light-emitting diode	motion sensors	No
Residential public areas	air conditioning system	time clock or BMS controlled	light-emitting diode	zoned switching	No
Cinema	air conditioning system	time clock or BMS controlled	light-emitting diode	manual on / manual off	No
Fire hydrant pump room	ventilation supply only	interlocked to light	light-emitting diode	manual on / manual off	No
Cold water pump room	ventilation supply only	interlocked to light	light-emitting diode	motion sensors	No
Grease trap waste room	ventilation supply only	interlocked to light	light-emitting diode	manual on / manual off	No
Bicycle storage	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Basement - 01 store rooms	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Basement - 02 store rooms	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Ancillary storage	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Wine room	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Furniture store	no mechanical ventilation	-	light-emitting diode	manual on / manual off	No
Residential lobby A,B,C,D	no mechanical ventilation	-	light-emitting diode	motion sensors	No
Lobbies - Upper ground to level 3	no mechanical ventilation	-	light-emitting diode	motion sensors	No

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.

Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.

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RECEIVED
Waverley Council
Application No: DA-455/2021
Date Received: 24/02/2022

Rev	Date	Description	Initial	Checked
C	22.02.21	DEVELOPMENT APPLICATION	SH	
B	22.01.19	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	

OSHR AT VAUCLUSE HOLDINGS PTY LTD

VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A00 COVER PAGE - DRAWING LIST

Status	CONCEPT
Scale	@ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	22/02/2022 8:45:57 AM

Drawing no.	Revision
A00.000	C

Melbourne 1 Nicholson Street
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Bates Smart Architects Pty Ltd ABN 68 094 740 986

DA ISSUE BATESSMART

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 Date Received: 24/02/2022

A	21.10.07	DEVELOPMENT APPLICATION	SH	
Rev	Date	Description	Initial	Checked

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**VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE**

A00
 EXTERNAL PERSPECTIVE 01

Status	CONCEPT
Scale	@ A1
Drawn	SH
Checked	
Project No.	S12551
Plot Date	10/10/2021 8:57:09 PM
BIM	

Drawing no.	Revision
A00.001	A

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**OLD SOUTH HEAD ROAD
 NORTHERN STREET PERSPECTIVE**

DA ISSUE BATESSMART

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 Application No: DA-455/2021
 Date Received: 24/02/2022

Rev	Date	Description	SH	Initial	Checked
A	21.10.07	DEVELOPMENT APPLICATION			

OSHR AT VAUCLUSE HOLDINGS PTY LTD

**VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE**

**A00
 EXTERNAL PERSPECTIVE 02**

Status	CONCEPT
Scale	@ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 8:57:19 PM
BIM	

Drawing no.	Revision
A00.002	A

**OLD SOUTH HEAD ROAD
 SOUTHERN STREET PERSPECTIVE**

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DA ISSUE BATESSMART

c:\temp\VAUCLUSE_BS_ARCH_R2020_ISS1.rvt

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 Application No: DA-455/2021
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A	21.10.07	DEVELOPMENT APPLICATION	SH	
Rev	Date	Description	Initial	Checked

OSHR AT VAUCLUSE HOLDINGS PTY LTD

**VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE**

**A00
 EXTERNAL PERSPECTIVE 03**

Status	CONCEPT
Scale	@ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 8:57:26 PM
BIM	

Drawing no.	Revision
A00.003	A

**OLD SOUTH HEAD ROAD
 STREET ELEVATION**

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Bates Smart Architects Pty Ltd ABN 68 094 740 986

DA ISSUE **BATESSMART**

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A 21.10.07 DEVELOPMENT APPLICATION SH
 Rev Date Description Initial Checked

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**VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE**

A00
 EXTERNAL PERSPECTIVE 04

Status	CONCEPT
Scale	@ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 8:57:33 PM
BIM	

Drawing no. **A00.004** Revision **A**

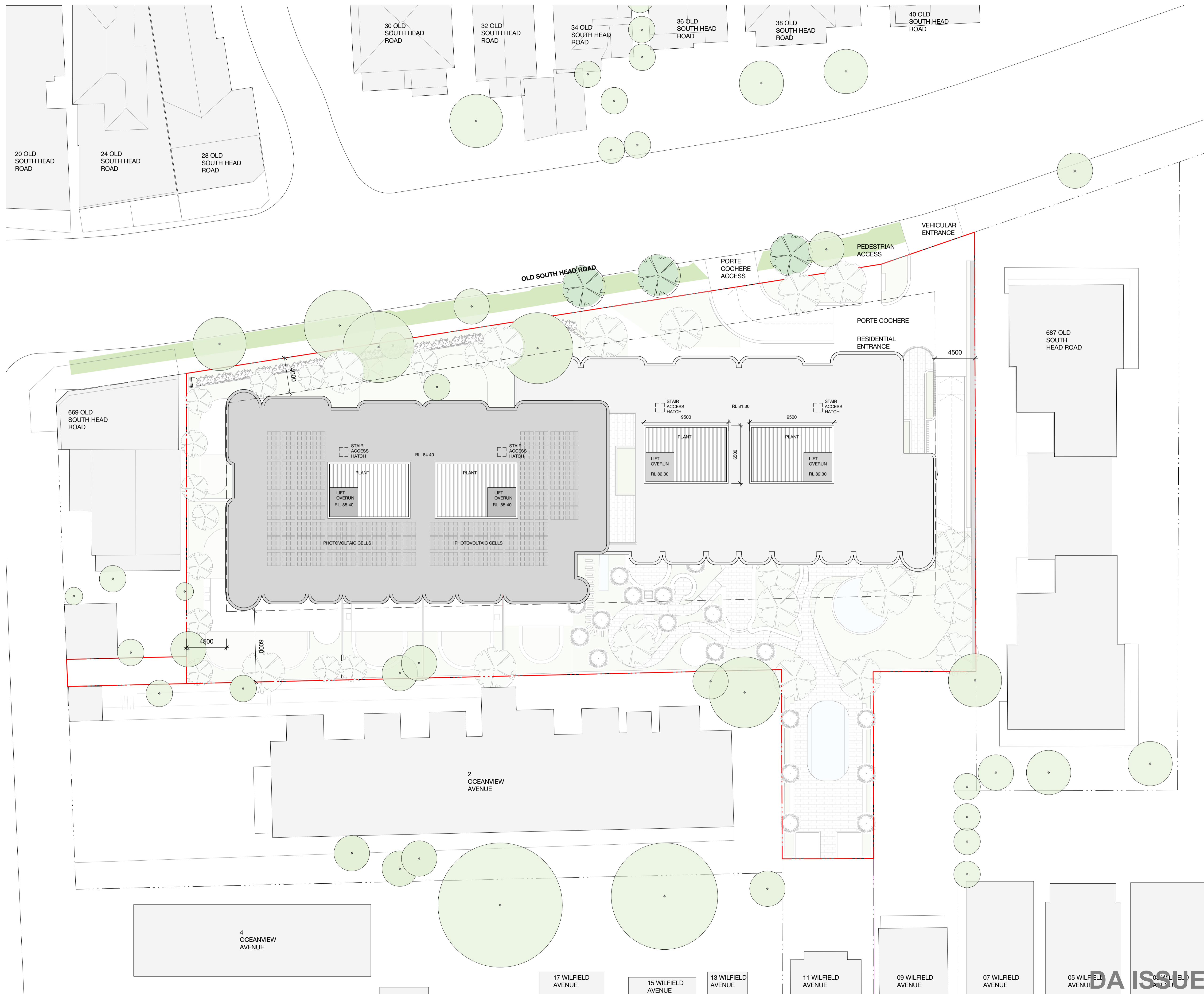
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OSHR AT VAUCLUSE HOLDINGS PTY LTD

VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A01
 SITE PLAN

Status	CONCEPT		
Scale	1 : 200	@	A1
Drawn	SH	Checked	
Project No.	S12551		
Plot Date	10/10/2021 9:09:37 PM		
BIM			

Drawing no. **A01.001** Revision **A**

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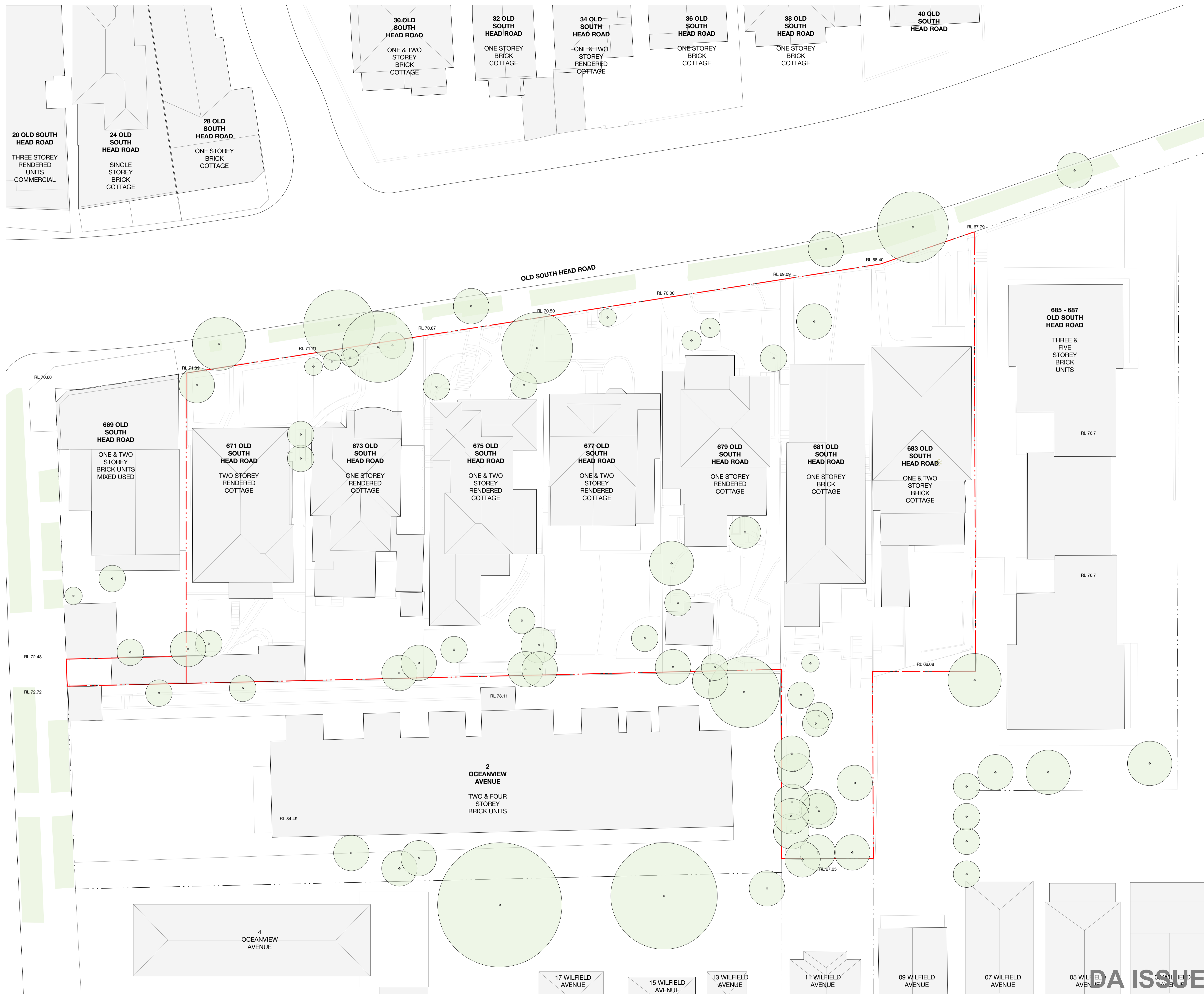
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DA ISSUE
BATESSMART

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1	21.09.23	ISSUE FOR INFORMATION	SH	

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A01
 EXISTING CONDITIONS 

Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 8:59:56 PM

BIM
 Drawing no. **A01.002** Revision **A**

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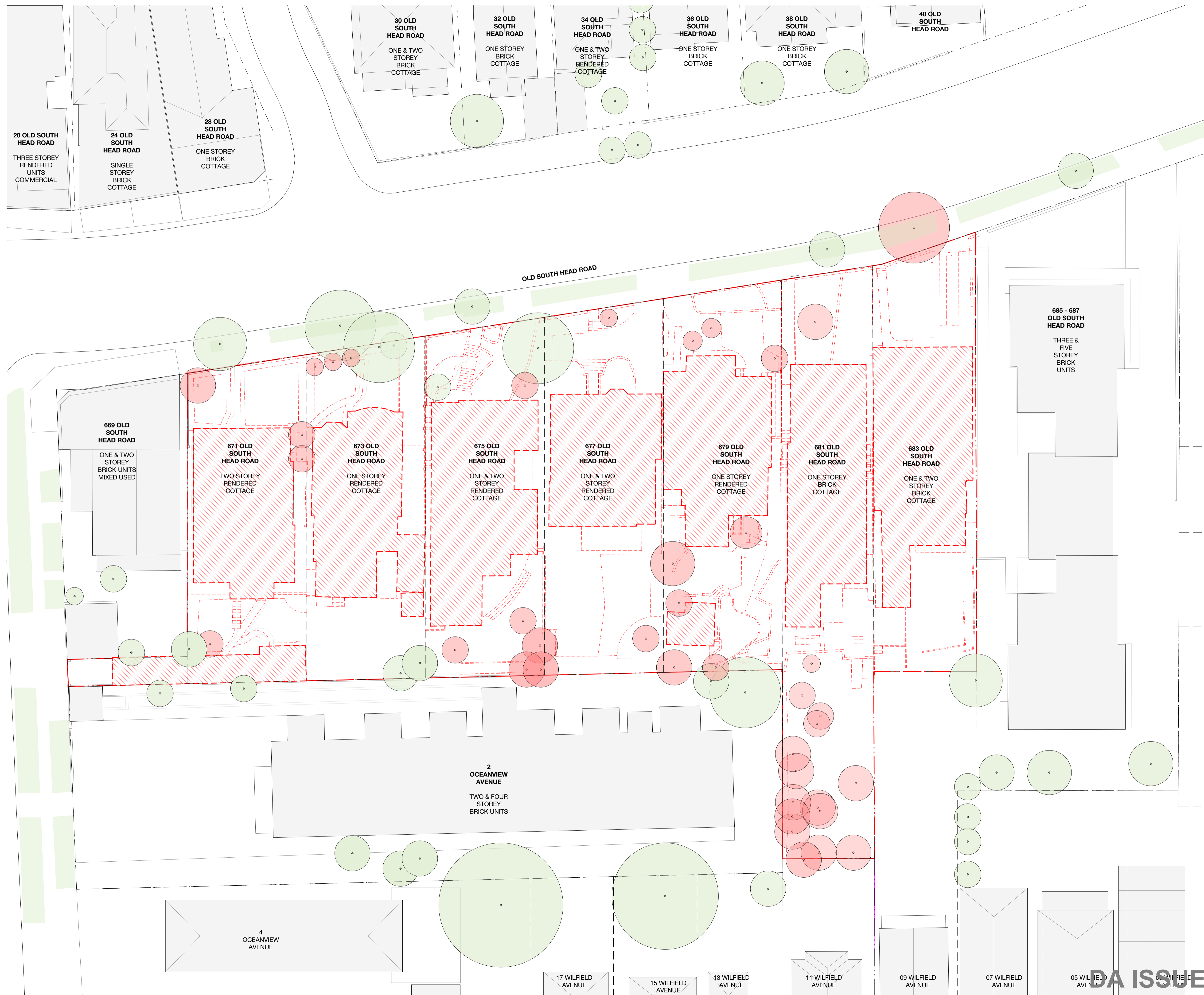
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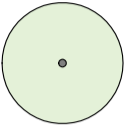
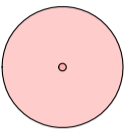

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BATESSMART

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Legend - Demolition Plan

-  EXISTING TREES TO BE RETAINED
-  TREES TO BE REMOVED OR REPLANTED
-  TO BE DEMOLISHED

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A01 DEMOLITION



Status	CONCEPT
Scale	As indicated @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 9:02:22 PM
BIM	

Drawing no.	Revision
A01.003	A

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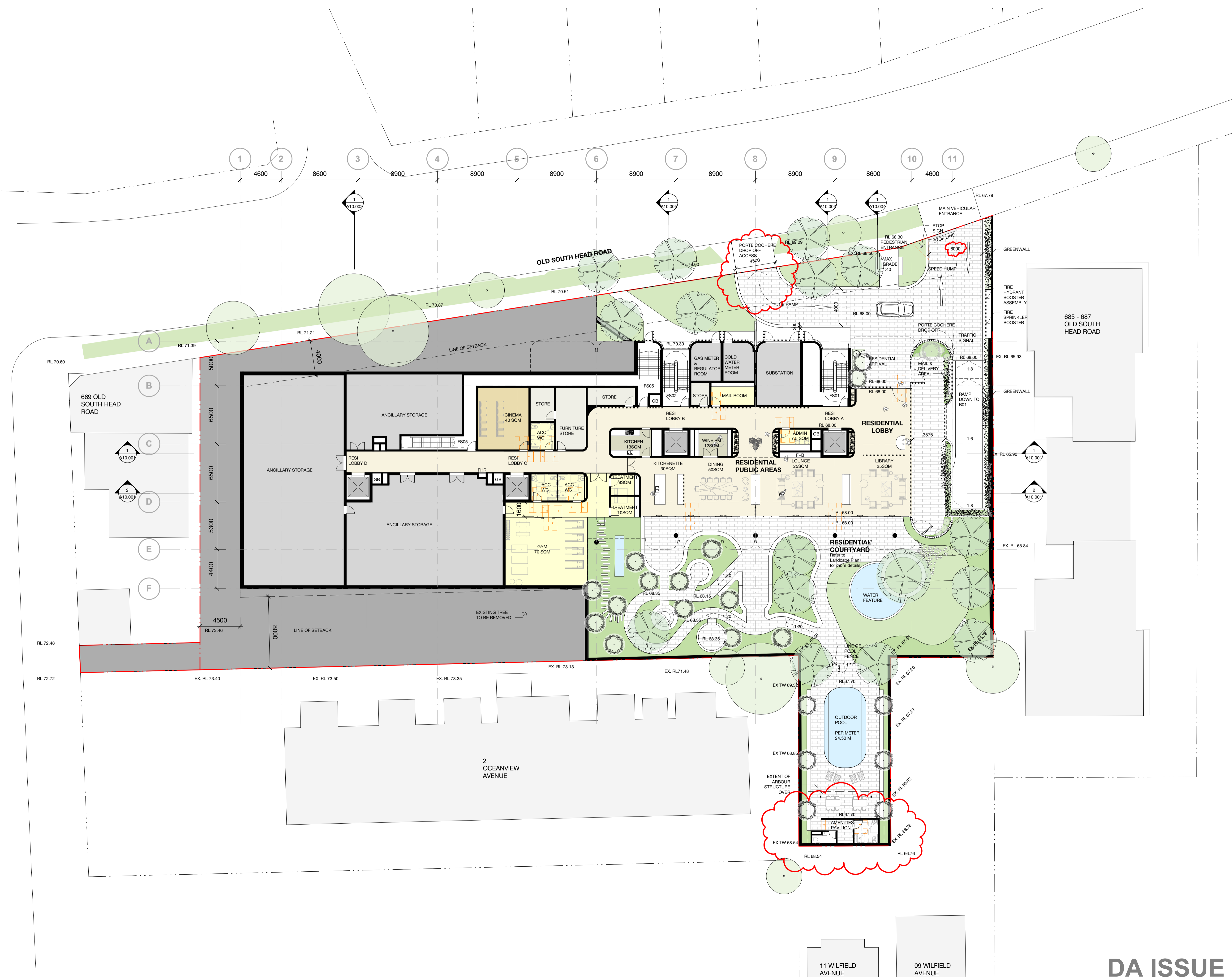
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B	22.01.19	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
4	21.10.01	ISSUE FOR INFORMATION	SH	
3	21.09.23	ISSUE FOR INFORMATION	SH	
2	21.09.09	ISSUE FOR INFORMATION	SH	
1	21.09.01	ISSUE FOR INFORMATION	SH	

OSHR AT VAUCLUSE HOLDINGS PTY LTD

VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A03 GROUND LOWER PLAN

Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	21/02/2022 6:30:54 PM
BIM	
Drawing no.	Revision

A03.001 C

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2	21.09.09	ISSUE FOR INFORMATION	SH	
1	21.09.01	ISSUE FOR INFORMATION	SH	

OSHR AT VAUCLUSE HOLDINGS PTY LTD

VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A03
 GROUND UPPER PLAN



Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 6:33:12 PM

Drawing no.	Revision
A03.002	A

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1	21.09.01	ISSUE FOR INFORMATION	SH	

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A03 LEVEL 01 PLAN

Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 6:33:27 PM
BIM	

A03.003 A

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A03
 LEVEL 02 PLAN

Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 6:33:48 PM
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Drawing no. **A03.004** Revision **A**

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A03 LEVEL 03 PLAN

Status	CONCEPT
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BIM	

Drawing no. **A03.005** Revision **A**

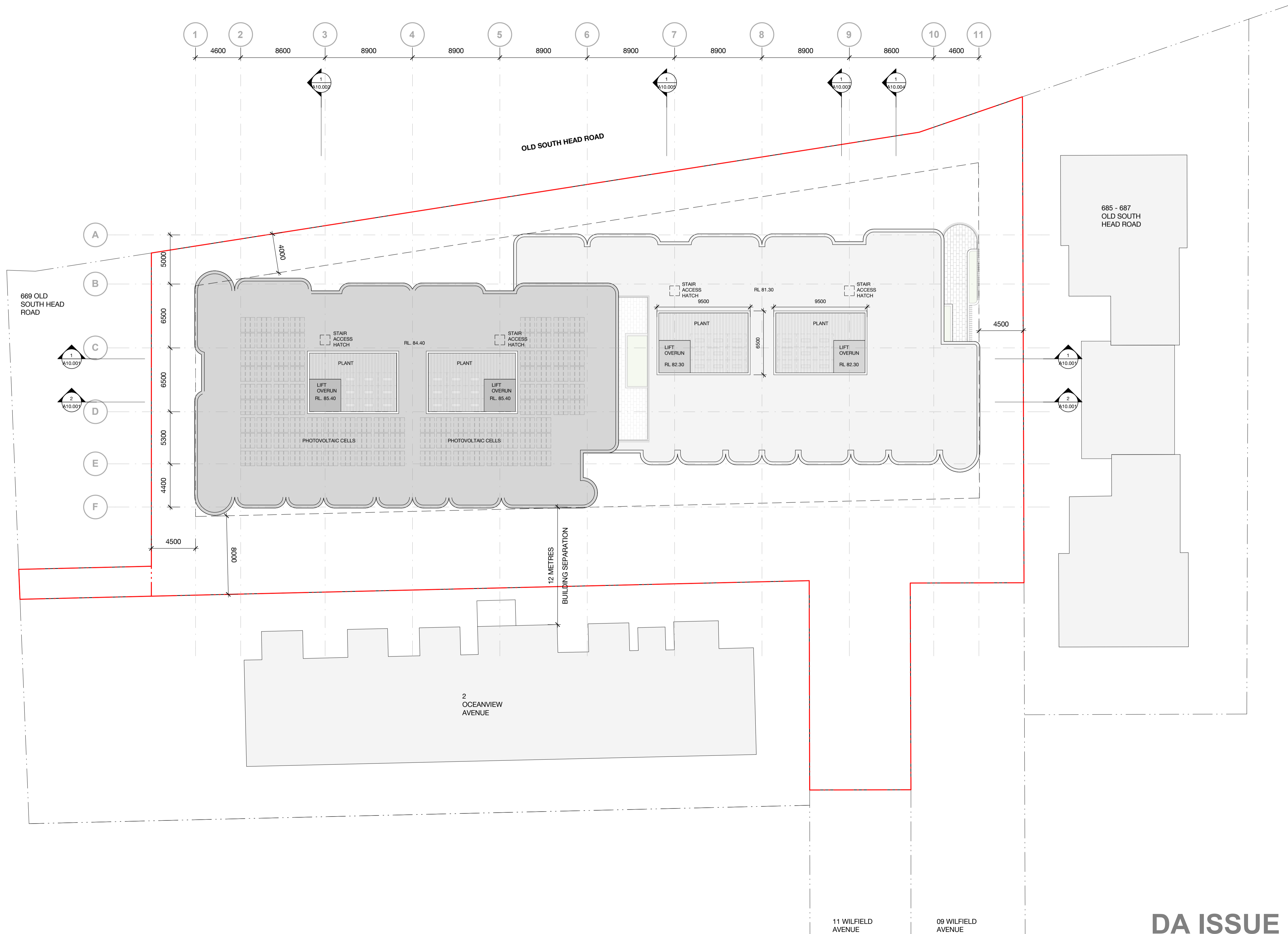
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A03
 ROOF PLAN

Status	CONCEPT	
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Drawn	SH	Checked
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Plot Date	10/10/2021 6:34:20 PM	
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Drawing no. **A03.006** Revision **A**

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A03
 BASEMENT 01



Status	CONCEPT	
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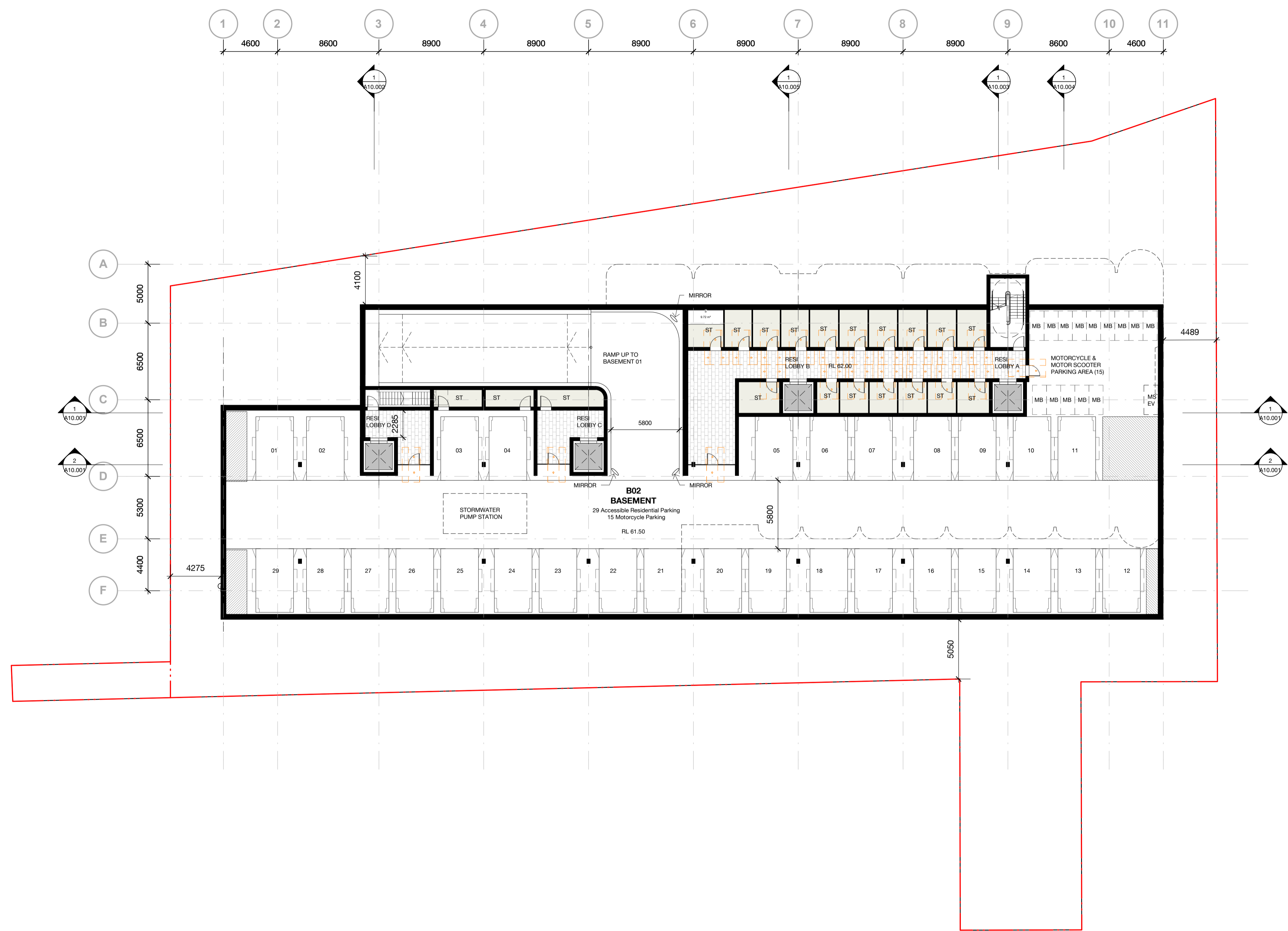
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1	21.09.09	ISSUE FOR INFORMATION	SH	

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A03
 BASEMENT 02



Status	CONCEPT		
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Project No.	S12551		
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BIM			

Drawing no. **A03.008** Revision **A**

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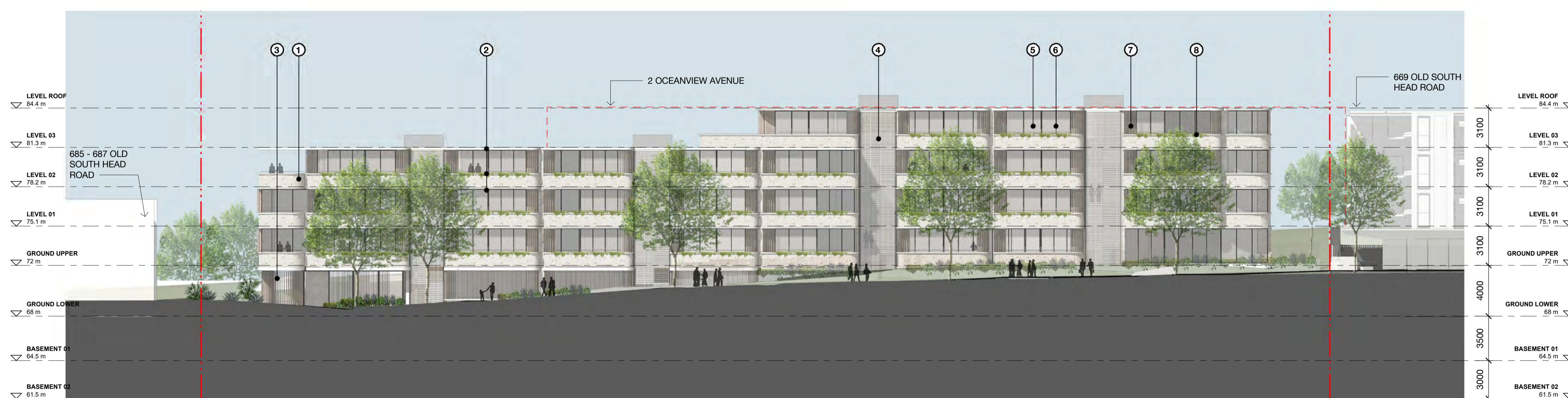
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Legend

- ① BRICK
- ② CONCRETE SLAB
- ③ TERRACOTTA SCREEN
- ④ GLASS BRICKS
- ⑤ GLASS - FIXED, AWNING WINDOWS AND SLIDING DOORS
- ⑥ METAL 01 - GLAZING FRAMES
- ⑦ METAL 02 - BALUSTRADE HANDRAILS
- ⑧ LANDSCAPE PLANTING



1 NORTH ELEVATION
1 : 200



2 WEST ELEVATION
1 : 200

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A09 BUILDING ELEVATION

Status	CONCEPT
Scale	As indicated @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 9:20:04 PM
BIM	

Drawing no.	Revision
A09.001	A

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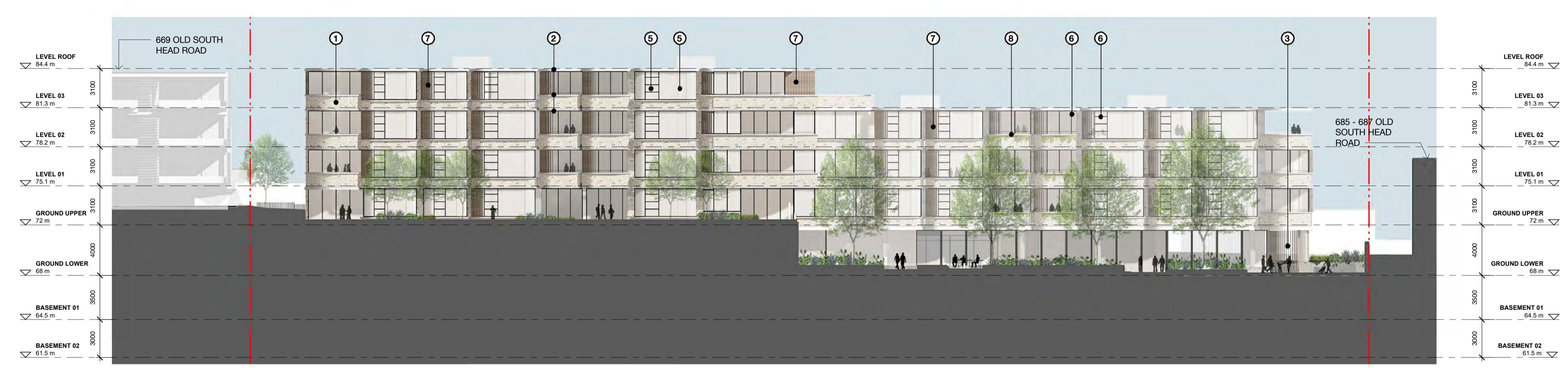
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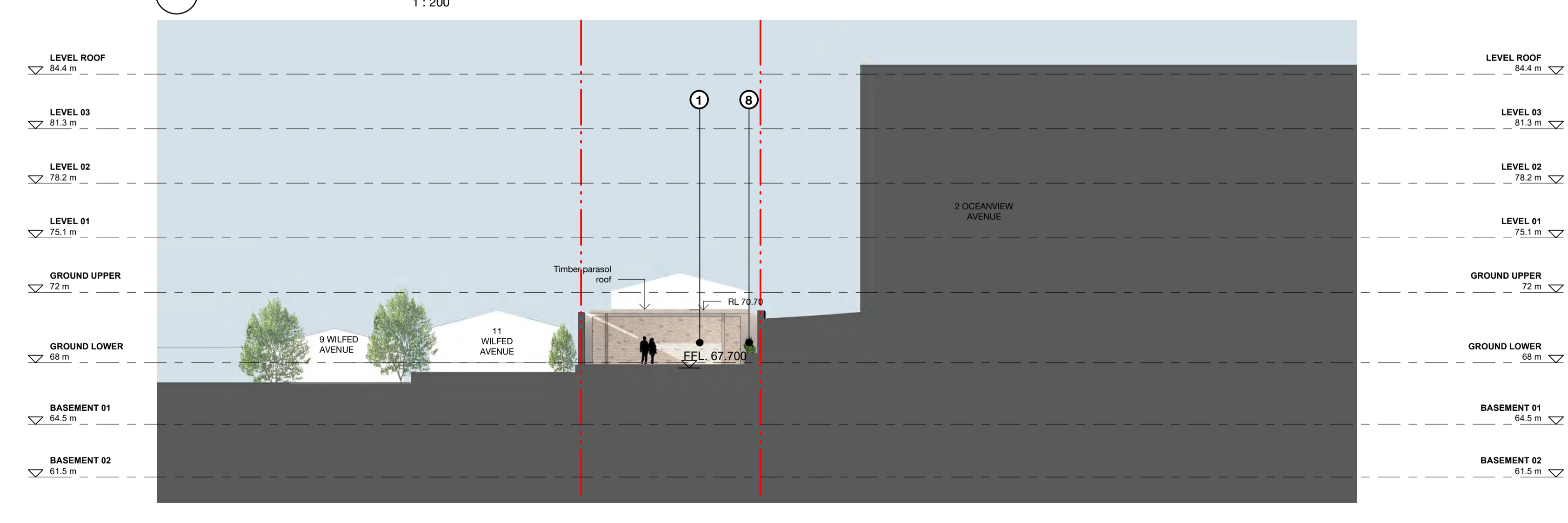
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 - ② CONCRETE SLAB
 - ③ TERRACOTTA SCREEN
 - ④ GLASS BRICKS
 - ⑤ GLASS - FIXED, AWNING WINDOWS AND SLIDING DOORS
 - ⑥ METAL 01 - GLAZING FRAMES
 - ⑦ METAL 02 - BALUSTRADE HANDRAILS
 - ⑧ LANDSCAPE PLANTING



1 SOUTH ELEVATION
1 : 200



2 EAST ELEVATION
1 : 200



3 AMENITIES WEST ELEVATION
1 : 200

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2	21.10.01	ISSUE FOR INFORMATION	SH	
1	21.09.23	ISSUE FOR INFORMATION	SH	

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A09 BUILDING ELEVATION

Status	CONCEPT
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Drawn	SH Checked
Project No.	S12551
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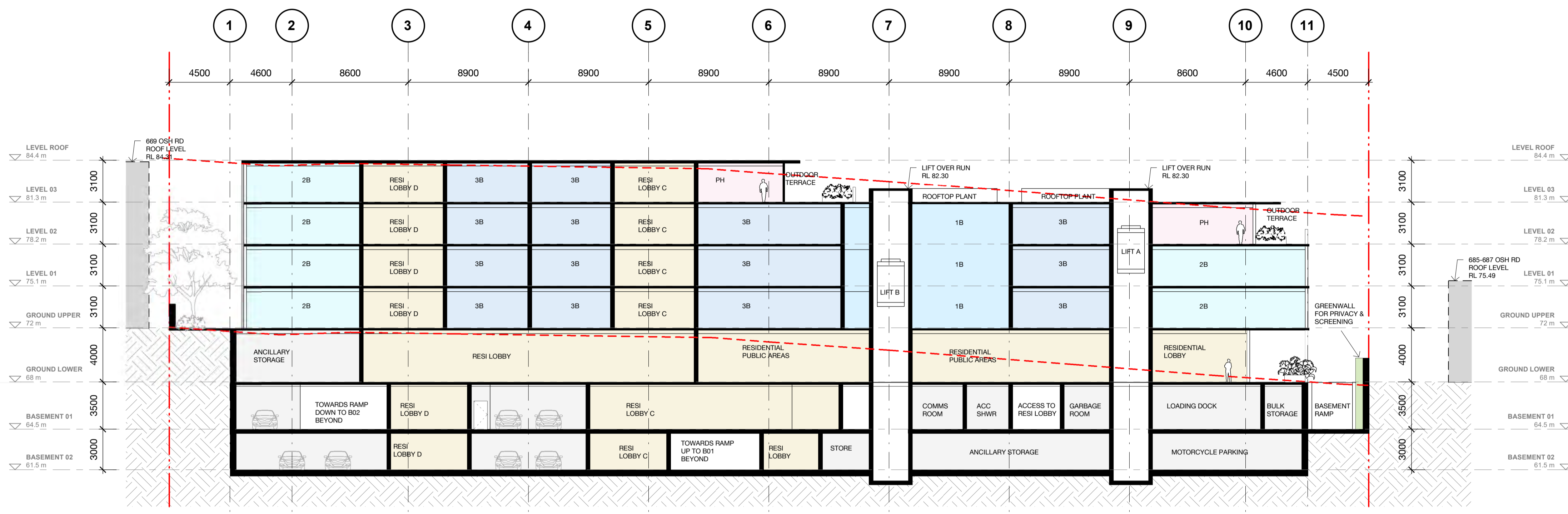
Drawing no.	Revision
A09.002	B

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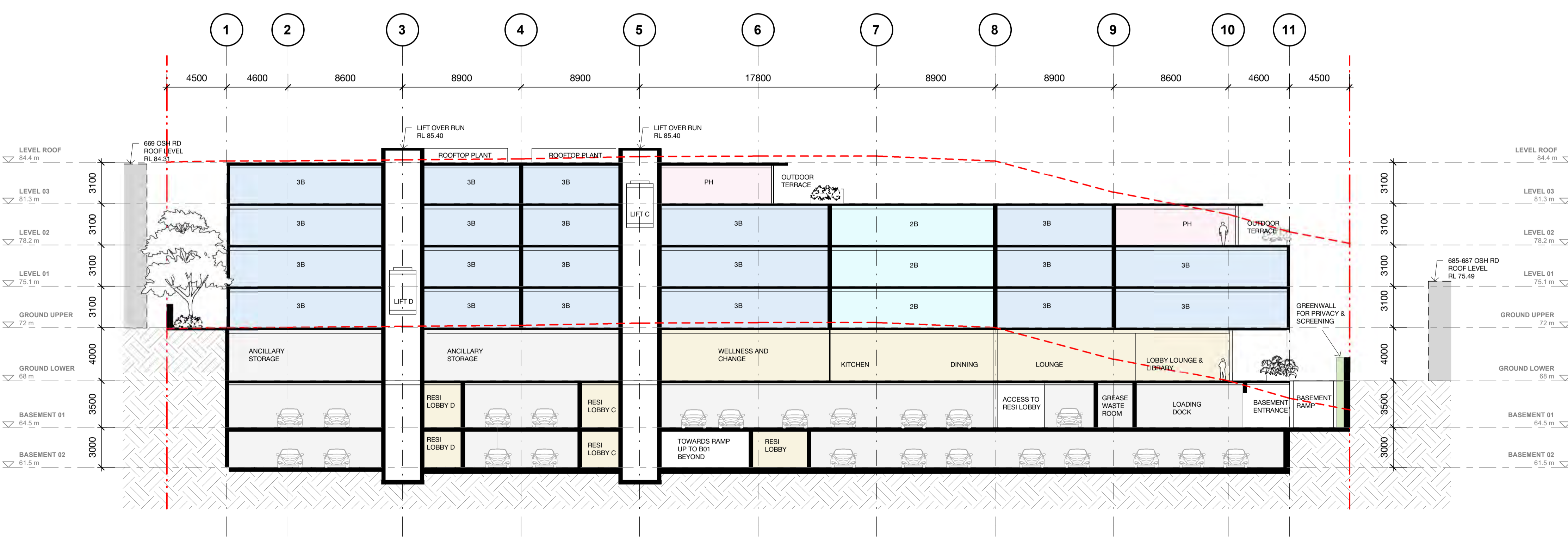
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1 SECTION 01
1 : 200



2 SECTION 02
1 : 200

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1	21.09.01	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A10 BUILDING SECTION

Status	CONCEPT
Scale	1 : 200 @ A1
Drawn	SH Checked
Project No.	S12551
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Drawing no.	Revision
A10.001	A

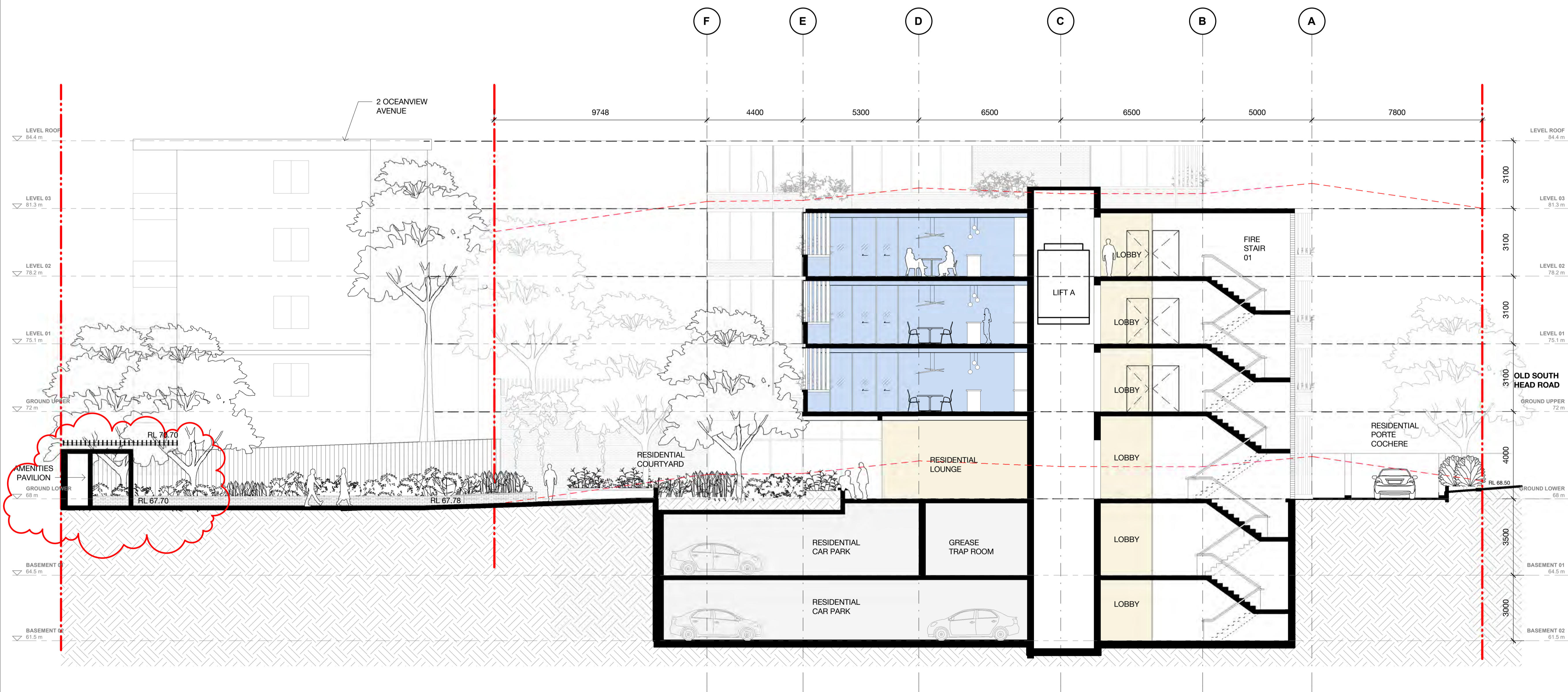
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Rev	Date	Description	Initial	Checked
B	22.02.21	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
3	21.10.01	ISSUE FOR INFORMATION	SH	
2	21.09.23	ISSUE FOR INFORMATION	SH	
1	21.09.01	ISSUE FOR INFORMATION	SH	

OSHR AT VAUCLUSE
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VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE

A10
 BUILDING SECTION

Status	CONCEPT
Scale	1 : 100 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	22/02/2022 9:21:57 AM

Drawing no.	Revision
A10.002	B

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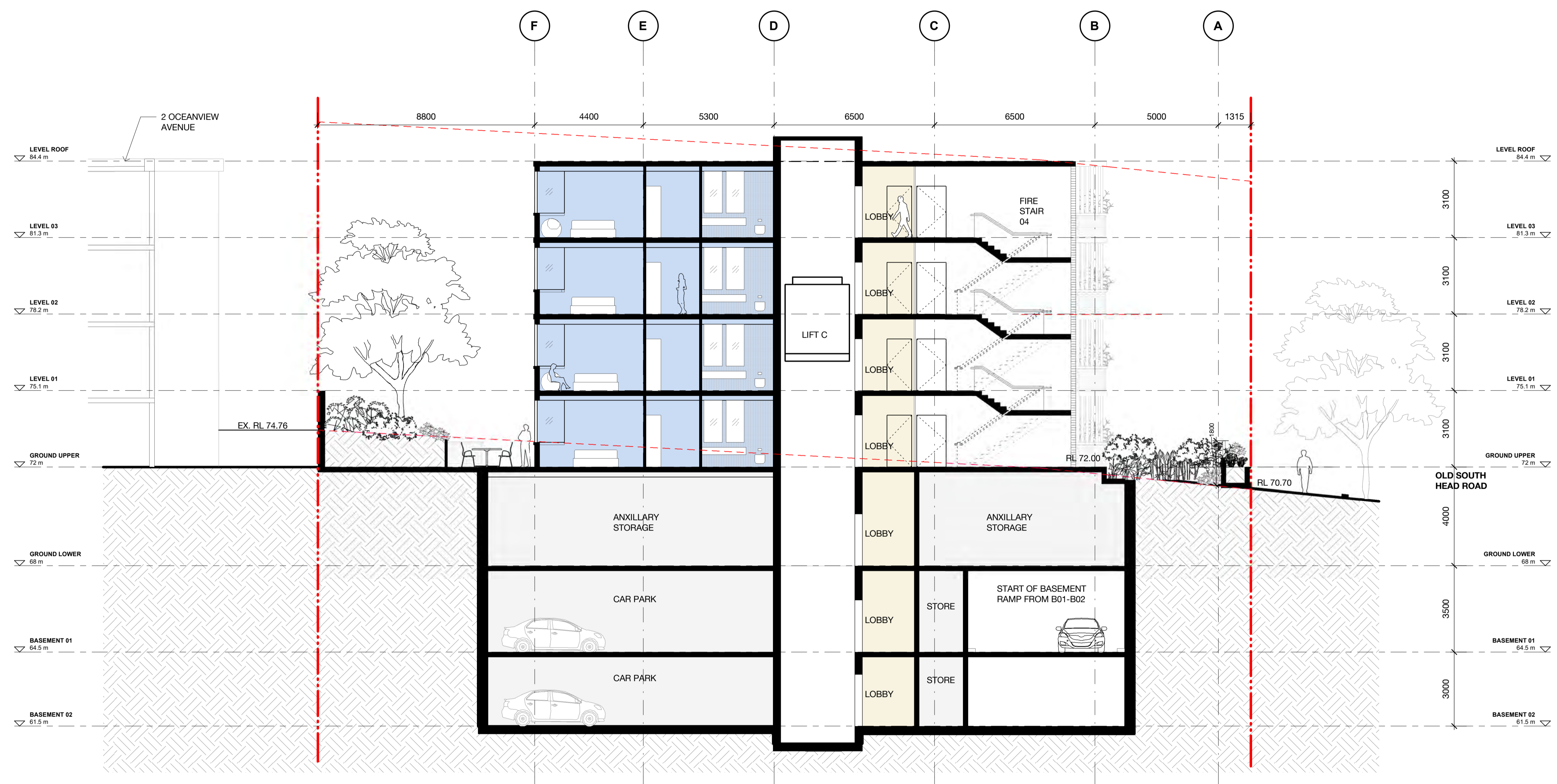
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1 SECTION 03
 1 : 100

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3	21.10.01	ISSUE FOR INFORMATION	SH	
2	21.09.23	ISSUE FOR INFORMATION	SH	
1	21.09.01	ISSUE FOR INFORMATION	SH	

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A10 BUILDING SECTION

Status	CONCEPT
Scale	1 : 100 @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 6:24:36 PM
BIM	

Drawing no. **A10.003** Revision **A**

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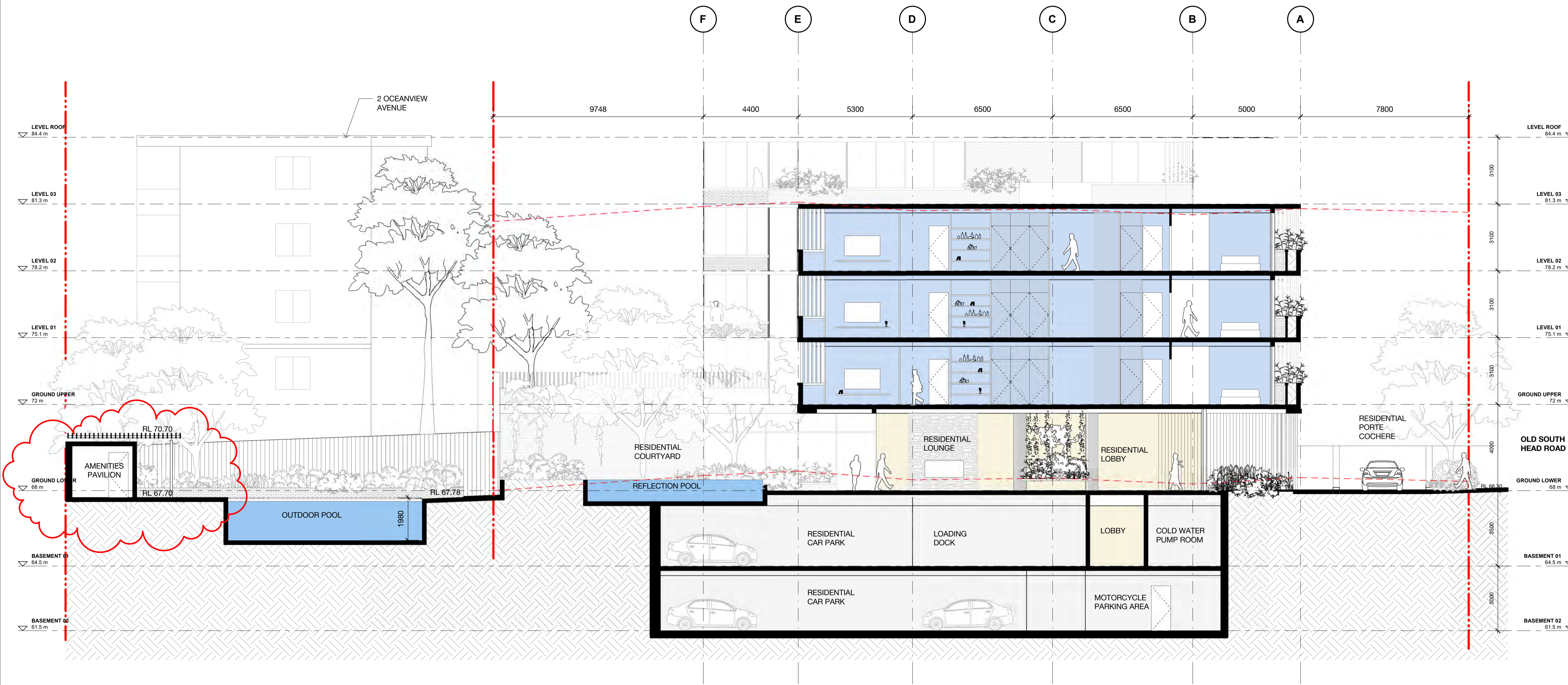
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1 SECTION 04 1 : 100

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A	21.10.07	DEVELOPMENT APPLICATION	SH	
1	21.10.01	ISSUE FOR INFORMATION	SH	

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A10 BUILDING SECTION

Status	CONCEPT
Scale	1 : 100 @ A1
Drawn	Author Checked
Project No.	S12551
Plot Date	22/02/2022 9:24:07 AM

Drawing no. **A10.004** Revision **B**

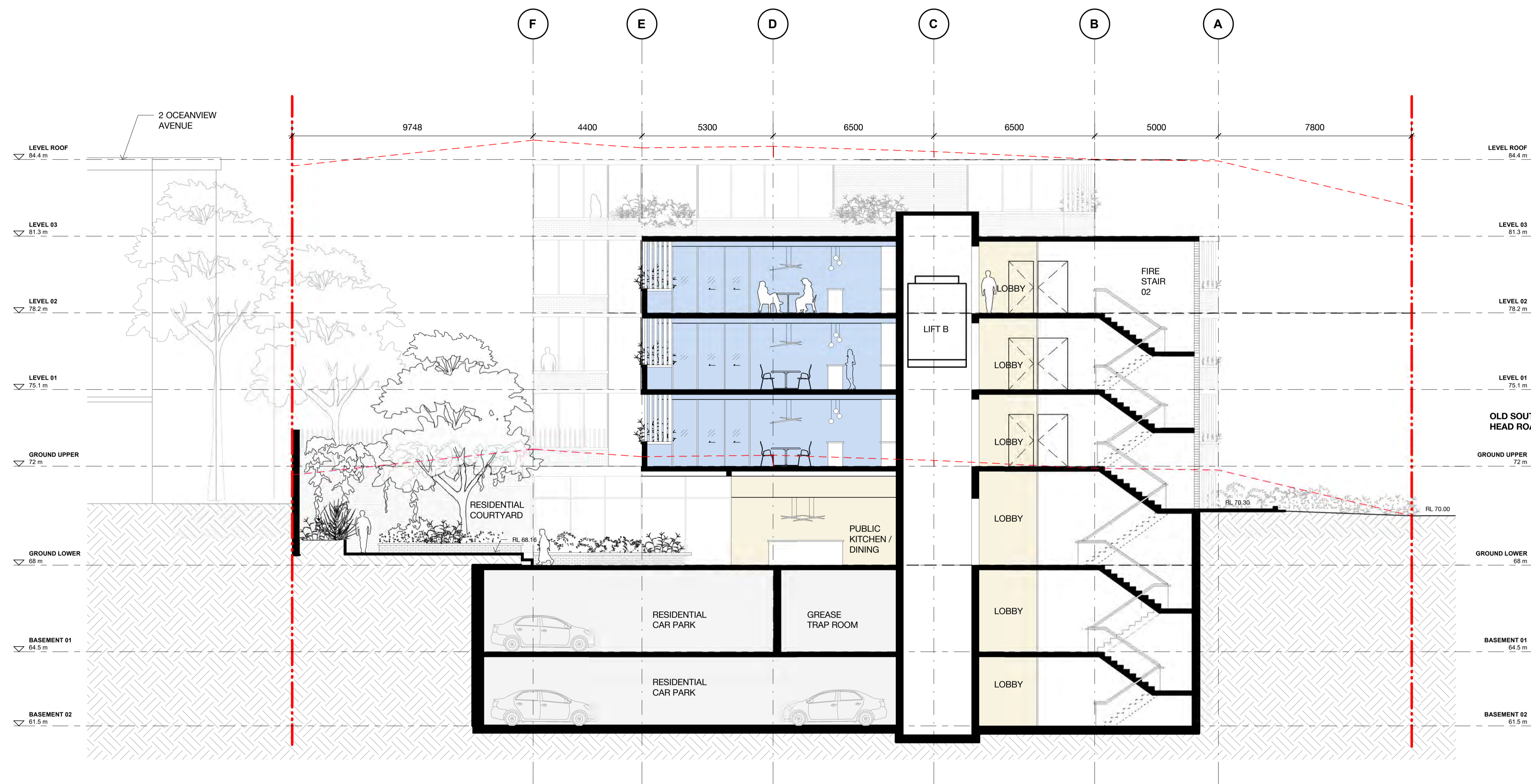
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1 SECTION 06 _ FS02 1:100

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A	21.10.07	DEVELOPMENT APPLICATION	SH	
1	21.10.01	ISSUE FOR INFORMATION	SH	

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A10 BUILDING SECTION

Status	CONCEPT		
Scale	1 : 100	@	A1
Drawn	Author	Checked	-
Project No.	S12551		
Plot Date	10/10/2021 9:29:12 PM		
BIM			

Drawing no. **A10.005** Revision **A**

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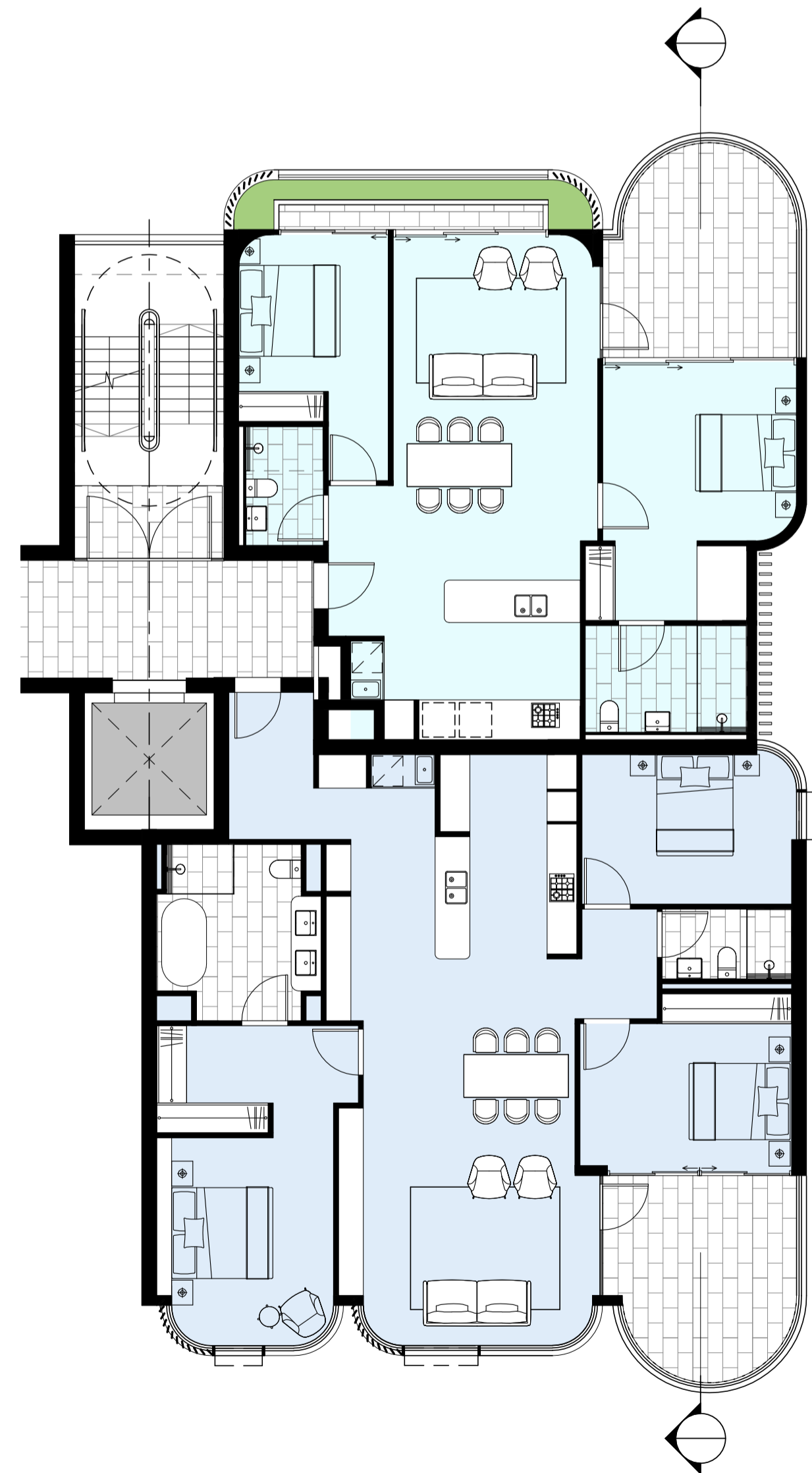
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EXTERIOR PERSPECTIVE



KEY PLAN



DOUBLE GLAZED SLIDING DOORS
METAL HANDRAIL
LIGHT COLOURED BRICK
EXPRESSED CONCRETE SLAB EDGE

EXPRESSED CONCRETE SLAB EDGE
LANDSCAPE TO JULIETTE BALCONY
TERRACOTTA PROFILED SCREENS
LIGHT COLOURED BRICK
DOUBLE GLAZED SLIDING DOORS
METAL HANDRAIL
EXPRESSED CONCRETE SLAB EDGE

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Legend

- ① BRICK
- ② CONCRETE SLAB
- ③ TERRACOTTA SCREEN
- ④ GLASS BRICKS
- ⑤ GLASS - FIXED, AWNING WINDOWS AND SLIDING DOORS
- ⑥ METAL 01 - GLAZING FRAMES
- ⑦ METAL 02 - BALUSTRADE HANDRAILS
- ⑧ LANDSCAPE PLANTING

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Application No: DA-455/2021
Date Received: 24/02/2022

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A	21.10.07	DEVELOPMENT APPLICATION	SH	

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671- 683 OSH RD VAUCLUSE

A11
FACADE TYPE 01

Status	CONCEPT			
Scale	1 : 100	@	A1	
Drawn	Author	Checked		
Project No.	S12551			
Plot Date	10/10/2021 9:16:46 PM			

Drawing no.	Revision
A11.001	A

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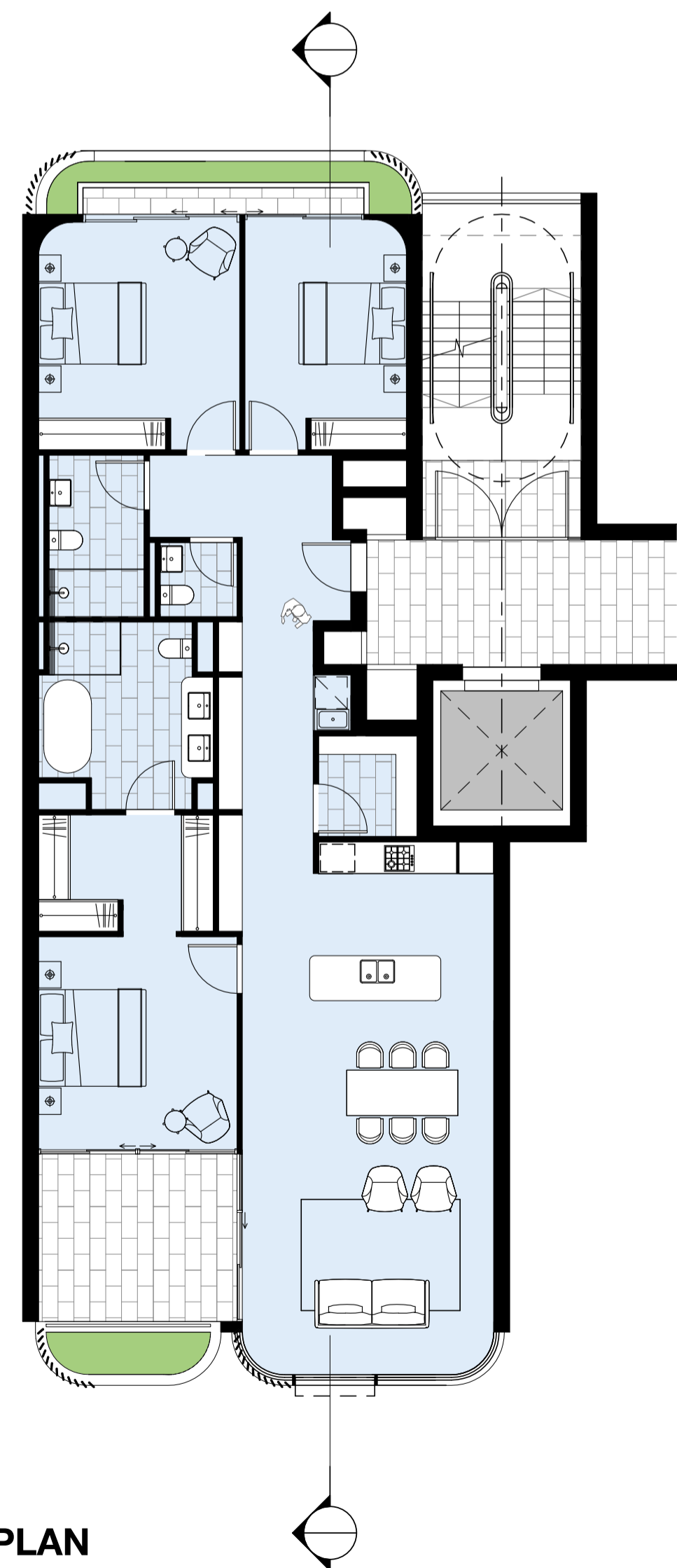
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EXTERIOR PERSPECTIVE



KEY PLAN



SECTIONAL AXO OF FACADE TYPE 02

- EXPRESSED CONCRETE SLAB EDGE
- LANDSCAPE TO JULIETE BALCONY
- TERRACOTTA PROFILED SCREENS
- LIGHT COLOURED BRICK
- METAL HANDRAIL
- EXPRESSED CONCRETE SLAB EDGE
- SCREEN TO PLANT ROOM VENTILATION

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Legend

- ① BRICK
- ② CONCRETE SLAB
- ③ TERRACOTTA SCREEN
- ④ GLASS BRICKS
- ⑤ GLASS - FIXED, AWNING WINDOWS AND SLIDING DOORS
- ⑥ METAL 01 - GLAZING FRAMES
- ⑦ METAL 02 - BALUSTRADE HANDRAILS
- ⑧ LANDSCAPE PLANTING

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671- 683 OSH RD VAUCLUSE**

A11
FACADE TYPE 02

Status	CONCEPT		
Scale	1 : 100	@	A1
Drawn	SH	Checked	-
Project No.	S12551		
Plot Date	10/10/2021 9:16:53 PM		
BIM			

Drawing no. **A11.002** Revision **A**

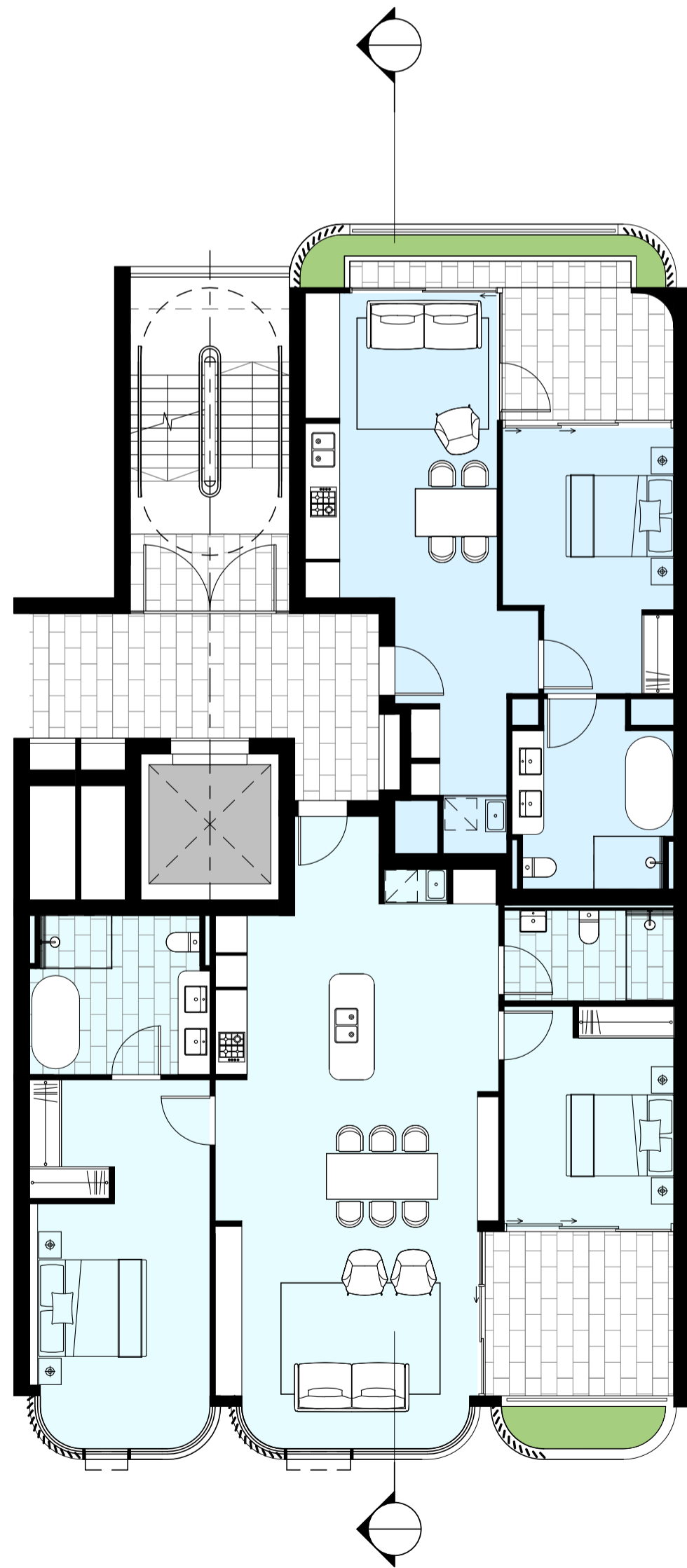
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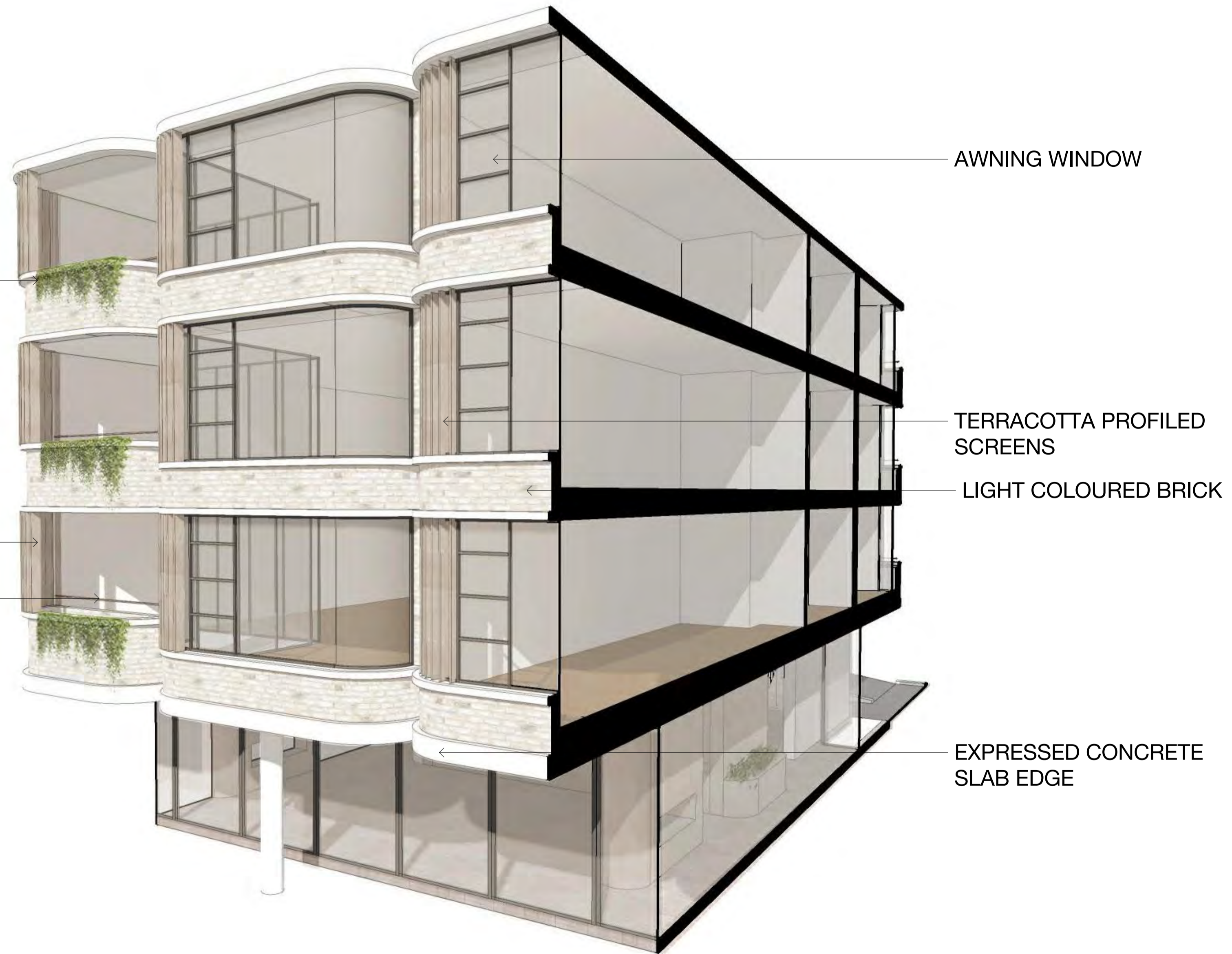
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EXTERIOR PERSPECTIVE



KEY PLAN



SECTIONAL AXO OF FACADE TYPE 03

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- Legend**
- ① BRICK
 - ② CONCRETE SLAB
 - ③ TERRACOTTA SCREEN
 - ④ GLASS BRICKS
 - ⑤ GLASS - FIXED, AWNING WINDOWS AND SLIDING DOORS
 - ⑥ METAL 01 - GLAZING FRAMES
 - ⑦ METAL 02 - BALUSTRADE HANDRAILS
 - ⑧ LANDSCAPE PLANTING

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A11
FACADE TYPE 03

Status	CONCEPT		
Scale	1 : 100	@	A1
Drawn	SH	Checked	-
Project No.	S12551		
Plot Date	10/10/2021 9:17:02 PM		

Drawing no.	Revision
A11.003	A

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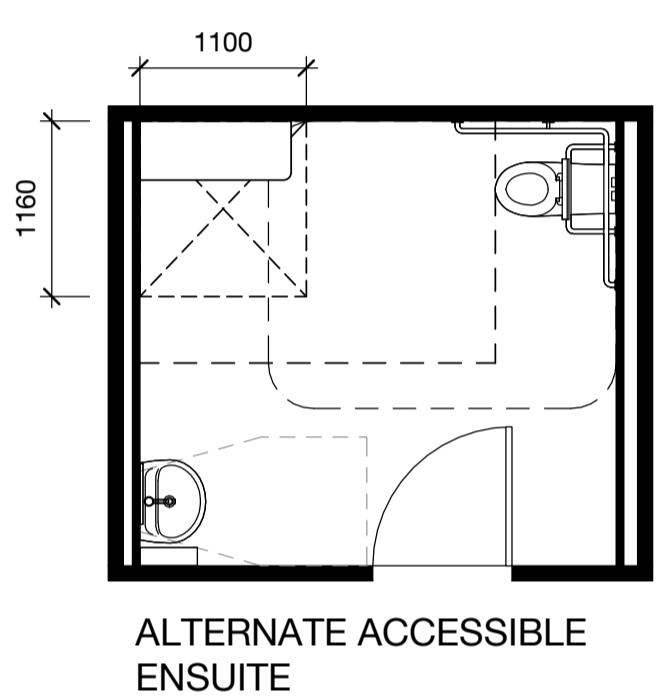
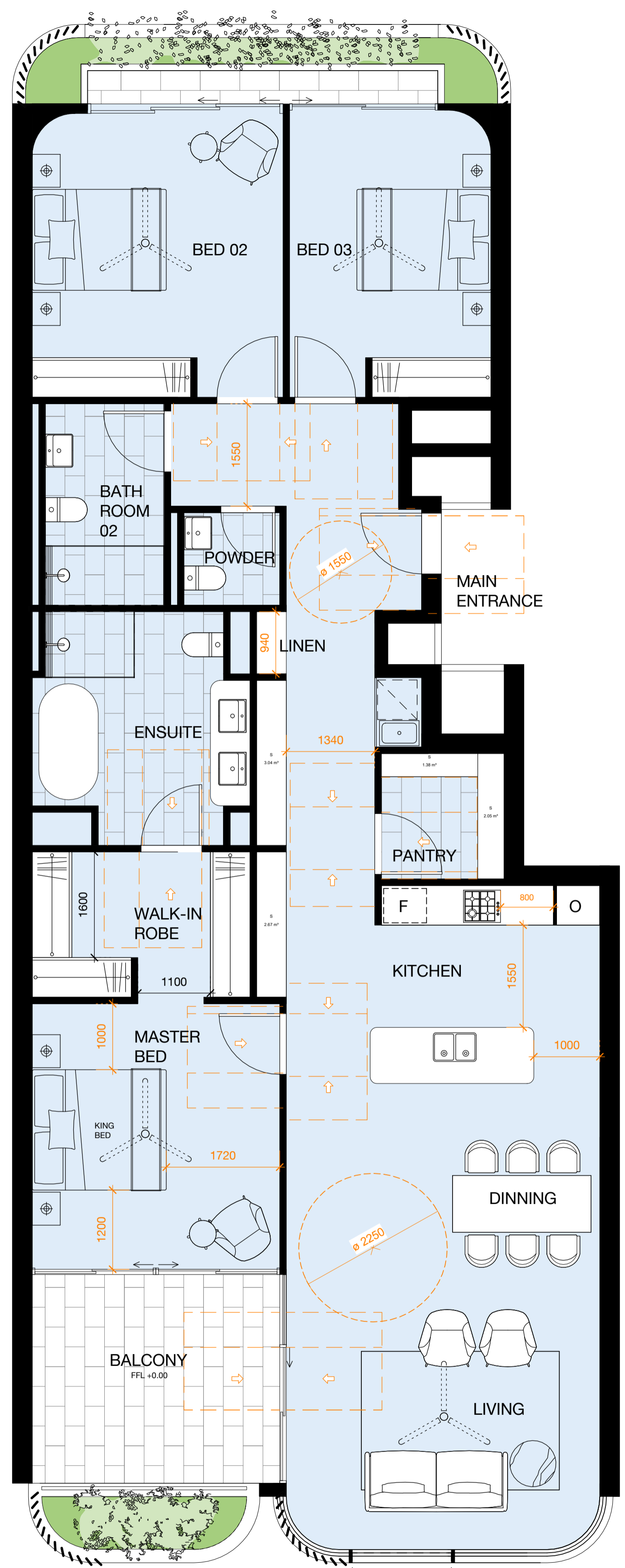
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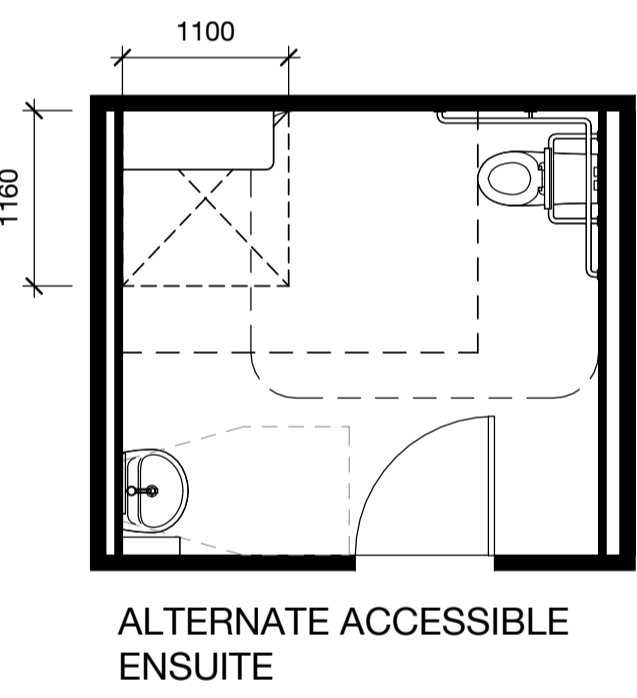
Legend
 --- AS 1428 & AS 4299 CIRCULATION & DISTANCE REQUIREMENTS

GENERAL NOTES
 - CEILING FAN TO ALL LIVING ROOMS AND BEDROOMS



1 APT TYPE 01_3B-A
 1:50

INTERNAL AREA
 145 SQM
 BALCONY
 12 SQM



2 APT TYPE 02_3B-B
 1:50

INTERNAL AREA
 136 SQM
 BALCONY
 14 SQM

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2	21.09.09	ISSUE FOR INFORMATION	SH	
1	21.09.06	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING
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A13
 APARTMENT TYPE - 3B

Status	CONCEPT
Scale	As indicated @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 9:17:10 PM

BIM
 Drawing no. **A13.001** Revision **A**

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Legend

AS 1428 & AS 4299 CIRCULATION & DISTANCE REQUIREMENTS

GENERAL NOTES

- CEILING FAN TO ALL LIVING ROOMS AND BEDROOMS



1 APT TYPE 03_3B-C
1:50

INTERNAL AREA
135 SQM

BALCONY
15 SQM

2 APT TYPE 04_3B-D
1:50

INTERNAL AREA
142 SQM

BALCONY
15 SQM

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2	21.09.09	ISSUE FOR INFORMATION	SH	
1	21.09.06	ISSUE FOR INFORMATION	SH	

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A13 APARTMENT TYPE - 3B

Status	CONCEPT
Scale	As indicated @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 9:17:19 PM
BIM	

Drawing no. A13.002 Revision A

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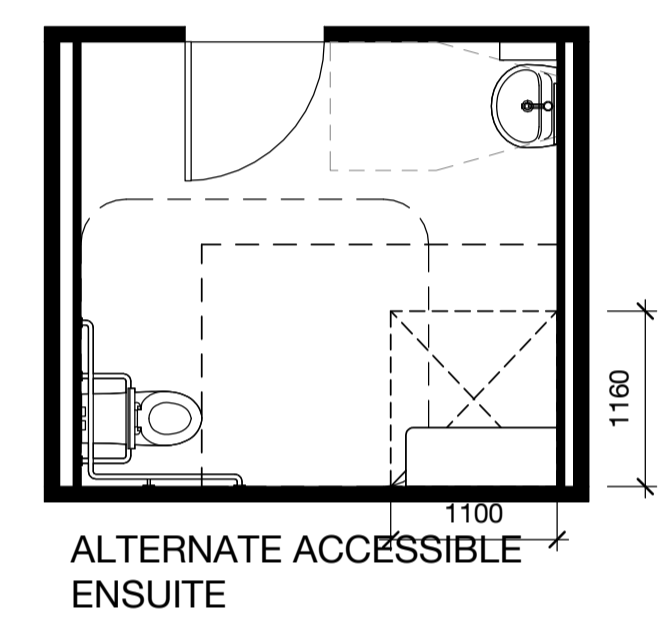
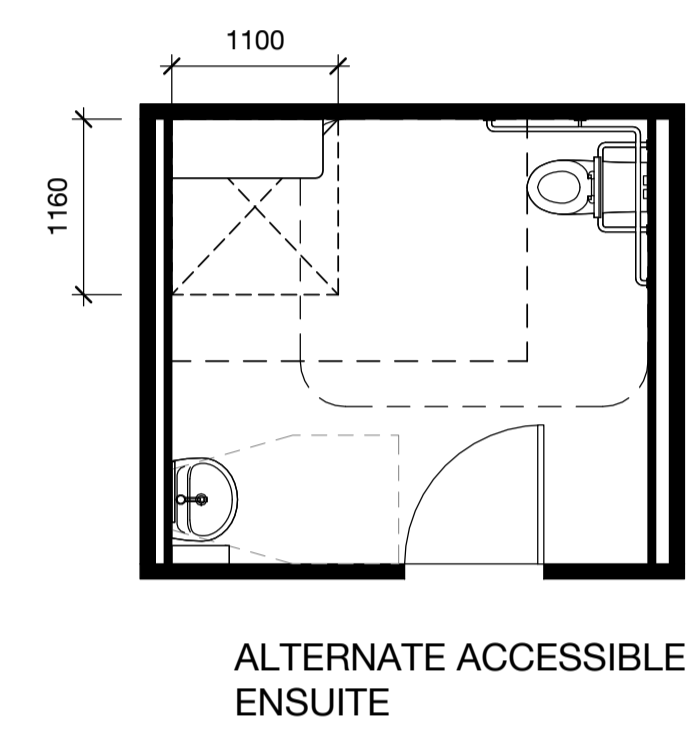
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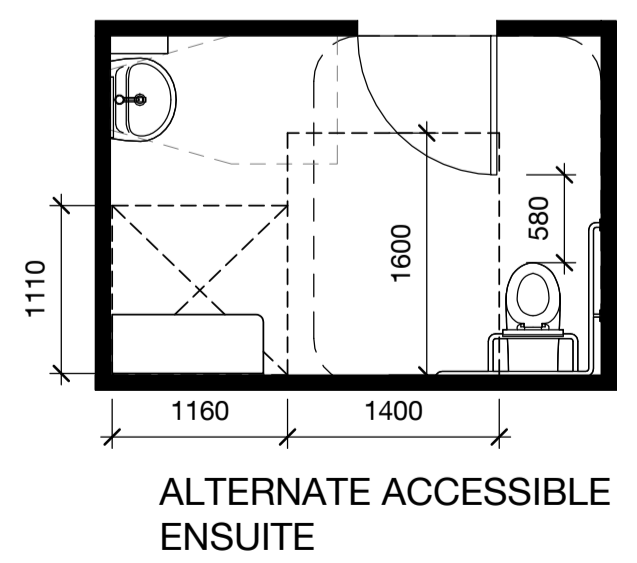
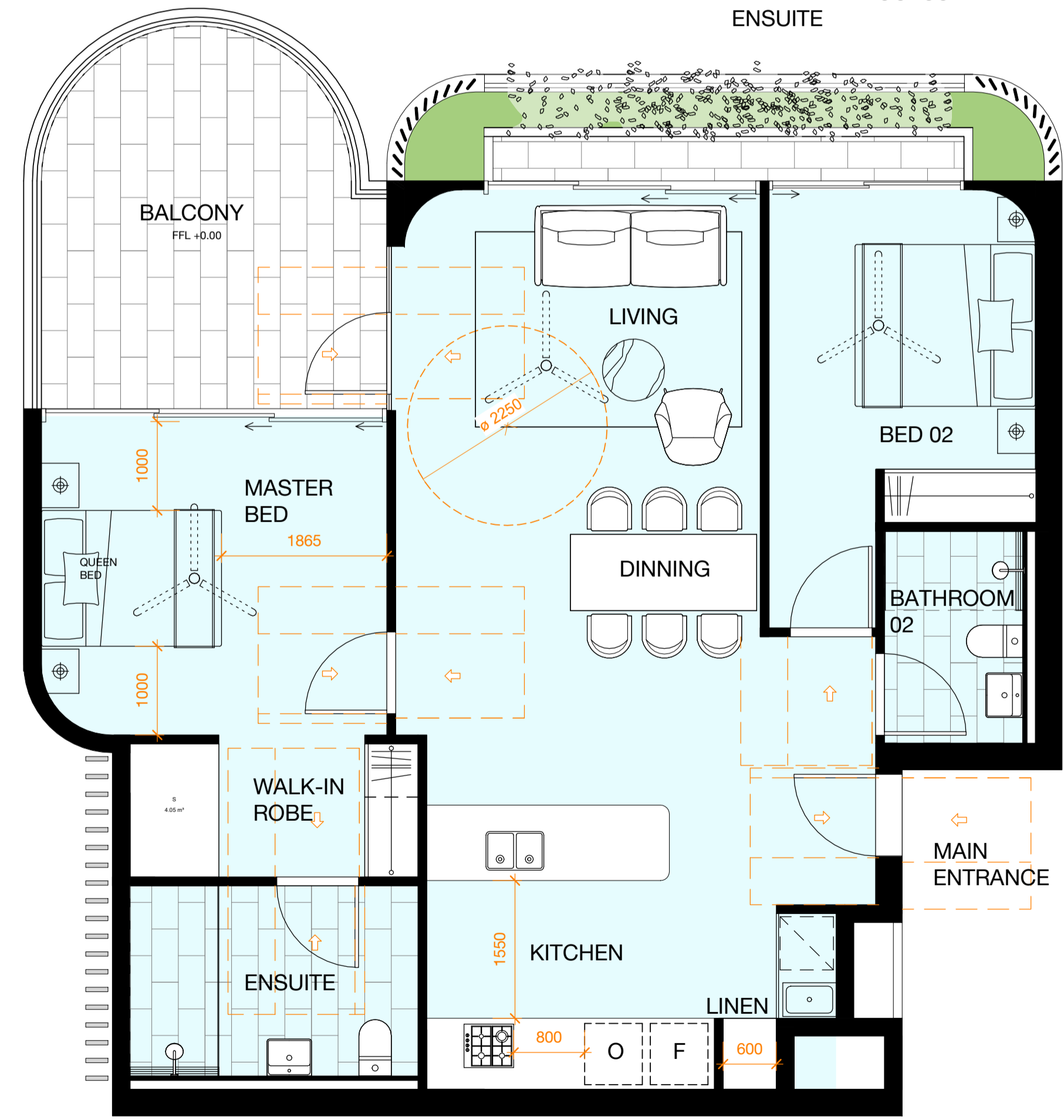
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Legend
 - - - - AS 1428 & AS 4299 CIRCULATION & DISTANCE REQUIREMENTS

GENERAL NOTES
 - CEILING FAN TO ALL LIVING ROOMS AND BEDROOMS



2 APT TYPE 08_1B-A
 1:50
 INTERNAL AREA 58 SQM
 BALCONY 8 SQM



7 APT TYPE 06_2B-A
 1:50
 INTERNAL AREA 91 SQM
 BALCONY 15 SQM



3 APT TYPE 07_2B-B
 1:50
 INTERNAL AREA 112 SQM
 BALCONY 11 SQM

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3	21.09.23	ISSUE FOR INFORMATION	SH	
2	21.09.09	ISSUE FOR INFORMATION	SH	
1	21.09.06	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A13 APARTMENT TYPE - 2B & 1B

Status	CONCEPT
Scale	As indicated @ A1
Drawn	SH Checked
Project No.	S12551
Plot Date	10/10/2021 9:17:28 PM
BIM	
Drawing no.	Revision
A13.003	A

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Legend
 - - - AS 1428 & AS 4299 CIRCULATION & DISTANCE REQUIREMENTS

GENERAL NOTES
 - CEILING FAN TO ALL LIVING ROOMS AND BEDROOMS

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2	21.09.23	ISSUE FOR INFORMATION	SH	
1	21.09.09	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

A13 APARTMENT TYPE - 3B PENTHOUSE

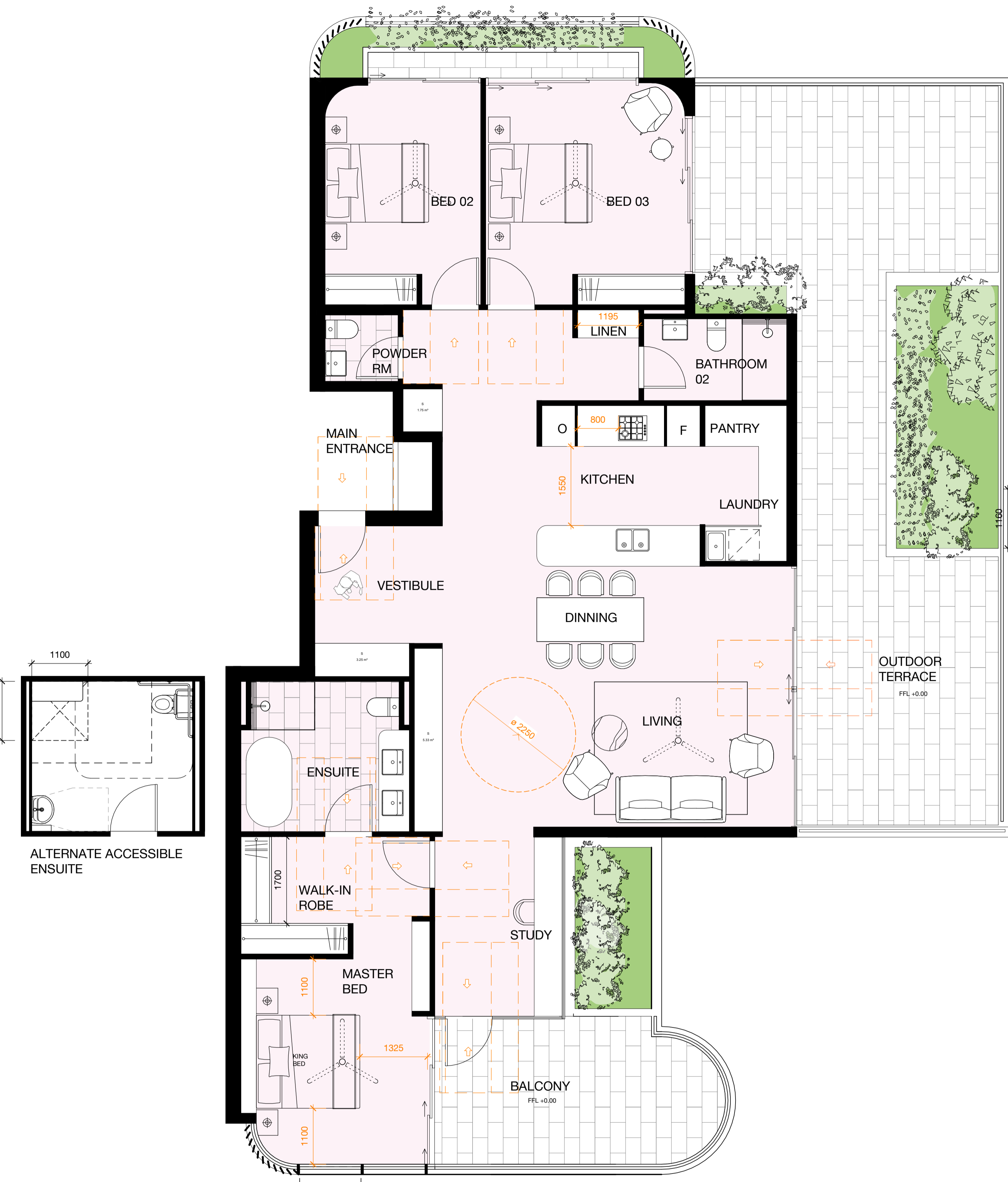
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Project No.	S12551
Plot Date	10/10/2021 9:17:38 PM
BIM	
Drawing no.	Revision

A13.004 A

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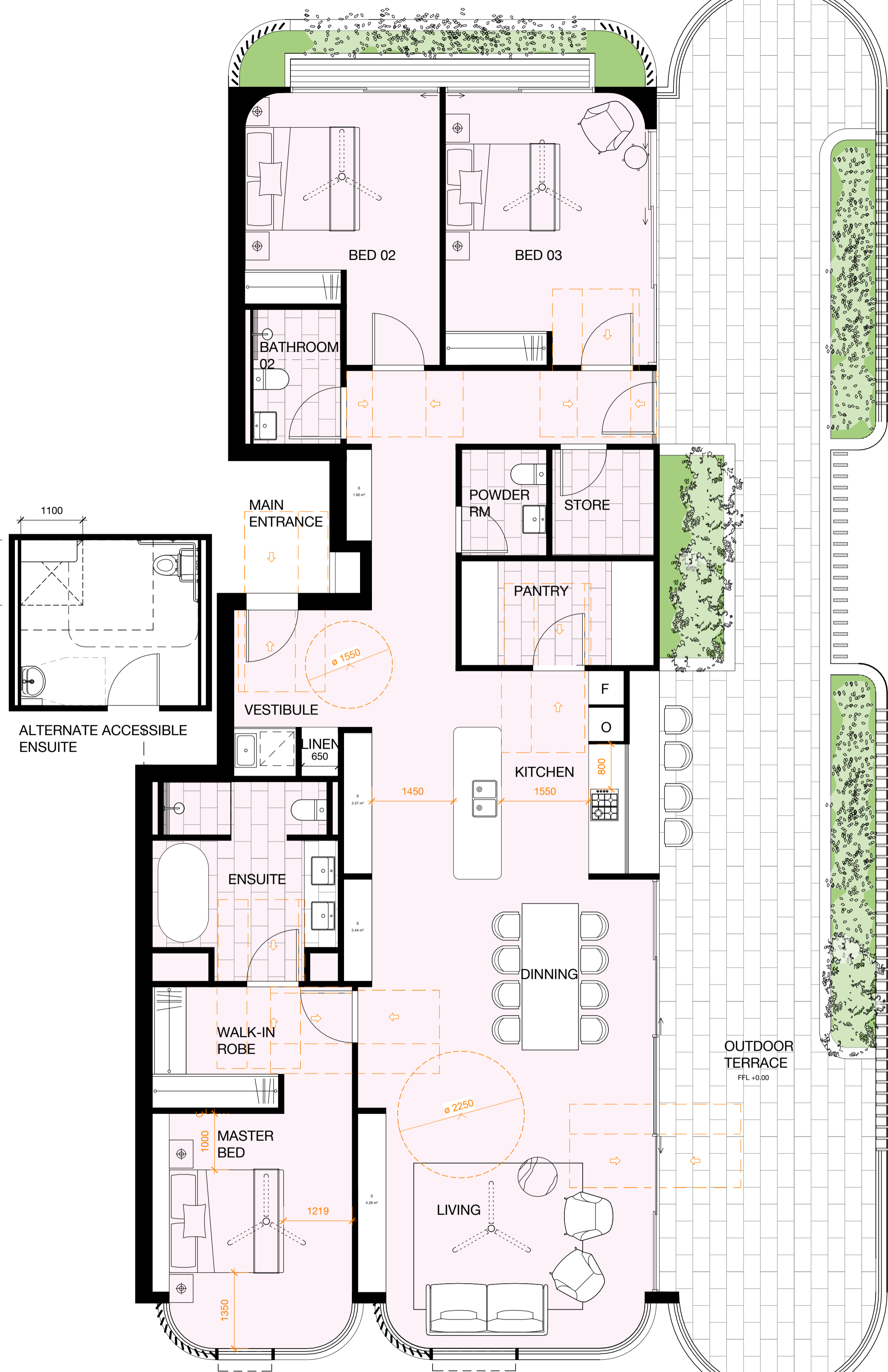
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1 APT TYPE 09_3B-E 1:50

INTERNAL AREA
 158 SQM

BALCONY
 67 SQM



2 APT TYPE 10_3B-F 1:50

INTERNAL AREA
 170 SQM

BALCONY
 70 SQM

c:\temp\VAUCLUSE_BS_ARCH_R2020_HSS14

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Legend

- PROPOSED DEVELOPMENT AT 671-683 OLD SOUTH HEAD ROAD VAUCLUSE
- SHADOW CAST BY PROPOSED DEVELOPMENT AT WINTER SOLSTICE JUNE 21ST
- APPROVED NEIGHBOURING DA
- PROPOSED DEVELOPMENT AT 671-683 OLD SOUTH HEAD ROAD VAUCLUSE OUT HOUSE



9 AM



10 AM



11 AM



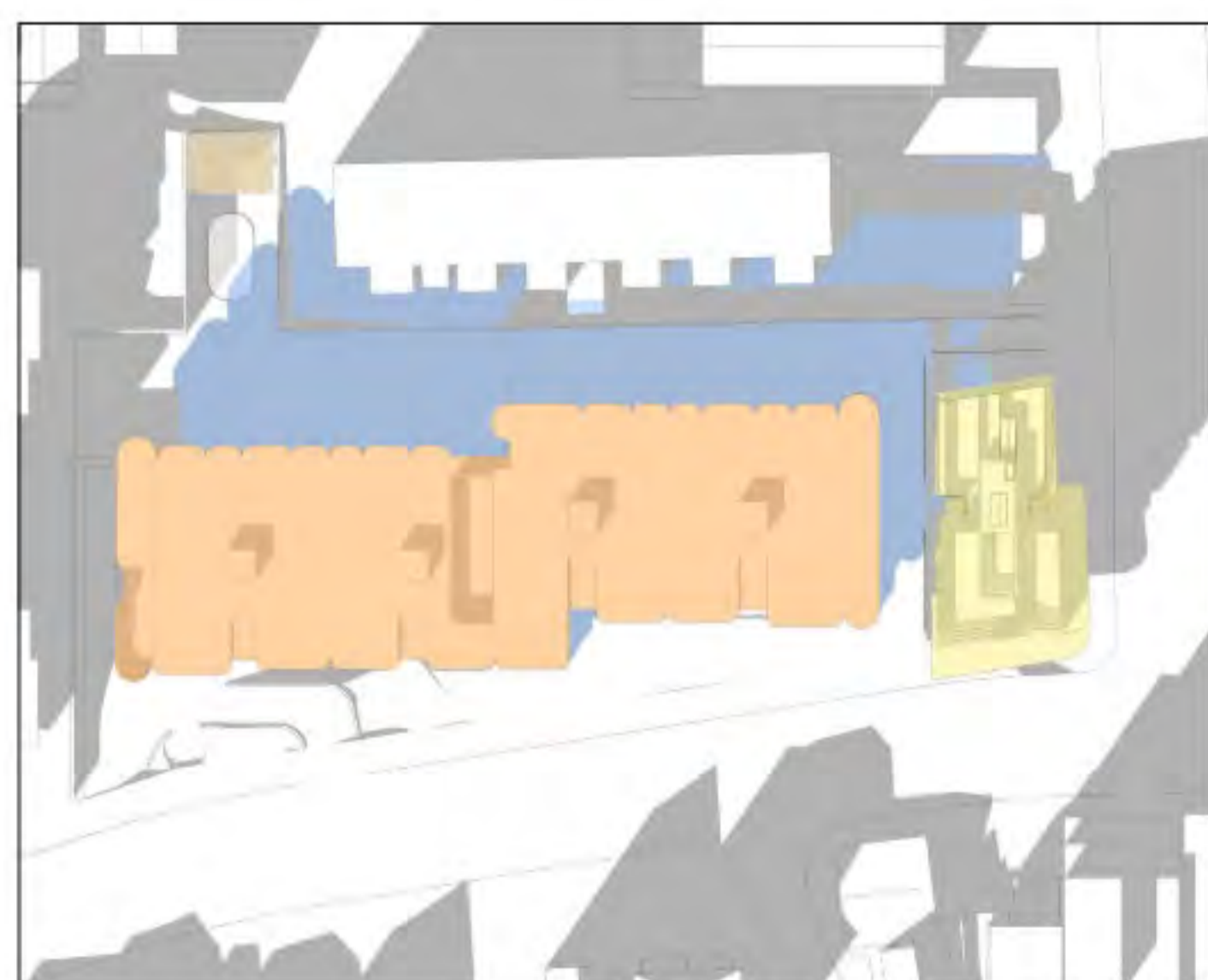
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Application No: DA-455/2021
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B	22.02.21	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
1	21.10.01	ISSUE FOR INFORMATION	SH	

OSHR AT VAUCLUSE HOLDINGS PTY LTD

VAUCLUSE SENIORS LIVING 671- 683 OSH RD VAUCLUSE

**A21
SHADOW DIAGRAMS - PLAN**

Status	CONCEPT		
Scale	1 : 100	@	A1
Drawn	Author	Checked	-
Project No.	S12551		
Plot Date	21/02/2022 6:31:51 PM		

Drawing no.	Revision
A21.001	B

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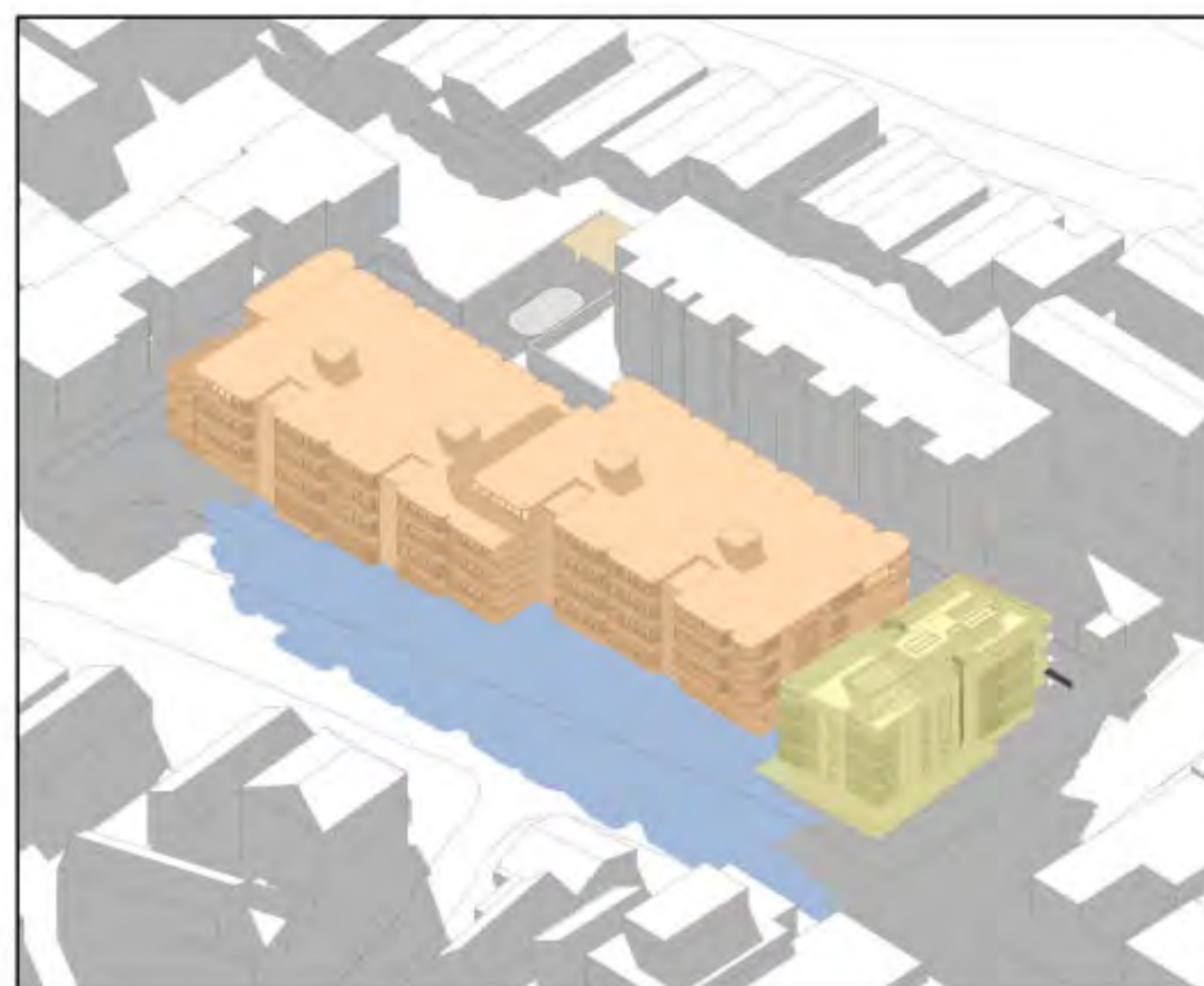
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Legend

- PROPOSED DEVELOPMENT AT 671-683 OLD SOUTH HEAD ROAD VAUCLUSE
- SHADOW CAST BY PROPOSED DEVELOPMENT AT WINTER SOLSTICE JUNE 21ST
- APPROVED NEIGHBOURING DA
- PROPOSED DEVELOPMENT AT 671-683 OLD SOUTH HEAD ROAD VAUCLUSE OUT HOUSE



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A21
SHADOW DIAGRAM - PERSPECTIVE

Status	CONCEPT		
Scale	1 : 100	@	A1
Drawn	Author	Checked	-
Project No.	S12551		
Plot Date	21/02/2022 6:32:07 PM		

Drawing no.	Revision
A21.002	A

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**VAUCLUSE SENIORS LIVING
671- 683 OSH RD VAUCLUSE**

A21
SUN EYE DIAGRAM

Status	CONCEPT		
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Project No.	S12551		
Plot Date	13/07/2022 4:02:12 PM		

Drawing no.	Revision
A21.003	A

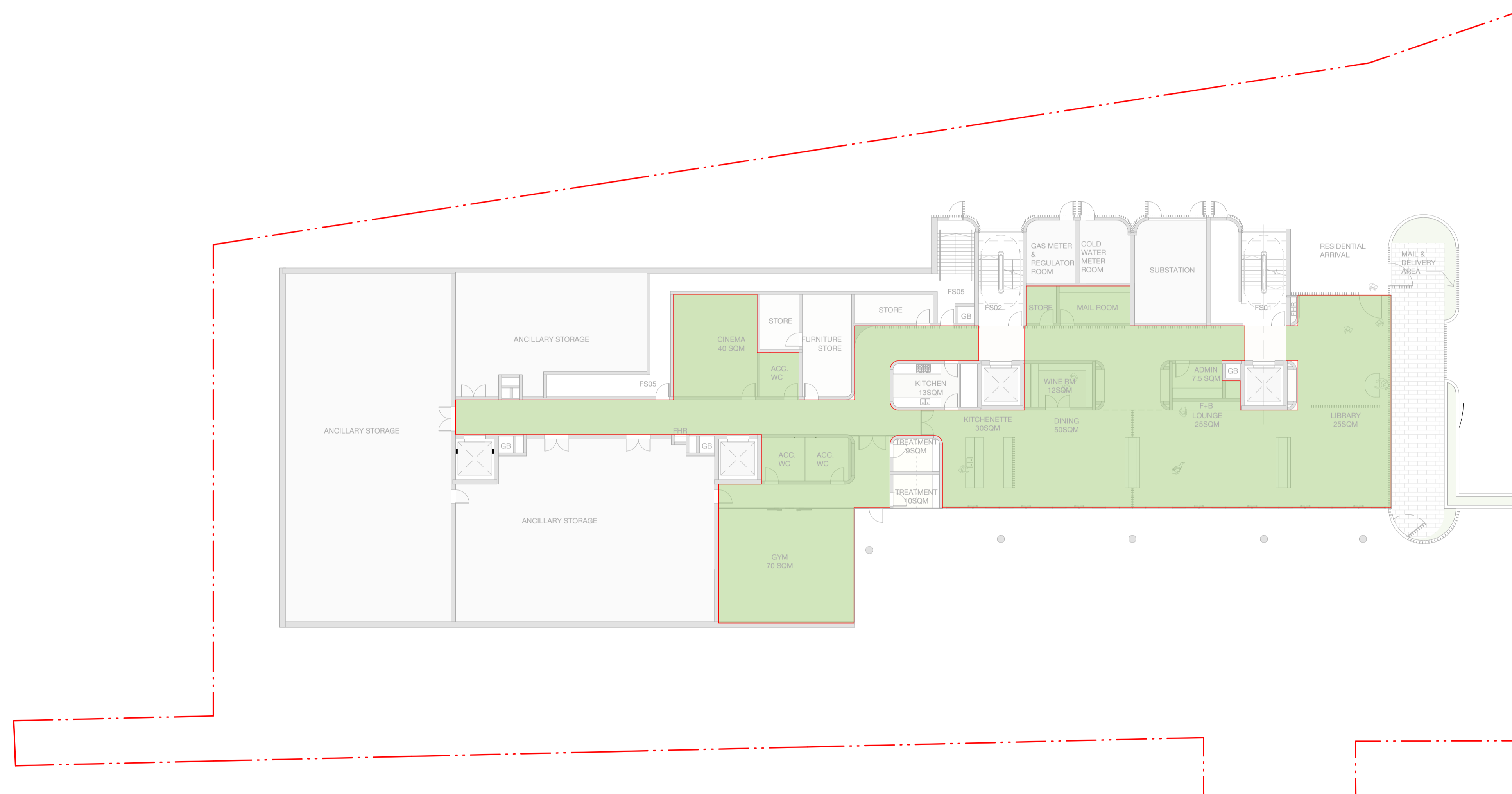
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GROUND FLOOR (LOWER)
623 SQM

Rev	Date	Description	Initial	Checked
C	22.07.04	DEVELOPMENT APPLICATION	SH	
B	22.06.10	DEVELOPMENT APPLICATION	CD	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
2	21.10.01	ISSUE FOR INFORMATION	SH	
1	21.09.23	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING
671- 683 OSH RD VAUCLUSE

A22
AREA PLANS



Status	CONCEPT	
Scale	1 : 200	@ A1
Drawn	SH	Checked
Project No.	S12551	
Plot Date	4/07/2022 1:05:26 PM	

Drawing no.	Revision
A22.001	C

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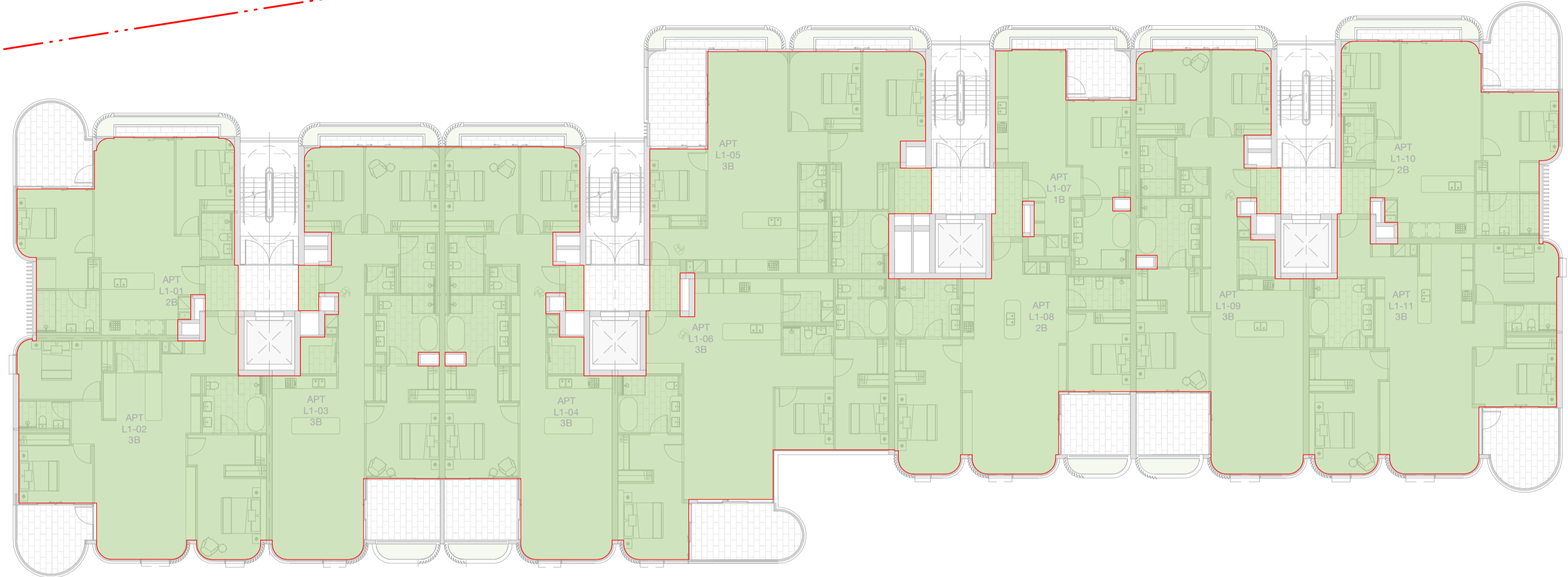
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DA ISSUE **BATESSMART**

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GROUND FLOOR (UPPER)
RESIDENTIAL APARTMENTS
1,380 SQM



LEVEL 01
RESIDENTIAL APARTMENTS
1,380 SQM

Rev	Date	Description	Initial	Checked
B	22.07.04	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
2	21.10.01	ISSUE FOR INFORMATION	SH	
1	21.09.23	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING
671- 683 OSH RD VAUCLUSE

A22
AREA PLANS



Status	CONCEPT		
Scale	1 : 200	@	A1
Drawn	SH	Checked	-
Project No.	S12551		
Plot Date	4/07/2022 1:05:32 PM		

Drawing no.	Revision
A22.002	B

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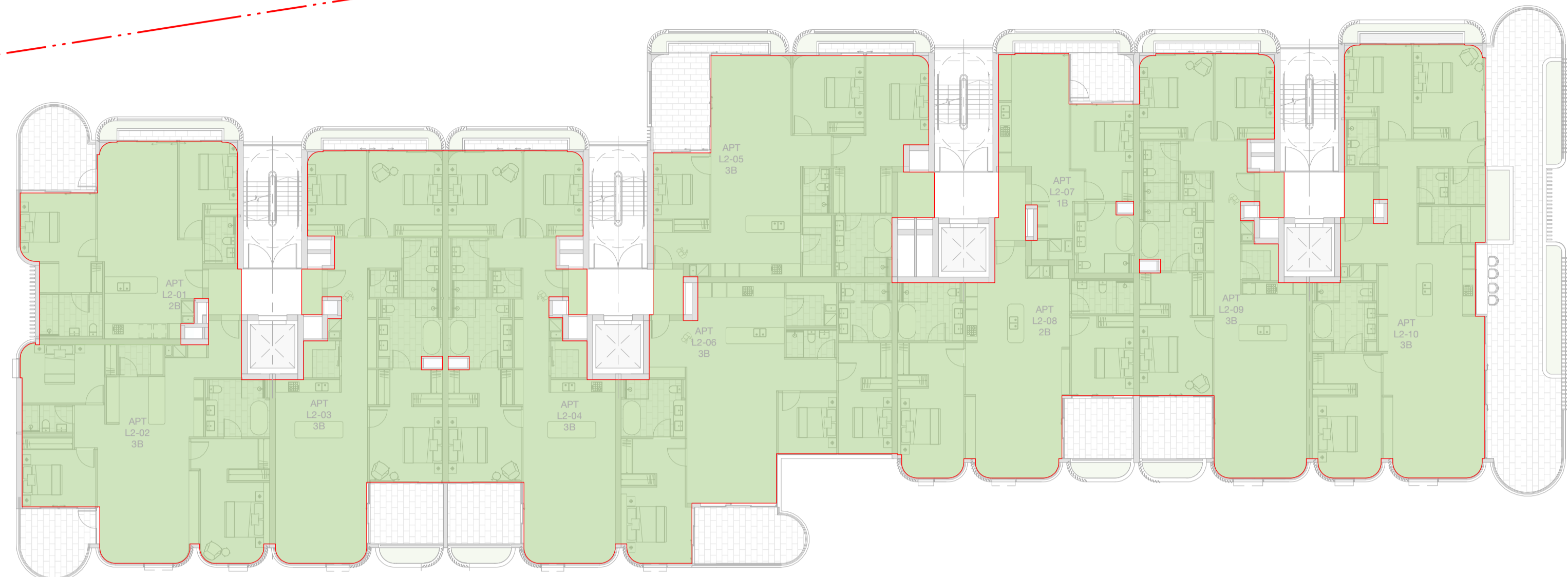
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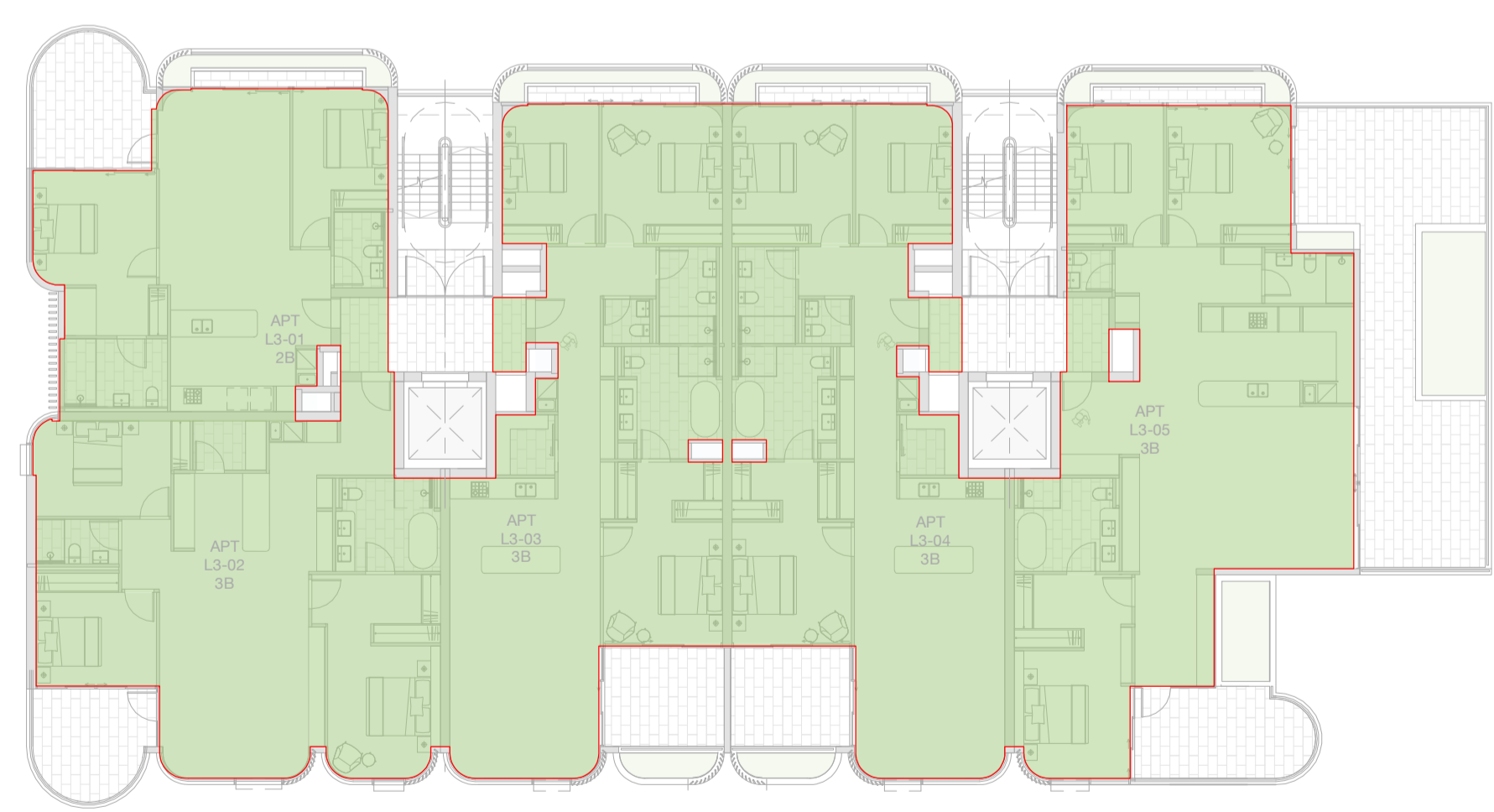
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LEVEL 02
RESIDENTIAL APARTMENTS
1,320 SQM



LEVEL 03
RESIDENTIAL APARTMENTS
685 SQM

Rev	Date	Description	Initial	Checked
B	22.07.04	DEVELOPMENT APPLICATION	SH	
A	21.10.07	DEVELOPMENT APPLICATION	SH	
2	21.10.01	ISSUE FOR INFORMATION	SH	
1	21.09.23	ISSUE FOR INFORMATION	SH	

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VAUCLUSE SENIORS LIVING
671- 683 OSH RD VAUCLUSE

A22
AREA PLANS



Status	CONCEPT	
Scale	1 : 200	@ A1
Drawn	SH	Checked
Project No.	S12551	
Plot Date	4/07/2022 1:05:23 PM	

Drawing no.	Revision
A22.003	B

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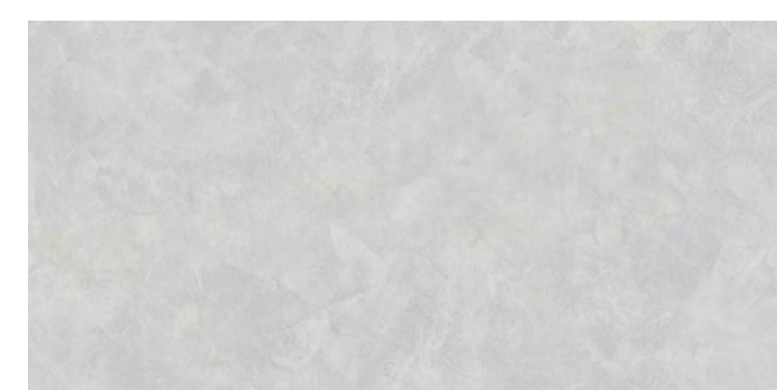
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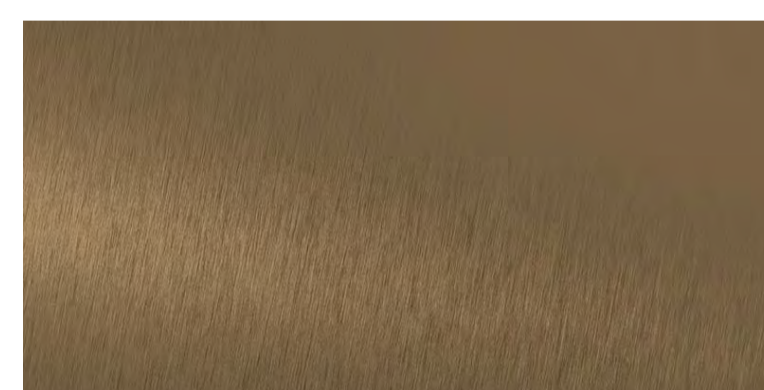
1. BRICK
 Balcony and walls



5. GLASS
 Fixed, awning window and sliding doors



2. CONCRETE
 Expressed floor slabs



5. METAL 01
 All frames to glazing



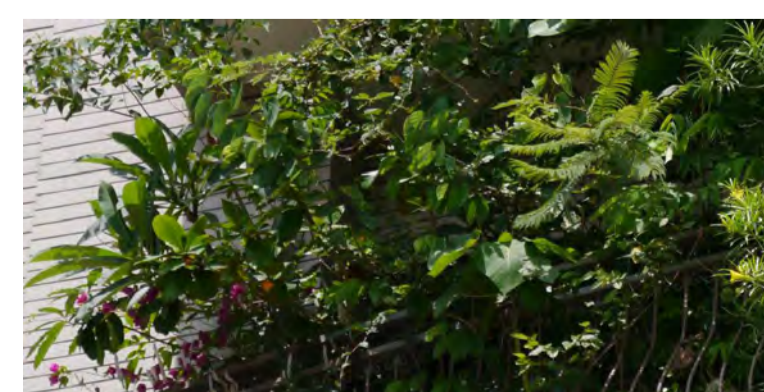
3. GLAZED TERRACOTTA
 Batten for privacy, ventilation and shading



6. METAL 02
 Balustrade handrail



4. GLASS BRICKS
 Fire Stairs



7. PLANTING
 Landscape to Juliete balcony and courtyard

Rev	Date	Description	Initial	Checked
A	21.10.07	DEVELOPMENT APPLICATION	SH	

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VAUCLUSE SENIORS LIVING
 671- 683 OSH RD VAUCLUSE

A41
 MATERIAL SCHEDULE

Status	CONCEPT		
Scale	1 : 20	@	A1
Drawn	SH	Checked	-
Project No.	S12551		
Plot Date	10/10/2021 9:18:22 PM		
BIM			

Drawing no.	Revision
A41.001	A

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Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-492/2021
Site address	11A Fletcher Street, Tamarama
Proposal	Alterations and additions to Residential Flat Building including conversion of sub floor area into a studio unit and attic addition.
Date of lodgement	18 November 2021
Owner	Johnro Pty Ltd
Applicant	Mr Roland Bloch
Submissions	Two (2)
Cost of works	\$1,088,738.04
Principal Issues	<ul style="list-style-type: none"> • FSR Variation • Height Variation • View Loss
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application, as amended, seeks consent for alterations and additions to residential flat building including conversion of sub floor area into a studio unit and attic addition at the site known as 11A Fletcher Street, TAMARAMA.

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

- Building height non-compliance;
- FSR non-compliance;
- View loss;
- Overshadowing;
- Character of inter-war flat building and streetscape.

The assessment finds these issues acceptable as the proposal does not exceed the existing height of the building, the additional FSR is largely contained within the existing built form with the exception of the proposed dormers, the proposal results in negligible view loss impacts to surrounding properties and the proposal results in no adverse overshadowing impacts. Conditions are recommended to be imposed to ensure the inter-war character of the building and its contribution to the streetscape are retained and enhanced by the proposed works.

A total number of 3 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 15 February 2021 in relation to the pre-development application lodged.

The site is identified as Lot 6 in DP9842, known as 11A Fletcher Street, TAMARAMA.

The site is rectangular in shape with a northern frontage to Fletcher Street, measuring 12.89m. It has an area of 470.2m² and falls from the north (front) to the south (rear) by approximately 2.78m.

The site is occupied by a two storey residential flat building (RFB) with vehicle access via Fletcher Street to a detached garage to the rear of the site.

The site is adjoined by two storey RFB's. The locality is characterised by a variety of medium density residential development.



Figure 1: Subject site as viewed from Fletcher Street, looking south.



Figure 2: Western side boundary leading to the detached garage at the rear.



Figure 3: Rear of subject site near detached garage and open space area, looking south-east.



Figure 4: Rear of existing building including subfloor space to be converted to a new unit, looking northeast.

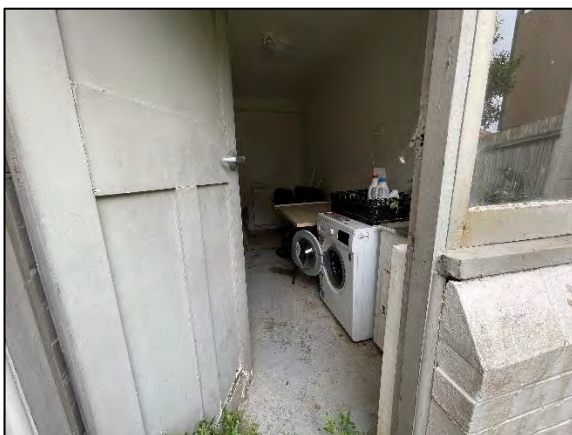


Figure 5: Existing subfloor space within building proposed to be converted to new unit.



Figure 6: Rear of subject site, looking south-west. Lower ground floor of existing garage to be converted to a communal home office.



Figure 7: Existing fire stairs in eastern side boundary to be demolished.



Figure 8: Eastern side boundary proposed to have new paving and be new pedestrian entry into the building.

1.3. Relevant Development History

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

- **DA-466/2009:** Alterations and additions to a RFB including attic addition, rear balconies and other alterations. Approved on 5 August 2010. Works in relation to this application were not commenced and the consent has since lapsed.
- **DA-466/2009/A:** Modification to change the affordable housing contribution was withdrawn on 28 May 2015.
- **DA-439/2018:** Alterations and additions to a RFB including new balconies and window openings. Approved on 4 April 2019.
- **PD-1/2021:** A pre-DA application was lodged, seeking advice for alterations and additions to an existing residential flat building including the construction of an attic level, new unit in the sub-floor level, new balconies and internal layout changes. A letter was issued to the applicant on 19 May 2021 that advised the following:
 - *Any additional Gross Floor Area (GFA) is to be contained within the existing built form and must demonstrate no adverse environmental impacts to surrounding properties.*
 - *The design of the proposed attic constitutes a new level that is inconsistent with the immediate streetscape character and further exceeds Council's maximum FSR development standard applicable to the site. The size of the attic is to be significantly reduced and any new GFA at the attic level is to be **wholly contained within the existing roof form** with the provision of skylights to provide natural light and ventilation. The size of any attic level is not to exceed 50% of the floor area of the floor below in accordance with control (e)(ii) of Section 3.6 Attic and Roof Design in this part of WDCP*

2012. The balconies proposed at the rear of the attic level are to be deleted to minimise bulk and scale impacts and maintain visual privacy.

- The provision of small dormers **may** be supported, subject to the submission of detailed Clause 4.6 Statements to vary Council's FSR and building height development standards in accordance with the provisions of Clause 4.6 of WLEP 2012. Should the option to provide smaller dormers be explored, they are to be designed in accordance with controls (g), (h) and (i) of Section 3.6 Attic and Roof Design in this part of WDCP 2012. Elevational shadow diagrams are also to be provided that demonstrate no additional overshadowing impacts to surrounding properties. However, it is noted that given the proposal exceeds Council's development standards, dormers may still not be supported regardless of impacts whereby any additional floor space must only be provided within the existing roof as detailed above.
- The proposed new unit at the lower ground floor level has an area of 50m² that meets the minimum size requirements for a 1 bedroom unit. However, as the unit is located within part of the existing sub-floor area, the proposed snorkel-style window to the bedroom of this unit is not considered to provide adequate natural light and ventilation to this habitable space. Furthermore, the bedroom largely depends on borrowed light and ventilation from the main living space of the unit that is not acceptable. Floor to ceiling heights of the new unit are also only limited to a maximum of 2.56m that is non-compliant for habitable rooms. Given the poor amenity of this unit, it is considered that the layout of this unit be reconfigured and the option to provide a genuine studio be explored with the submission of any future DA.

1.4. Proposal

The development application, as amended, seeks consent for alterations and additions to the existing residential flat building including conversion of sub floor area into a studio unit and attic addition, specifically the following:

Lower Ground Floor

- Convert sub floor area of existing garage from storage to a communal home office.
- Convert existing sub-floor and laundries of the building to a new studio unit (Unit 7), containing a bedroom, living, dining, kitchen, bathroom, and a private courtyard at the rear.

Ground Floor

- Alterations and additions to existing Units 1, 2 and 3 to provide internal laundries to all units and open plan kitchen and dining rooms.

- Alterations and additions to Units 2 and 3 at the rear of the building to provide balconies.
- Demolition of the existing fire access staircase in the eastern side boundary to create a new entrance to the building lobby.

First Floor

- Alterations and additions to existing Units 4, 5 and 6 to provide internal laundries to all units and open plan kitchen and dining rooms.
- Alterations and additions to Units 5 and 6 at the rear of the building to provide balconies.

New Attic Level

- Construction of a new attic level housed within dormers to provide an additional bedroom, bathroom and staircase to both Units 5 and 6 directly below.

Roof

- Retention of the existing tiled roof and protrusion for four metal clad dormers.
- Installation of four skylights.
- Installation of solar panels.

External Works

- Demolition of the existing timber staircase leading from the driveway on the western side boundary to the communal garden area at the rear.
- New paving to the existing pathway in the eastern side boundary leading to the entrance to new Unit 7 and the communal area at the rear.
- New communal garden area with area of 41.47m².
- New communal outdoor clothes drying area at the rear.
- New paving to existing driveway and pedestrian entry along the western side boundary.

1.5. Background

The application was lodged on 18 November 2021. Following receipt of advice from the Waverley Design Excellence Advisory Panel (DEAP) on 15 December 2021, a deferral letter was issued on 16 February 2022 advising the following:

1. Attic to be Deleted

The proposed attic remains large and results in additional impacts with regards to streetscape, visual impacts, overshadowing and view loss and is to be deleted.

Given that the existing building exceeds Council's maximum Floor Space Ratio (FSR) development standard as prescribed by Clause 4.4 of *Waverley Local Environmental Plan 2012 (WLEP 2012)*, and additional Gross Floor Area (GFA) is added at the lower ground floor level with the provision of a new unit, dormers **will not be supported**.

Furthermore, Council's calculations indicate the maximum building height is proposed to be 11.24m as measured from the existing ground level to the top of the new works. This results in a variation to Council's maximum building height control of 18.32%, which is a significant departure from Council's control.

2. Amenity of new unit

The eastern side passage leading from the front of the site to the proposed communal open space and home office at the rear is considered to result in adverse visual and acoustic privacy impacts for the new unit located at the lower ground floor level. It is recommended that this communal walkway be closed off and some of this space allocated to the open space area of the proposed new unit.

Additional landscaping to the private courtyard of the new unit must also be considered to further enhance privacy. It is also recommended that a gate be added in the courtyard that provides access to the new unit from the communal garden.

3. Access to Communal Open Space

The poor access to the rear communal open space is to be reconsidered and it is recommended that the existing stairs at the rear be retained/repositioned to provide suitable access from the driveway zone.

4. Design Excellence Advisory Panel (DEAP)

The following comments made by the DEAP must also be addressed with the submission of amended plans and documentation:

- (a) The proposal to render the existing brickwork is not consistent in the street context and regrouting and reuse of existing or matching bricks where possible is to be explored.
- (b) Landscaping:
 - (i) Landscaping of the front and rear garden areas is considered to be poor and a suitable landscape architect is to be engaged to provide greater landscaping treatments to these areas. Detailed landscape plans are required to be submitted.
 - (ii) Consideration is to be given to include perimeter landscaping to the rear and side fences.

(c) Amenity:

- (i) The bin enclosure to the front fence is unsatisfactory and should be better integrated to the landscape setting.
- (ii) The entrance to the main side entry door on the driveway should be suitably paved, and a security gate provided at the street frontage together with provision for mail and parcel delivery.

(d) Sustainability:

- (i) It is recommended that PV solar panels be installed on the roof for power to communal spaces.
- (ii) The Panel suggests the Applicant includes rainwater tanks in lieu of the proposed OSD tanks with the water being used for irrigation on site.
- (iii) The Panel recommends that gas should be excluded for water heating and cooking.
- (iv) The inclusion of ceiling fans is supported, but if an AC system were installed provision for condenser locations is required that addresses potential acoustic and visual impacts.

(e) All services expressed on the façade are to be located internally where possible.

5. Proposed Home Office

Clarification on the use of the proposed home office under the garage is sought as Cross Section D demonstrates this space to be allocated as 'Unit 8'. This space is not supported to be utilised as an additional unit and clarification is sought on who will have access to the home office space.

The applicant submitted draft amended plans for review on 11 March 2022 however, the plans still demonstrated protrusions beyond the existing roof envelope. The applicant was advised such amendments would not be accepted and that any attic addition must be contained within the existing roof form where skylights may be acceptable, but any extrusions are not deemed appropriate.

The applicant formally submitted amended plans on 5 April 2022 as well as revised clause 4.6 statements and a view loss assessment. The amended plans were accepted and demonstrated the following:

- Reduced attic/roof bulk including provision of small dormer windows for each attic and removed rear balconies from attics
- Note there is no change to the height of the attics due to minimum ceiling requirements
- Unit 1 ensuite deleted with thoroughfare through main lobby maintained to improve access to rear of site
- Reduction to FSR from 0.96:1 (453.16sqm) to 0.925:1 (435.21sqm)
- Screened and gated courtyard to Unit 7
- New/refurbished security site entry, bin area, screening
- Minor adjustments to open space and landscaping
- The external stairs on the ground level remain
- Future AC units indicated

- Solar panels indicated on main roof

It was decided that the extrusions from the roof with the proposed dormers would be further assessed with the Applicant's view loss assessment. **The following assessment is therefore based on the amended plans and documentation submitted.**

The amended plans were returned to the DEAP for comment who stated that the dormer additions were consistent with the neighbouring properties with form and materiality and their reconfiguration were considered appropriate in the roofscape context.

The amended application was further assessed and taken to DBU for comment. A further letter was sent to the applicant on 30 June 2022 to address the following:

1. View Loss

The submitted view loss diagrams demonstrate that the development reduces the view of 'white wash' to apartments 13 and 14 of 10-12 Fletcher Street.

View loss is assessed against Tenacity Consulting v Warringah [2004] NSWLEC 140. The loss of this 'white wash' is significant to these apartments as it is a unique component of an ocean view.

The proposed dormer windows are to be amended to ensure that they do not obstruct this component of the view to apartments 13 and 14 of 10-12 Fletcher Street.

2. Additional Information

- (a) At the time of lodgement the BASIX Certificate had expired. Please provide an updated and current BASIX Certificate.
- (b) Solar and daylight access plans are required to assess the development against Part 4A of the Apartment Design Guide (ADG).
- (c) Please provide a floor-to-ceiling height calculation plan to assist in the assessment against Part 4C of the ADG.

In response to the above and ongoing phone discussions, the applicant submitted a cover letter, solar and daylight access diagrams and ceiling height calculation plans. In response to view loss, the applicant stated that the 'white wash' does not relate to the land and water interface and did not further amend their plans.

This additional information and reasoning was presented to DBU on 2 August 2022 who agreed with the response and recommended that the application be recommended for approval to the WLPP.

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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Design Quality of Residential Apartment Design)

The plans originally lodged with the application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 15 December 2021. The development was considered unsatisfactory and amended plans were referred to the DEAP again on 13 April 2022. The DEAP’s comment on the amended development and any outstanding issues from the original comments against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

Table 1: Assessment on against the Nine Design Quality Principles under SEPP 65

Principle	Panel’s Comment	Planning Comment
1. Context and Neighbourhood	<p><u>Outstanding Issues - Original Plans – 15/12/2022</u></p> <ul style="list-style-type: none"> • The Panel noted the proposal to render the existing brickwork, that this is not consistent in the street context and would recommend regrouting and reuse of existing or matching bricks where possible. <p><u>Amended Plans – 13/04/2022</u></p>	<p>An outstanding concern raised by the DEAP in response to the original plans submitted is retained with the amended proposal. This issue was raised in the original deferral letter sent to the applicant who responded with the following:</p> <p><i>Rendered masonry is proposed which will enhance the appearance of the existing building. Face brick for the balconies is proposed. The existing</i></p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> Dormer additions are consistent with neighbouring properties with form and materiality. 	<p><i>bricks are in particularly poor condition and render will provide an adequate water barrier to the building. Note that we propose to retain and refurbish the original brick front boundary fence, original timber-framed bay windows amongst other original building fabric.</i></p> <p>The above reasoning has been considered however, the building is an inter-war flat building and it is considered necessary to retain and maintain the original face brickwork. A condition is recommended to be imposed requiring the plans to be amended to comply with the original comment made by the DEAP.</p> <p>It is noted the DEAP raise no concerns with the amended form of the proposed dormers.</p>
2. Built form and Scale	<p><u>Amended Plans – 13/04/2022</u></p> <ul style="list-style-type: none"> All view impacts should be clearly communicated and consistent with relevant controls. 	The applicant has submitted a detailed view loss analysis that is further discussed in this report.
3. Density	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
4. Sustainability	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
5. Landscape	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
6. Amenity	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
7. Safety	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
8. Housing Diversity and Social Interaction	<p><u>Amended Plans – 13/04/2022</u></p> <p>No further comment.</p>	Noted.
9. Aesthetics	<p><u>Amended Plans – 13/04/2022</u></p> <ul style="list-style-type: none"> The reconfigured dormer windows are considered appropriate in the roofscape context. 	Noted.

Apartment Design Guide

Clause 6A of SEPP 65 requires that Development Control Plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 2** of this report.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3D Communal and public open space		
<ul style="list-style-type: none"> • Min communal open space is 25% of the site • Communal open space to receive a min of 2 hours sunlight to 50% of the area. 	Merit Assessment	292.6m ² (62.22%) of the total site is retained as communal open space, including the proposed home office below the garage. A communal open space area at the rear with an area of 41.47m ² is provided however, due to the lot orientation and subdivision pattern, this communal open space at the rear does not receive any solar access during mid-winter and continues to receive no solar access with the proposal and is therefore acceptable on merit.
3E Deep soil zones		
<ul style="list-style-type: none"> • 7% of the site is a deep soil zone. 	Yes	80.15m ² (17%) of the site is provided as deep soil landscaping that is satisfactory.
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone 	Merit Assessment	The proposed works are contained within the existing building footprint and therefore, the existing building separation distances are retained. The location of the proposed balconies and attic addition are considered to be appropriately sited to minimise visual and acoustic privacy impacts to surrounding properties.

Design Criteria	Compliance	Comment
3G Pedestrian access and entries		
	Yes	The proposal provides a new formalised pedestrian entry along the eastern side boundary to access the units, including the new unit (Unit 7) at the lower ground floor level.
3J Bicycle and car parking		
	N/A	No changes to the existing on-site parking is proposed.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	<ul style="list-style-type: none"> 6 out of 7 units (85.7%) of units receive at least 2 hours mid winter. The proposed new unit (Unit 7) is located at the rear and in the lower ground area of the building and receives no sunlight during midwinter. <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Yes	All habitable rooms are naturally ventilated. Adequate ventilation would be provided to the communal home office due to the provision of large sliding doors to the eastern elevation.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area Attics – 1.8m at edge of room with a 30° min ceiling slope 	Yes	The ceiling heights within all units comply with the minimum requirement.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom 	Merit Assessment	<p><u>Apartment Sizes</u></p> <p>The proposed new unit and reconfiguration of the existing units results in the following apartment sizes:</p> <ul style="list-style-type: none"> Unit 1: No change (68.48m²). Unit 2: Increase from 45.09m² to 47.59m² Unit 3: Increase from 45.09m² to 47.59m² Unit 4: Increase from 68.48m² to 73.73m² Unit 5: Increase from 46.85m² to 64.81m² Unit 6: Increase from 46.85m² to 64.81m² Unit 7: 45.16m² (studio)

Design Criteria	Compliance	Comment
<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>In accordance with the above, the following is noted:</p> <ul style="list-style-type: none"> • The internal area of Unit 4 is increased to be compliant with the minimum size required in accordance with the ADG for 2 bedroom units. • The internal amenity of Units 2, 3, 5 and 6 are further enhanced as their size is increased closer to compliance with the minimum size required for 1 bedroom units. • The new unit is a large studio at the lower ground floor level in exceedance of the minimum size required for studio units. • Amenity is further enhanced for the 1 bedroom units at the rear with the provision of private open space (balconies) and the new attic level for Units 5 and 6. <p>The proposed apartment sizes are therefore acceptable.</p> <p><u>Habitable Room Depths</u></p> <p>Habitable rooms depths from windows in open planned areas are acceptable, being no greater than 8m.</p> <p><u>Room Dimensions</u></p> <p>Rooms within the development are suitably sized.</p>
<p>4E Private open space and balconies</p>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	<p>Yes</p>	<p>The new unit at the lower ground floor level is provided with its own private open space at the rear that has an area of 18.31m² that is compliant. The proposed balconies at the rear of the building to the 1 bedroom units are of the following sizes and dimensions:</p> <ul style="list-style-type: none"> • U2: 4.91m² and 1.78m depth • U3: 7.6m² and 1.78m depth • U5: 8.01m² and 2m depth • U6: 7.81m² and 2m depth <p>Despite majority of new balconies being non-compliant with the minimum size and dimensions required for private open spaces to 1 bedroom units, the proposed balconies are an improvement to the amenity of residents within these units that</p>

Design Criteria	Compliance	Comment
		currently have no private open space. The balconies are of a small size that would not be suitable for large scale entertaining purposes.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	Maximum of 3 units located on a single level.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 	Merit Assessment	Additional storage is to be provided within these existing units and is acceptable.

2.1.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density</i> <i>'R3' Residential Zone</i>	Yes	The proposal is defined as alterations and additions to an RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	Existing Height: 11.24m Proposed Height: 11.24m (eastern elevation) Proposed Variation: 18.32% (1.74m)
4.4 Floor space ratio <ul style="list-style-type: none"> Lot Size: 470.2m² Max FSR: 0.6:1 Max GFA: 282.12m² 	No	Existing GFA: 374.68m ² Existing FSR: 0.79:1 Existing Variation: 33% (92.56m ²) Proposed GFA: 435.21m ² (+60.53m ²) Proposed FSR: 0.925:1 Proposed Variation: 54% (153.09m ²)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley

Provision	Compliance	Comment
		LEP 2012 to vary the building height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located in acid sulfate soils class 5, however it is unlikely to lower the water table.

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

Building Height - 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 or minimum building height development standard of 9.5m. The proposed development has a maximum building height of 11.24m, exceeding the standard by 1.74m to a 18.32% 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 building height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The maximum building height is unreasonable and unnecessary given the building was built prior to the adoption of the current LEP.*
 - (ii) *The site is subject to an existing height variation of 18.32% (1.74m) and it is therefore unreasonable to expect the building to reduce the roof to comply.*

- (iii) *The maximum building height does not consider the unique site characteristics including the sloping site.*
 - (iv) *It is noted that under DA 466/2009, Council approved an overall height of 10m which demonstrates a height variation was previously supported by Council.*
 - (v) *The broad application of building height does not exclude the possibility of a high quality built form without compromising the amenity of surrounding properties. Despite the variation, the proposal is able to achieve these outcomes.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed attic location and setbacks are considered suitable to mitigate against any unreasonable environmental impacts associated with the proposed variation.*
 - (ii) *The skilful design maintains appropriate privacy between the existing building and adjoining buildings. The proposed height variation comprises no significant impacts to the overall building envelope.*
 - (iii) *As discussed above in relation to the roof, the attics incorporate a low roof which provides adjoining dwellings with reduced environmental impacts, compared to a building with a pitched roof.*
 - (iv) *Through maintaining the existing overall building height, this provides nearby buildings with reduced bulk and view loss.*
 - (v) *A View Impact Assessment in relation to the amended plans was prepared by Navon Planning. This concluded that the proposed view impacts are considered to be minor particularly given the extensive views that can be retained for the residents. View corridors can also be maintained due to the reduced scale of the attics.*
 - (vi) *The proposed variation does not materially contribute to additional shadowing that would cause any unreasonable overshadowing to the site or adjoining properties.*

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), (b) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is adequate justification as the Applicant's points of discussion raised clause 4.6(3)(a) are agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The commentary provided by the Applicant is satisfactory and agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

Is the development in the public interest?

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

The relevant objectives of the building height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposed variation results from the dormers proposed on the eastern side roof plane due to the difference of existing ground level across the site. Despite the proposed variation of 18.32%, the proposed dormers do not extend above the existing height of the building that is non-compliant with Council's development standard and the dormers have been designed to limit additional visual bulk to the building when viewed from the Fletcher Street streetscape and surrounds. The proposed dormers have been amended and are smaller in size when compared to the existing dormers present at the adjoining property at 13 Fletcher Street to the eastern side.

As detailed further in this report, no adverse additional overshadowing impacts result from the proposed works above the maximum building height limit as any additional overshadowing cast by the breach falls upon blank walls of the neighbouring properties. With regards to the maintenance of views, it is considered that there is an overall negligible view impact to units fronting Fletcher Street at 10-12 Fletcher Street located adjacent to the site, whereby greater impact, though still negligible, is arguably caused by the rear western dormer that is compliant with Council's maximum building height development standard rather than the dormers on the eastern side elevation that are in breach of Council's maximum building height limit.

Therefore, it is considered that the bulk and scale is consistent with the existing building and the desired future character of the locality, environmental amenity of surrounding properties is maintained and the proposal is consistent with the objectives of the building height development standard.

The objectives of the R3: Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Further to the reasoning provided above, the breach of the building height development standard is acceptable as the provision of dormers enhances the residential amenity of Units 5 and 6 located at the top floor level of the existing building. Density is largely retained (with the exception of the additional unit provided at the lower ground floor level) on site as the proposed dormers accommodate a single bedroom and bathroom, retaining the 1 bedroom configuration of these units. The proposed attic addition in breach of Council's maximum building height development standard retains the inter-war character of the existing building as the additions are designed to be secondary in appearance to the

overall building when viewed from the streetscape. Therefore, the proposal is characteristic of development in the surrounding medium density residential environment and is therefore suitable for the medium density residential zone.

Conclusion

For the reasons provided above the requested variation to the building height is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of building height development standard and the R3: Medium Density Residential Zone.

Floor Space Ratio - Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum or minimum FSR development standard of 0.6:1. The proposed development has a FSR of 0.925:1, exceeding the standard by 153.09m² equating to a 54% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The maximum FSR is unreasonable and unnecessary given the building was built prior to the adoption of the current LEP.*
 - (ii) *The site is subject to an existing FSR variation of 33% (92.56sqm) and it is therefore unreasonable to expect the building to reduce FSR to comply.*

- (iii) *The maximum FSR does not consider the unique site characteristics including the sloping site.*
 - (iv) *Utilisation of the existing non-habitable spaces on the ground floor for GFA provides less of an impact compared to providing this floor space on the upper levels. Therefore, strict compliance with the maximum FSR is considered unreasonable as this floor space would generate additional impacts.*
 - (v) *It is recognised under DA 466/2009, Council approved an FSR of 1.01:1 (475.4sqm) which was calculated under the previous definition of GFA and the proposed FSR is 0.925:1 (345.21sqm). However, this demonstrates an FSR variation was previously supported by Council and by a substantially larger amount than what is currently being presented to Council.*
 - (vi) *Despite the variation, the proposal comprises a skilful design that is compatible with the established character of the building and surrounding properties and does not cause any significant impacts to the amenity of the site or surrounding area.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The skilful design maintains appropriate privacy between the existing building and adjoining buildings.*
 - (ii) *Through maintaining the existing overall building height, this provides nearby buildings with reduced bulk and view loss.*
 - (iii) *The additional GFA generated by the proposed studio unit and home office is all below existing structures and therefore do not create any additional environmental impacts.*
 - (iv) *A View Impact Assessment in relation to the amended plans was prepared by Navon Planning. This concluded that the proposed view impacts are considered to be minor particularly given the extensive views that can be retained for the residents. View corridors can also be maintained due to the reduced scale of the attics.*
 - (v) *The proposed variation does not materially contribute to additional shadowing that would cause any unreasonable overshadowing to the site or adjoining properties. Refer to the shadow diagrams below demonstrating the shadow improvements compared to the originally submitted design and the revised design.*

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), (b) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is adequate justification as the Applicant's points of discussion raised clause 4.6(3)(a) are agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The commentary provided by the Applicant is satisfactory and agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

Is the development in the public interest?

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

The relevant objectives of the FSR 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 existing building has an FSR non-compliance of 33% with Council's development standard. The proposal involves the refurbishment of the existing units, conversion of the existing sub-floor communal laundry to a new studio unit, attic additions (dormers) to Units 5 and 6 and the construction of a new communal home office in the existing storage area at the lower ground floor level of the garage. These works contribute to an additional GFA of 60.53m², whereby the majority of this additional GFA is contained within the existing built form/building footprint of the site and would not contribute to any adverse environmental amenity impacts to surrounding properties.

The provision of dormers to Units 5 and 6 at the rear of the top floor level of the building has a combined additional GFA of 34.44m², that is 56.9% of the total variation to the FSR development standard proposed under this subject application. This area is to provide a single bedroom and additional bathroom to the subject units immediately below, retaining the existing density of this accommodation on site as 1 bedroom units. It is noted that the dormers on the eastern roof plane to Unit 6 are also in breach of Council's maximum building height development standard (as previously discussed) due to the topography of the site.

As previously discussed and further detailed in this report, the proposed dormers result in no adverse overshadowing or view loss impacts to surrounding properties and are considered to be compatible with the bulk and scale of the subject building and other dormers in the locality located at 11 and 13 Fletcher Street. The additional floor space throughout the development is considered to significantly enhance residential amenity for existing occupants on site as well as provide for the growing housing needs in the locality by providing an additional studio unit within the existing building footprint.

Therefore, the proposal maintains environmental amenity for surrounding properties, despite the further departure from the FSR development standard, and is acceptable in the circumstances of this case.

The objectives of the R3: Medium Density Residential zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

Further to the reasoning provided above, the breach of the FSR development standard is acceptable as the resulting bulk and scale to Fletcher Street is characteristic of development in the surrounding medium density residential environment and is therefore suitable for the medium density residential zone.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R3 Medium Density Residential Zone.

2.1.4. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 was on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.5. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Recommended Conditions	The application has been reviewed by Council's Waste Officer who has recommended relevant conditions of consent. In particular, it is noted that the waste storage area at the front of the site is not supported.
2. Ecologically Sustainable Development	Yes	Satisfactory.
5. Vegetation Preservation	N/A	No tree removal is proposed.
6. Stormwater	Recommended Conditions	The application has been reviewed by Council's Stormwater Engineer who has recommended relevant conditions of consent.
12. Design Excellence	Recommended Condition	The development is considered to maintain design excellence, subject to a recommended condition to maintain the existing face brick to ensure the inter-war character of the building is retained.
14. Excavation	Recommended Conditions	The application involves minor excavation works to provide a new unit within the existing lower

Development Control	Compliance	Comment
		<p>ground floor/sub floor area of the building as well as excavation to accommodate a communal home office in the existing storage area under the garage at the rear of the site.</p> <p>The excavation required to accommodate an additional unit is wholly located within the existing building footprint but is sited a minimum distance of 1.035m from the eastern side boundary that is non-compliant with Council's requirement of 1.5m. However, as the proposed excavation works is minor, is to be wholly contained within the existing building footprint and will enable appropriate floor to ceiling heights be provided to the new unit, the proposed excavation works are considered to be acceptable.</p> <p>Similarly, minor excavation is proposed to accommodate a home office in the existing storage space that will be sited within 1.5m from the western side boundary to an additional depth of 480mm to provide a floor to ceiling height of 2.420m. The proposed excavation is sited away from the side property boundary and will be located wholly within the footprint of the existing structure on site. Given that there is no building located in close proximity to the proposed excavation to the western side boundary at 11 Fletcher Street, the proposed excavation is considered to be acceptable and unlikely to result in adverse impacts to surrounding properties.</p> <p>Standard conditions for excavation are recommended to be imposed.</p>
17. Inter War Buildings	Recommended Condition	<p>The proposed works are sympathetic to the existing bulk, scale and character of the inter-war flat building. The proposed new unit utilizes existing sub-floor space within the building and the works enhance the internal amenity of occupants within existing units. The proposed attic addition, as amended, is considered to have minimal visibility from the streetscape and are secondary to the existing building design. Alterations and additions to the building have therefore been minimised with the amended scheme. However, as previously discussed, a condition is recommended to be imposed to delete the proposed rendered masonry finish to the building and retain the existing brickwork to</p>

Development Control	Compliance	Comment
		preserve the building's contribution to and relationship with the streetscape.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3: 9.5m – 7m 	Yes	The existing external wall height of the building is retained with the proposed works.
3.3 Setbacks		
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 0.9m - 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	The proposal retains the existing front and side setbacks of the building that is acceptable. The proposed balcony additions to the rear of the building maintain a consistent rear building line with existing development in the locality (13 Fletcher Street) and is satisfactory. The proposed dormers at the attic level are sited 1.68m from the edge of the existing roof that is greater than 1.5m from both side boundaries and is compliant.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Recommended Conditions	As previously discussed, conditions are recommended to be imposed to retain the existing character of the inter-war building to the streetscape. The proposed additions have no adverse impacts upon the streetscape presentation of the building to Fletcher Street.
3.6 Attic and roof design		
<ul style="list-style-type: none"> Attic must be wholly within the a pitched roof form 	Yes	The proposed attic is largely sited within the existing roof form however, dormers protrude below the existing roof pitch to accommodate additional space. This is considered to be acceptable.
<ul style="list-style-type: none"> Not exceed 50% of the floor of area of the floor below 	Yes	The proposed attic has a combined floor area of 34.44m ² that is 20% the area of the floor below (168.91m ²) and is therefore compliant.
<ul style="list-style-type: none"> Not contain independent dwellings and must be accessed via internal stairs 	Yes	The attic addition is an extension of the units below.
<ul style="list-style-type: none"> Be naturally ventilated 	Yes	Each attic is naturally ventilated via operable windows.
<ul style="list-style-type: none"> Minimum room width: 3m 	Yes	The width of the attic addition exceeds 3m.
	Yes	The proposed attic is to have a raked ceiling with a height of 0.7m-1.5m above the storage area in

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows and skylights to be less than 50% of roof elevation Must not have one single expansive dormer window Dormers to be set down 300mm from main ridge 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Merit Assessment</p>	<p>the bedroom, 2.38m-2.4m above the proposed bedroom, 2m above the staircase and 2.5m above the bathroom that is acceptable.</p> <p>The proposed dormer windows are less than 50% of the roof elevation.</p> <p>Two dormers are proposed on each side elevation that is acceptable.</p> <p>The proposed dormers are only proposed to be set-down a minimum of 100mm from the main roof ridge in order to achieve the necessary minimum floor to ceiling heights within the attic level addition for habitable spaces. Despite this non-compliance, the dormers have been designed to have minimum intrusion into the existing roofscape and is not anticipated to result in any adverse impacts to the streetscape or to the character of the existing building. It is further noted that the proposed dormers are appear smaller than the existing dormers on the adjoining property at 13 Fletcher Street. Therefore, the proposed dormers are acceptable.</p>
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>Recommended Conditions</p>	<p>The proposal seeks to construct a new aluminium screen fence above the existing original brick fence as well as a new aluminium security gate to the existing driveway. The security gate to the driveway would have a maximum height of 1.6m that is considered acceptable on merit, given that it would match the height of the existing front fence on the adjoining property at 11 Fletcher Street. However, the proposed screening above the existing brick fence and the pedestrian entry security gate adjoining 13 Fletcher Street will have a maximum height of 1.94m that is unacceptable as the adjoining fence at 13 Fletcher Street maintains a low profile. A condition is therefore recommended to ensure the pedestrian security gate does not extend higher than the existing front fence at 13 Fletcher Street and the aluminium screen above the existing brick fence be deleted. It is also recommended that the use of aluminium be replaced with a more sympathetic material such as timber to maintain the streetscape. The proposal does not appear to alter the existing side or rear boundary fencing.</p>

Development Control	Compliance	Comment
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> • Entry at street level and respond to pattern within the street • Accessible entry • Separate to vehicular entry • Legible, safe, well-lit 	Yes	The proposal provides a new formalised pedestrian entry along the eastern side boundary to access the units, including the new unit (Unit 7) at the lower ground floor level.
3.14 Views and view sharing		
<ul style="list-style-type: none"> • Minimise view loss through design • Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. • Views from public spaces to be maintained. 	Yes	The proposal is considered to have a negligible impact upon views from surrounding properties and is discussed in detail below.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> • Dwellings to be orientated to the street with entrances and street numbering visible • Privacy be considered in relation to context density, separation use and design. • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	The proposal is considered to maintain privacy for residents of the subject building as well as to surrounding properties. The proposed balconies at the rear are of a small size (majority under 8m ²) and are not dissimilar to existing balconies located at the rear of adjoining properties. 1.6m high privacy screens are also proposed to be installed in the balconies to maintain privacy. It is unlikely any noise or overlooking generated from the use of these balconies would result in adverse impacts to surrounding properties not anticipated for the R3 zoning of the site. The rear of the site is proposed to be continually used as communal open space and no adverse impacts are anticipated as a result of the proposed communal home office space at the rear.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes	The internal unit configurations are supported.
3.21 Building services		
<ul style="list-style-type: none"> • Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures) 	Yes	Services are considered to be well integrated into the overall building design.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	Provided at rear.
<ul style="list-style-type: none"> Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	No services proposed upon roof.

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

View Loss

Section 3.14 in Part C3 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain.

A detailed view loss analysis has been undertaken by the Applicant using drone photography from potentially affected apartments at 10-12 Fletcher Street and 14 Fletcher Street (located adjacent to the subject site). A series of view loss diagrams have also been prepared and submitted by the applicant. A detailed view loss assessment of the impacts to these properties has been undertaken below in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

- (a) *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- (b) *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- (c) *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*

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

10-12 Fletcher Street, TAMARAMA

The existing building at 10-12 Fletcher Street is a residential flat building made up of two large blocks. Units located on the southern elevation fronting Fletcher Street have balconies that overlook the subject site towards Tamarama, Tamarama Beach and the surrounding suburbs. Units 1, 2 and 3 are located at the ground floor level and do not have views directly over the subject site across the front boundary however, views of the water and district are present through the setbacks of surrounding development. Units 7, 8 and 9 are located on the first floor level and would have some views over the subject site (front boundary) while Units 13, 14 and 15 are located on the top floor level and would enjoy expansive views over the subject site across the front boundary. This is depicted in the following image:

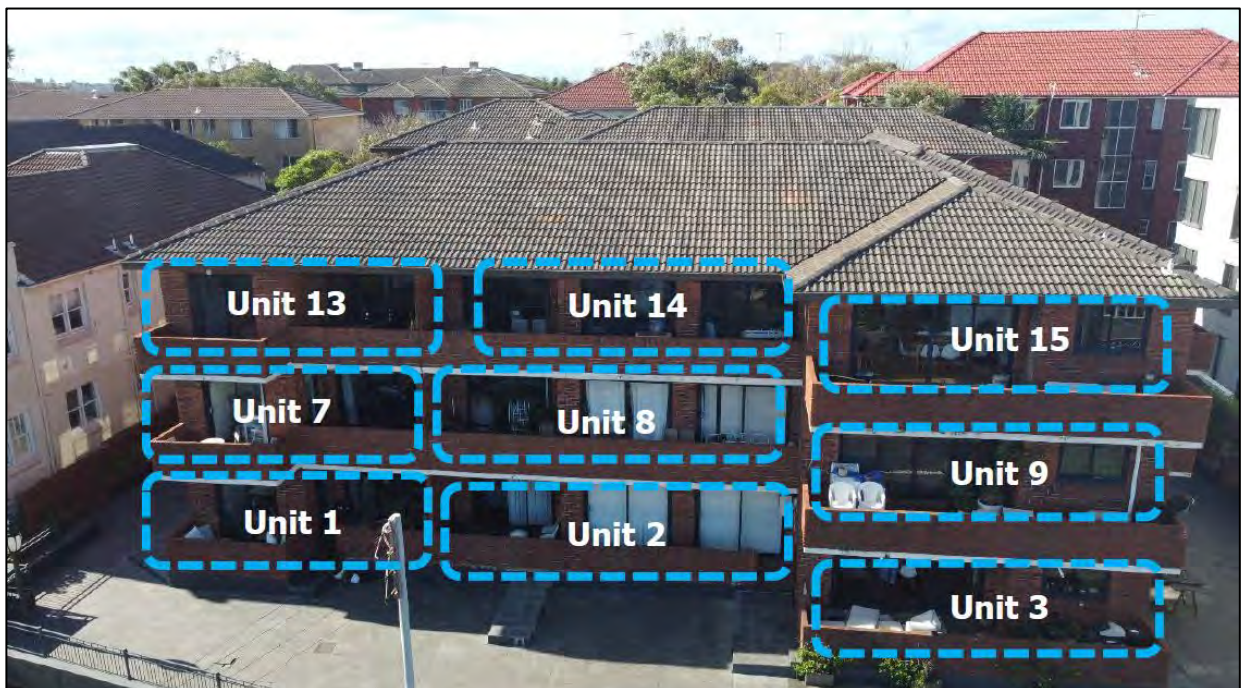


Figure 9: Southern elevation of 10-12 Fletcher Street. *Source: Navon Planning.*

A detailed assessment on the affected units is provided below:

- **Unit 7**



Figure 10: Unit 7 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, the proposed dormer at the rear of the western side results in some view loss of some white-wash of the Pacific Ocean. This particular dormer complies with Council’s maximum building height development standard. There is no impact to the land/water interface or to district views. Majority of the existing view is retained, including the water meeting the horizon and the impact is considered to be negligible.

- **Unit 8**

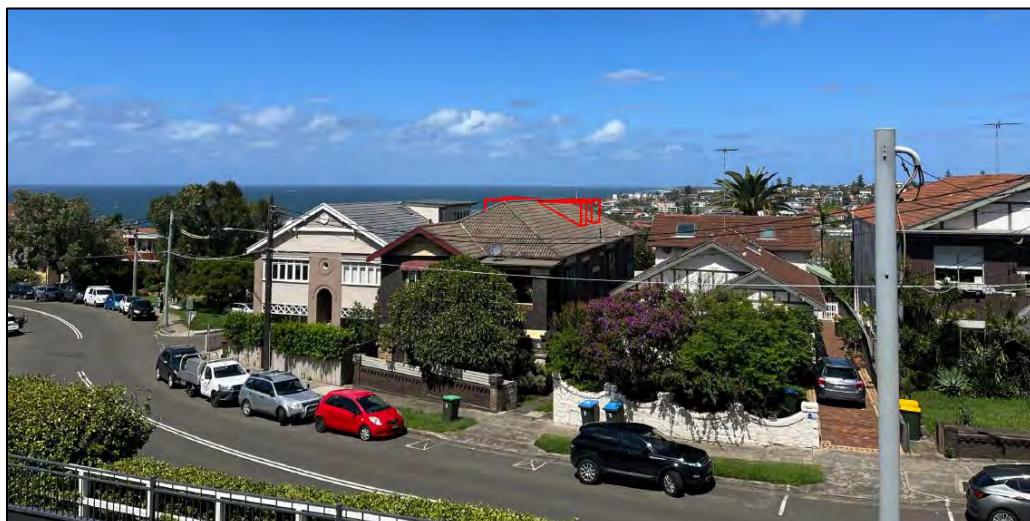


Figure 11: Unit 8 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, the proposed dormers on the western side would result in some view loss of the Pacific Ocean. These dormers comply with Council’s maximum building height

development standard. There is no impact to the land/water interface or to district views. Majority of the existing view is retained, including the water meeting the horizon and the impact is considered to be negligible.

- **Unit 9**



Figure 12: Unit 9 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, all proposed dormers would result in some view loss of district views across Tamarama towards Bronte. There is no impact to the land/water interface or to any water view. Majority of the existing view is retained and the impact is considered to be negligible.

- **Unit 13**



Figure 13: Unit 13 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, the proposed rear dormers would result in some view loss of the Pacific Ocean, with the dormer at the rear on the western side resulting in some view loss of the white-wash. There is no impact to the land/water interface. Majority of the existing view is retained and the impact is considered to be negligible.

- **Unit 14**



Figure 14: Unit 14 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, the proposed rear dormer on the western side and both dormers on the eastern side would result in some view loss of the trees and Pacific Ocean. Particularly, both dormers on the eastern side impact upon the white-wash of the Pacific Ocean. with the dormer at the rear on the western side resulting in some view loss of the white-wash. There is no impact to the land/water interface. Majority of the existing view is retained and the impact is considered to be negligible.

- **Unit 15**



Figure 15: Unit 15 – Indicative view loss from proposed dormers as viewed from the balcony (standing) over the front boundary. *Source: Navon Planning.*

As demonstrated by the above image, the proposed rear dormer on the western side results in some loss of district views and both dormers on the eastern side result in some loss of views to the trees. There is no impact to the land/water interface or to water views. Majority of the existing view is retained and the impact is considered to be negligible.

14 Fletcher Street, TAMARAMA

The development at 14 Fletcher Street is a new residential flat building and has a primary frontage to Glen Street and a secondary frontage to Fletcher Street. It is considered that both frontages have views to the Pacific Ocean and surrounds. Particularly, the secondary frontage to Fletcher Street would overlook the subject site towards district views of Tamarama and Bronte as well as views to the southwest of the Pacific Ocean and the land/water interface. A view loss analysis from the balcony of the top floor level (level 4) overlooking the subject site is undertaken below:



Figure 16: Southern elevation of 14 Fletcher Street indicating location of analysis (level 4). *Source: Navon Planning.*



Figure 17: Existing view from balcony (standing) of top floor level unit across the Fletcher Street frontage and subject site. *Source: Navon Planning.*

As evident from the image above, the proposed dormers are unlikely to have any impact upon district views available from the top floor level unit of 14 Fletcher Street fronting Fletcher Street. Furthermore, it is unlikely there would be any significant impact upon district views from units located directly below. The proposal retains views experienced by this development across both the Fletcher Street and Glen Street frontages.

Conclusion

Given the above assessment, the greatest impact as a result of the proposal is considered to be to Unit 14, located in the middle of the top floor level of 10-12 Fletcher Street. However, all units at 10-12 Fletcher Street experience some view loss as a result of the proposal. The dormers have been amended and reduced in size to be consistent with the size of dormers on the adjoining property at 13 Fletcher Street and it is considered that no alternative design would be able to retain these views that are impacted as a result of the proposal while enhancing the amenity of the existing units within the subject building. Despite this, the overall view loss impacts upon the 10-12 Fletcher Street and 14 Fletcher Street are considered to be negligible as no iconic views are impacted and all units retain majority of their existing views. Therefore, the proposed development promotes view sharing and is acceptable.

Solar Access

The proposal retains adequate solar access for surrounding properties in mid-winter as follows:

- **9AM:** The proposed addition casts additional shadow upon the swimming pool located at the rear of 11 Fletcher Street. The rear setback area of this adjoining property still retains a minimum of 2 hours solar access to 50% of this space at 12 noon. Furthermore, it is noted that the swimming pool is unlikely to be used during mid-winter. Additional shadow is also cast upon the western side elevation of 11 Fletcher Street; however, this additional shadow falls upon blank walls only.
- **12 Noon:** Additional overshadowing falls upon roof of existing subject building and within the existing shadows cast by the building.
- **3PM:** Additional overshadowing is cast upon the blank walls of 13 Fletcher Street located to the west of the subject site.

Therefore, no adverse overshadowing impacts result from the proposed addition and adequate environmental amenity is retained.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 25 November 2021 and 9 December 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Reduced size of dormer additions results in decreased view and shadow impacts to surrounding properties.

A total of 2 unique submissions were received from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	11 Fletcher Street, TAMARAMA
2.	3 Wonderland Avenue, TAMARAMA

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

- FSR non-compliance.
- Size of balconies and noise generated from use of balconies.
- Balcony size should be reduced.

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

Issue: Privacy screens to balconies should be 1.8m high.

Response: The balconies incorporate privacy screens to a height of 1.6m. It is not considered necessary to increase the height of these privacy screens to 1.8m as the balconies are sited 2.3m from the eastern side boundary that is 3.35m separation distance from the building at 11 Fletcher Street and 1m from the western side property boundary that is 2.15m from the building at 13 Fletcher Street. Furthermore, the proposed balconies do not extend beyond the rear external wall of 13 Fletcher Street, resulting in no adverse overlooking impacts to the private open space (balconies) provided to units within this adjoining development.

Issue: Overlooking the rear to 3 Wonderland Avenue.

Response: It is considered that those utilising the proposed balconies would have their view focused towards Tamarama Beach and the ocean rather than down to the rear of adjoining properties.

Issue: Additional strain on car parking in the locality.

Response: The proposal provides for an additional studio unit and additional bedrooms within the building that is consistent with density envisaged for the R3 zone.

Issue: Large courtyard for exclusive use.

Response: The rear of the site continues to be used as communal open space however, a new private courtyard is proposed to enhance amenity for the occupants of the new unit (Unit 7) at the lower ground floor level. No adverse impacts are anticipated upon surrounding properties from this arrangement.

Issue: Habitable space under garage not adequately ventilated.

Response: The existing space under the garage is to be used for communal storage. Conversion of this space as a communal home office will require compliance with the BCA.

Issue: Stormwater runoff.

Response: Council's Stormwater Engineer has reviewed the proposal and conditions are recommended to be imposed.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. DEAP

See comments in section 2.1.1 of this report.

3.2. Fire Safety

The application was referred to Council's Fire Safety officer who reviewed the proposal and the Fire Safety Access report submitted and provided the following comments:

Given the age of the building, there are a number of non-compliances with the BCA including, but not limited to: -

- (i) possible fire separation issues between sole-occupancy units and common areas, fire resistance levels of existing building elements together with protection of openings internally and externally (i.e. Section C of BCA);*
- (ii) access and egress issues pertaining to escape and construction of exits (i.e. Section D of BCA); and*
- (iii) inadequate fire services and equipment (i.e. Section E of BCA).*

Pursuant to Section 64 of the Environmental Planning and Assessment Regulations 2021, Council must:

(a) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

The following comments are provided: -

Building classification (BCA): *Class 2 (Residential) and Class 10a (Garage)*

Rise in Storeys (BCA): *Four (4)*

Type of construction (BCA): *Type A*

Drawings/details assessed: *NCC Assessment Report prepared by Beau Zaia of Credwell Consulting Pty Ltd, dated 18/08/2021 with Reference No. C21374-NCC-r1.*

Essential Services: *Council's Essential Services database indicate that there are existing fire safety measures installed within the subject building. For further information refer to ESS-1209.*

Orders / Notices: *Council records indicate that there was a Fire Order issued on the subject building. It appears that the terms of the subject Order were satisfied on 03/03/2020. For further information refer to NO-703. The application has been accompanied by a NCC Assessment Report prepared by Beau Zaia of Credwell Consulting Pty Ltd, dated 18/08/2021 with Reference No. C21374-NCC-r1. The subject report identifies existing BCA deficiencies and provides a number of recommendations for the fire safety upgrading of the existing building pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000. The recommendations are considered satisfactory and will need to be undertaken as part of this development consent.*

Conditions are recommended to be imposed should the application be supported.

3.3. Stormwater

See comments in section 2.1.5 of this report.

3.4. Waste & Recycling

Council's Waste Management Officer has reviewed the proposal and the following comments have been provided:

The applicant has underallocated the required bin storage for recycling. Based on the DCP recycling generation rates, the development requires:

- 3 x 240L MGBs for container recycling
- 3 x 240L MGBs for paper recycling

The applicant requires a minimum 5 m2 floor space to store unwanted household items and problem waste such as textiles and ewaste awaiting collection as per the DCP section 1.4.1.2.

The storage of bins at the front of the development is not supported. The applicant must meet the waste room storage requirements in the DCP section 1.4.1.1.

- *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.*

Relevant conditions of consent are recommended to be imposed to address the concerns raised by Council's Waste Management Officer.

4. CONCLUSION

The development application, as amended, seeks consent for alterations and additions to residential flat building including conversion of sub floor area into a studio unit and attic addition at the site known as 11A Fletcher Street, TAMARAMA.

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

- Building height non-compliance;
- FSR non-compliance;
- View loss;
- Overshadowing;
- Character of inter-war flat building and streetscape.

The assessment finds these issues acceptable as the proposal does not exceed the existing height of the building, the additional FSR is largely contained within the existing built form with the exception of the proposed dormers, the proposal results in negligible view loss impacts to surrounding properties and the proposal results in no adverse overshadowing impacts. Conditions are recommended to be imposed to ensure the inter-war character of the building and its contribution to the streetscape are retained and enhanced by the proposed works.

A total number of 3 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 2 July 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *B McNamara, B Magistrale, T Sneesby.*

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:



Judith Elijah
Senior Development Assessment Planner

Date: 7 August 2022

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**



Tim Sneesby
**Manager, Development Assessment
(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 15 August 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Nadine Nakache Design including the following:

Plan Number	Revision	Plan Description	Plan Date	Date received by Council
DA 1.0	B	Site Plan	27.03.22	6 April 2022
DA 1.4	B	Lower Ground Floor Plan	27.03.22	6 April 2022
DA 1.5	B	Ground Floor Plan	27.03.22	6 April 2022
DA 1.6	B	First Floor Plan	27.03.22	6 April 2022
DA 1.7	B	Attic Level Plan	27.03.22	6 April 2022
DA 1.8	B	Roof Plan	27.03.22	6 April 2022
DA 2.0	B	North Elevation	27.03.22	6 April 2022
DA 2.1	B	West Elevation	27.03.22	6 April 2022
DA 2.2	B	South Elevation	27.03.22	6 April 2022
DA 2.3	B	East Elevation	27.03.22	6 April 2022
DA 3.0	B	Long Section A	27.03.22	6 April 2022
DA 3.1	B	Cross Section B	27.03.22	6 April 2022
DA 3.2	B	Cross Section C	27.03.22	6 April 2022
DA 3.3	B	Cross Section D	27.03.22	6 April 2022

- (b) BASIX Certificates
- (c) National Construction Code Report (Fire Safety) and documentation prepared by Beau Zaia of Credwell Consulting Pty Ltd dated 18/08/2021, Reference No. C21374-NCC-r1 and received by Council on 16 November 2021
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (16/11/2021)

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following amendments to the architectural and landscape plans and schedule of finishes;

- (a) The proposed rendered masonry to the existing brickwork (including the front fence) is not approved. The existing brickwork is to be retained and may be regouted. The works are to reuse the existing brick or use matching bricks for the new works to maintain the inter-war character of the building and its contribution to the streetscape.

- (b) The front fencing is to be amended in accordance with the following to maintain an appropriate presentation to the streetscape:
- (i) The height of the security gate to be installed to the driveway is not to extend higher than the existing front fence at 11 Fletcher Street.
 - (ii) The aluminium screening above the existing brick front fence is to be deleted.
 - (iii) The pedestrian security gate at the eastern side of the front elevation is to not extend above the height of the existing front fence at 13 Fletcher Street immediately adjoining the subject site.
 - (iv) The use of aluminium screening for the security gates is to be replaced with a more sympathetic material such as timber to maintain the character of the building to the streetscape.
- (c) The storage of bins at the front of the development is not supported and is to be relocated. The applicant must meet the waste room storage and design requirements in section 1.4.1.1, part B1 of Waverley Development Control Plan 2012 – Amendment 9, to the satisfaction of Council’s Waste Management Officer.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. USE OF HOME OFFICE

The home office located below the garage is to be used as a communal home office only and is not to be utilised as a private dwelling or for any other purposes.

4. 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

5. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed 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.

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$21,774.76** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

8. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

PLAN DETAILS

9. 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*.

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 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.

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.

TRAFFIC MANAGEMENT

14. 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:

STORMWATER & FLOODING

15. STORMWATER MANAGEMENT

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

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

- a) The plans shall provide details of the 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) When proposing a pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrated that all avenues to establish an easement be impractical or unviable.
- c) Full hydraulic details and pump manufacturers specification of any pump out system and supporting calculations are to be provided. The volume of any pump out system shall be at least 3,000 Litres.
- d) 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
- e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- f) Any proposed pipeline within the footpath verge of Fletcher Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.

- g) 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 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.

16. 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.

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

18. 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 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.

19. 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 (7 units; 5 x 1-bed, 2 x 2-bed)**
 - 3 x 240L Mobile Garbage Bin (MGB) for general waste collected weekly
 - 3 x 240L MGB for container recycling collected fortnightly
 - 3 x 240L MGB for paper and cardboard recycling collected fortnightly
 - 1 x 240L MGB for garden waste should this be generated at the development
 - A minimum of 4m² is required for the on-site storage of bulky waste awaiting collection.
 - A minimum of 1m² is required for additional problem waste awaiting collection.
 - 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.

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.

20. 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

21. 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

22. 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.

23. 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.

24. 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.

25. 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

26. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

27. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

28. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

29. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

30. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

31. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

TREE PROTECTION AND REMOVAL

32. 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.

33. 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.

FIRE SAFETY

34. 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.

35. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

36. FIRE SAFETY UPGRADING WORKS

- (a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the NCC Assessment Report prepared by Beau Zaia of Credwell Consulting Pty Ltd, dated 18/08/2021 with Reference No. C21374-NCC-r1.
- (b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (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. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

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

37. 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.

38. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

39. 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.

40. 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).

41. 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.

42. 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 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.

43. 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.

44. 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 any 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 system. Evidence shall be submitted to the **Executive Manager, Infrastructure Services or delegate** prior to the issue of the Occupation Certificate.

E. OPERATIONAL MATTERS

45. 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.

46. 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.

47. ON SITE GARBAGE COLLECTION

The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.

48. 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.

F. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

You may be required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements.

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD8. 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.

DRAWING LIST

DA 1.0	Site Plan	1:200
DA 1.1	Existing Lower Ground Floor Plan	1:100
DA 1.2	Existing Ground Floor Plan	1:100
DA 1.3	Existing First Floor Plan	1:100
DA 1.4	Lower Ground Floor Plan	1:100
DA 1.5	Ground Floor Plan	1:100
DA 1.6	First Floor Plan	1:100
DA 1.7	Attic Level Plan	1:100
DA 1.8	Roof Plan	1:100
DA 2.0	North Elevation	1:100
DA 2.1	West Elevation	1:100
DA 2.2	South Elevation	1:100
DA 2.3	East Elevation	1:100
DA 2.4	Schedule of External Finishes	
DA 3.0	Long Section A	1:100
DA 3.1	Cross Section B	1:100
DA 3.2	Cross Section C	1:100
DA 3.3	Cross Section D	1:100
SA 4.0	Site Analysis Plan	1:300
SA 4.2	Site Analysis Section	1:300
SA 4.3	Gross Floor Area Calculations	1:200
SA 4.4	Open Space & Landscaped Areas	1:200
SD 5.0	Shadows Plan 9am	1:200
SD 5.1	Shadows Plan 12pm	1:200
SD 5.2	Shadows Plan 3pm	1:200
SD 5.3	Shadows East Elevation 11 Fletcher St.	NTS
SD 5.4	Shadows West Elevation 13 Fletcher St.	NTS

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-492/2021
Date Received: 06/04/2022



NADINE NAKACHE DESIGN

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NOMINATED ARCHITECT NADINE PORT NSW REG 11287

PROJECT Alterations & additions to residential flat building

SITE 11A Fletcher Street, Tamarama NSW 2026
Pt Lot 6 DP 9842 Area 470.2m²

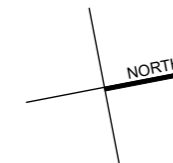
CLIENT JOHNRO Pty Ltd

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Photomontage

Scale @ A3



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BASIX COMMITMENTS Units 1 - 6

WATER & ENERGY

Toilets, Showerheads, Taps: All 3★ or greater for new fittings.
 Energy Efficient New Lighting: Min 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
 New Hot Water System: Gas instantaneous.

THERMAL COMFORT

Minimum 55 mm thick foil-backed insulation blanket to underside of new metal deck roof.
 Minimum R1.74 insulation to new ceilings with new roof above.
 Minimum R1.3 insulation to new metal cladding external walls.
 'Dark' coloured roof (solar absorptance > 0.70)

GLAZING

Aluminium-framed single-glazed clear glass to new glazing.
 Additional shading required to: W13, W14, W15, W16 = external louvres.
 Aluminium framed double-glazed toned glass to new skylights.

BASIX COMMITMENTS Unit 7

WATER

Landscape vegetation: 18m² lawn + garden, with 18 m² low water use species.
 Toilets, Showerheads, Taps: Showerheads '4' (4.5-6.0 L/min) Toilet 5★ Kitchen Taps 6★ Bathroom taps 6★

THERMAL COMFORT

Ceilings: Minimum R3.5 insulation to all ceilings.
 External Walls: Cavity brick + R0.5 insulation to external walls.
 Glazing: NFRC: Uw = 6.7, SHGC = 0.70 to all glazing eg. Aluminium-framed single-glazed clear glass.
 Floors: Concrete floors.

ENERGY

Cooling: Ceiling fans to Living & Bed areas.
 Heating: No active heating.
 Water Heating: Gas instantaneous, 3.0 ★.
 Energy Efficient Lighting: Compact fluorescent or LED to all rooms.
 Cooking: Electric cook-top, electric oven.
 Ventilation: Kitchen + Bathroom: exhaust ducted & sealed; manual 'on/off'.
 Refrigerator space: Well ventilated.
 Clothes drying lines: Outdoor line installed.
 Alternative Energy Supply: Photovoltaic, min. 0.3 kilowatt peak.

NOTES

AMENDED PLANS

All demolition and building work to comply with the National Construction Code, requirements of the relevant statutory authorities/ local council & Australian Standards.

Contractor to verify all dimensions & levels on site prior to commencing work. Should a discrepancy be identified, please confirm prior to proceeding. Do not scale from drawings.

When proprietary products are referred to, install in accordance with the manufacturer's written specifications.

All work to be in accordance with BASIX.

The following fire safety measures are to be installed in the building in accordance with the requirements of the NCC:

	Fire Safety Measure	Standard of Performance
1.	Access panels, doors and hoppers to fire-resisting shaft	NCC clause C3.13 Manufacturer's Specifications
2.	Automatic fire detection and alarm systems	NCC clause E2.2 and Specification E2.2a clauses 3 and 4 AS 1670.1-2018 AS 3786-2014
3.	Building occupant warning system	NCC clause E2.2 and Specification E2.2a clause 7 AS 1670.1-2018
4.	Automatic fire suppression systems (sprinklers) – Residential buildings (Class 2 or 3) greater than three storeys	NCC clause E1.5 and Specification E1.5 & E1.5a AS2118.1-2017 AS2118.4-2012 FPAA101D FPAA101H
5.	Emergency lighting	NCC clause E4.2 & E4.4 AS/NZS 2293.1-2018
6.	Exit signs (non-illuminated)	NCC clause E4.7
7.	Fire dampers	NCC clause C3.15 AS 1668.1-2015 Manufacturer's Specification
8.	Fire doors	NCC clause C3.2, C3.4, C3.11 and Specification C3.4 clause 2 AS 1905.1-2015
9.	Fire hydrant systems	NCC clause E1.3 AS 2419.1-2005
10.	Fire seals protecting openings in fire-resisting components of the building	NCC clause C3.15 and Specification C3.15 AS 1530.4-2014 AS 4072.1-2005 Manufacturer's Specification
11.	Fire shutters (option for providing protection of openings)	NCC clause C3.2 & C3.4 and Specification C3.4 clause 4 Manufacturer's Specification
12.	Fire windows (option for providing protection of openings)	NCC clause C3.2 & C3.4 and Specification C3.4 clause 5 Manufacturer's Specification
13.	Lightweight construction (fire rated)	NCC clause C1.1, C1.8 and Specification C1.1, C1.8 Manufacturer's Specification
14.	Portable fire extinguishers	NCC clause E1.6 AS 2444-2001
15.	Wall-wetting sprinkler and drencher systems over permanently closed or self-closing glazed elements (option for providing protection of openings)	NCC clause C3.2 & C3.4 AS2118.1-2017
16.	Paths of travel	NCC Parts D1 & D2 Environmental Planning and Assessment Regulation 2000 clause 186

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The following fire resistance levels (FRLs) are required for the various elements of the building in accordance with the requirements of the NCC:

Building Element - Type A Construction	Class 2
Loadbearing External Walls - Less than 1.5m from a FSF - 1.5-3m from a FSF - 3m or more from a FSF	90/90/90 90/60/60 90/60/30
Non-Loadbearing External Walls - Less than 1.5m from a FSF - 1.5-3m from a FSF - 3m or more from a FSF	-/90/90 -/60/60 -/-
External Columns (not incorporated into an external wall) - Loadbearing - Non-Loadbearing	90/-/- -/-
Common Walls and Fire Walls	90/90/90
Internal Walls - Fire resisting lift and stair shafts - Loadbearing - Non-Loadbearing	90/90/90 -/90/90/90
Internal Walls - Bounding public corridors, public lobbies and the like - Loadbearing - Non-Loadbearing	90/90/90 -/60/60
Internal Walls - Between or bounding sole-occupancy units - Loadbearing - Non-Loadbearing	90/90/90 -/60/60
Internal Walls - Ventilating, pipe, garbage and the like, shafts not used for discharge of hot products of combustion - Loadbearing - Non-Loadbearing	90/90/90 -/90/90
Other loadbearing internal walls, internal beams, trusses and columns	90/-/-
Floors	90/90/90
Roofs	90/60/30

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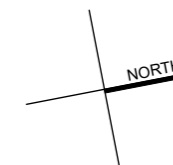
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Cover Sheet



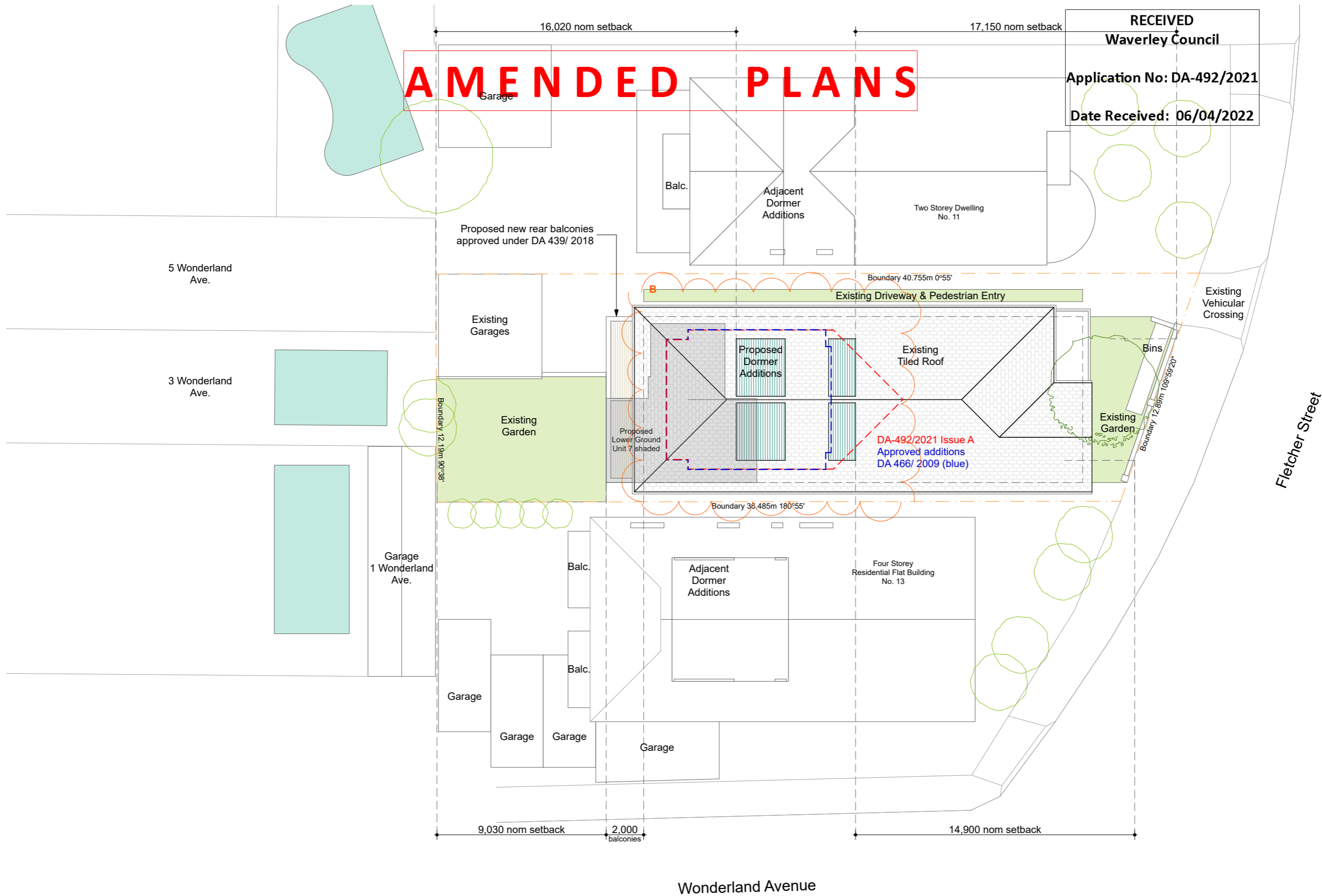
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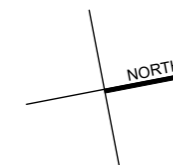
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Site Plan
DA 1.0

Scale 1:200 @ A3



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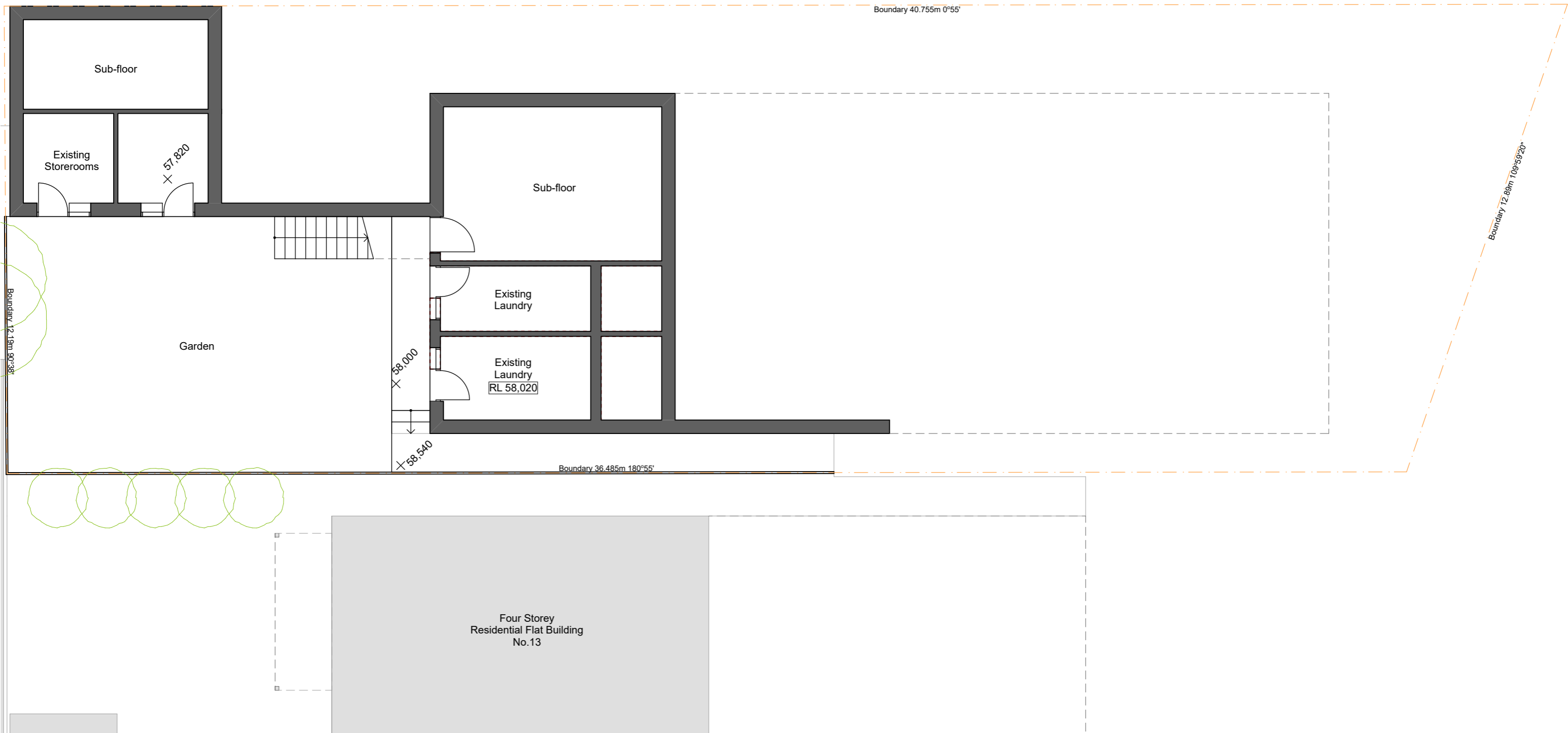
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Two Storey Dwelling
No.11

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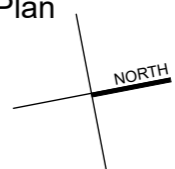


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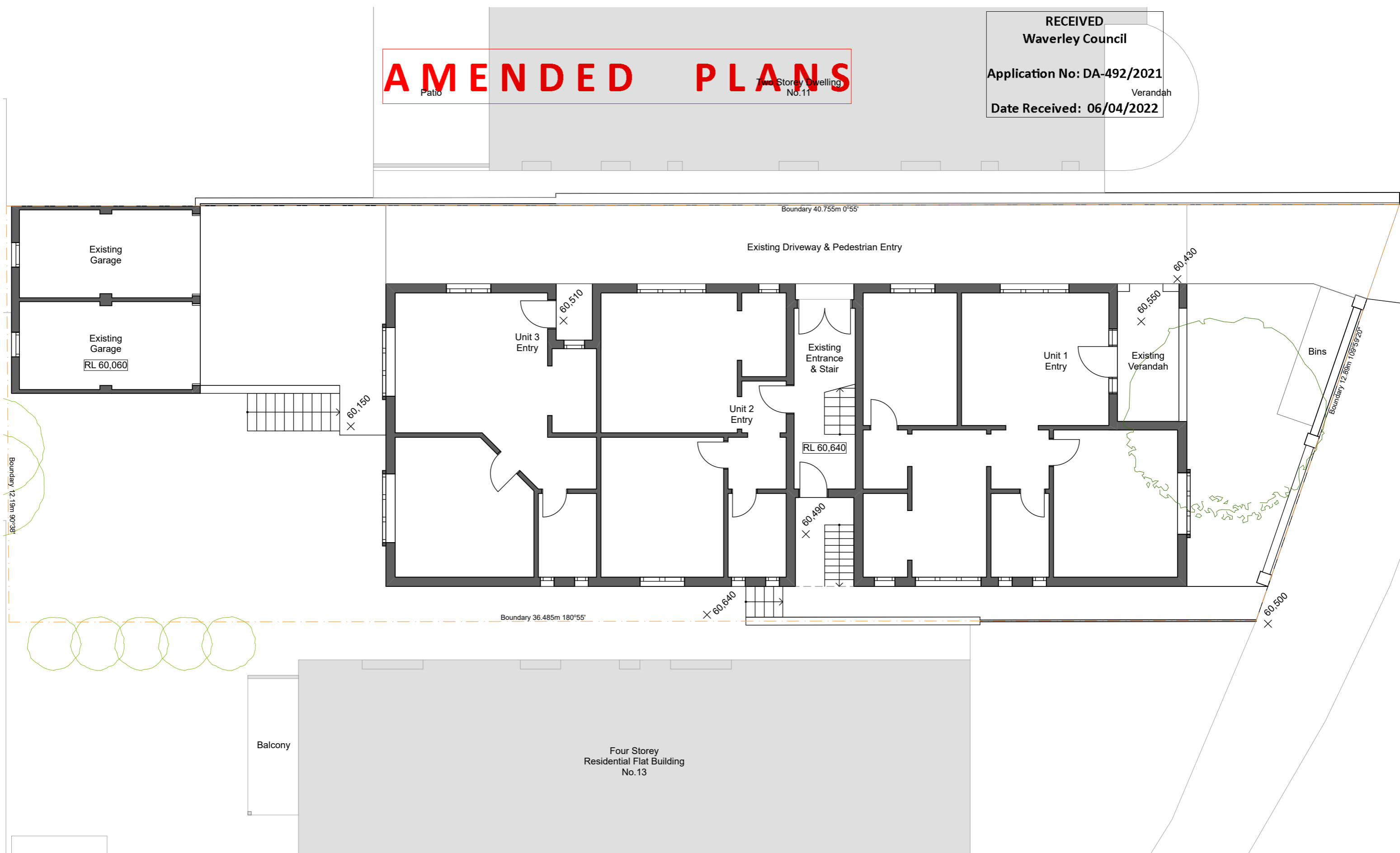
Existing Lower Ground Floor Plan
DA 1.1
 Scale 1:100 @ A3



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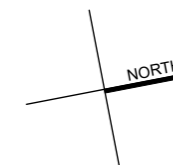
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Existing Ground Floor Plan DA 1.2

Scale 1:100 @ A3



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Balcony

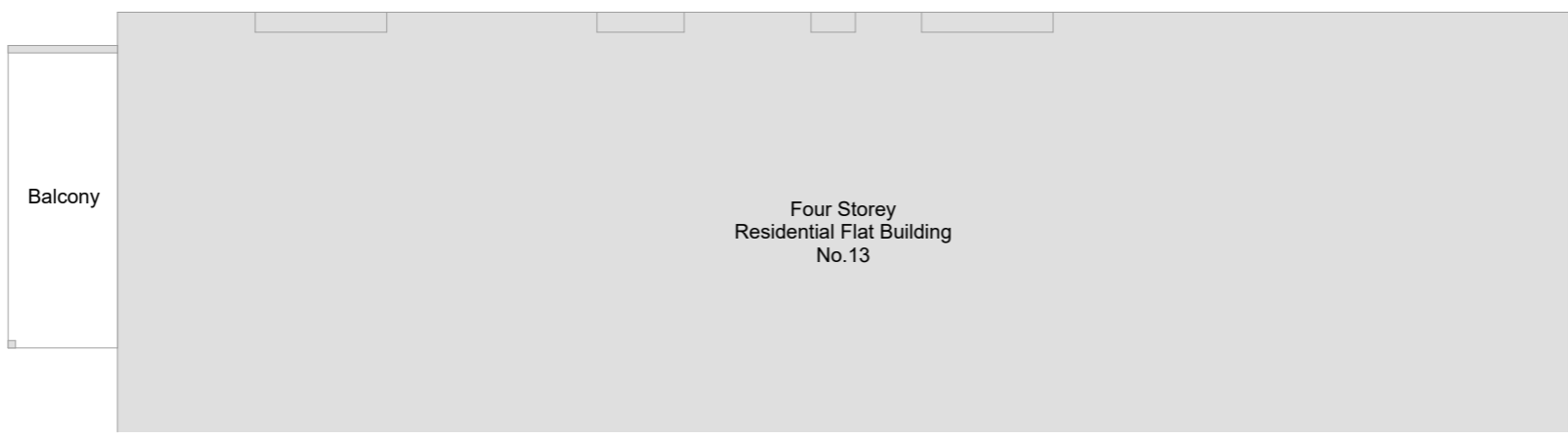
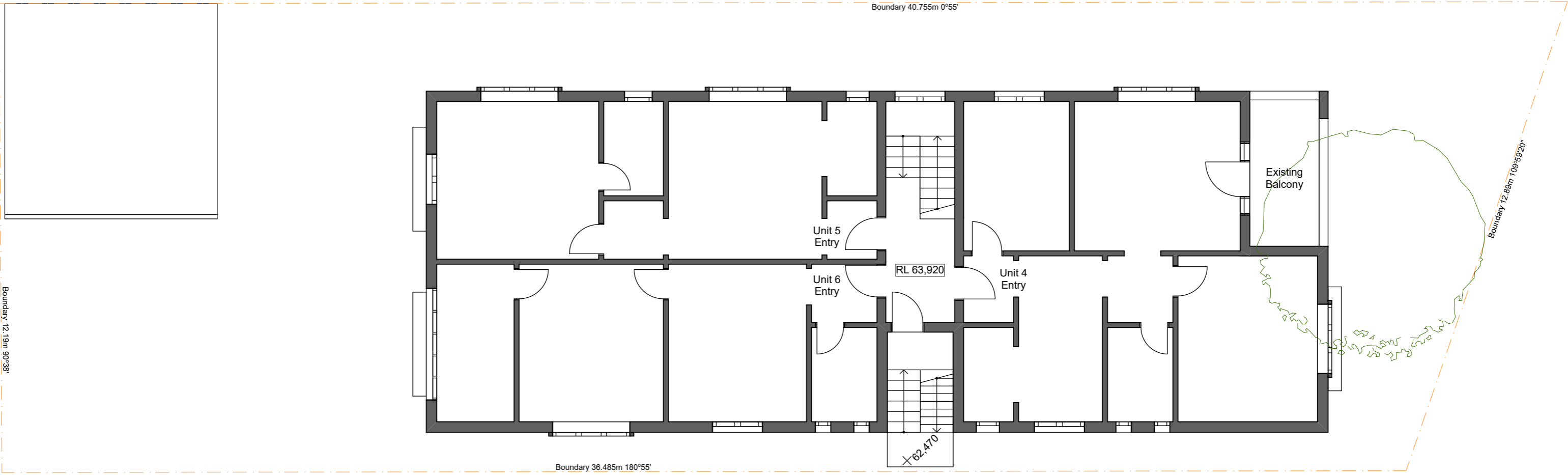
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Two Storey Dwelling No.11

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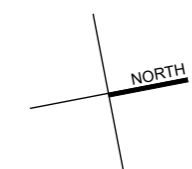
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Existing First Floor Plan
DA 1.3

Scale 1:100 @ A3



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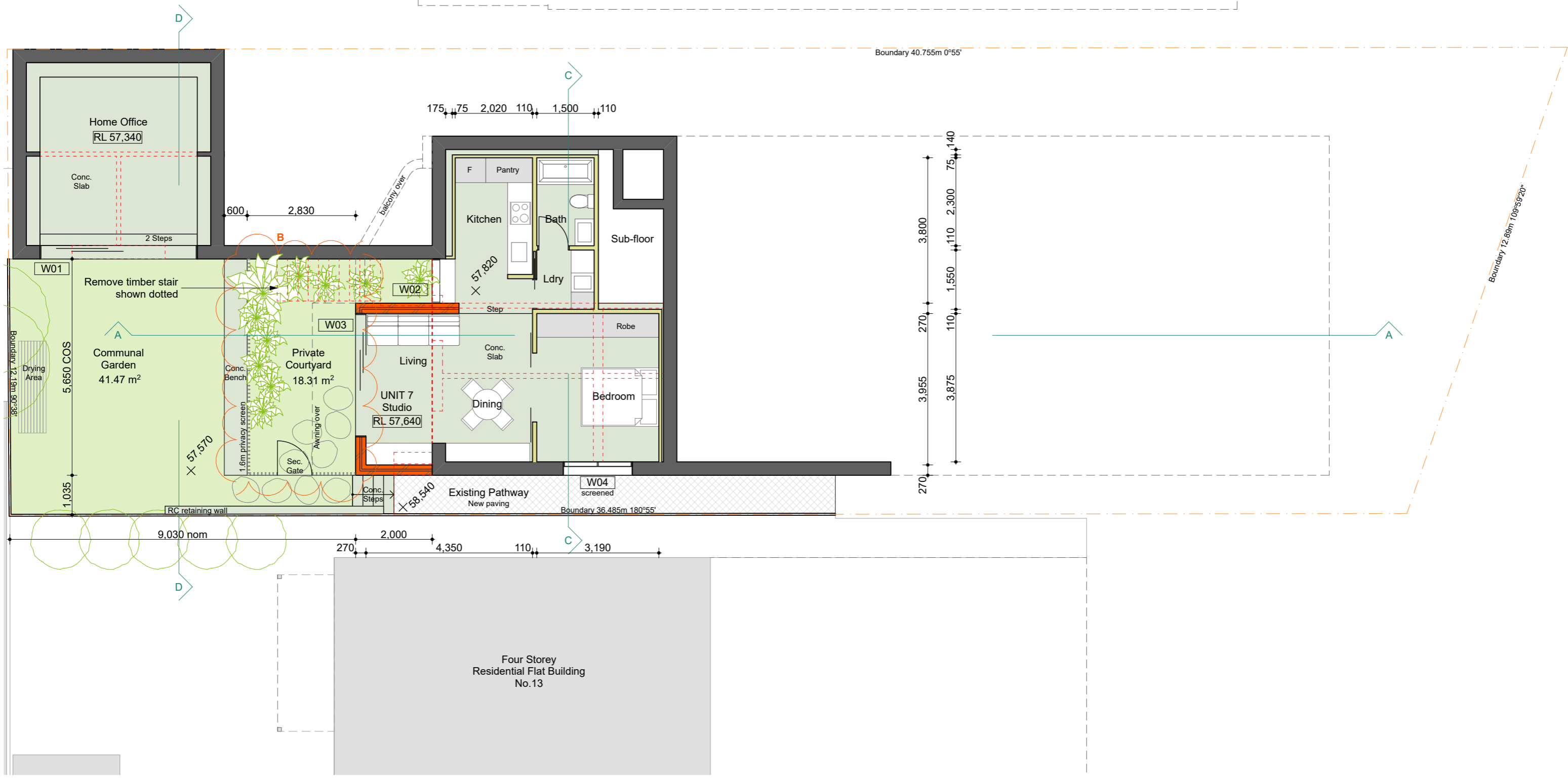
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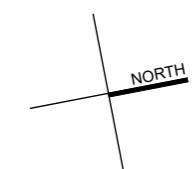


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Lower Ground Floor Plan
DA 1.4
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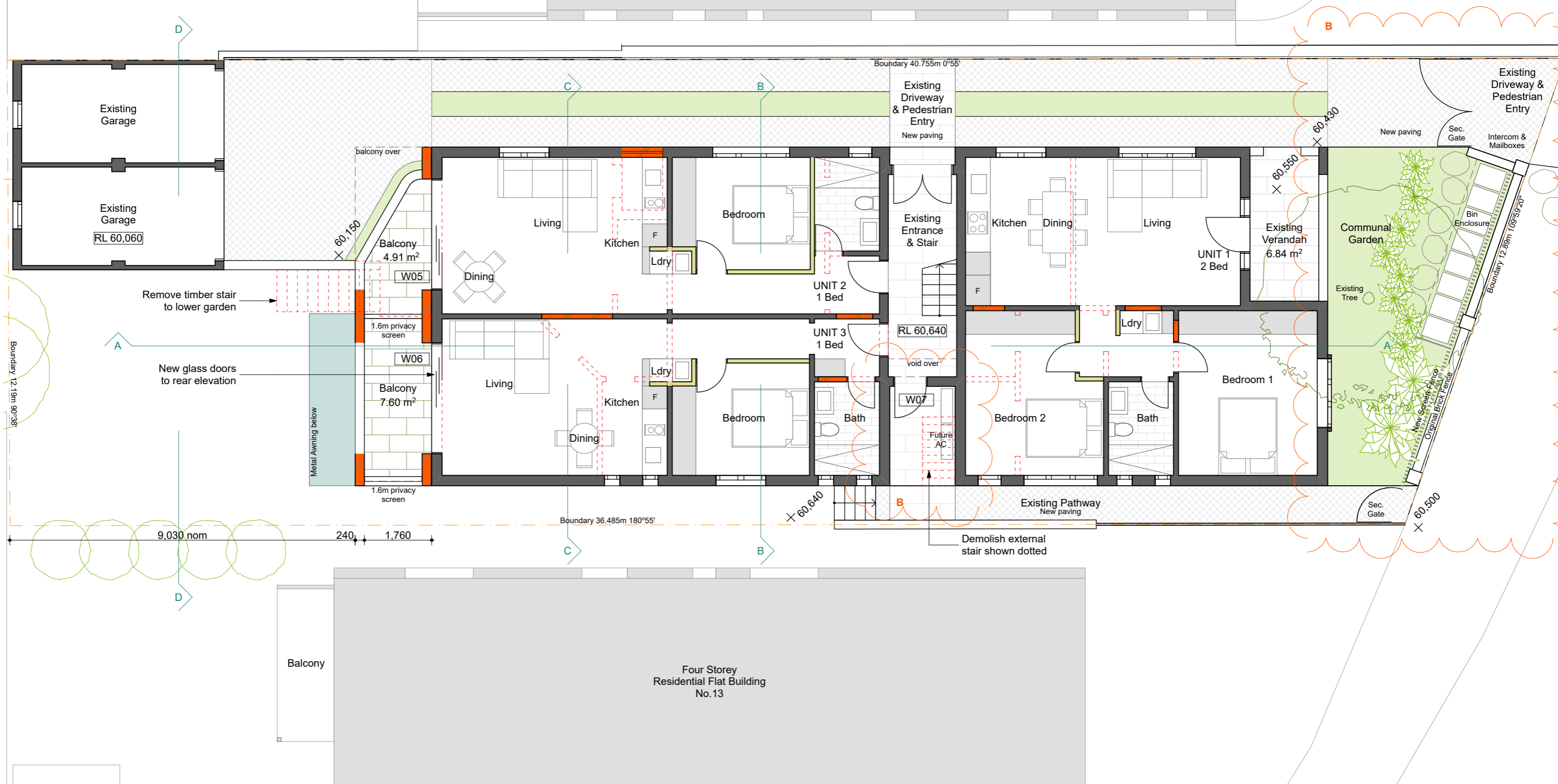
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Patio

Two Storey Dwelling No.11

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Verandah



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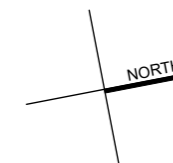
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Ground Floor Plan
DA 1.5

Scale 1:100 @ A3



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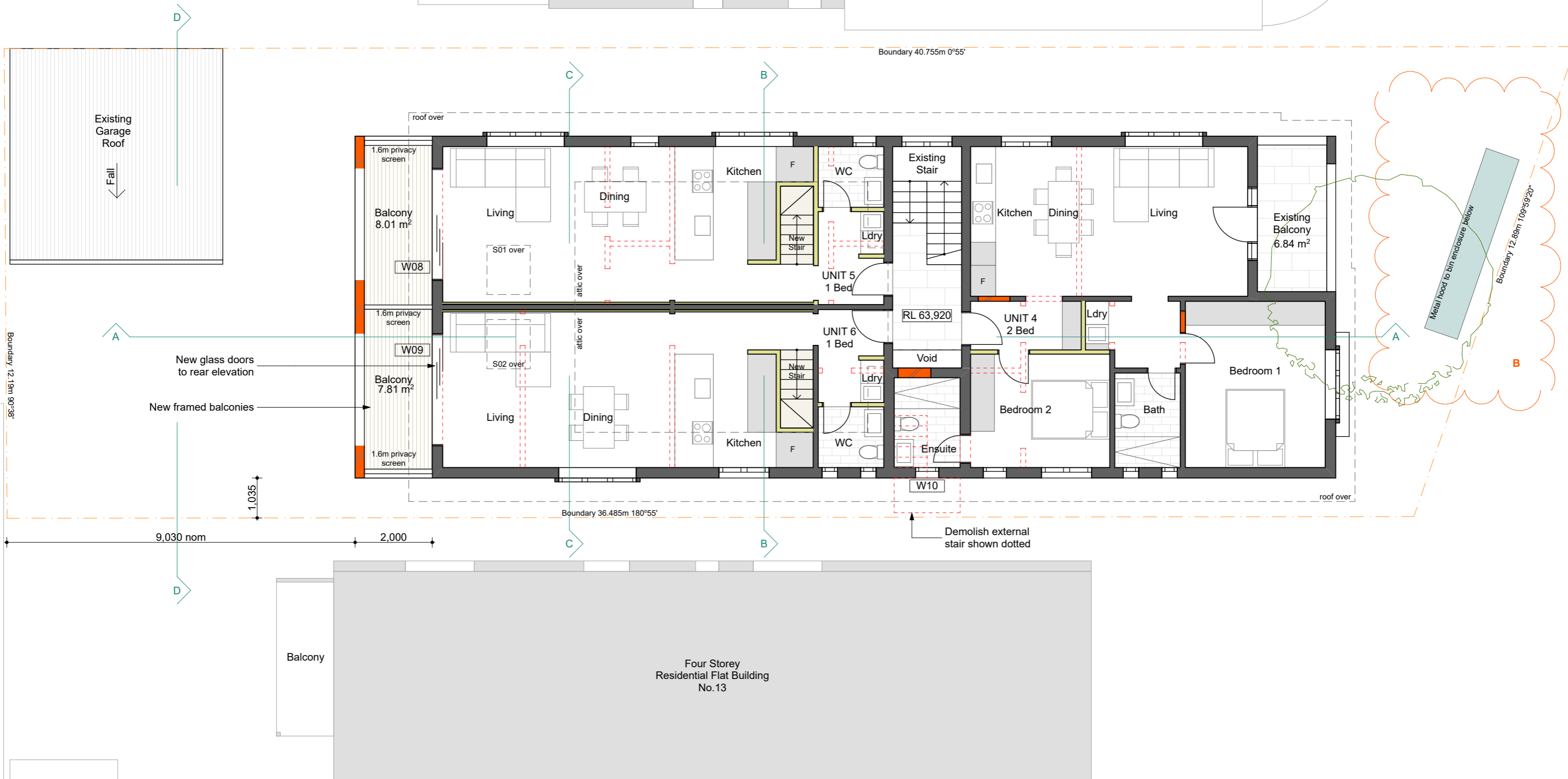
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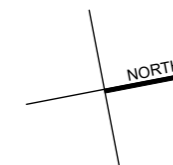
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First Floor Plan
DA 1.6

Scale 1:100 @ A3



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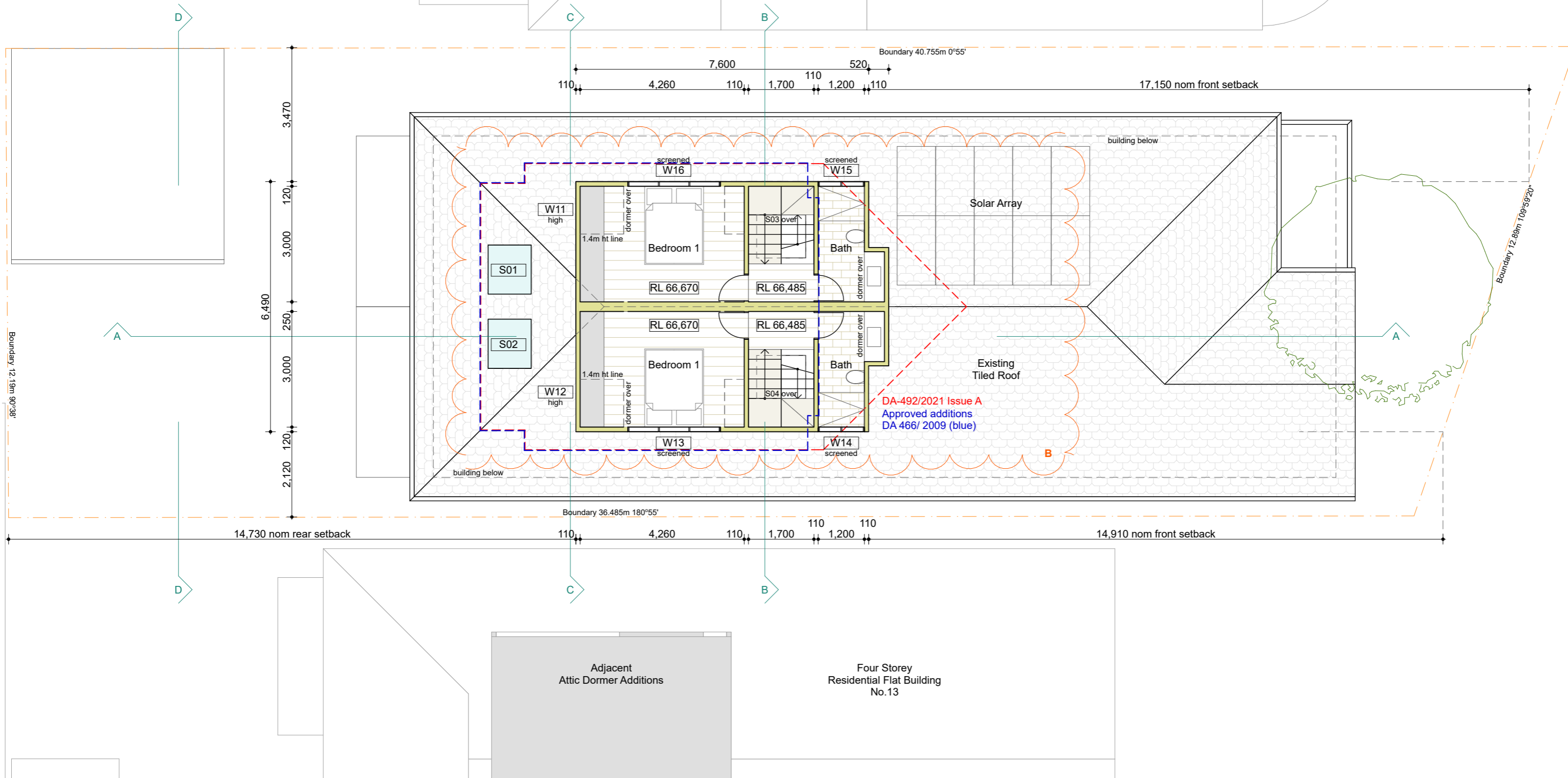
Two Storey Dwelling
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Adjacent
Dormer Additions



DA-492/2021 Issue A
Approved additions
DA 466/ 2009 (blue)

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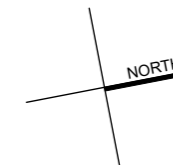
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Attic Level Plan
DA 1.7

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KEY

- MC Metal Cladding
- FB Face Brickwork
- RM Rendered Masonry
- WB Weatherboard Cladding
- FC Fibre Cement
- TS Timber Screen
- AS Aluminium Screen
- MS Masonry Screen

AMENDED PLANS

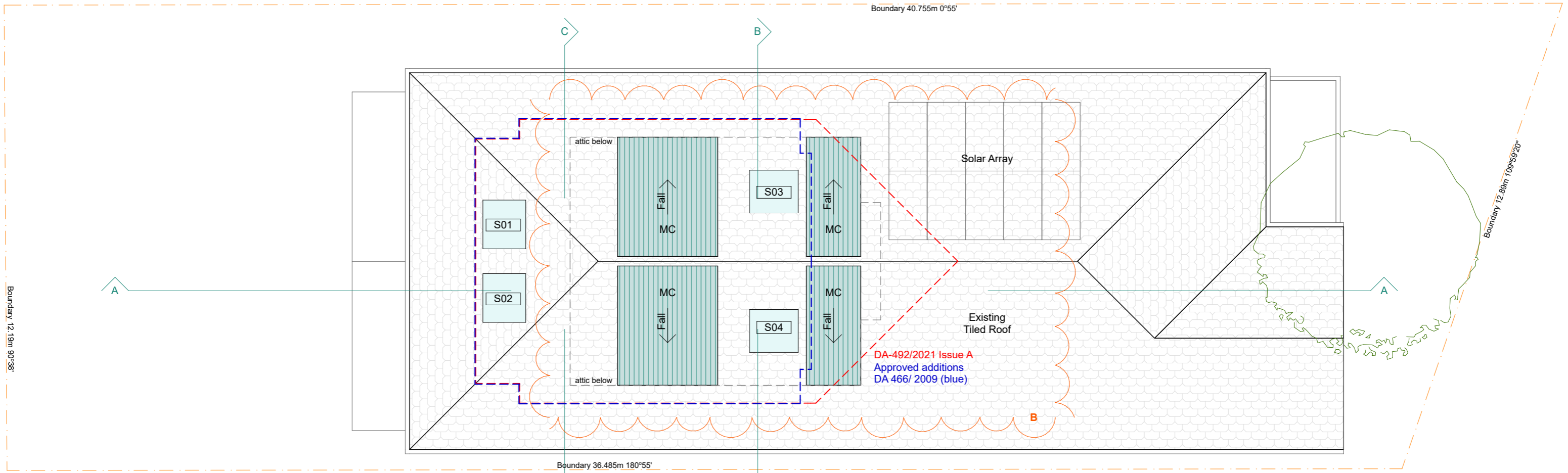
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Adjacent
Dormer Additions

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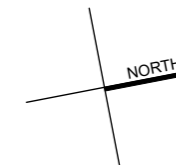
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Roof Plan
DA 1.8

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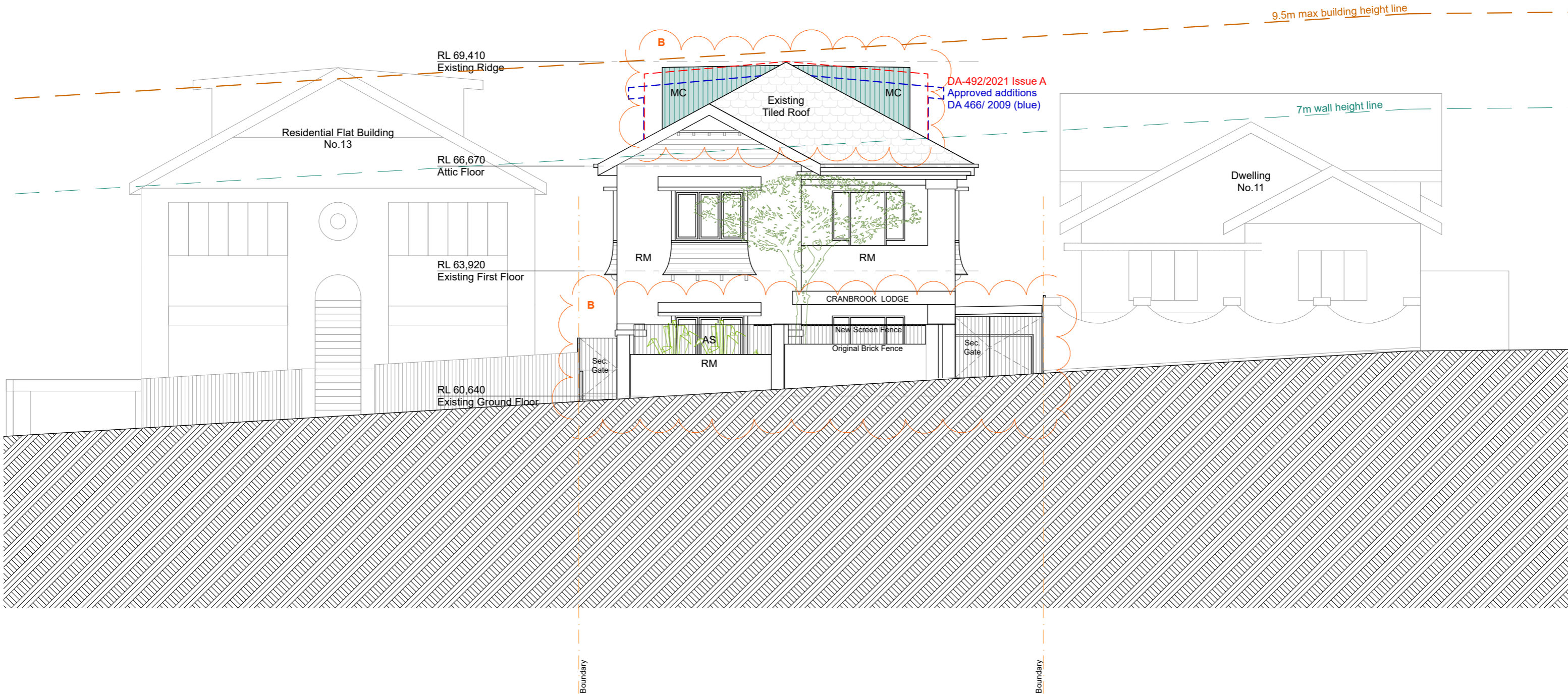
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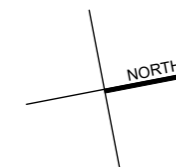
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North Elevation
DA 2.0

Scale 1:100 @ A3



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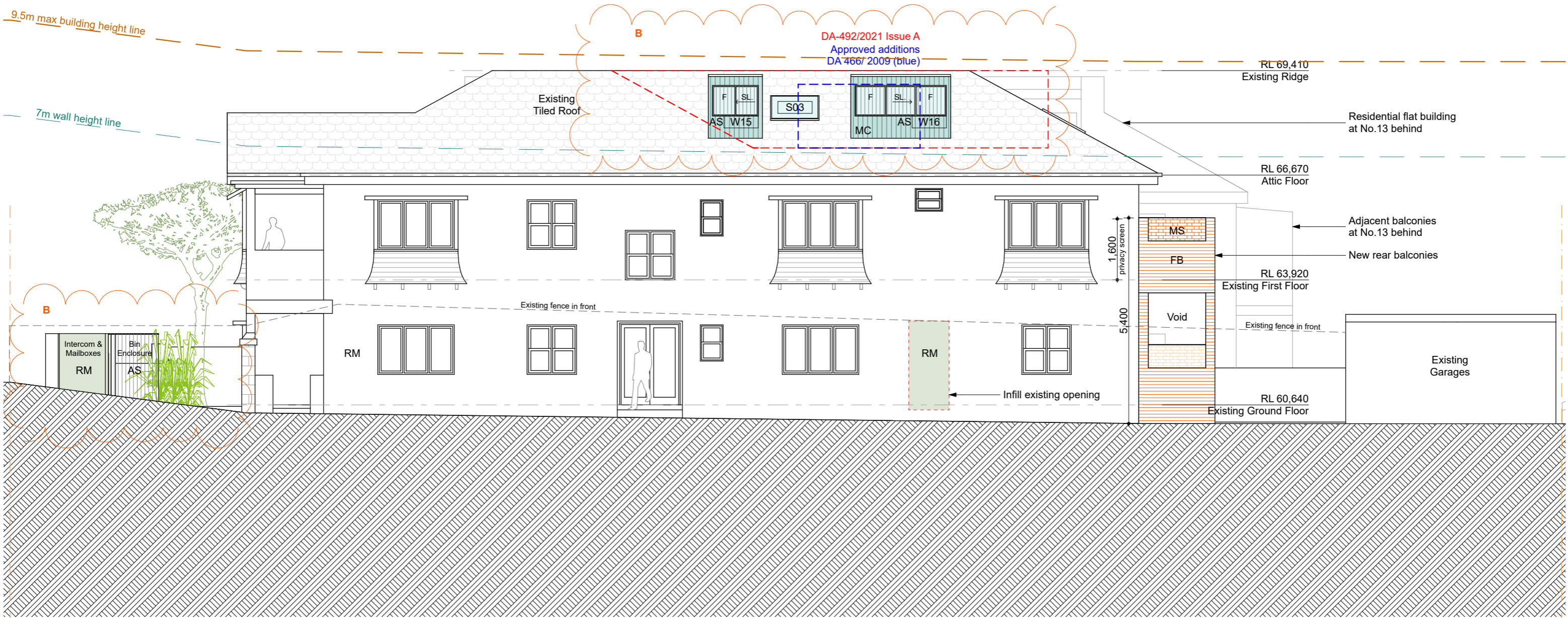
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KEY

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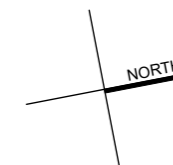
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West Elevation
DA 2.1

Scale 1:100 @ A3



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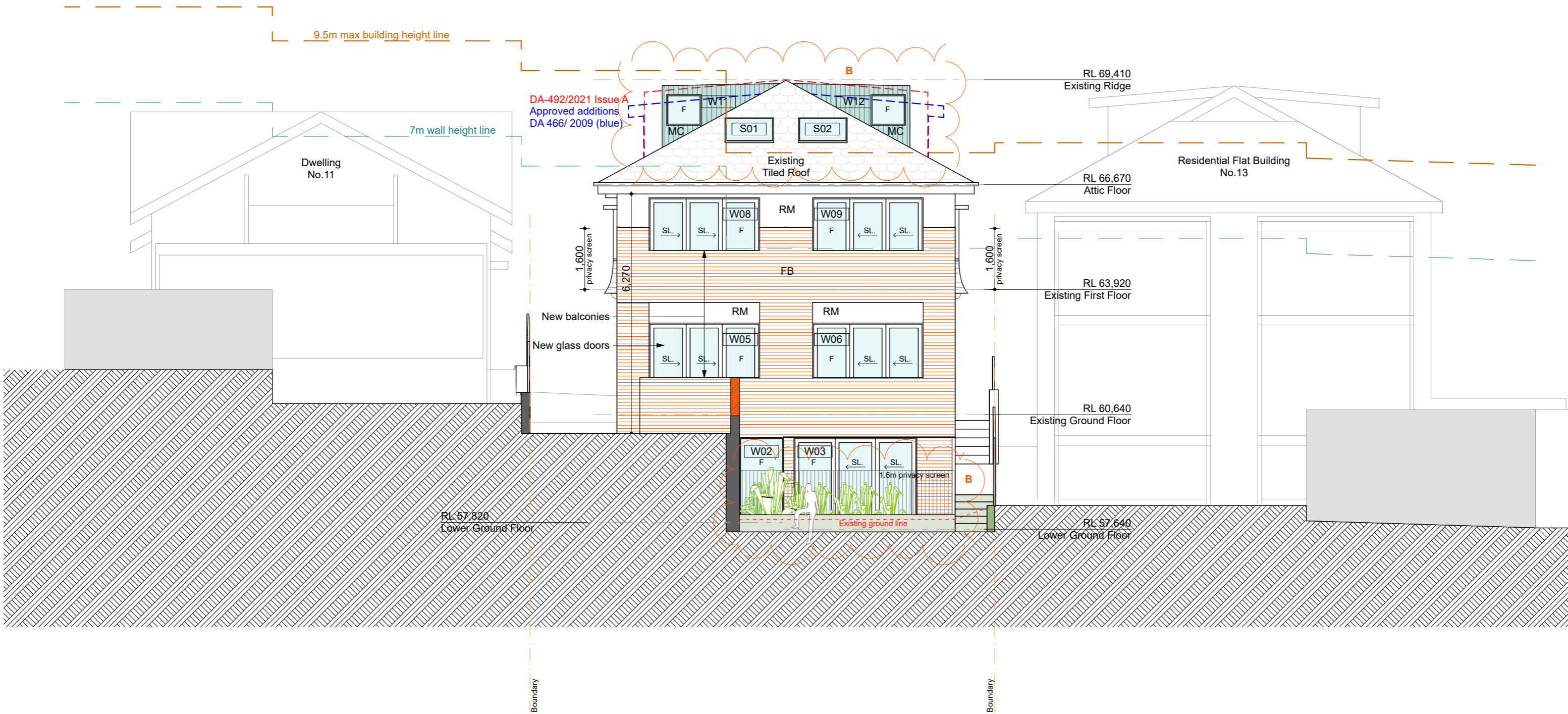
- MC Metal Cladding
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NOMINATED ARCHITECT NADINE PORT NSW REG 11287

PROJECT Alterations & additions to residential flat building

SITE 11A Fletcher Street, Tamarama NSW 2026
 Pt Lot 6 DP 9842 Area 470.2m²

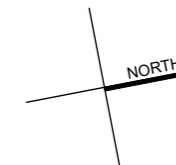
CLIENT JOHNRO Pty Ltd

ISSUE DATE DESCRIPTION

A 05.07.21 Development Application
 B 27.03.22 Amended Development Application

South Elevation
DA 2.2

Scale 1:100 @ A3



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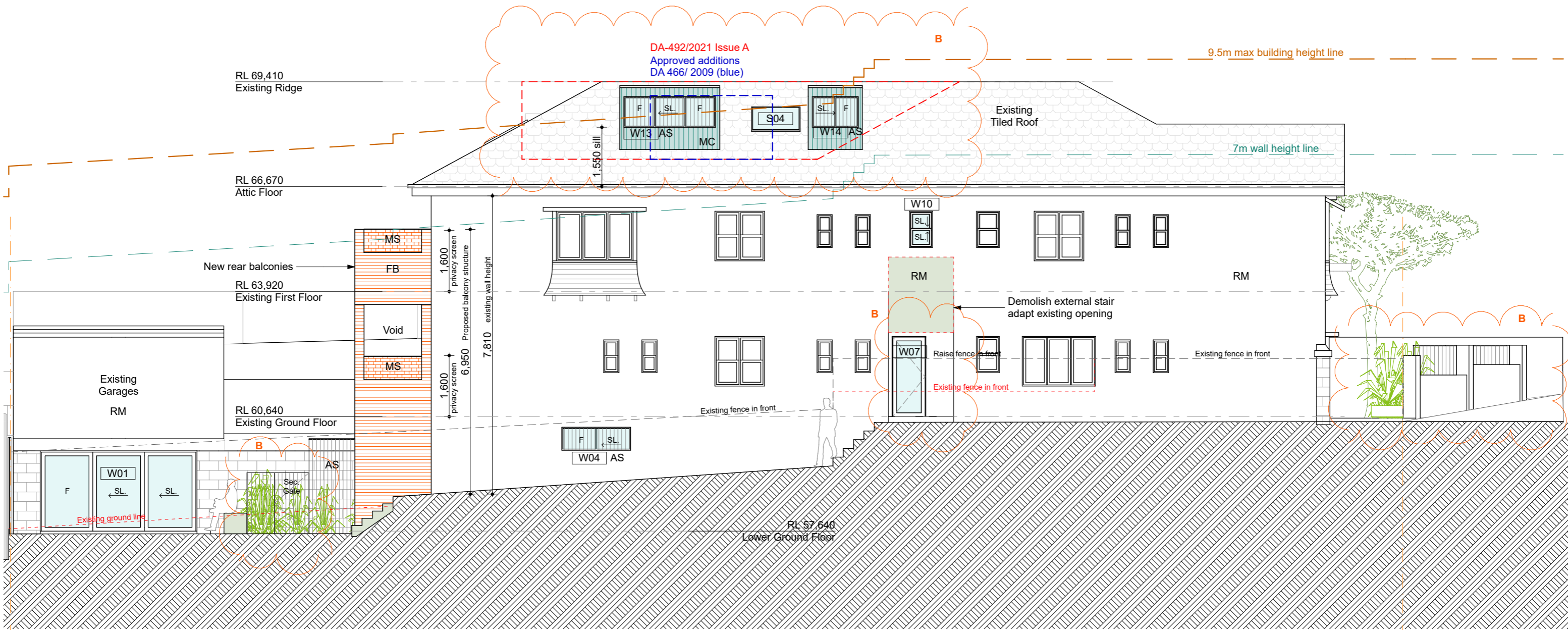
All work to be carried out in accordance with the NCC and relevant Australian Standards.

KEY

- MC Metal Cladding
- FB Face Brickwork
- RM Rendered Masonry
- WB Weatherboard Cladding
- FC Fibre Cement
- TS Timber Screen
- AS Aluminium Screen
- MS Masonry Screen

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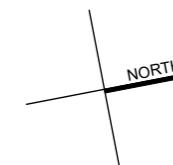
CLIENT JOHNRO Pty Ltd

ISSUE DATE DESCRIPTION

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**East Elevation
 DA 2.3**

Scale 1:100 @ A3



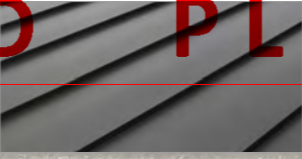








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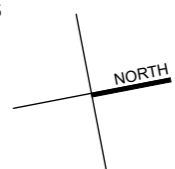
Finishes Key	Type	Product Description	Product Code/ Colour	Image	Area	
MC	Metal Cladding	Lysaght Enseam	Colorbond Monument		<ul style="list-style-type: none"> External walls to attic addition Roof to attic addition 	
RM	Rendered Masonry	Acrylic Render, Textured finish	White tone TBC		<ul style="list-style-type: none"> Existing brickwork to main building 	Existing brickwork consists of: • Face brick - north facade & front fence, currently dilapidated and substantially weathered • Common brick - east & west facade, currently dilapidated, substantially weathered & punctured by services • Painted brick - south facade, currently dilapidated and substantially weathered
MS	Masonry Screen		White tone TBC		<ul style="list-style-type: none"> Privacy screens to proposed rear balconies 	
FB	Face Brickwork	New brickwork, Paint finish	White tone TBC		<ul style="list-style-type: none"> Proposed new rear additions Proposed new rear balconies 	
FB	Face Brickwork, original	Original brickwork, repointed & restored			<ul style="list-style-type: none"> Front fence 	
AS	Aluminium Screen	Knotwood batten screen system	Black Wenge		<ul style="list-style-type: none"> Privacy screens/ gates to lower ground level Screens/ gates to ground level front boundary Privacy screens to attic level 	
W_#	Aluminium framed glazing	Dulux Powdercoat Duratec	Finish: Matt1 Colour: Zeus Black		<ul style="list-style-type: none"> New window & glazed door frames 	
	Timber Framed Glazing	New paint finish	White tone TBC		<ul style="list-style-type: none"> Original timber framed glazing to be restored 	
	Paving Stones	Bluestone	Finish: Flamed		<ul style="list-style-type: none"> New external paving to common areas 	
						B

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 Pt Lot 6 DP 9842 Area 470.2m²
 CLIENT JOHNRO Pty Ltd

ISSUE	DATE	DESCRIPTION
A	05.07.21	Development Application
B	27.03.22	Amended Development Application

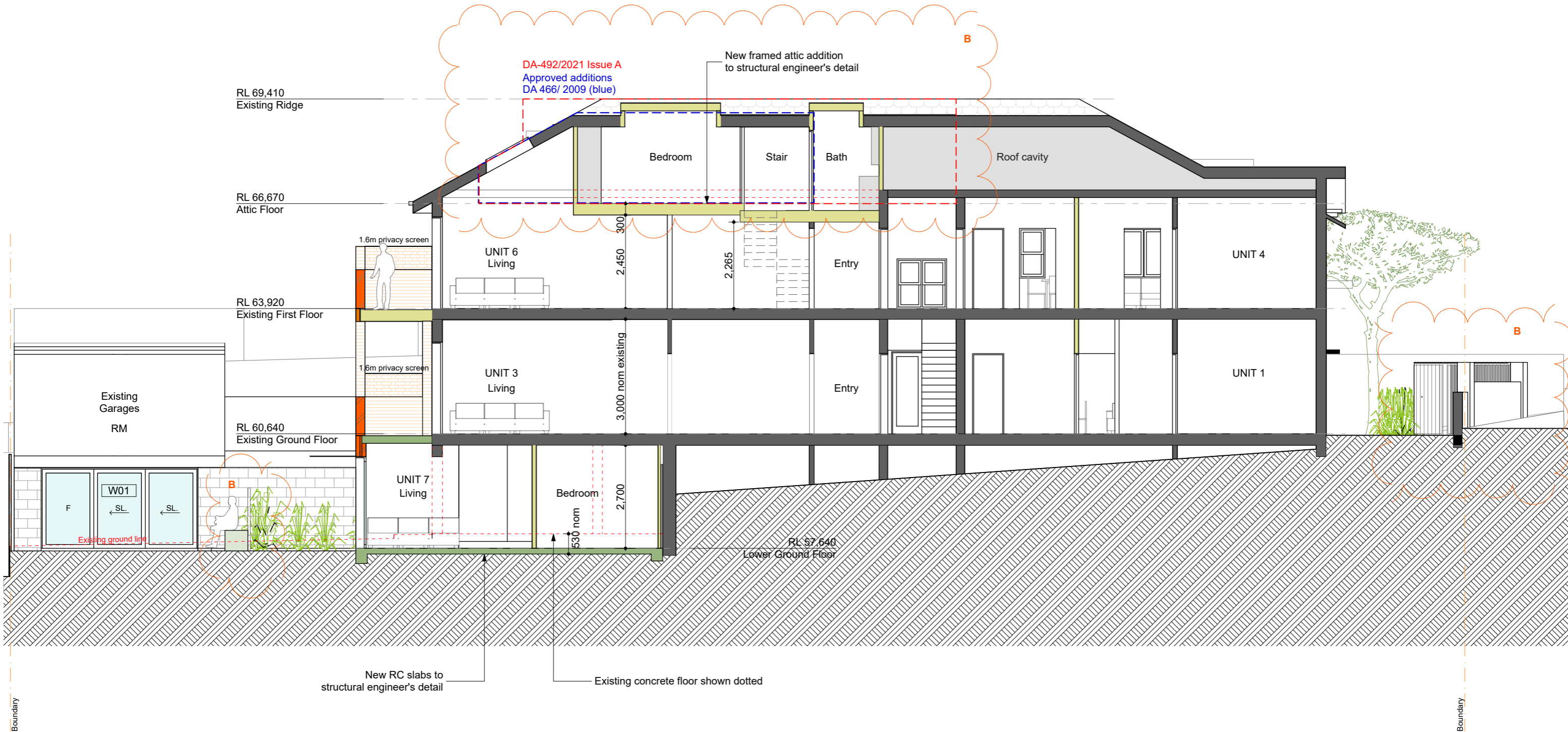
Schedule of External Finishes DA 2.4



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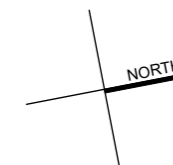
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Long Section A
DA 3.0

Scale 1:100 @ A3



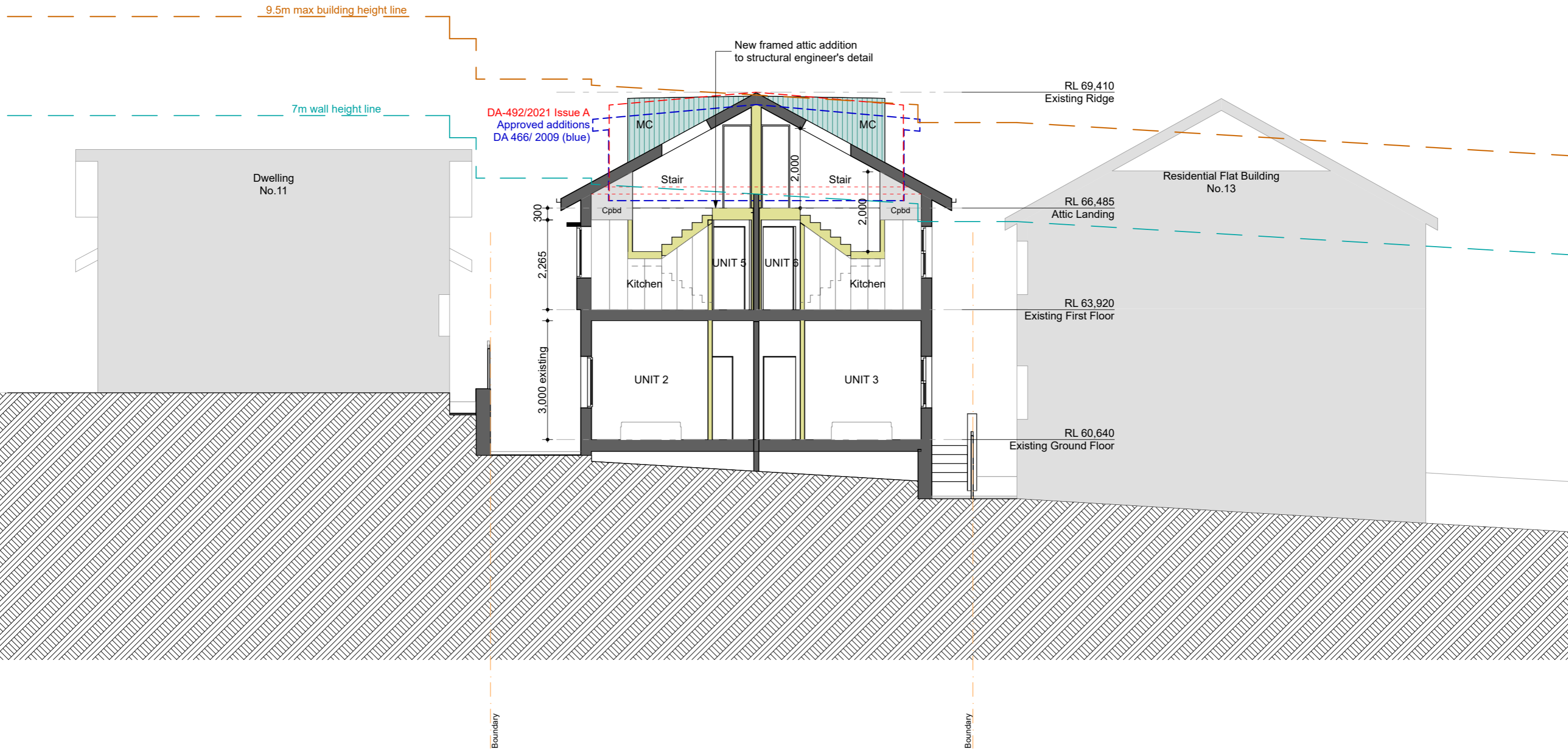
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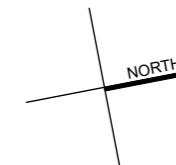
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ISSUE DATE DESCRIPTION

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Cross Section B DA 3.1

Scale 1:100 @ A3



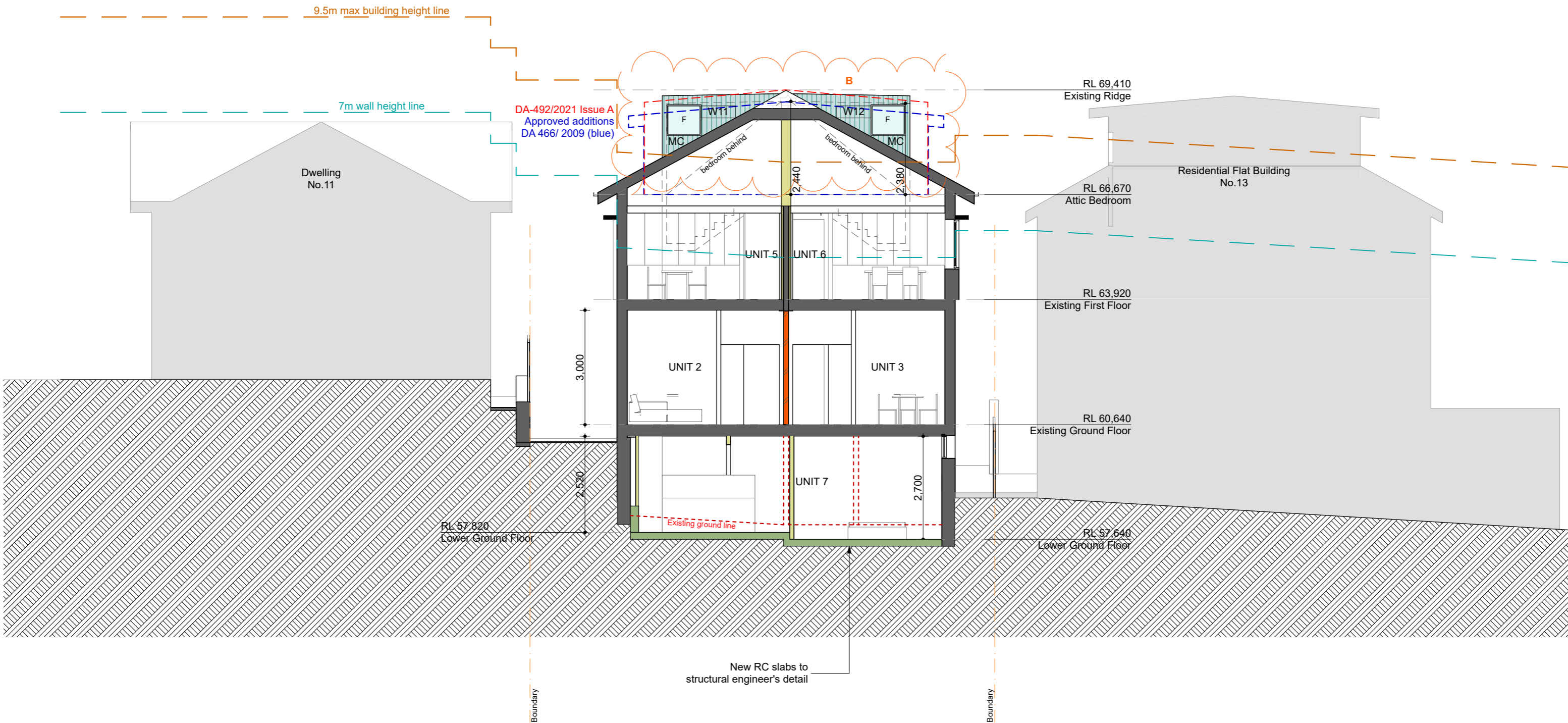
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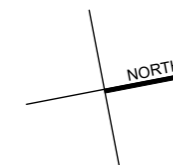
CLIENT JOHNRO Pty Ltd

ISSUE DATE DESCRIPTION

A 05.07.21 Development Application
B 27.03.22 Amended Development Application

Cross Section C DA 3.2

Scale 1:100 @ A3



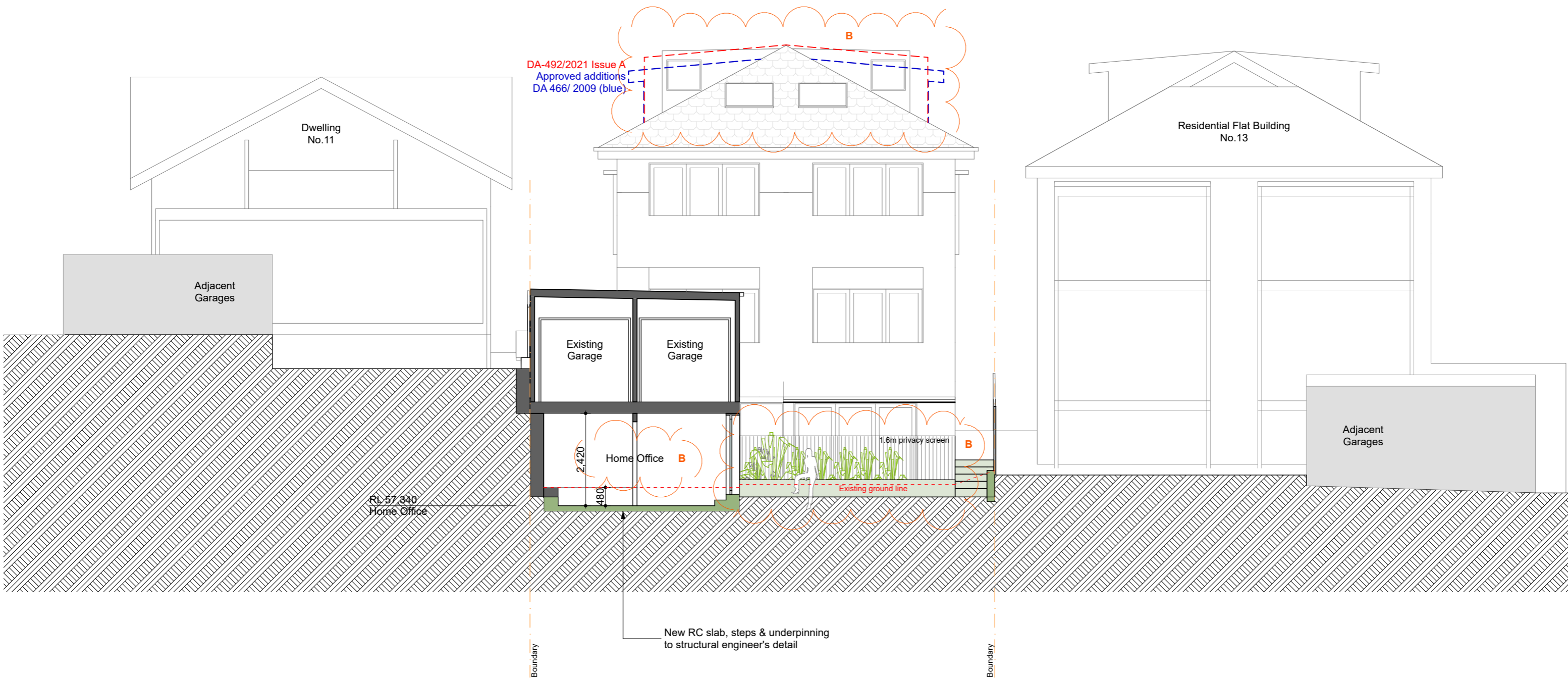
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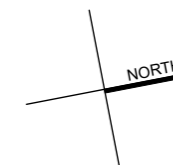
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ISSUE DATE DESCRIPTION

A 05.07.21 Development Application
B 27.03.22 Amended Development Application

Cross Section D DA 3.3

Scale 1:100 @ A3



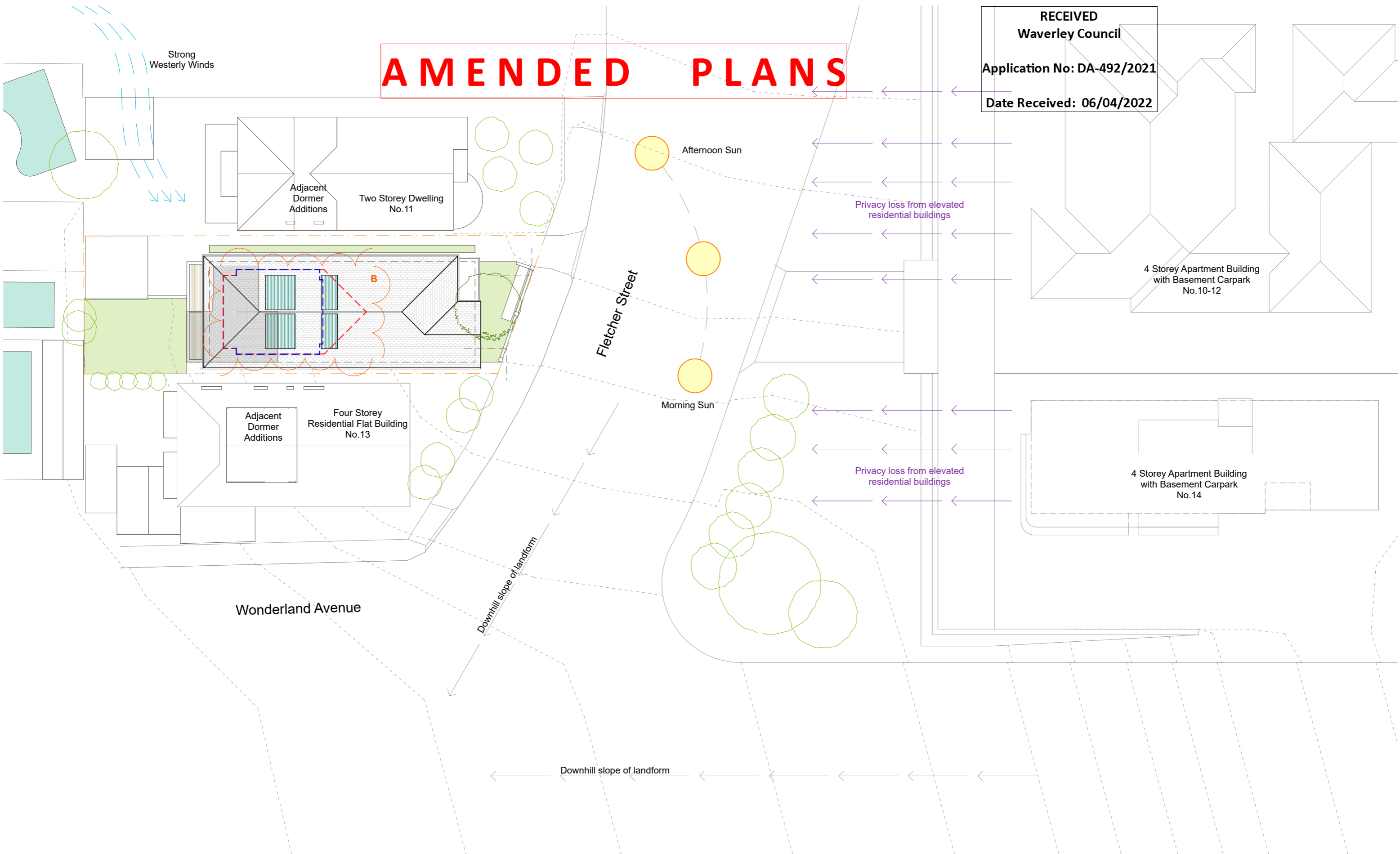
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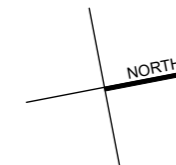
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Site Analysis Plan
SA 4.0

Scale 1:300 @ A3



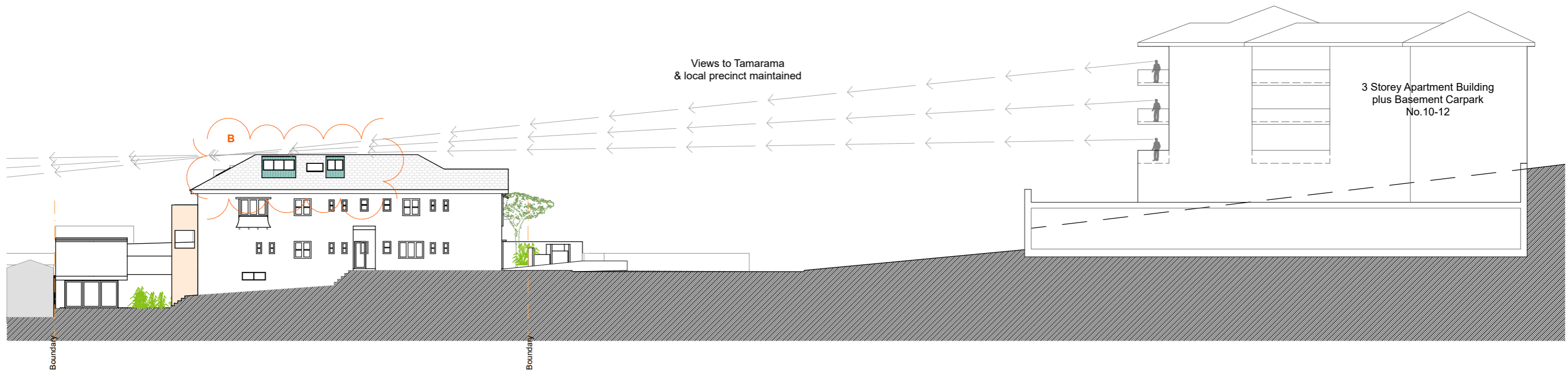
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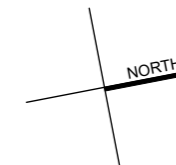
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Site Analysis Section SA 4.1

Scale 1:300 @ A3



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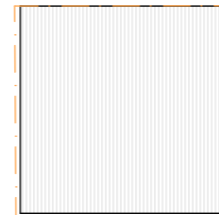
AREA CALCULATIONS	Existing	Proposed
SITE AREA	470.20m ²	
GROSS FLOOR AREA		
Attic		34.44m ²
First Floor	172.06m ²	168.91m ²
Ground Floor	175.67m ²	163.66m ²
Lower Ground Floor	26.95m ²	68.20m ²
Total Gross Floor Area	374.68m²	435.21m²
Floor Space Ratio	FSR 0.79:1	FSR 0.925:1

UNIT 1		
Bedrooms	2	2
Gross Floor Area	68.48m ²	68.48m ²
Private Open Space	6.84m ²	6.84m ²
UNIT 2		
Bedrooms	1	1
Gross Floor Area	45.09m ²	47.59m ²
Private Open Space	nil	4.91m ²
UNIT 3		
Bedrooms	1	1
Gross Floor Area	46.67m ²	47.59m ²
Private Open Space	nil	7.60m ²
UNIT 4		
Bedrooms	2	2
Gross Floor Area	68.48m ²	73.73m ²
Private Open Space	6.84m ²	6.84m ²
UNIT 5		
Bedrooms	1	1
Gross Floor Area	46.85m ²	64.81m ²
Private Open Space	nil	8.86m ²
Parking	1	1
UNIT 6		
Bedrooms	1	1
Gross Floor Area	46.85m ²	64.81m ²
Private Open Space	nil	8.86m ²
Parking	1	1
UNIT 7		
Bedrooms		Studio
Gross Floor Area		45.16m ²
Private Open Space		18.60m ²
HOME OFFICE		
Existing Garage Basement	11.25m ²	
Existing Laundry Basement	15.70m ²	

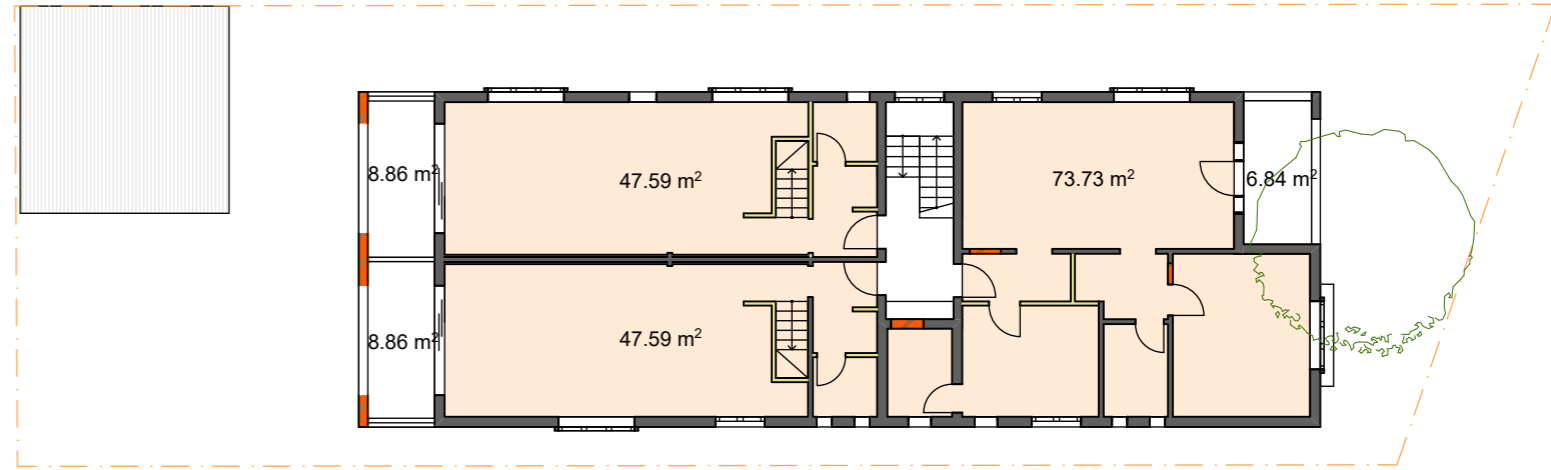
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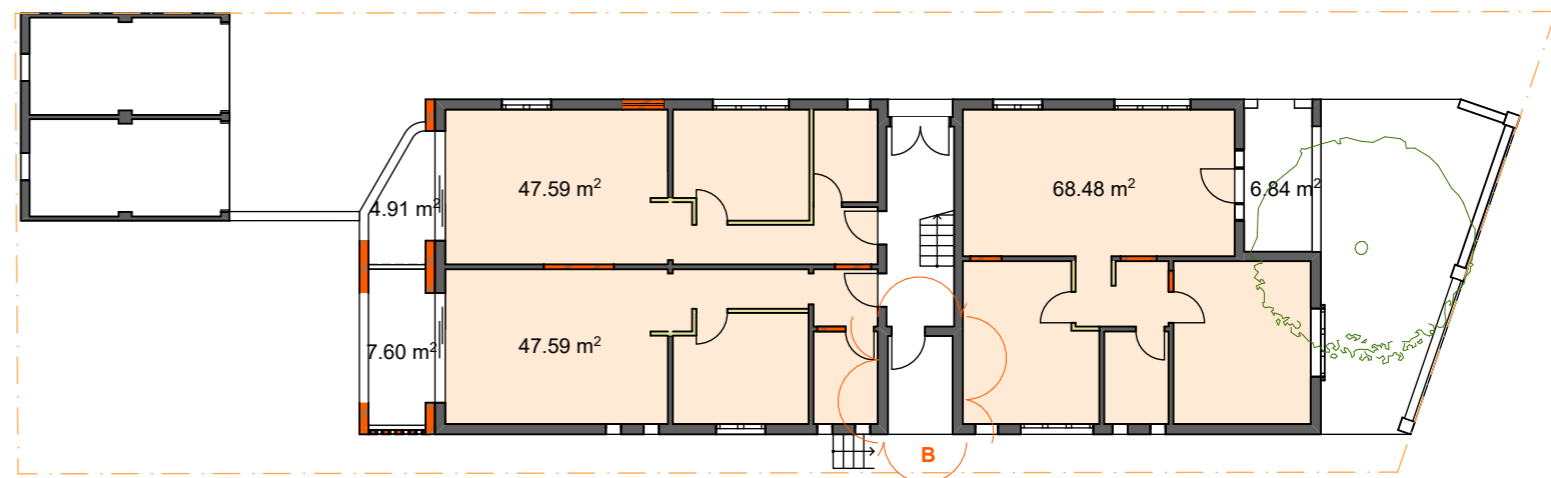
GFA Attic



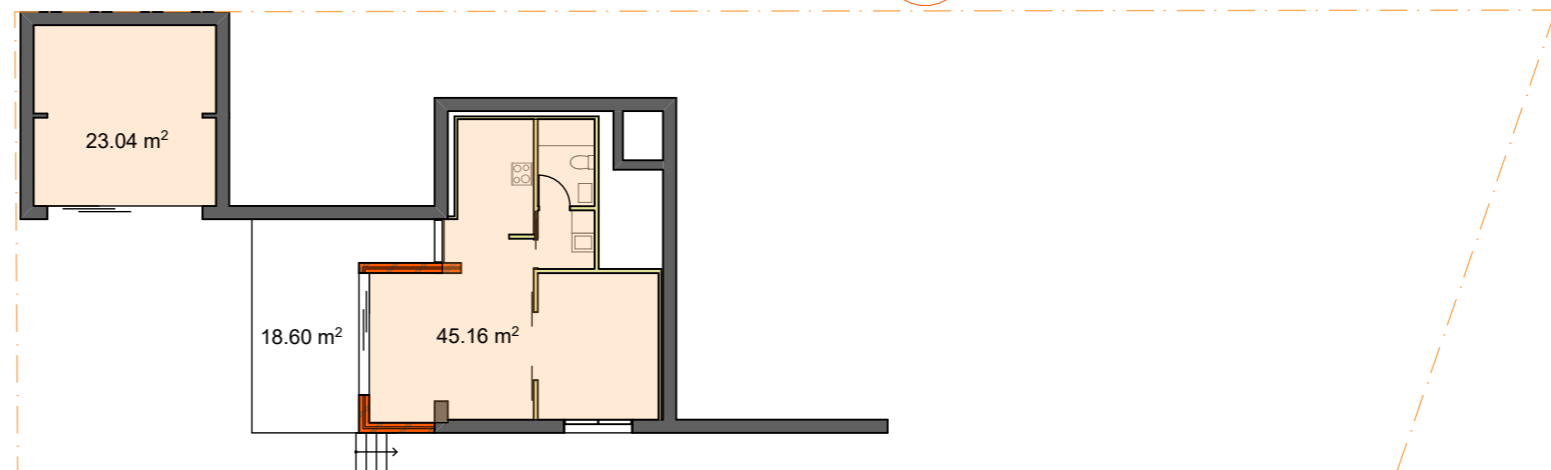
GFA First Floor



GFA Ground Floor



GFA Lower Ground Floor



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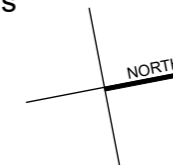
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Gross Floor Area Calculations
SA 4.2

Scale 1:200 @ A3



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AREA CALCULATIONS

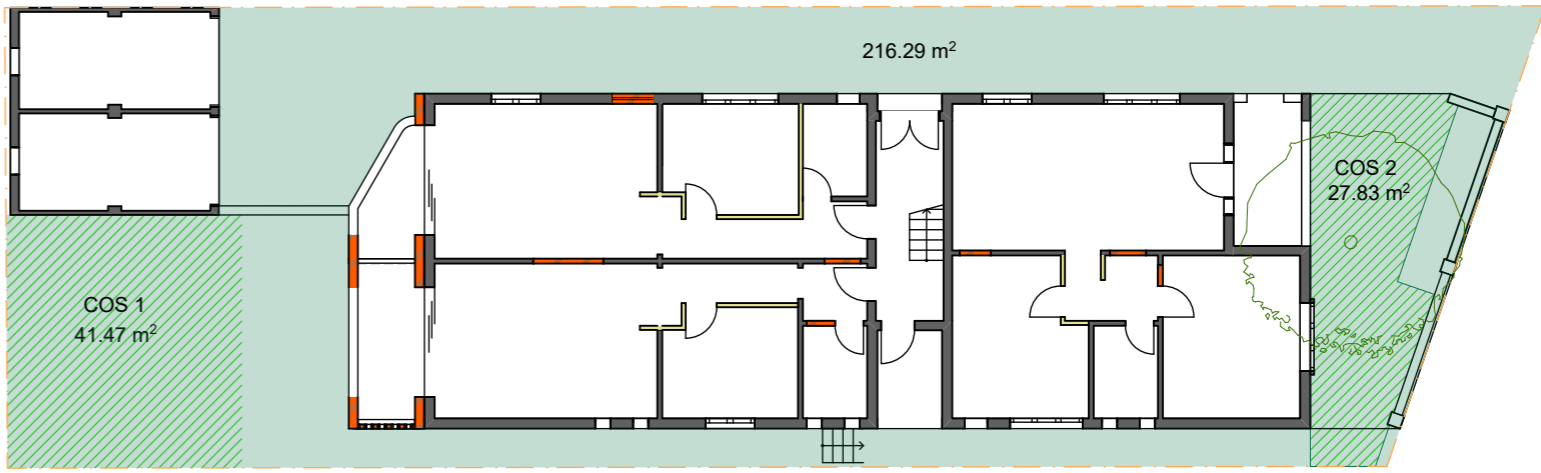
	Existing	Proposed
SITE AREA	470.20m ²	
COMMUNAL OPEN SPACE		
COS 1	73.75m ²	41.47m ²
COS 2	26.96m ²	27.83m ²
Total Communal Open Space	100.71m²	69.30m²
OPEN SPACE TOTAL	231.52m ²	216.29m ²
LANDSCAPED AREA		
North Zone	26.96m ²	26.57m ²
South Zone	63.86m ²	53.58m ²
Total Deep Soil Landscaped Area	105.63m²	80.15m²
West Zone (excluded from total)	14.81m ²	14.81m ²

AMENDED PLANS

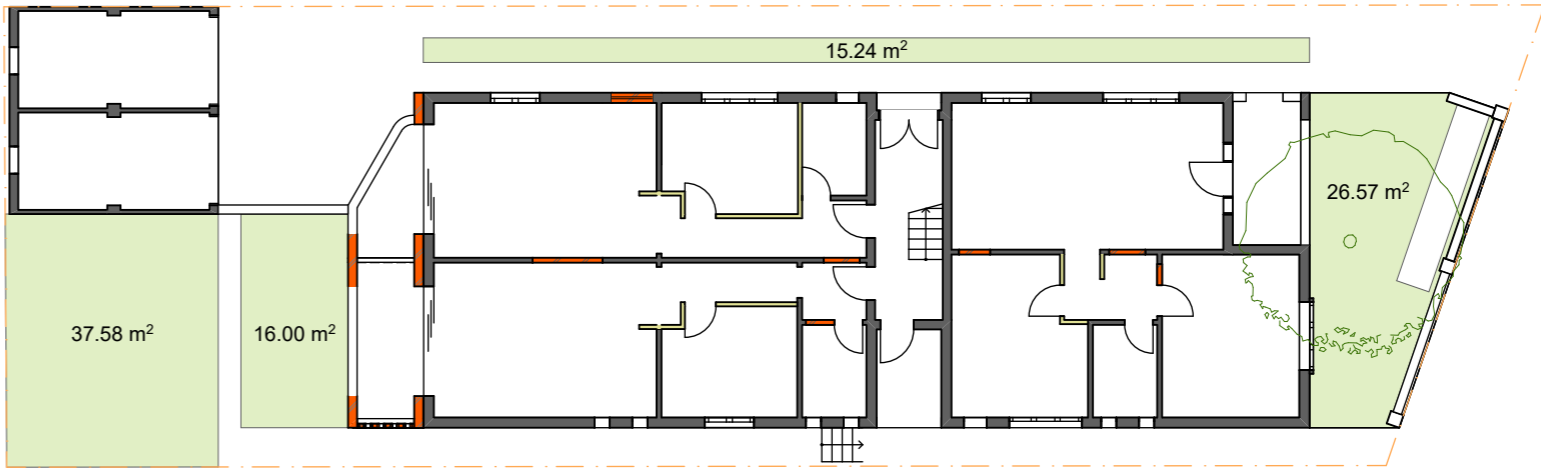
25% site area SEPP 65 requirement
14.7% site area
 46.0% site area
 7% site area SEPP 65 requirement
17% site area

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Open Space



Landscaped Area



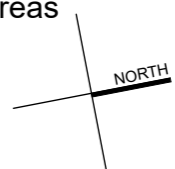
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Open Space & Landscaped Areas
SA 4.3

Scale 1:200 @ A3



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Report to the Waverley Local Planning Panel

Application number	DA-264/2022
Site address	81 Francis St, Bondi Beach 2026
Proposal	Alterations and additions to the existing residential flat building including replacement and extension of existing balconies to units 6, 7, 8, 9, 10 and 11 at the rear of the site.
Date of lodgement	4 July 2022
Owner	Ms A K Costello
Applicant	Civic Assessment
Submissions	One
Cost of works	\$ 230,000
Principal Issues	<ul style="list-style-type: none"> • Building height • Rear setback • Existing use rights
Recommendation	That the application be APPROVED in accordance with the conditions recommended in Appendix A.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing residential flat building (RFB), including replacement and extension of the existing balconies at the rear of the site to units 6, 7, 8, 9, 10 and 11 at the site known as 81 Francis Street, Bondi Beach.

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

- Building height
- Rear setback
- Existing use rights

The assessment finds these issues acceptable, as the proposal will improve the amenity of the subject units without impacting on the amenity of neighbouring properties.

One submission was received, and issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 3 August 2022.

The site is identified as Lot 1 in SP11801 known as 81 Francis Street BONDY BEACH.

The site is irregular in shape with a frontage to Francis Street measuring 7.62 m. It has an area of 563.4m² and falls from the front towards the rear by approximately 2.25m.

The site is occupied by a 4 to 5 storey inter war residential building with a total of 11 units with no vehicular access. Units 1, 2, 3, 4 and 5 are located to the front and unit 6, 7, 8, 9, 10 and 11 are located to the rear of the building.

The site is adjoined by a two-storey dwelling on southern side of the building at No. 79. To the north of the site are the rear of properties that face Forest Knoll Avenue, including 2 to 3 storey RFB's and single dwellings. The locality is characterised by a variety of low and medium residential development.



Figure 1: Site viewed from rear side of the building (north-eastern side)

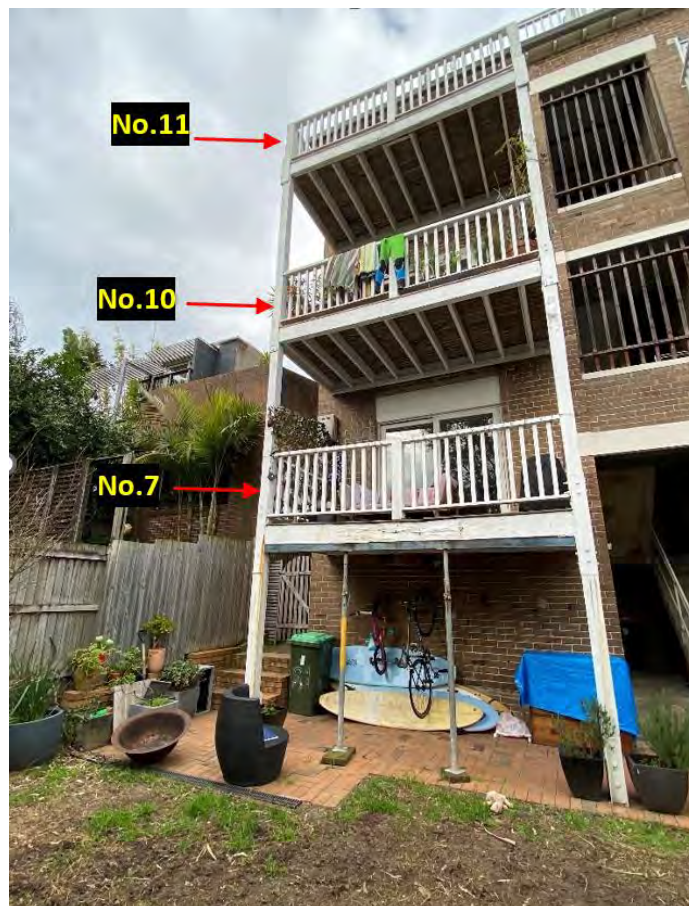


Figure 2: Looking south east from the rear of the subject site towards No. 79 & 77 Francis Street.



Figure 3: Looking north-east from the existing balcony of unit 7

1.3. Relevant Development History

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

- **BA-743/1994:** Units 4, 5, 9, 11 – Construct alterations and additions to the roof area, approved on 23rd December 1994.
- **BA-562/1195:** Unit 6 – Construct Internal alterations and additions, approved on 12th October 1995.
- **L-743/2000:** Unit 1 – Alterations and additions to the existing unit to enclose existing veranda, approved on 28th November 2000.
- **L-423/2000:** Unit 5 – Removal of internal wall in existing residential flat building, approved on 28th July 2000.
- **DA-47/2003:** Unit 11 – Alterations and additions including windows, approved on 23rd April 2003.
- **DA-407/2009:** Unit 9 – Construction of dormer window approved, on 31st August 2009.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing inter war RFB, specifically the following:

- Replacement and extension of the existing balconies to units 6, 7, 8, 9, 10 and 11. The new balconies are generally as per existing, other than for an extension in the middle of the building and an extension outwards from 2030mm to 2530mm (a 500mm increase in depth), with an approximate area of 13.3m².
- The balustrades of the balconies are to be constructed of battens at lower ground level (units 6 & 7) and a frameless glass for the two levels above. Batten screens divide the units on the ground and first floor levels and will be surrounded by steel beams and columns.
- A privacy screen is proposed to the south-eastern side of unit 7 at lower ground floor level.

The lower ground floor, units 6 and 7, are adjoining units and are owned by the same family who reside in both units. These units have been partly amalgamated with a living room party wall between the two that has been demolished and they live in these 2 units as one dwelling. A screen is not proposed in the middle of this proposed balcony.

The top floor balcony is not proposed to be altered.

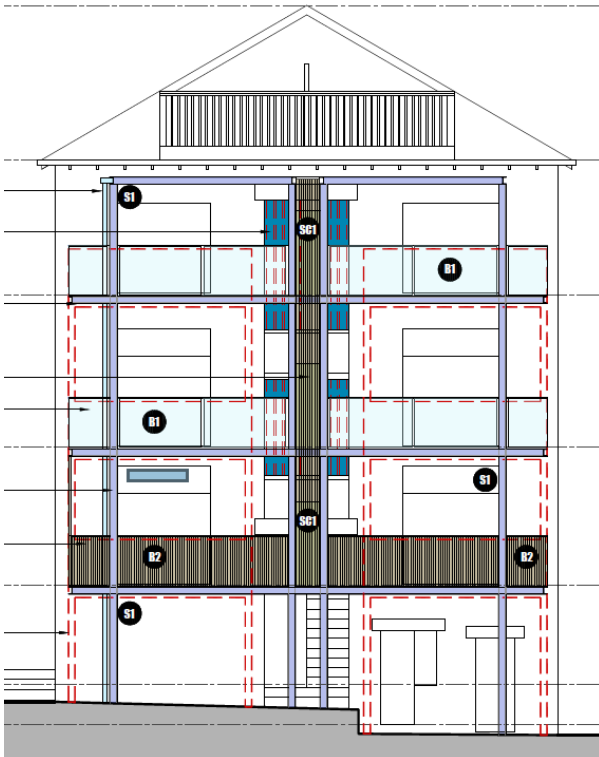


Figure 4: Proposed north elevation



Figure 5: Existing north elevation

1.5. Background

No clause 4.6 was submitted with the application. A letter was sent to the applicant on 13 July 2022 requesting a cl 4.6 variation to address the breach of the height standard. The clause 4.6 was received on 2 August 2022.

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 – Section 4.65 of the Act

A merit assessment of the following matters are to be considered as part of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following is a merit assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

The development application relies on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) as the ‘residential flat building’ component of the proposal is prohibited in the R2: Low Density Residential Zone under Waverley Local Environmental Plan 2012 (Waverley LEP 2021).

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Section 4.67 of the Act, concerning regulations respecting existing use, 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 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 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. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from Saffioti 2018, is that provisions of an EPI (e.g. 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 2018, 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 a development standard, which is considered in **section 2.1.4** 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.

2.1.2. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP 65 (Design Quality of Residential Apartment Development) 2002
The application is not for substantial alterations and additions and therefore an assessment against SEPP 65 was not required.
- SEPP (Building Sustainability Index – BASIX) 2004
A BASIX Certificate is not required for the works noting the development is in effect rebuilding existing verandas.

2.1.3. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.4. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2: Low Density Residential Zone	Existing Use Rights	The proposal is defined as a RFB that is prohibited in the R2: Low Density Zone. The existing inter war residential building was approved and constructed prior to the LEP prohibiting the use within the zone, and as such is considered to be an Existing Use under Division 4.11 of the EP&A Act.
Part 4 Principal development standards		
4.3 Height of buildings	Yes	The existing inter war building is non-compliant with Council's maximum building

Provision	Compliance	Comment
<ul style="list-style-type: none"> 8.5m 		height standard and no change to the existing building height is proposed as part of this proposal. However, the replacement of the existing balconies is over the height standard, with a maximum proposed height of 12.22m.
4.4 Floor space ratio <ul style="list-style-type: none"> FSR: 0.5:1 GFA 281.5 m² 	Yes	The proposed works do not add to the existing gross floor area across the site.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height and setback development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not a heritage item and is not located within an existing conservation area; however, the site is located on Francis Street which is a landscape heritage conservation area and is within a draft conservation area. Council's Heritage advisor has reviewed the proposal and considers the proposal to be acceptable.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Limited earthworks proposed (approx. 1m for excavation for new footings).

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 12.22 m on the west side and 11.46 m on the east side, exceeding the standard by 3.72m, equating to a 44 % 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 the building development standard on the following basis:

Clause 4.6 (3) (a): that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The objectives of the building height control (Clause 4.3) are:

- (i) Objective (a) is relevant here; however, the proposed non-compliance with the building height control is minor in its context given the existing main building that is far higher than the existing or rebuilt balconies. The new building work is the rebuilding of existing rear balconies, and the main existing building has a maximum height of 14.94m, compared to the maximum building height of the balconies of 12.22m. The proposal maintains the relationship between building heights on the site.*
- (ii) The additional building height proposed, compared to the existing balconies, is the result of providing a roof over the top balconies. This is consistent with the current planning provisions concerning residential units as discussed at Section 2.3 of this Report.*
- (iii) The works do not have a significant impact on the existing building's overall bulk and scale and have no impact on the building's streetscape character, as the works are to the rear and not visible from the public domain. The non-compliance with the building height control is an extension of an existing non-compliance and not the introduction of a new non-compliance.*
- (iv) The proposed building height is also consistent and reasonable in its context. Around the site there are many similar residential flat buildings. The applicant is rebuilding an existing part of the building that has fallen into disrepair.*
- (v) These works have no significant effect on the environmental amenity of neighbouring properties, public spaces, or views. The proposal complies with objective (a).*
- (vi) Objectives (b) and (c) are not relevant. In terms of objective (d), the proposal is consistent with the relevant objectives of the R2 zone noting the site has an Existing Use Right and the application is the legitimate exercising of that use right to rebuild existing balconies (compliance with the relevant zone objective is discussed at Section 5.3 of this Report).*

Clause 4.6 3 (b): that there are sufficient environmental planning grounds to justify contravening the development standard.

- (i) There are sufficient environmental planning grounds to justify contravening the development control because the proposal is consistent with and satisfies the objectives of the height of building control, consistent with the relevant objectives of the zone and the circumstances of the site, which are that the site has an Existing Use Right, and the application is to rebuild existing*

balconies. The new works does not fundamentally change the form or scale of the existing building.

(ii) The proposed balconies expand the existing balconies by 550mm responding to a reasonable site-based opportunity to make this building more consistent with current residential unit housing policies such as SEPP 65.

(iii) The proposal provides for better private open space to the existing units with no appreciable environmental impacts. There are negligible physical impacts and demonstrable beneficial impacts to the occupants of the building.

(iv) This is a good planning justification for the variations to the site's LEP building height control sought.

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) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's justification is considered sound, particularly as the replacement of the balconies are generally located within the existing non-compliant building and the proposal results in no change to the existing building height. The proposal would not have amenity impacts upon neighbouring properties of the building. The works do not have a significant impact on the existing building's scale and have no impact on the building's streetscape character, as the works are to the rear, and will not be visible from Francis Street.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out, despite the fact that the building has existing use rights.

The relevant objectives of the building height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The proposal provides for an increase of 550mm in the depth of balconies that adds further variation. The proposal is not adding substantial bulk or height to the existing building, and therefore the proposal is considered to be consistent with the desired future character of the area. The proposal will not result in any unreasonable privacy, overshadowing or view impacts as outlined further in this report and as a result, the amenity of surrounding properties will be preserved.

The subject site enjoys the benefit of existing use rights. Given that the R2 zoning prohibits the land use of residential flat buildings, the R2 zoning does not apply to the development as it is this part of the LEP which derogates from the existing use 'incorporated provisions' in the Regulations.

Notwithstanding, an assessment against the objectives of the zone is provided following for an abundance of caution.

The objectives of the R2: Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal maintains the existing density on site, while providing enhanced residential amenity for six of the eleven existing units within the building. The development is consistent with the objective to provide for the housing needs of the community within a low to medium density residential environment.

Conclusion

For the reasons provided above, the requested variation to the height development standard is supported, as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height development standard and the R2: Low Density Residential Zone.

2.1.5. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
5. Vegetation Preservation	Yes	No tree removal is proposed.
9. Heritage	Yes	Acceptable and has been discussed above.
12. Design Excellence	Yes	Acceptable.
17. Inter war Buildings	Yes	The proposed works are considered acceptable.

Table 3: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.2 - Side and rear setbacks <ul style="list-style-type: none"> • Minimum side setback: • Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	The existing side setbacks of the balconies are retained. The proposed balconies are to extend a further 550mm towards the rear. This reduced setback is considered acceptable and is not considered to adversely impact on neighbouring properties, while increasing the amenity of the existing units. It is noted that no objections have been received from neighbouring properties
3.5 Building design and streetscape		
<ul style="list-style-type: none"> • Sympathetic external finishes 	Yes	Acceptable. It is recommended at the glass be translucent to ensure privacy to the users of the balconies is somewhat maintained.

Development Control	Compliance	Comment
3.9 Landscaping		
	Yes	No change to existing landscaping on site.
3.10 Communal open space		
	Yes	The proposal would not impact upon the existing rear communal areas. Very minimal change to existing solar access received.
3.11 Private Open Space		
3.11.2 – Balconies/decks <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	The replacement of the existing balconies are to the rear of the site. As discussed previously, a condition is recommended requiring the glass balconies to be constructed of translucent glass.
3.13 Solar access and overshadowing		
	Yes	The proposed works are contained within the existing building footprint and will not result in any additional shadow impacts to surrounding properties. Furthermore, the units will continue to receive solar access as existing.
3.14 Views and view sharing		
	Yes	No view loss anticipated.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	The replacement balconies are not considered to result in adverse amenity impacts. No works are proposed to the rooftop balconies of units 9 and 11.

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 14 days between 14th July to 2nd August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

One submission was received from 2/2 Simpson St, Bondi Beach. It is noted that this property is located approximately 900m to the north. The submission stated 'I don't mind balconies where they don't overlook other people's yards removing privacy, sunlight and then polluting with possible music, noise and sometimes smoke. And Committed needs to really takes this into account'

In regards to the above, the proposed replacement balconies are considered acceptable and are providing further amenity for the existing units without compromising the amenity of neighbouring properties.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

The application was referred to Council's Fire Safety Officer who provided the following comments:

No objection is raised to the minor works from a fire safety perspective, subject to all new works complying with the requirements of the Building Code of Australia.

3.2. Heritage

The application was referred to Council's Heritage Officer who stated that the proposal is acceptable and has suggested the use of translucent glass.

4. CONCLUSION

The development application seeks consent for alterations and additions to residential flat building including replacement and extension of existing balconies to units 6, 7, 8, 9, 10 and 11 at the site known as 81 Francis St, Bondi Beach NSW 2026.

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

- Building height noncompliance
- Rear setback
- Existing use rights

The assessment finds these issues acceptable and it is considered that the proposal will enhance the residential amenity for occupants of the subject units.

A total number of 1 submission was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 2nd August 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *B McNamara, B Magistrale, T Sneesby*

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 on behalf of the Development and Building Unit by:
	
Saumya Shah	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 8th August 2022	Date: 2 August 2022

Reason for WLPP referral:

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

Conditions of the development consent**A. APPROVED DEVELOPMENT****1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

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

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 1.01	EXISTING PLANS + ELEVATIONS	Dec 2021	1 July 2022
DA 1.02	PROPOSED PLANS	Dec 2021	1 July 2022
DA 1.03	PROPOSED ELEVATIONS + SECTION	Dec 2021	1 July 2022
DA 1.05	DEMOLITION PLAN	Dec 2021	1 July 2022

- (b) Site Waste & Recycling Management Plan received by Council on 1 July 2022;

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The proposed glass balustrades are to be constructed of translucent glass.

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

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.

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$ **7,050** 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.

6. LONG SERVICE LEVY

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

CONSTRUCTION MATTERS

7. 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.

8. 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.

9. 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.

10. 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.

FIRE SAFETY

11. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

12. 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.

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

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.

DEMOLITION & EXCAVATION

14. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;

- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land, or
- particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

15. 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.

16. 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

17. 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*.

18. 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.

19. 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.

20. 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.

21. 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.

TREE PROTECTION AND REMOVAL

22. TREE PROTECTION

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

23. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

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.

24. 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.

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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.

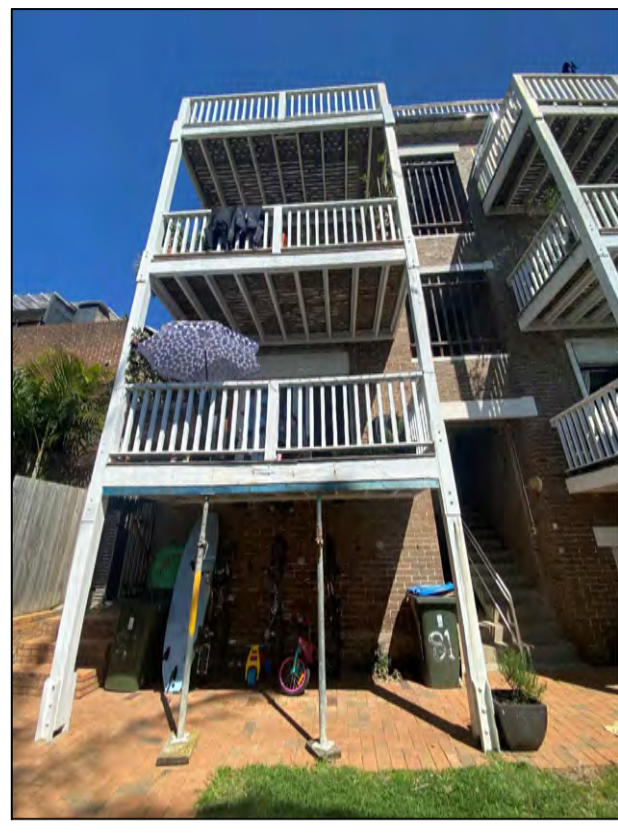
AD6. BONDI - ROSE BAY SAND BODY

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.

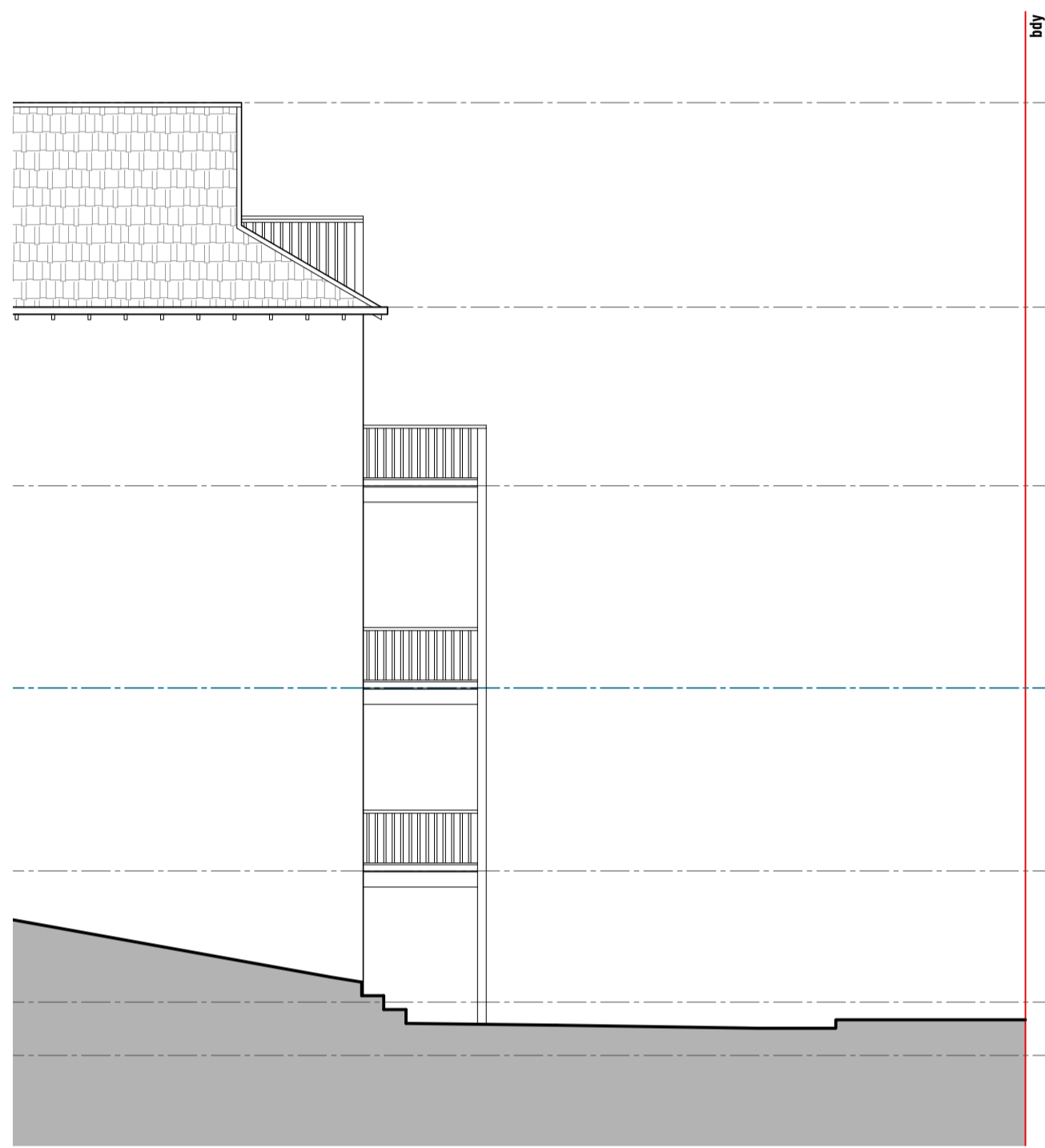
Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD7. 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.

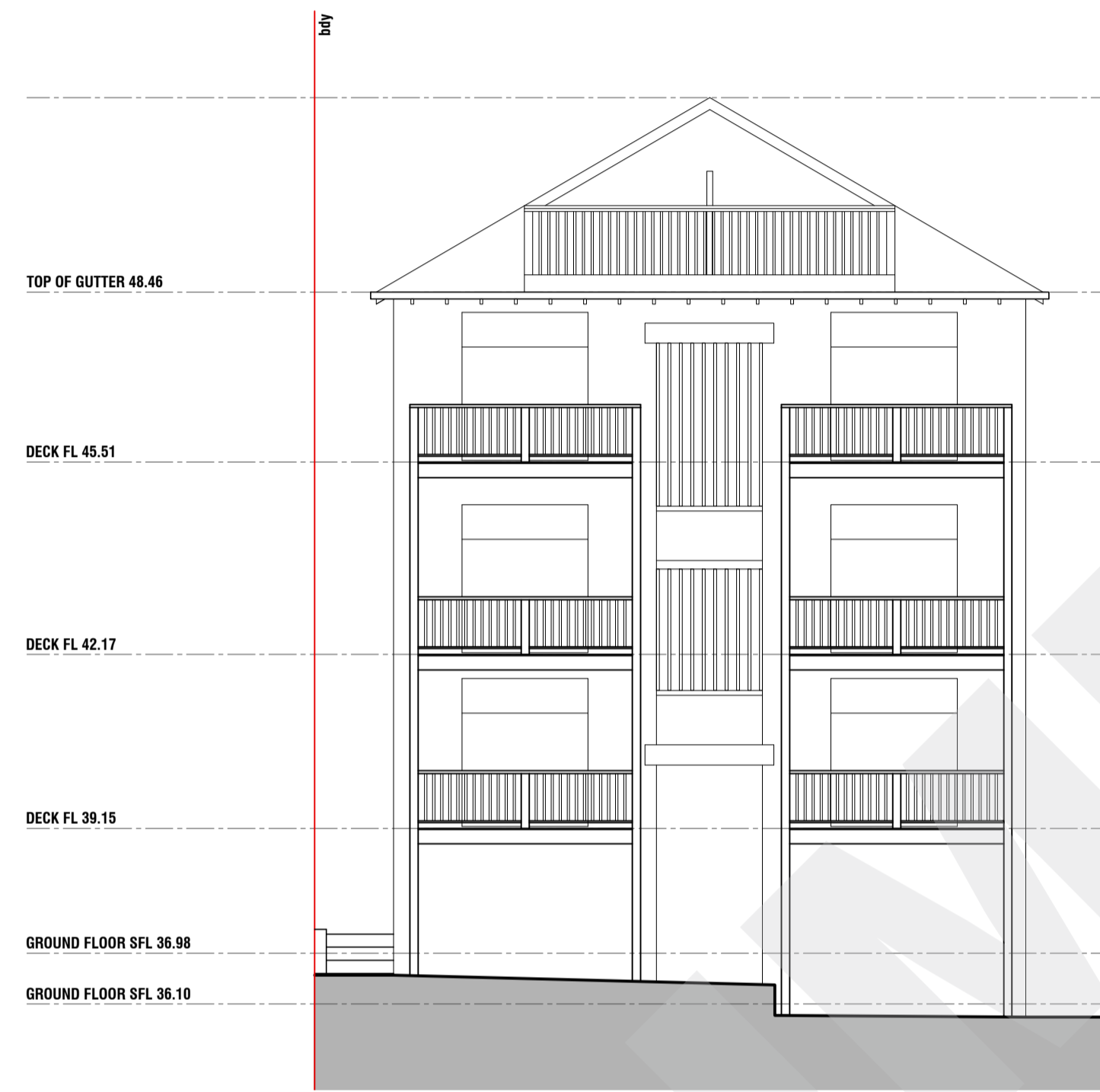


NOT FOR CONSTRUCTION



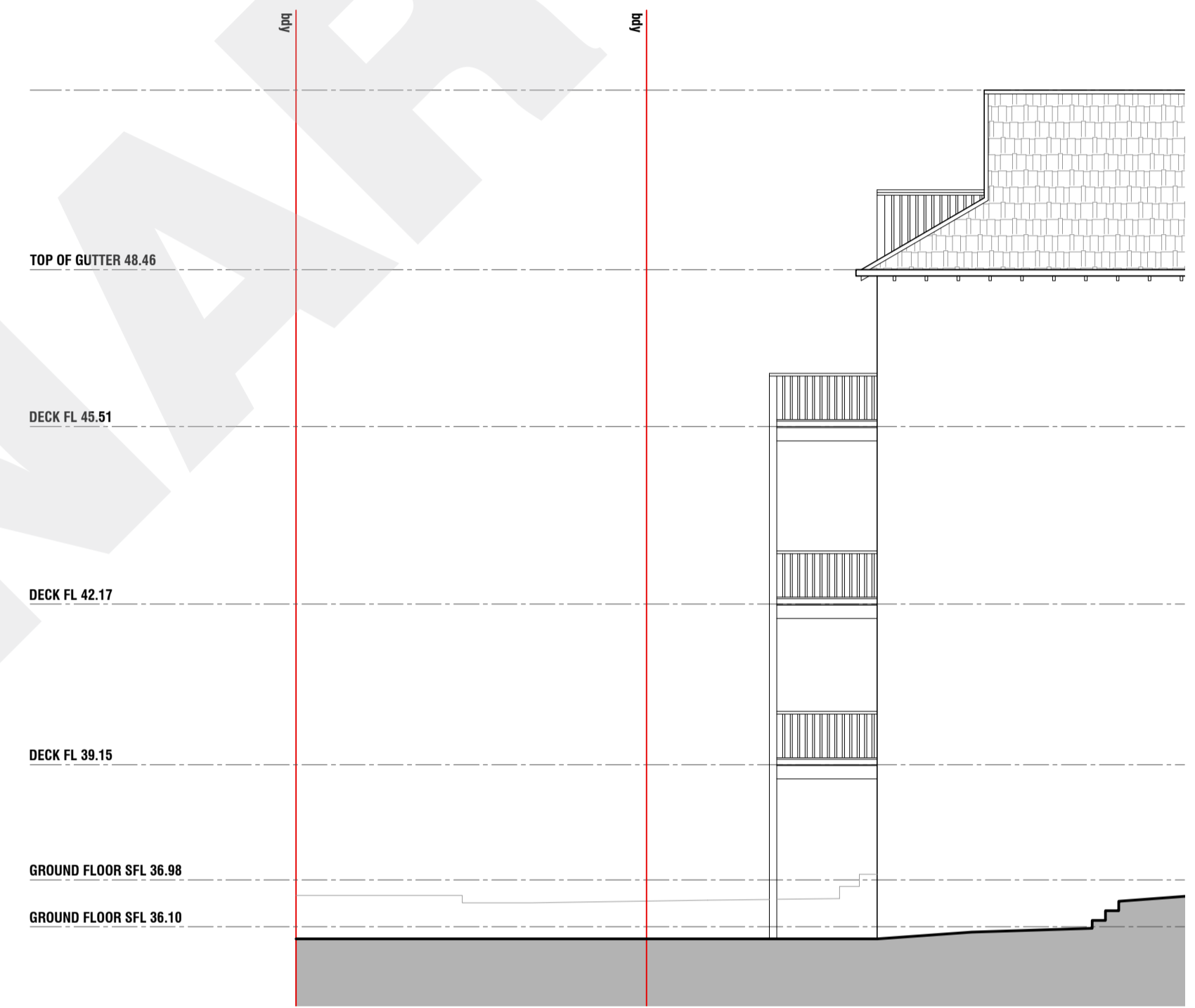
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north elevation

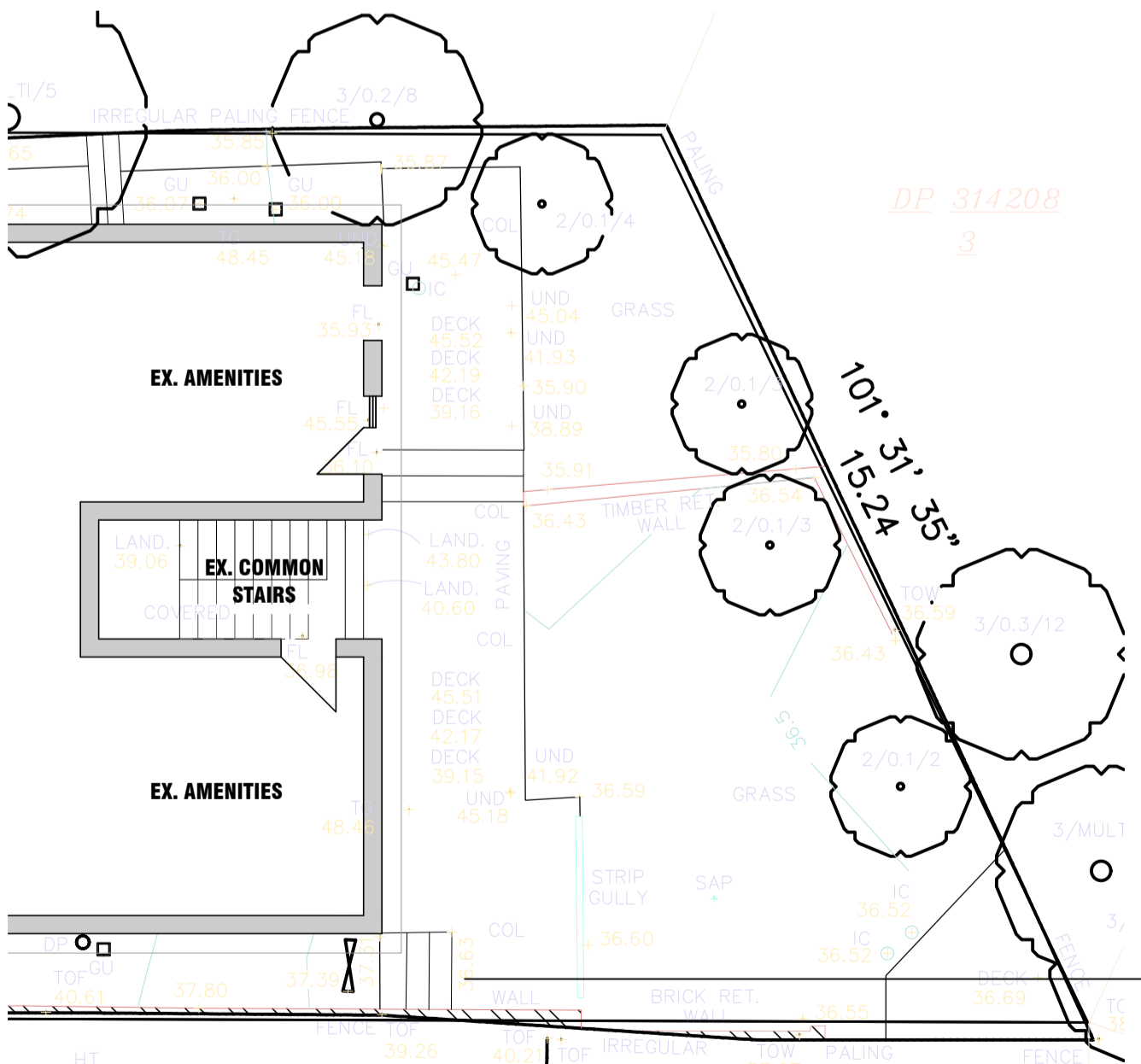
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west elevation

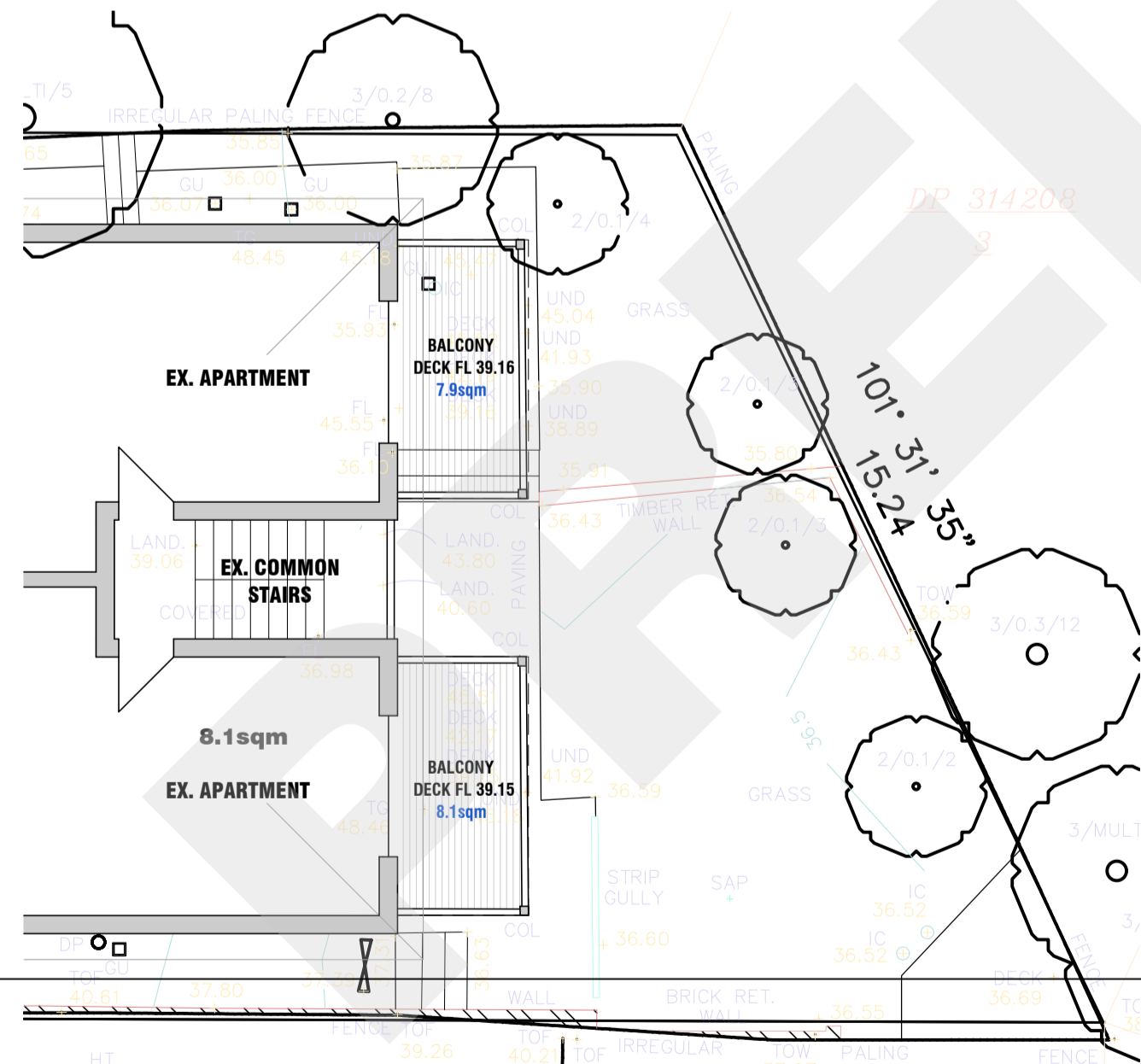
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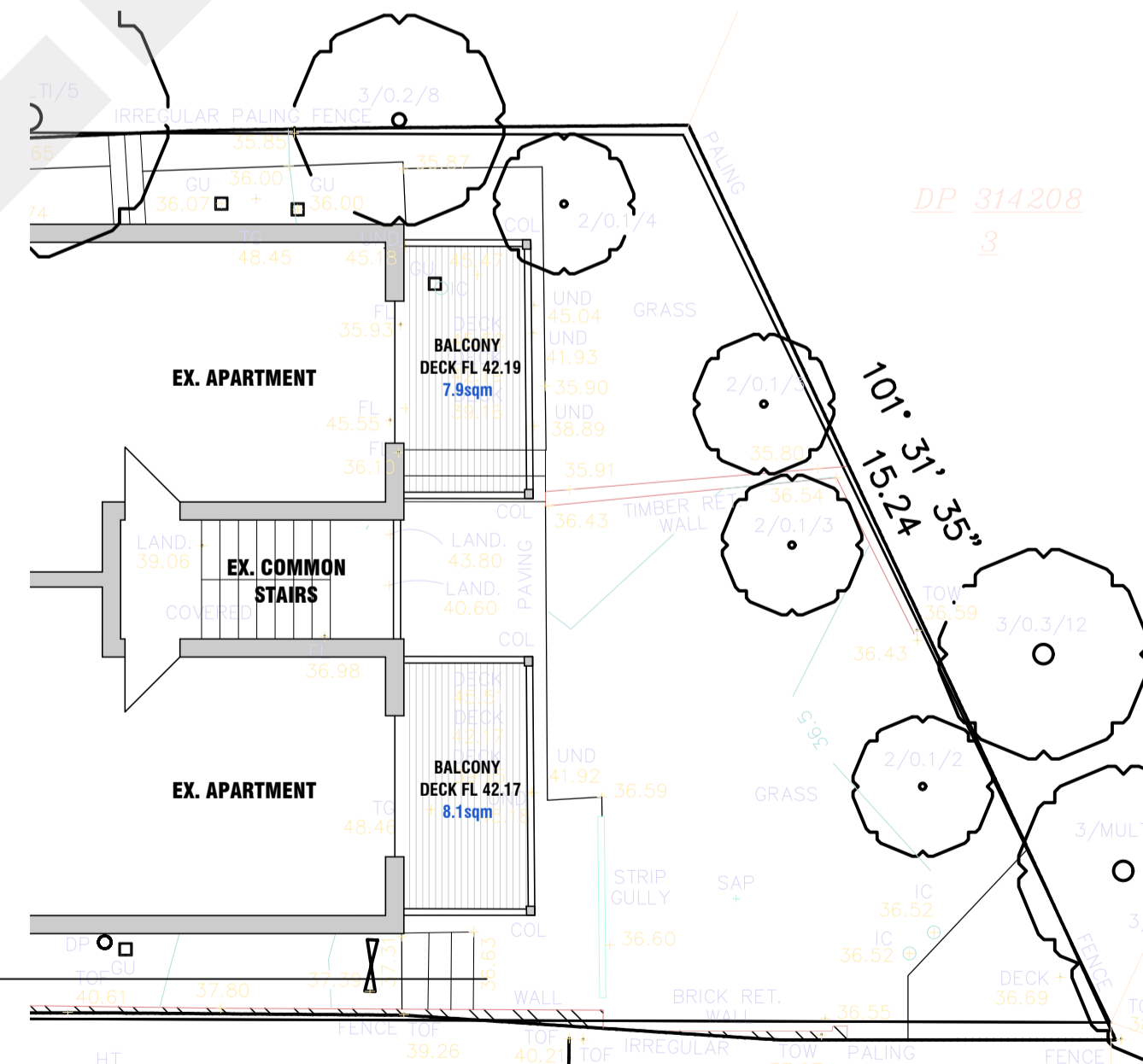
basement floor plan

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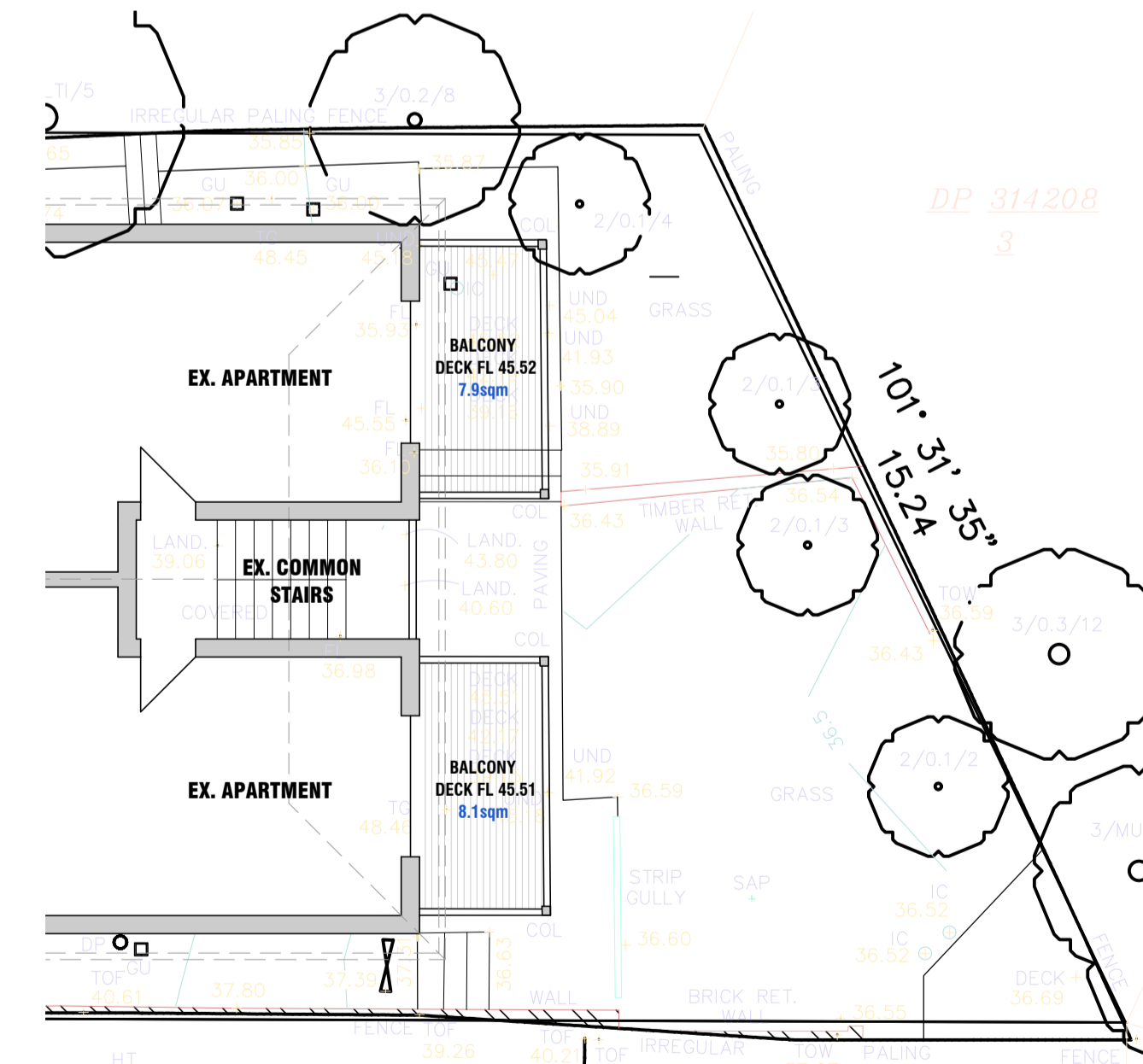
lower ground floor plan

scale: 1:100



ground floor plan

scale: 1:100



first floor plan

scale: 1:100

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81 FRANCIS STREET, BONDI

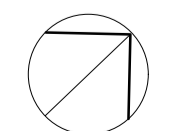
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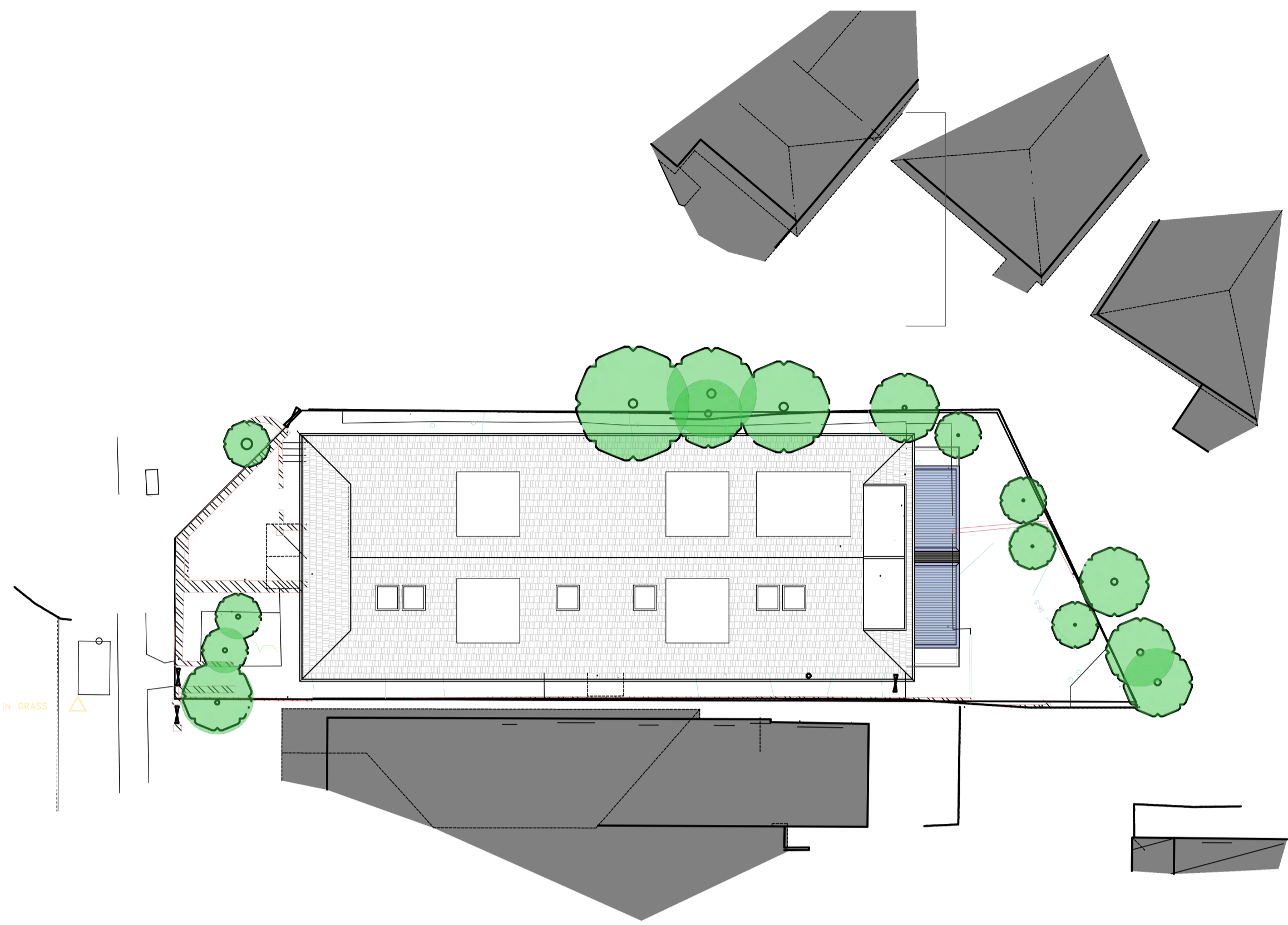
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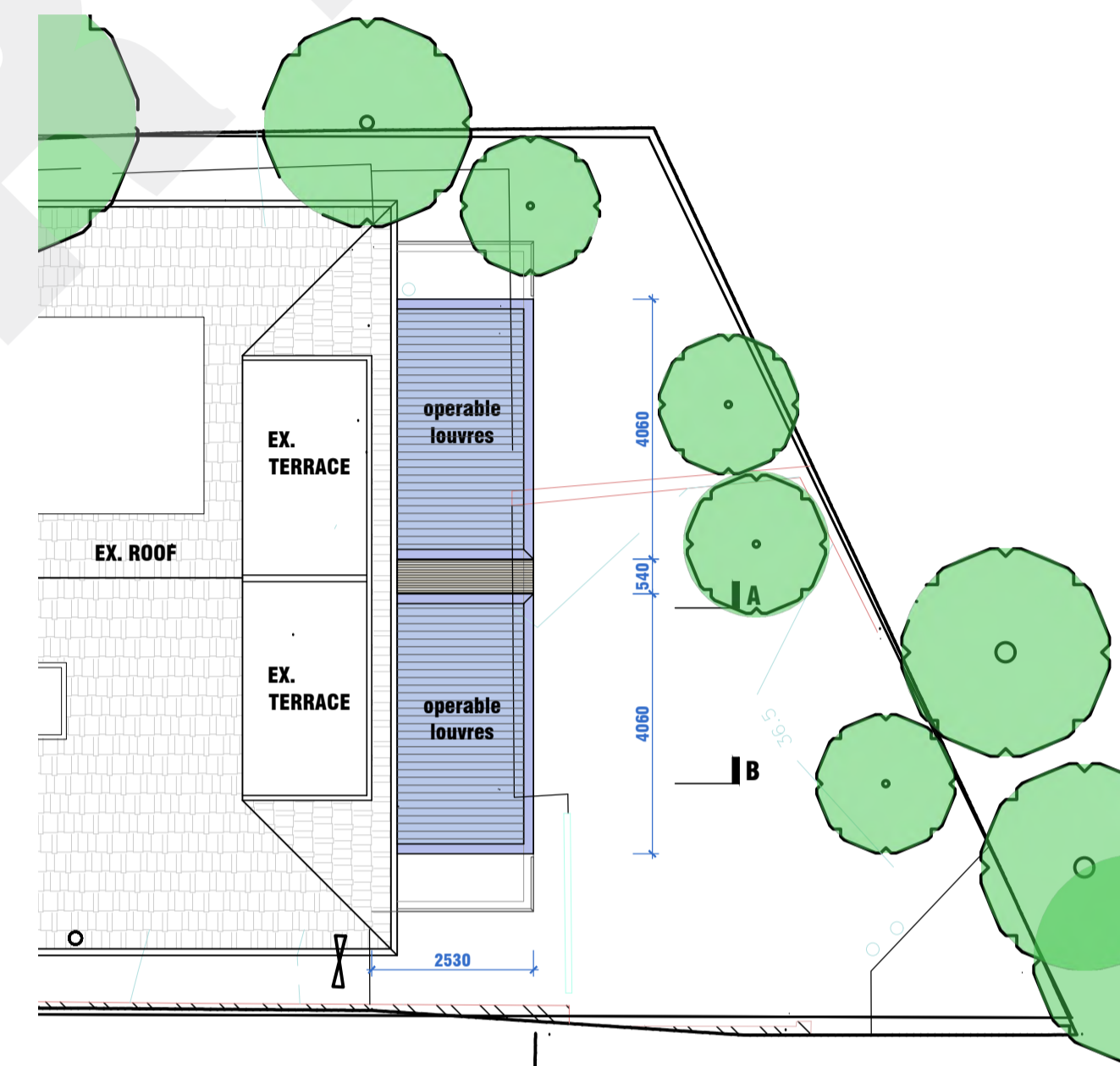
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EXISTING PLANS + ELEVATIONS



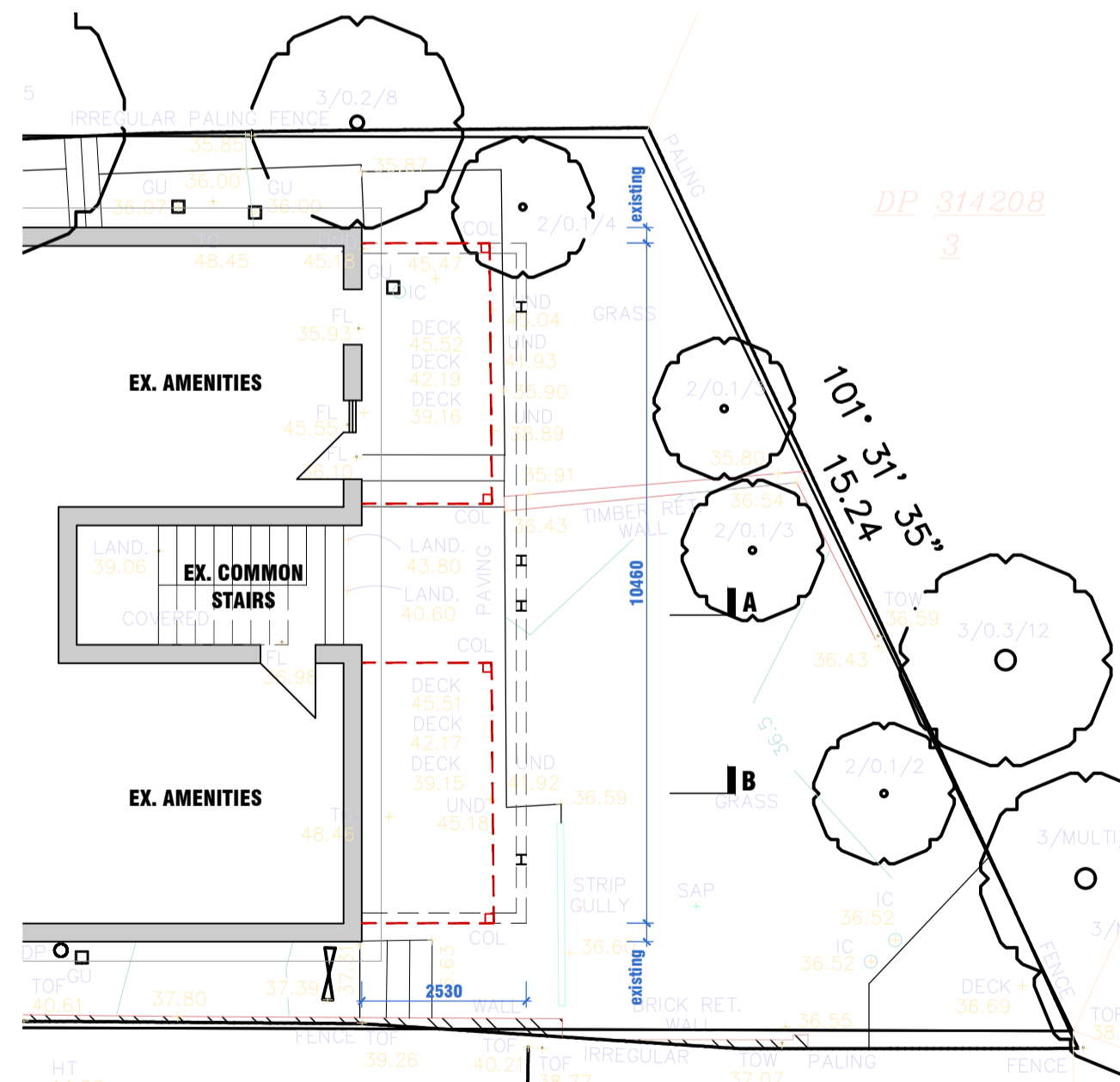
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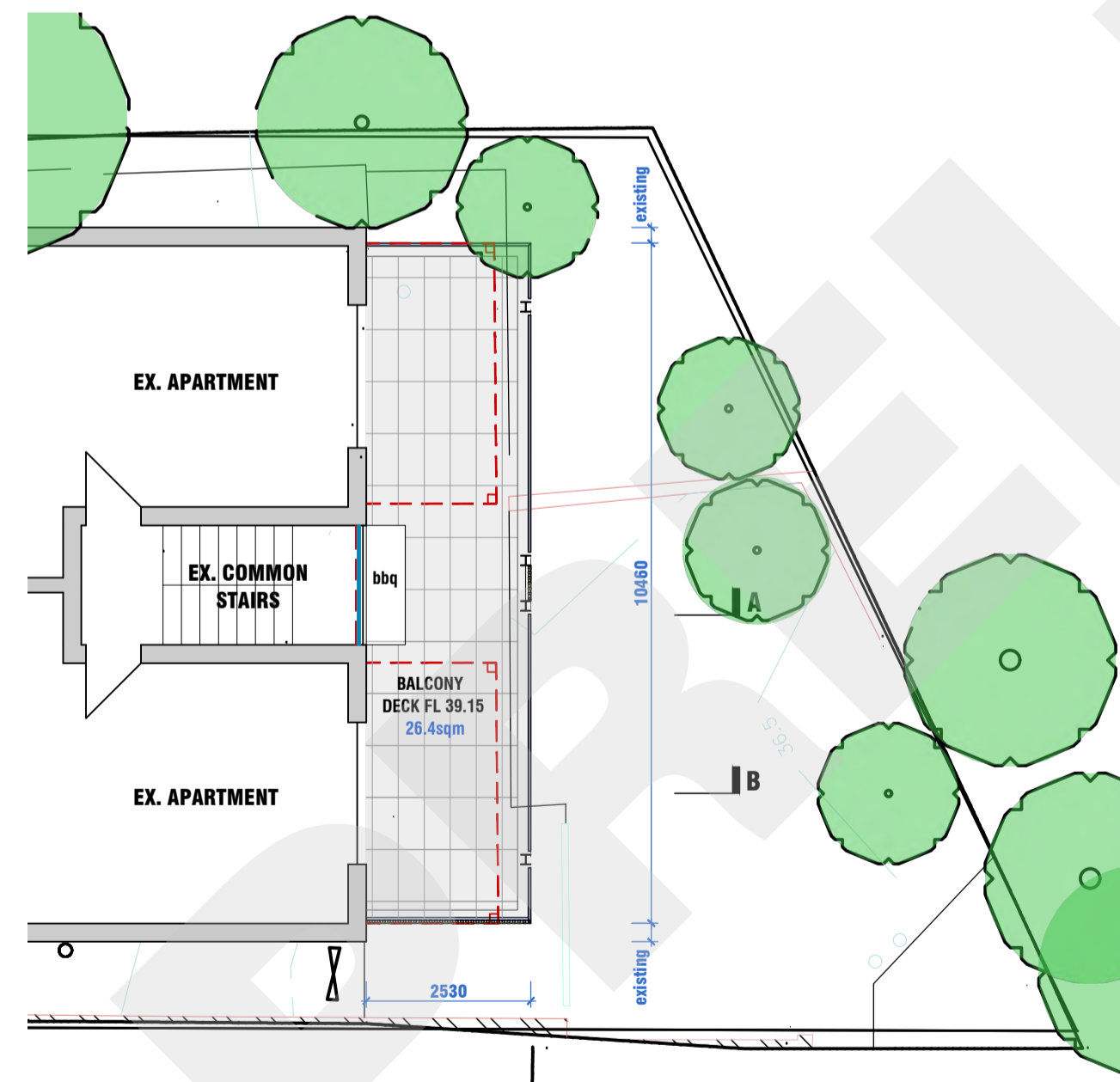
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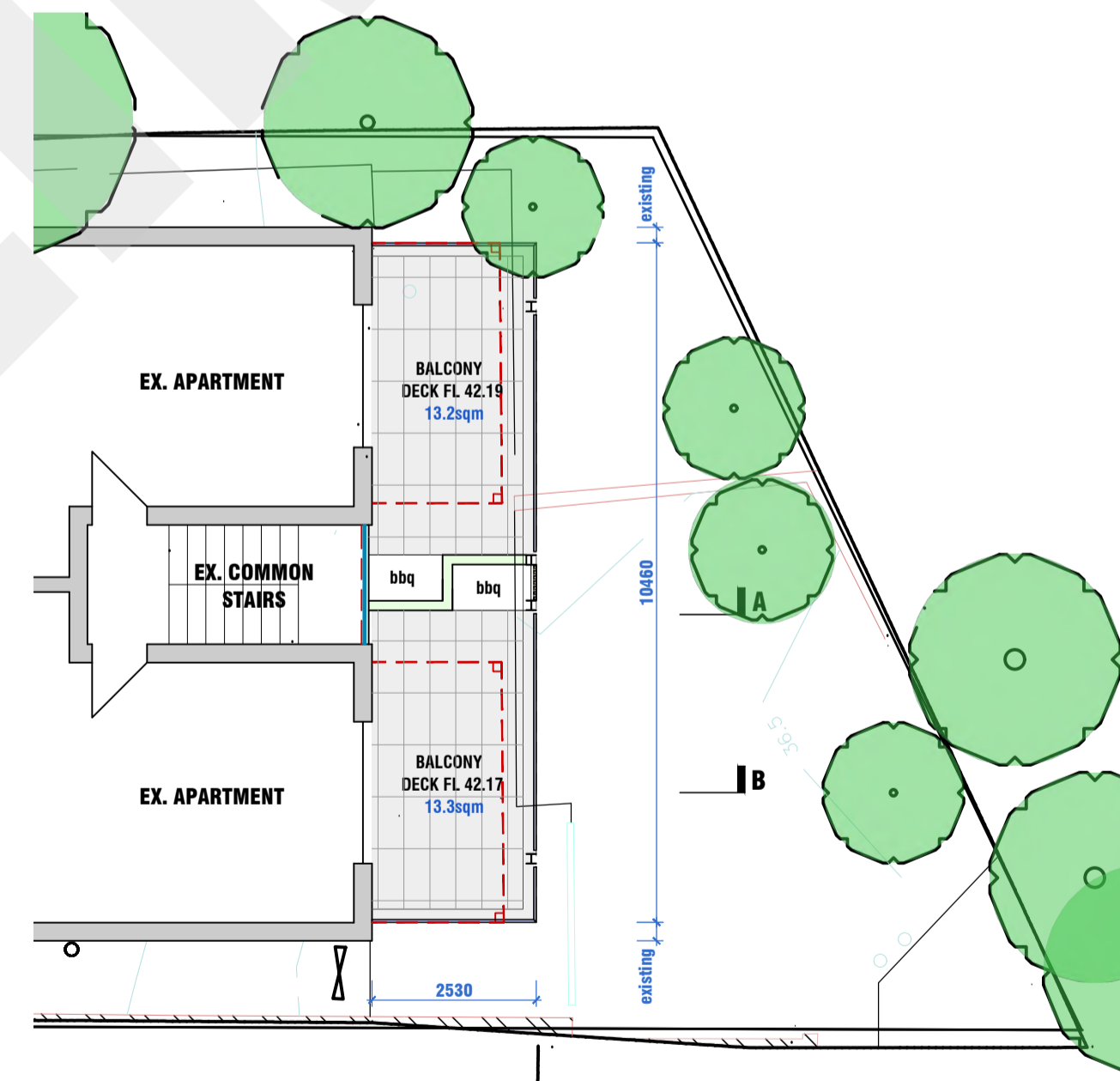
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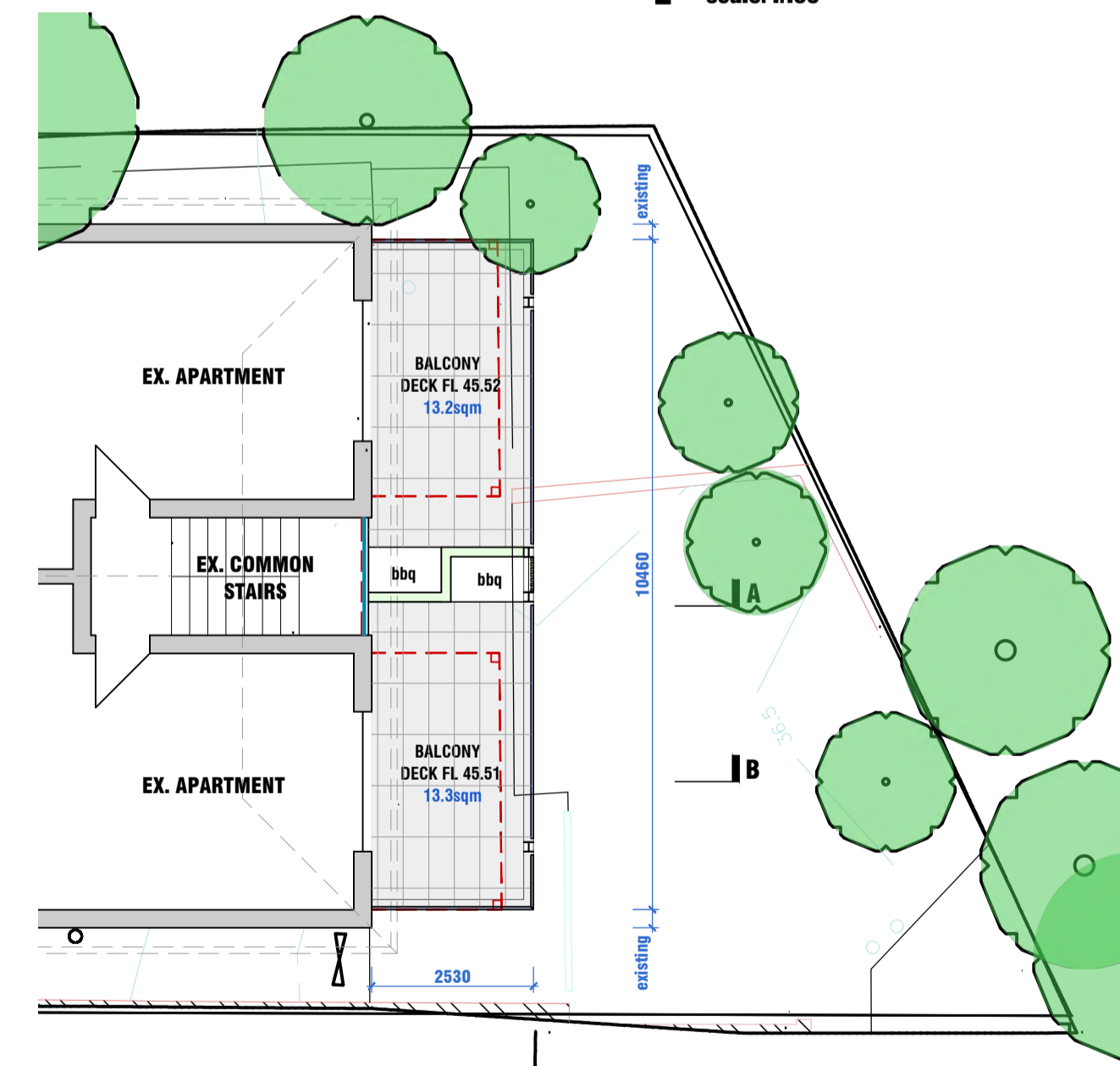
basement floor plan | scale: 1:100



lower ground floor plan | scale: 1:100



ground floor plan | scale: 1:100



first floor plan | scale: 1:100

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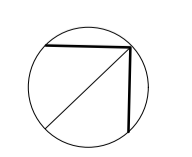
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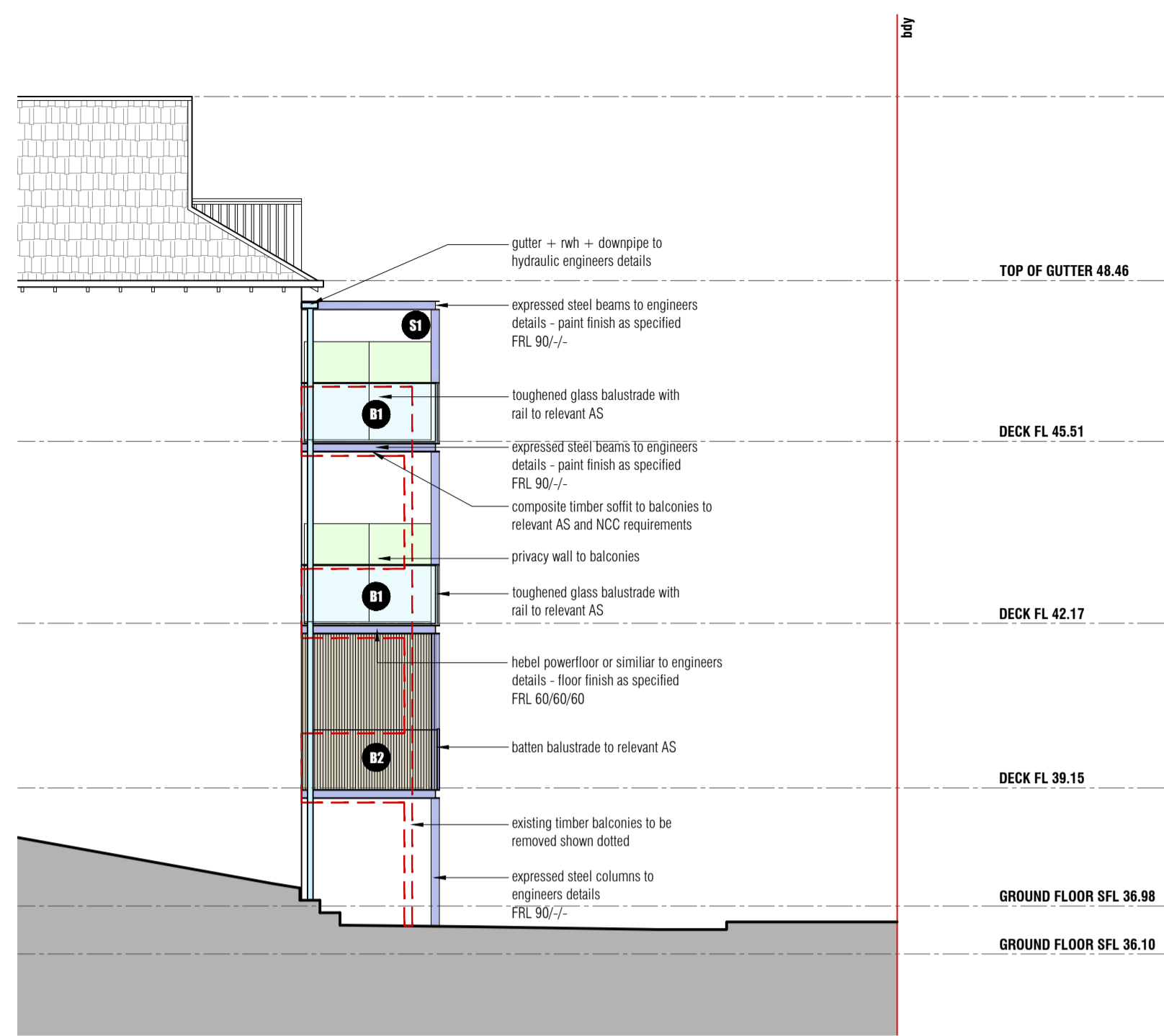
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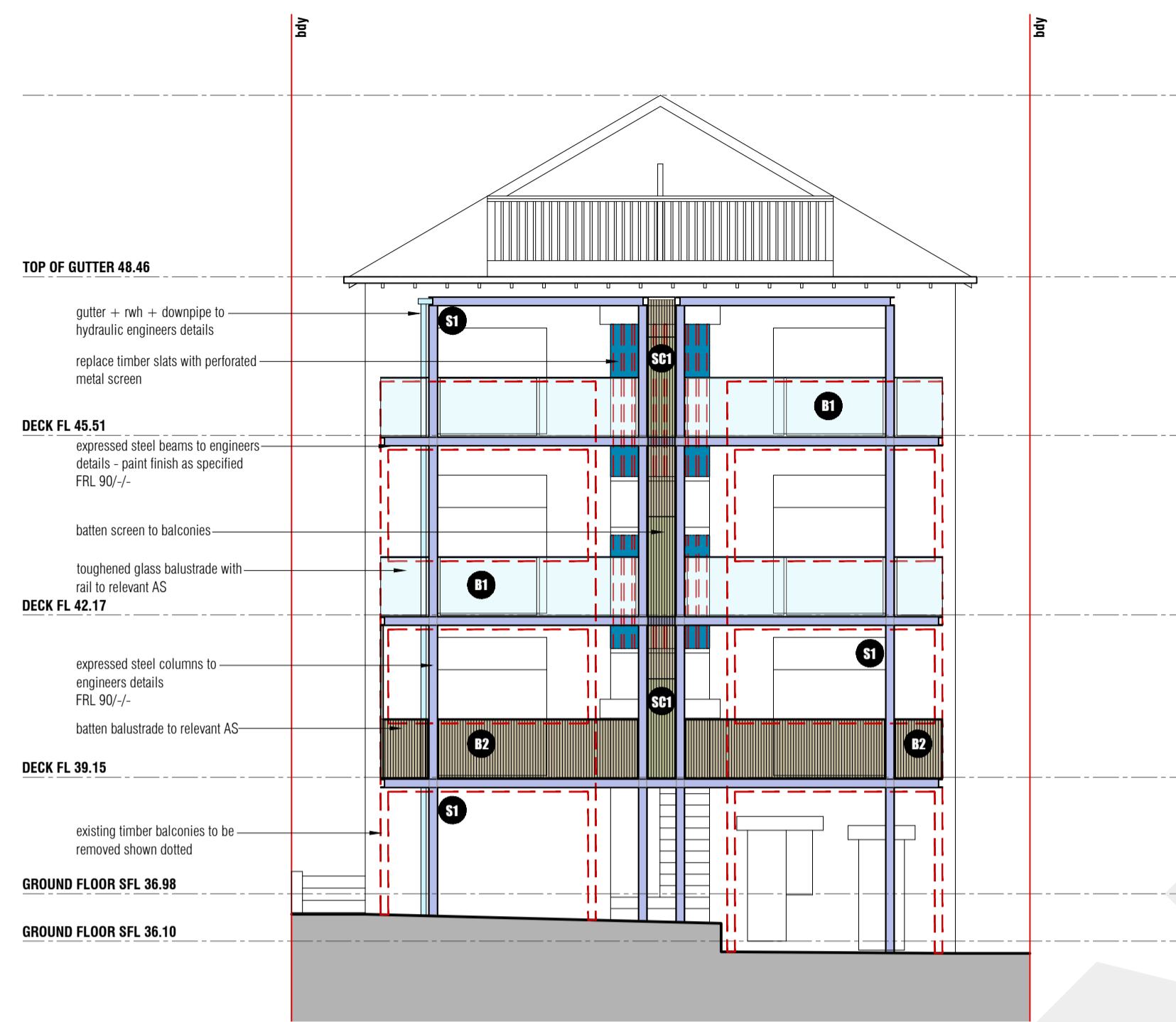
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DA 1.02
DRAWING
PROPOSED PLANS



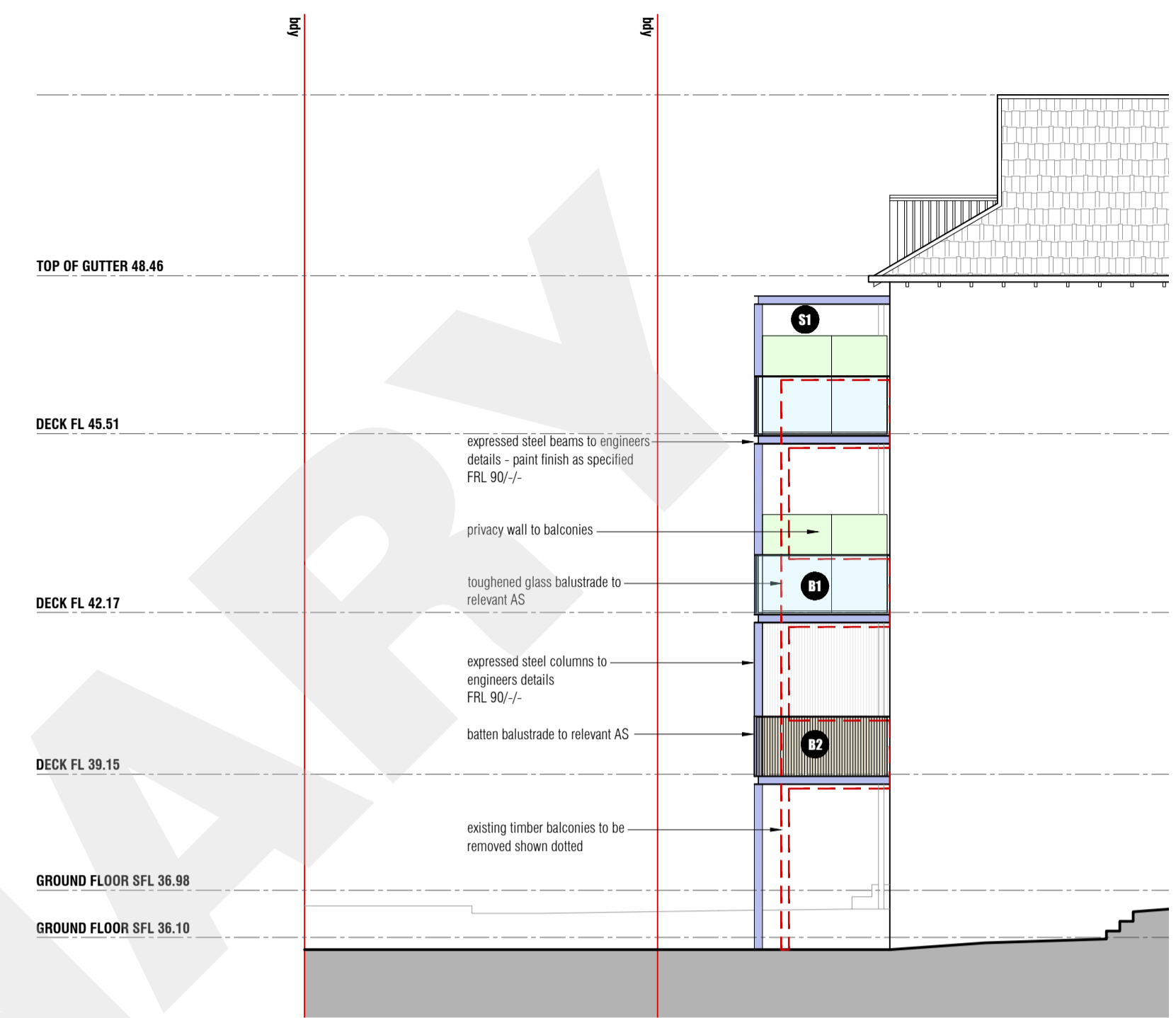
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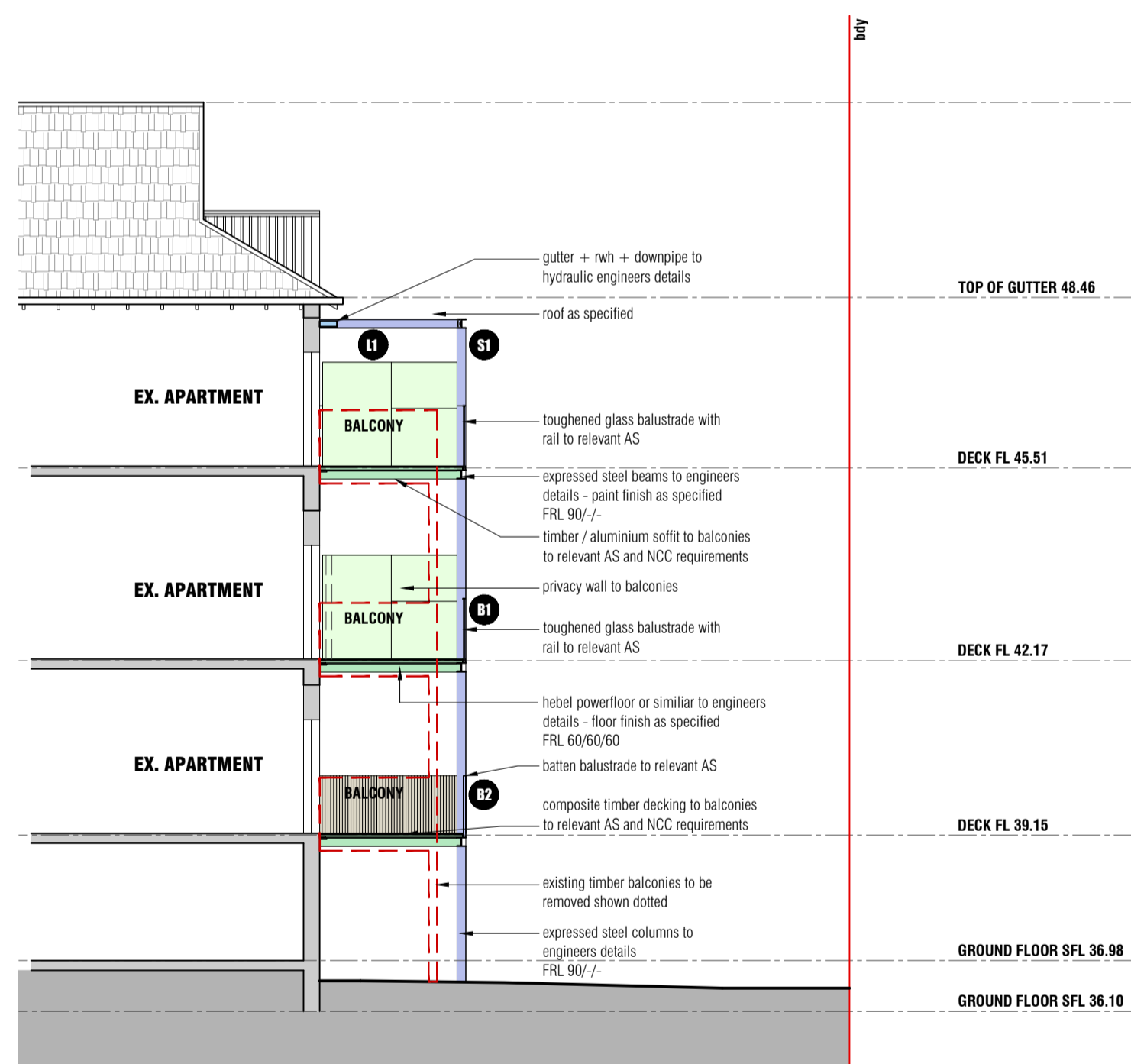
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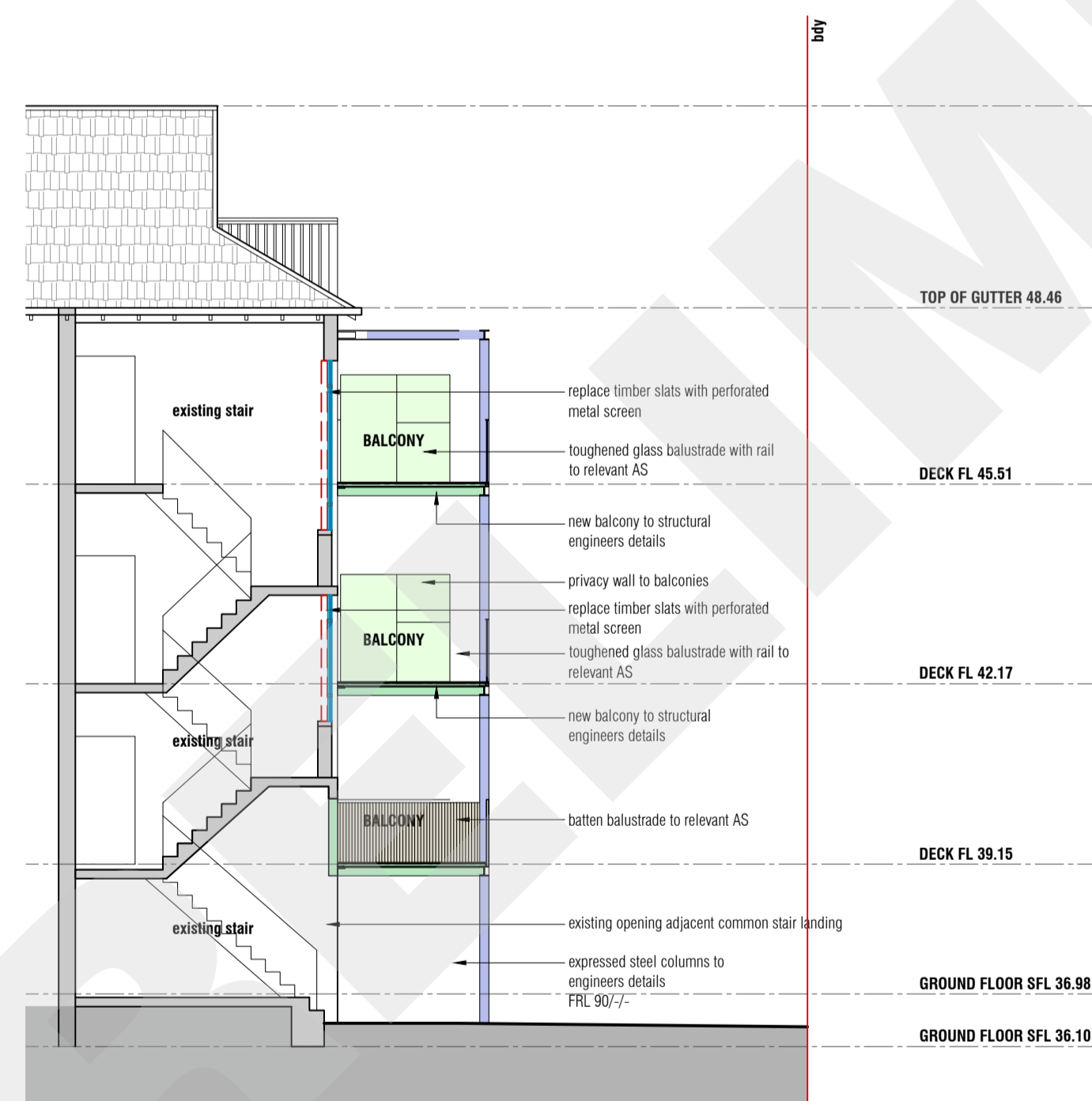
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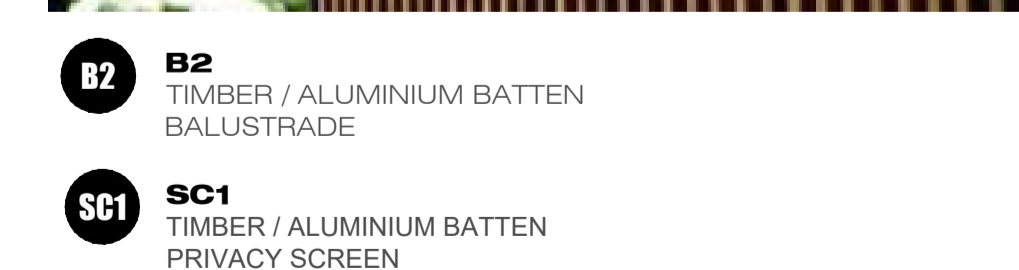
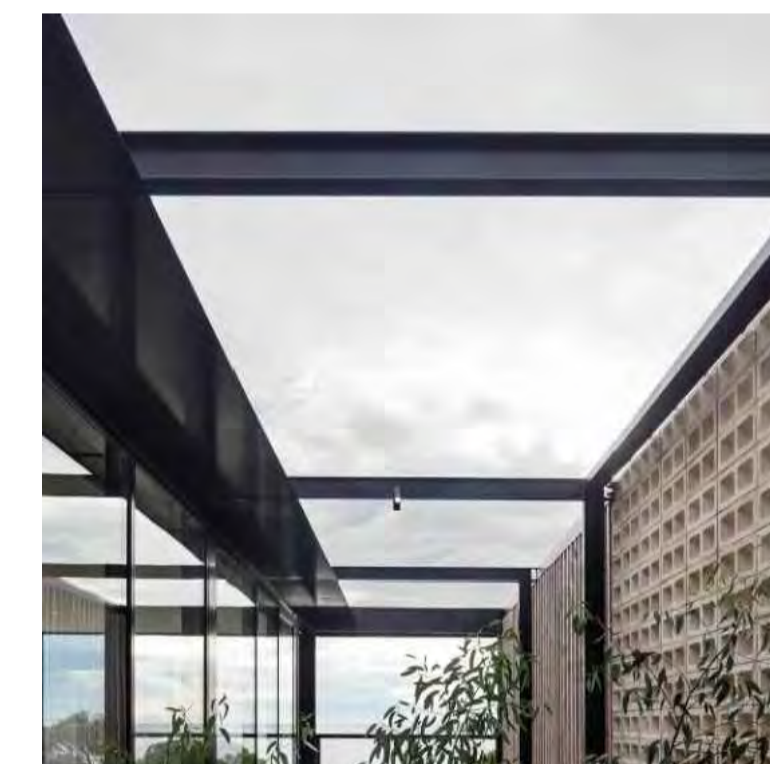
west elevation | scale: 1:100



section A-A | scale: 1:100



section B-B | scale: 1:100



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Nominated Architect: John Dimopoulos NSW ARB No: 7062

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PROPOSED ELEVATIONS + SECTION

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Nominated Architect: John Dimopoulos NSW ARB No: 7062

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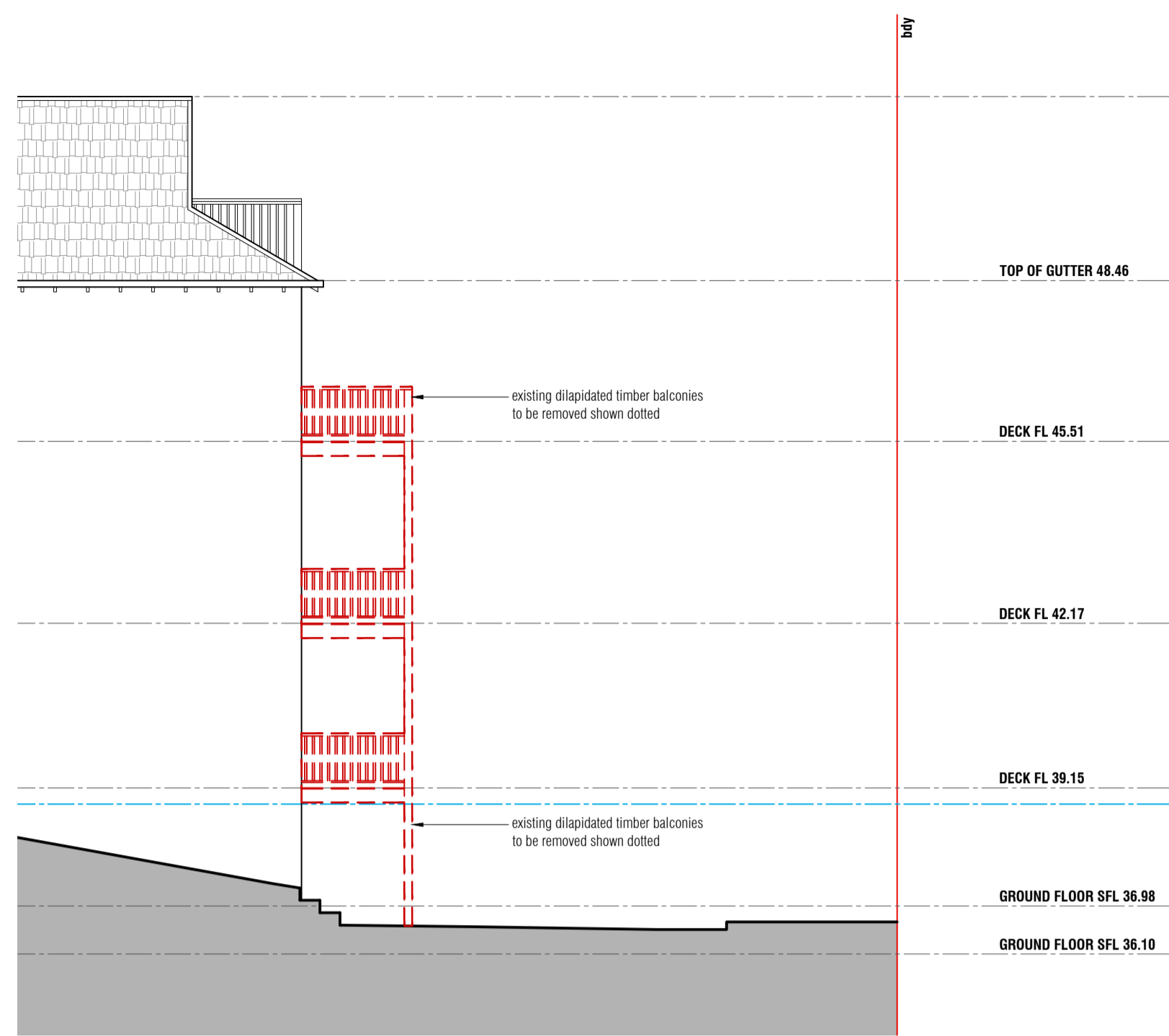
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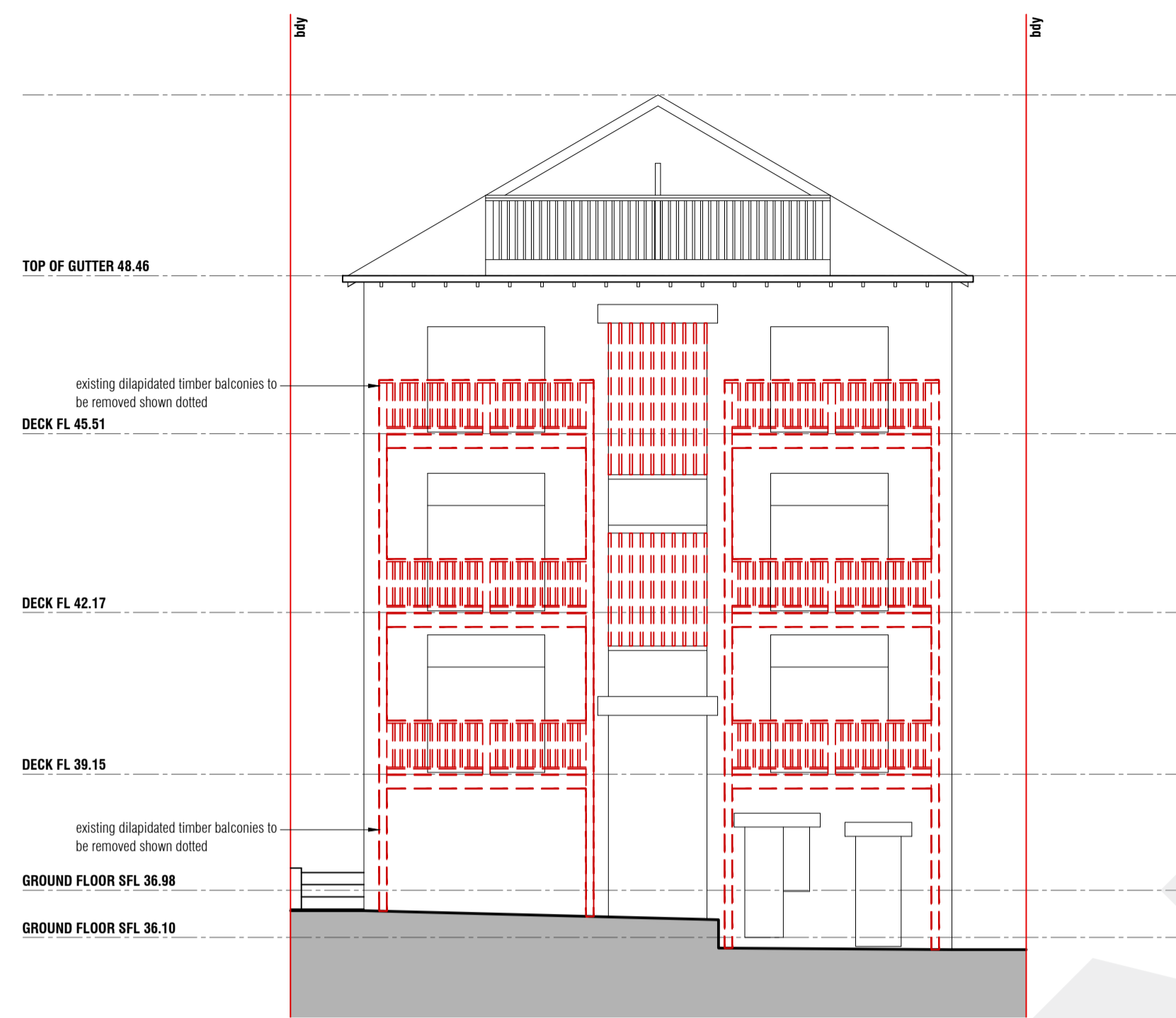
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NTS

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3D IMAGES

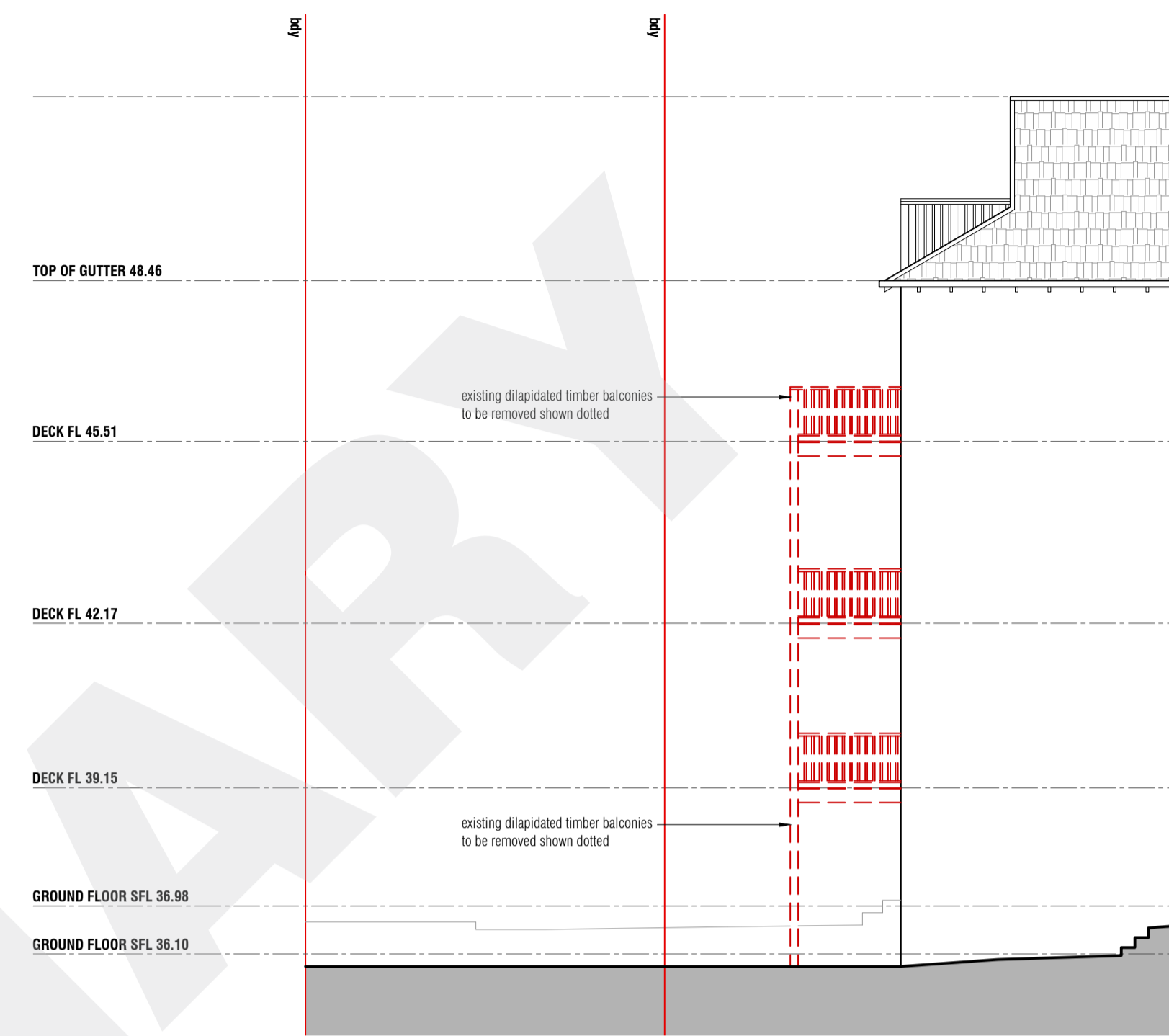
DA
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east elevation
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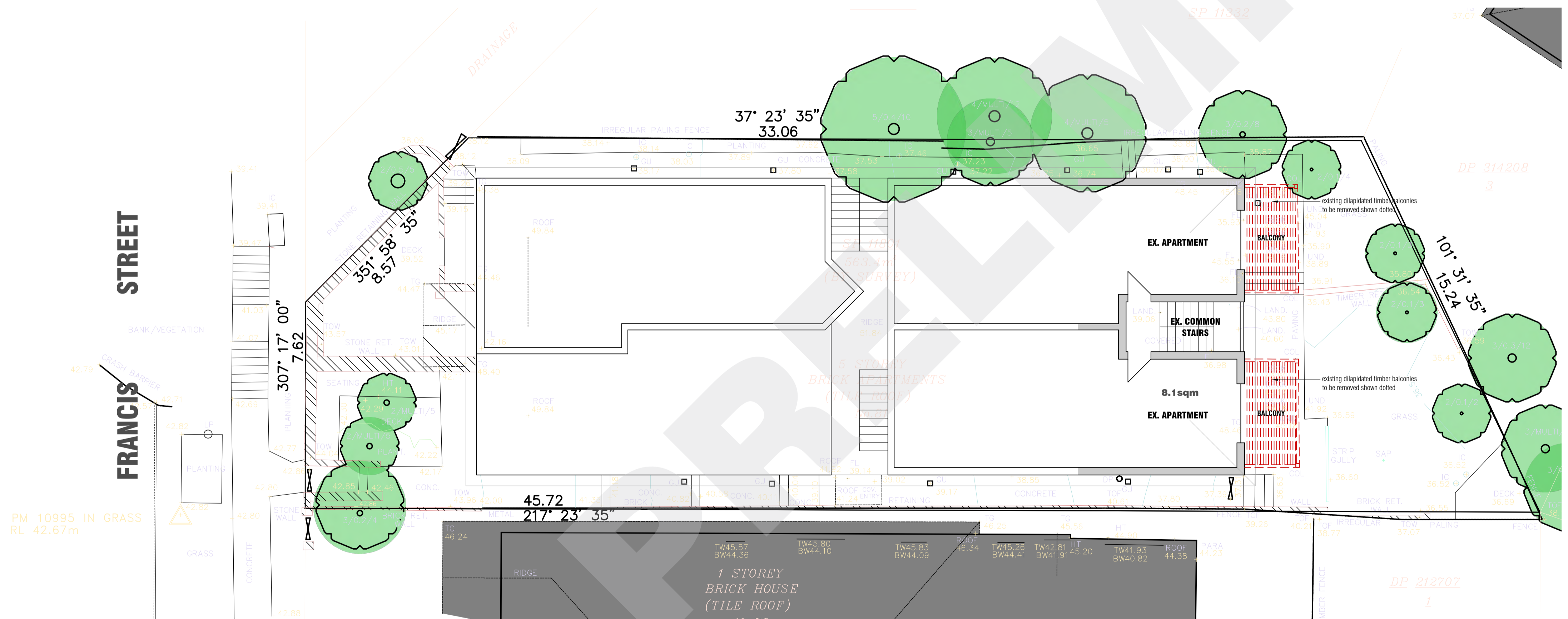


north elevation
scale: 1:100



west elevation
scale: 1:100

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floor plan (typical)
scale: 1:100

DEMOLISH EXISTING TIMBER FRAMED BALCONIES TO AS 2601-2001 THE DEMOLITION OF STRUCTURES, RELEVANT AUSTRALIAN STANDARDS AND GOVERNMENT REGULATIONS.

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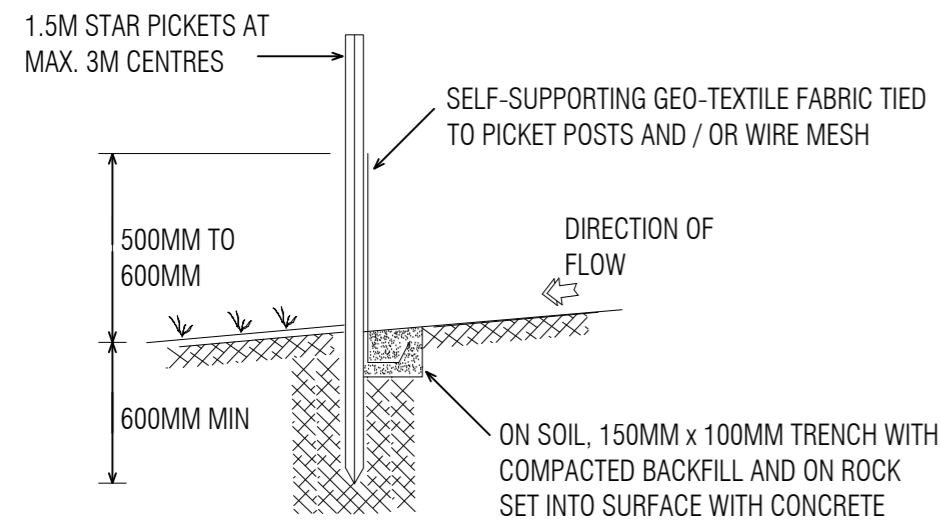


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DEMOLITION PLAN

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SEDIMENT CONTROL FENCE

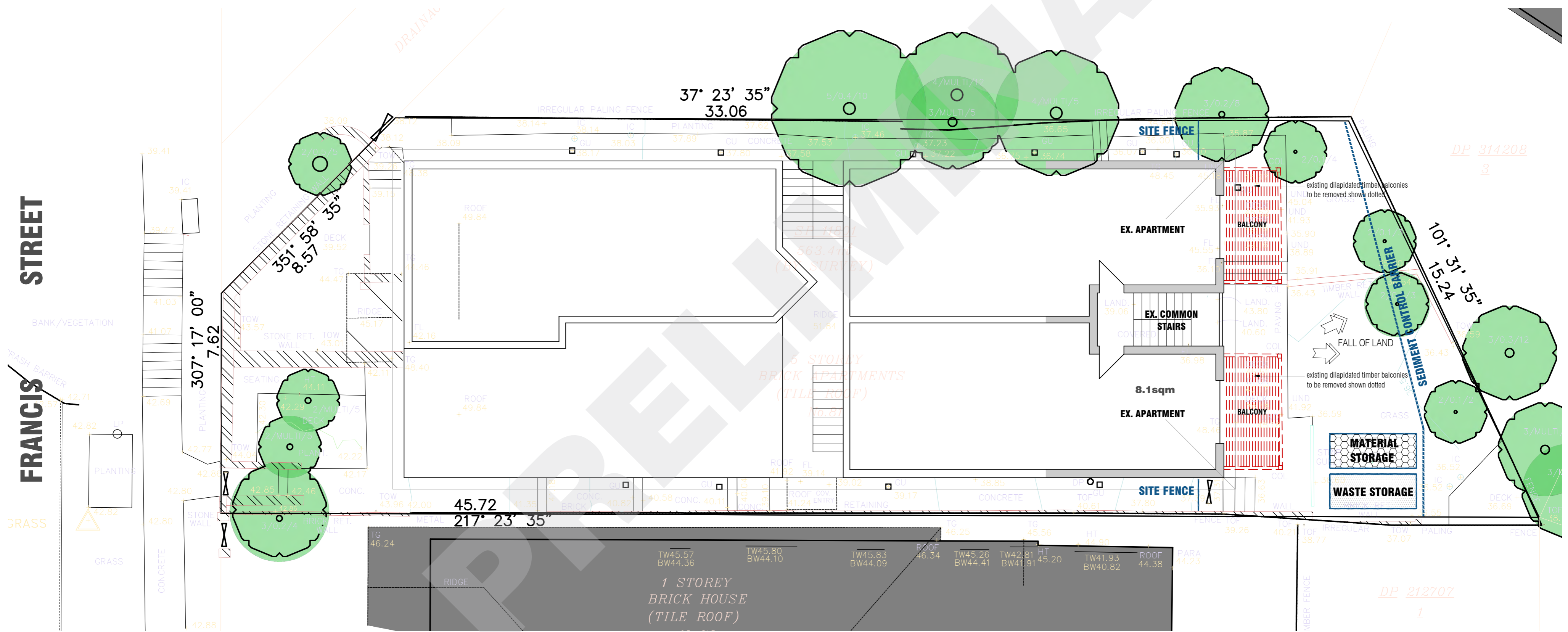
EROSION AND SEDIMENT CONTROL PLAN

- BEFORE EARTHWORKS CAN COMMENCE, THE EROSION AND SEDIMENT CONTROL MEASURES WILL NEED TO BE INSPECTED AND MAINTAINED REGULARLY BY THE CONTRACTOR, ESPECIALLY AFTER STORM EVENTS.
- ALL WORK TO BE CARRIED OUT TO PREVENT EROSION, CONTAMINATION AND SEDIMENTATION OF THE STORAGE SITE, SURROUNDING AREAS AND DRAINAGE SYSTEMS.
- MINIMISE DISTURBED AREAS COVERED WITH NATURAL VEGETATION ONLY THOSE AREAS DIRECTLY REQUIRED FOR CONSTRUCTION ARE TO BE DISTURBED.
- INSTALL EROSION / SEDIMENT CONTROL MEASURES PRIOR TO COMMENCEMENT OF CONSTRUCTION AND EXCAVATION OPERATIONS.
- DIVERT CLEAN WATER FROM UNDISTURBED AREAS AROUND THE WORKING AREAS.
- CONTINUALLY MAINTAIN EROSION AND SEDIMENT CONTROL STRUCTURES TO ENSURE THEIR EFFICIENCY.
- ADOPT TEMPORARY MEASURES AS MAY BE NECESSARY FOR EROSION AND SEDIMENT CONTROL, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - DRAINS: TEMPORARY DRAINS AND CATCH DRAINS
 - SPREADER BANKS OR OTHER STRUCTURES: TO DISPERSE CONCENTRATED RUN-OFF.
 - SILT TRAP: CONSTRUCTION AND MAINTENANCE OF SILT TRAPS TO PREVENT DISCHARGE OF SCOURED MATERIAL TO DOWNSTREAM AREAS.
 - TEMPORARY FENCING: MAINTENANCE AND REMOVAL AFTER RAIN, CLEAN AND REPAIR IF REQUIRED, TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES.
 - REMOVE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WHEN THEY ARE NO LONGER REQUIRED.

SITE MANAGEMENT PLAN

- PORTABLE WATER CLOSET TO BE ADJACENT MATERIAL STORAGE AWAY FROM THE FRONT BOUNDARY AND SCREENED FROM NEIGHBOUR BY EXISTING DENSE PLANTING.
- CONSTRUCTION WASTE / RUBBLE IS TO BE USED AS LANDFILL AND ALL RECYCLED MATERIAL, INCLUDING PAINTS AND SOLVENTS, TO BE SENT TO THE APPROPRIATE WASTE COLLECTION CENTRES. A WASH DOWN AREA IN TO THE FRONT OF THE PROPERTY WILL BE DESIGNATED FOR THE CLEANING OF ALL PAINTS.
- WASTE MATERIAL TO BE IN SEPERATE COVERED BINS (i.e. TIMBER, RUBBLE, RUBBISH) AND STORED TO ONE SIDE OF SITE READY FOR COLLECTION.
- HAND TRIGGERED HOSES TO BE USED ON SITE.
- LOCATION OF BUILDING MATERIALS WILL BE TEMPORARILY IN THE AREA BETWEEN THE SITE SHEDS AND BUILDING WORKS.
- FOOTPATH TO BE KEPT CLEAN AND FREE FROM ALL DEBRIS AND BUILDING MATERIALS.
- DUST WILL NOT BE GENERATED ON SITE TO ANY GREAT DEGREE BUT ALL EQUIPMENT TO HAVE DUST SUPPRESSERS. ALL BUILDING MATERIAL TO BE COVERED AND NO BURNING OFF TO BE ALLOWED.
- OPEN WIRE METAL FENCING AS REQUIRED WILL BE ERECTED TO THE FRONT BOUNDARY (SIDE IF REQUIRED) WITH DRIVEWAY GATE DOUBLING AS A GENERAL ACCESS GATE.
- CONSTRUCTION NOISE TO BE MINIMISED WITH BUILDING WORKS OCCURRING STRICTLY TO HOURS PERMITTED BY COUNCIL. NOISY TRUCKS, CONCRETE POURS AND LARGE DELIVERIES TO BE SCHEDULED TO LATE MORNING AND AFTERNOON HOURS.

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construction management plan

scale: 1:100

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Nominated Architect: John Dimopoulos NSW ARB No: 7062

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CONSTRUCTION MANAGEMENT PLAN



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Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-163/2022
Site address	78 Denison Street, Bondi Junction
Proposal	Alterations and additions to attached terrace dwelling including new attic, rear courtyard landscape works and deletion of parking space.
Date of lodgement	28 April 2022
Owner	Mr S M Corish and Mrs D C Corish
Applicant	Mrs Victoria D'Alisa
Submissions	One
Cost of works	\$495,550
Principal Issues	<ul style="list-style-type: none"> • Side setback courtyard design; and • Encroachment onto neighbouring lot
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2022)

1. PREAMBLE

1.1 Executive Summary

The Development Application (DA) seeks consent for alterations and additions to an attached terrace dwelling including new attic and a rear courtyard and landscaping works at the site known as 78 Denison Street, Bondi Junction.

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

- Side setback courtyard design; and
- Encroachment of the gutter onto neighbouring lot

The assessment finds these issues acceptable as discussed throughout the report.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

1.2 Subject Site & Surrounds

A site visit was carried out on 21 July 2022.

The site is identified as Lot 3 in DP596734, known as 78 Denison Street, Bondi Junction.

The site is rectangular in shape with a western primary frontage to Denison Street, measuring 4.1m and a secondary frontage to Lawson Lane, measuring 3.96m. It has an area of 98.8m² and is generally flat.

The site is occupied by a two-storey attached terrace dwelling with vehicular access provided from Lawson Lane.

The site is adjoined by two-storey attached dwellings on either side. The locality is characterised by a variety of low density residential development.

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



Figure 1: Front of the subject site as viewed from Denison Street.

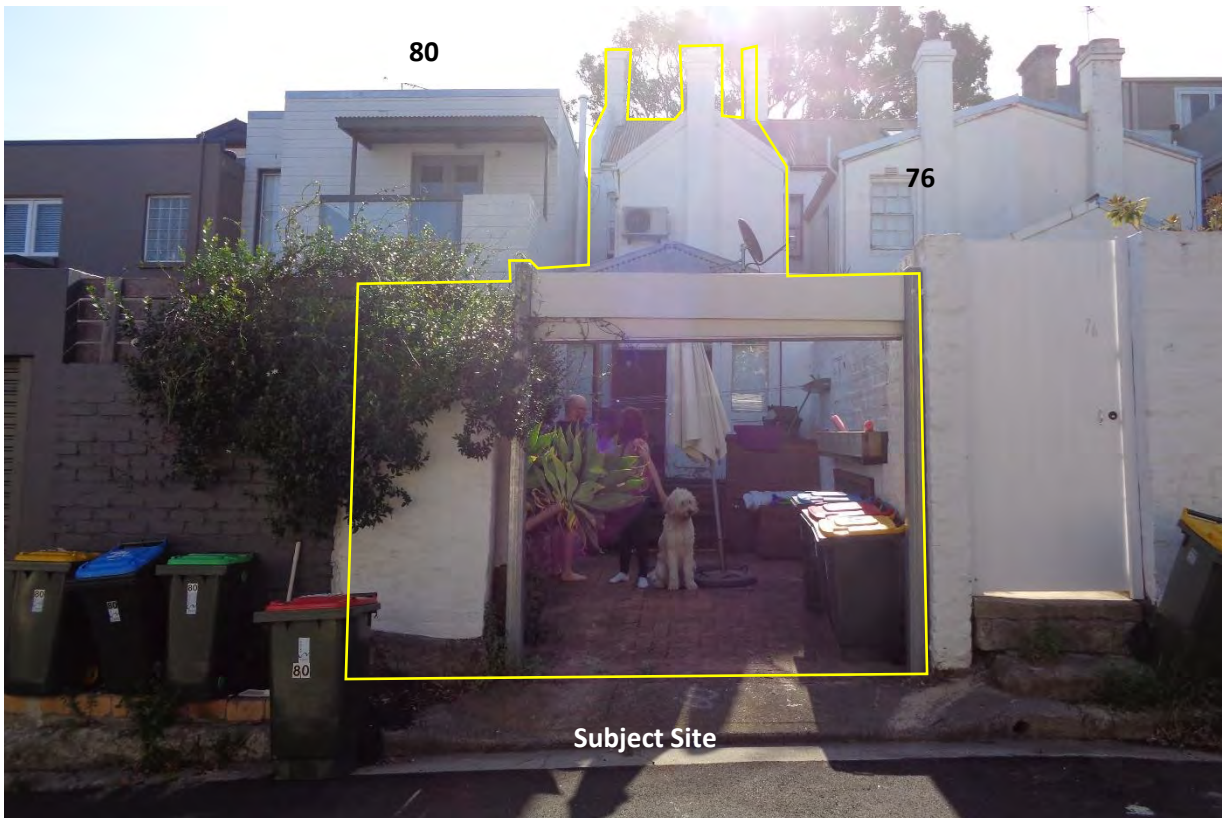


Figure 2: Rear of the subject site as viewed from Lawson Lane.



Figure 2: Rear of the dwelling as viewed from private open space.



Figure 4 (left): Existing atrium on the southern boundary as viewed from the existing first floor, looking east.

Figure 5 (right): Existing atrium on the southern boundary as viewed from the existing ground floor, looking west.

1.3 Relevant Development History

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

- DA-417/2017 for alterations and additions including demolition of the rear ground and first floor of the terrace house and construction of a first-floor extension and garage was withdrawn on 7 March 2018, following a deferral letter requesting the following:
 - On 2 March 2018 a deferral letter was emailed to the applicant, detailing the following:
 - Clarification was sought if the existing party wall was between 78 and 76 Denison Street;
 - Clarification was sought on the accuracy of the submitted shadow diagrams;
 - A Heritage Impact Statement was requested to be submitted;
 - A re-design was requested to retain the existing rear chimney and to better relate to the character of the conservation area.

1.4 Proposal

The DA seeks consent for alterations and additions to an attached terrace dwelling, including new attic, and rear courtyard with landscape works and removal of carspace, specifically the following:

Ground Floor

- Internal demolition of walls;
- Demolition to the rear portion of the ground floor with the retention of the northern boundary wall;
- Construction of a new full-width rear addition, containing a kitchen and family area; and
- Removal of parking space and landscaping works to courtyard.



Figure 6. Proposed Ground Floor Plan. (Source: Porebski Architects, 2022)

First Floor

- Internal demolition of walls;
- Replace Bedroom 2 with laundry and bathroom;
- Demolition to the rear portion of the first floor with the retention of the northern boundary wall; and

- Construction of a new rear addition, containing study and secondary bedroom

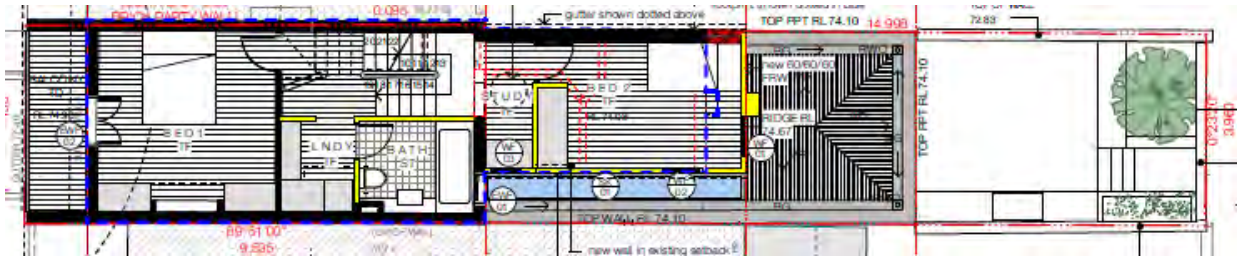


Figure 7. Proposed First Floor Plan. (Source: Porebski Architects, 2022)

Attic

- Attic addition, containing a bedroom.

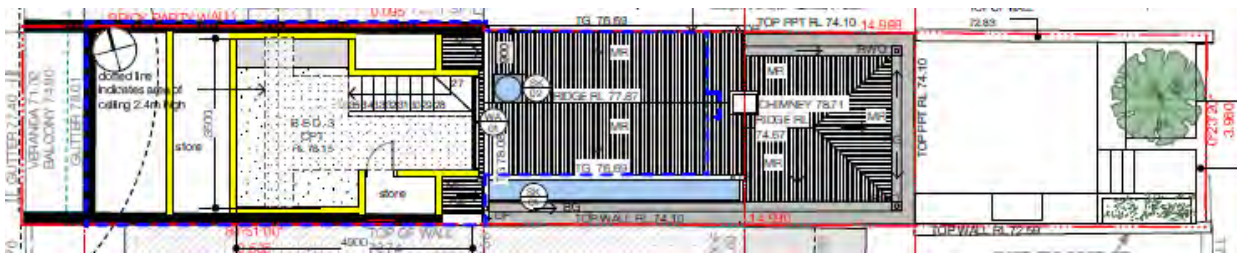


Figure 8. Proposed Attic Floor Plan. (Source: Porebski Architects, 2022)

1.5 Background

The DA was deferred on 18 July 2022 requesting the layout of the rear extension be reconsidered to provide for an internal courtyard on the side boundary, in accordance with the Waverley Development Control Plan 2012 (Waverley DCP 2012), among minor other amendments, including an updated cl. 4.6 and the location of garbage bin storage to be provided and fencing details updated. It was also noted that the existing gutter overhung No. 76 utter, and this was to be extended. No. 76 consent was required for this encroachment.

Amended plans and documentation were submitted to Council on 25 July 2022, which provided amended plans, with the detailing requested, an amended cl. 4.6 and owners consent from No. 76 for the extension of the guttering.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

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

2.1.2 Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

- The Draft Waverley LEP 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density Residential 'R3' Zone</i>	Yes	The proposal is defined as alterations and additions to an attached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	Yes	The development will have an overall height of 8.9m.
4.4 Floor Space Ratio (FSR); and 4.4A Exceptions to FSR <ul style="list-style-type: none"> • Lot Size: 98.8m² • Max FSR: 1:1 • Max GFA: 98.8m² 	No	<u>Gross Floor Area (GFA) Calculation:</u> Ground Floor: 59.8m ² First Floor: 43.3m ² Attic: 12.5m ² TOTAL GFA: 115.6m ² TOTAL FSR: 1.17:1 The development exceeds the maximum permitted GFA by 16.8m ² or 17%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The subject site is located within the Mill Hill Conservation Area.</p> <p>Council's Heritage Officer did not object to the proposal noting that the front façade is being retained and that the works to the rear are satisfactory.</p>

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 1:1. The proposed development has a FSR of 1.17:1, exceeding the standard by 16.8m² equating to a 17% variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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 relevant objectives of the FSR development standard are achieved notwithstanding non-compliance with the standard.

a. Objective (b): to provide an appropriate correlation between maximum building heights and density controls.

The existing height of the dwelling would remain unchanged and therefore compliant with the requirements of the WLEP 2012.

b. Objective (c): to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality

The proposed design is compatible with the bulk, scale and existing character of the streetscape. As detailed in this report, attic conversions have commonly occurred in

neighbouring properties and would result in minimal changes to the bulk and scale of the development.

c. Objective (d): to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality

The overall scope of the proposed development would preserve the environmental amenity of neighbouring properties and the locality. As detailed in the Statement of Environmental Effects:

- i. The proposed development would not change the amount of direct sunlight to solar collectors or the private open space of adjacent properties (refer to shadow diagrams provided under separate cover).*
- ii. Visual and acoustic privacy of adjacent properties would be maintained through retention of the existing patio level.*
- iii. The proposed height of the rear addition reflects the scale and bulk of neighbouring properties and is below the maximum permissible height of 9m.*
- iv. The first-floor setback of the proposed development is equivalent to the adjoining property at 80 Denison Street and is consistent with the rear predominant building line.*
- v. The enclosure of the side return would not be visible from the front or rear of the building and would not impact the amenity of the neighbouring property.*

(ii) The objectives of the Medium Density Residential Zone are achieved notwithstanding non-compliance with the standard.

a. To provide for the housing needs of the community within a medium density residential environment.

The subject site consists of a two-story terrace which forms part of a row of medium density dwellings of similar style, design and finish. The objective of the proposed works is to correct low-quality alterations undertaken in the 1980's while meeting the housing needs of the residents.

b. To provide a variety of housing types within a medium density residential environment.

The proposal demonstrates consistency by maintaining an existing dwelling within a residential zone.

c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development would not preclude other land uses on the subject site or adjacent properties.

d. To maximise public transport patronage and encourage walking and cycling

The proposed development is compatible with this objective in that it would not deter from public transport patronage, walking or cycling.

(iii) The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard

a. *Due to the small lot sizes within the Mill Hill Conservation Area, minor extensions and additions result in a exceedance of the FSR standard. Specific examples include:*

i. *Attic conversions – Attic conversions which exceed the FSR are prevalent on both Denison Street (e.g. 68, 72, 82, 112 and 114 Denison Street) and Lawson Street (e.g. 13, 15, 19 and 21 Lawson Street).*

ii. *Enclosure of side returns – The enclosure of side returns has commonly occurred on both Denison Street (e.g. 88 and 98 Denison Street) and Lawson Street (e.g. 23 and 25 Lawson Street). The previously granted development consent of the adjacent property at 80 Denison Street, originally a single-story cottage, resulted in a two-story boundary to boundary rear extension which enclosed the side return of the subject site. As a result, the side return is surrounded by walls on all sides, receives little light and is a source of mould, damp and occasional floods.*

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

(i) *Consistent with the objectives of the development standard.*

(ii) *Consistent with the objectives for development of Zone R3.*

(iii) *Would not change the amount of direct sunlight to solar collectors or the private open space of adjacent properties.*

(iv) *Would not impact on visual privacy of adjacent properties.*

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 justifications (a) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as it demonstrates that despite the numerical non-compliance with FSR, the proposed development meets the objectives of the FSR development standard and that there are a number of examples within the local area that have also exceeded the standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The applicant has justified that the proposed development promotes good design, which is consistent with neighbouring properties and does not impact on the amenity of these properties.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

Objective (b): to provide an appropriate correlation between maximum building heights and density controls.

The proposed addition is of an appropriate height. The addition is below the 9.5m height limit and is also concealed below and behind the primary ridge line so the proposed works are not identified from the primary street frontage.

Objective (c): to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality

The proposed addition is of a bulk and scale that meets the desired future character of the locality. The works are located to the rear of the dwelling and are of a size and scale that are similar to other rear additions to neighbouring terrace houses.

Objective (d): to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

Despite the numerical non-compliance with FSR the development the development does not result in unreasonable environmental amenity impacts.

The submitted shadow diagrams demonstrate that at 9am in mid-winter the addition will create additional overshadowing to the Denison Street public domain. At 12 noon the development will

overshadow the roof of 84 Denison Street; and there will be no additional over shadowing at 3pm. It is therefore concluded that the development still preserves the solar access of adjoining properties.

In addition, the proposed windows of the first floor addition do not result in unreasonable visual privacy impacts, as they do not look directly into neighbouring windows.

The objectives of the R3 zone are as follows:

To provide for the housing needs of the community within a medium density residential environment.

The proposed development provides housing needs for the community within a medium density residential environment.

To provide a variety of housing types within a medium density residential environment.

The proposed development enhances the amenity and aesthetic of the existing attached dwelling.

To maximise public transport patronage and encourage walking and cycling.

The deletion of the car parking space encourages walking, cycling and public transport usage.

Conclusion

For the reasons provided above the requested variation to the FSR standard is supported, as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR and the R3 zone.

2.1.4 Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Garbage bins are stored in the rear courtyard.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is acceptable.
5. Vegetation Preservation	Recommended conditions of consent	An internal referral was sought from Council's Tree Officer who has recommended conditions of consent regarding the protection of the Eucalyptus tree situated on the Denison Street nature strip.
6. Stormwater	Conditions of consent	An internal referral was sought from Council's Stormwater Engineer who has recommended conditions of consent.

Development Control	Compliance	Comment
8. Transport	Yes	The application proposes to remove the existing parking space. With a no minimum parking requirement, this is acceptable.
9. Heritage	Yes	The subject site is located within the Mill Hill Conservation Area. This has been discussed above.
12. Design Excellence	Yes	The development retains the front façade of the dwelling as viewed from Denison Street. The rear addition is appropriately designed.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The development has a wall height of 5.4m.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	N/A Yes	<p>The front setbacks will not change as they are being retained.</p> <p><u>Rear Ground Floor Building Line</u> The ground floor rear building line will align with 76 Denison Street and is acceptable.</p> <p><u>Rear First Floor Building Line</u> The first floor rear building line will align with 80 Denison Street and is acceptable.</p> <p><u>Attic Addition</u> The proposed rear skillion dormer is of an appropriate bulk and scale.</p>
2.2.2 Side setbacks	Acceptable	Side setbacks are discussed below this table.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The development retains the front façade of the dwelling as viewed from Denison Street.
2.4 Fences		
<i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Acceptable on merit.	The rear boundary fence has a height of 3.1m. However, this is considered to be acceptable as it sits appropriately between the two garage walls of the neighbouring properties.

Development Control	Compliance	Comment
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>The proposed windows to the southern elevation of the first floor addition will not look into neighbouring windows of 80 Denison Street.</p> <p>No windows are proposed on the northern elevation of the subject site and therefore will not impact 76 Denison Street.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The development does not result in unreasonable shadowing to the private open space or living areas of the subject site or neighbouring properties.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space 	<p>Acceptable on merit</p> <p>Acceptable on merit</p> <p>Acceptable on merit</p>	<p>26.3% - Acceptable on merit given the small lot size.</p> <p>4% - Acceptable on merit, given the small lot size and that the development is increasing the amount of landscaping onsite. The development also proposes the planting of one <i>Dracaena draco</i> 'Dragon Tree'.</p> <p>21.8m² - Acceptable on merit given the small lot size and the dwelling being of a similar size to the existing.</p>
2.11 Dormer windows		
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling 	Yes	The distance of the roof from the ridge to the gutter is 4.9m.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum 0.3m below main roof ridge Skillion dormer permitted at the rear of the roof, provided ridge line is maintained 	<p>Yes</p> <p>Yes</p>	<p>The dormer is set 300mm below the main ridge of the roof.</p> <p>The dormer is setback 0.9m from each side boundary.</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided 	<p>Yes</p>	<p>The development retains the front façade of the dwelling as viewed from Denison Street.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling Historic features of the roofscape are to be incorporated into the addition Dormer roof forms are to match the style of the original dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style and character of the original building. 	<p>Yes</p>	<p>The proposed materials and finishes are supported and will compliment the dwelling and Heritage Conservation Area.</p> <p>The development retains the front façade of the dwelling as viewed from Denison Street.</p>
<p>2.13.4 - Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> Nil setback permitted where abuts an existing wall with nil setback 	<p>Acceptable</p>	<p>See discussion below.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Otherwise 900mm setback required • Walls on boundaries should not be more than 2.1m high • Internal courtyards to be 1.5m wide. • No openings are permitted for walls built to the side boundary 		
<p>2.13.5- Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> • Additional storey reflects character of terrace • Extensions no higher than the existing ridge • Attic conversions maintain existing roof envelope with only dormers 	Yes	The proposed rear addition and attic addition are acceptable as they are located to the rear portion of the original dwelling and will not result in negative impacts to the primary street frontage.
2.14 Dual Frontage Development		
<p>2.14.2 - Laneway Design Provisions</p> <ul style="list-style-type: none"> • Maximum external wall height of 3.6m 	Yes	The rear boundary fence has a height of 3.1m.

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

Side setback and courtyard design controls for terraces

Part C2, Section 2.13.4 within the Waverley DCP 2012 dictates the ground floor design for terraces. This guided design encourages an internal courtyard on the side boundary. The proposal includes a full width extension, removing the existing internal courtyard.

The full width extension is considered acceptable in this instance, as it is noted that No. 80 is constructed on this boundary (with a two storey wall) and the existing internal courtyard provides a poor amenity, being narrow, damp and dark. A full width extension is considered to significantly improve the internal amenity of subject site and is considered acceptable by Council’s Heritage officer.

Encroachments

The proposed replacement and extension of the guttering along the northern boundary will overhang No. 76 Denison Street, due to the existing boundary wall being retained. Owners consent from No. 76 has been provided for this encroachment.

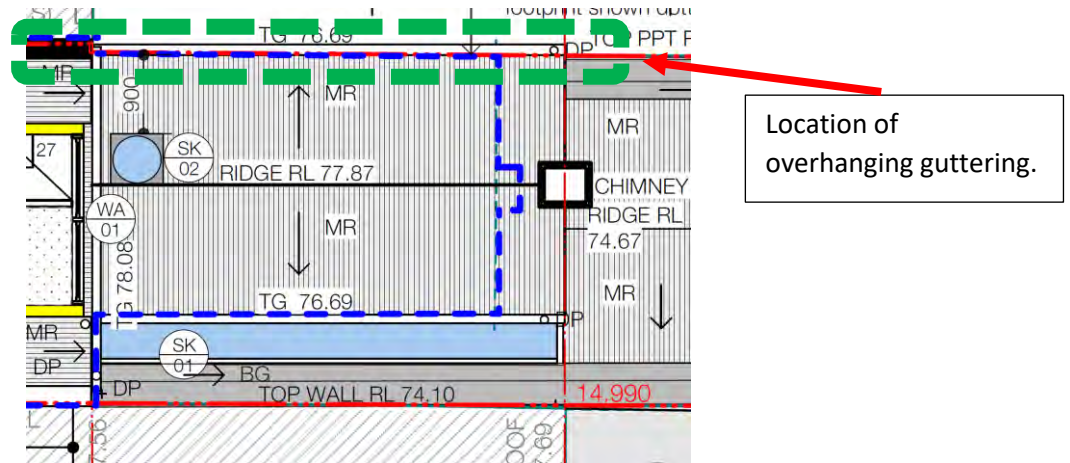


Figure 9. Guttering that will overhang the property of 76 Denison Street. (Source: Porebski Architects, 2022)

Additionally, the plans show the existing boundary fence being modified on the southern boundary, which encroaches onto No. 80 Denison Street. Owners consent from No. 80 has been provided subject to the wall matching the height of the existing.

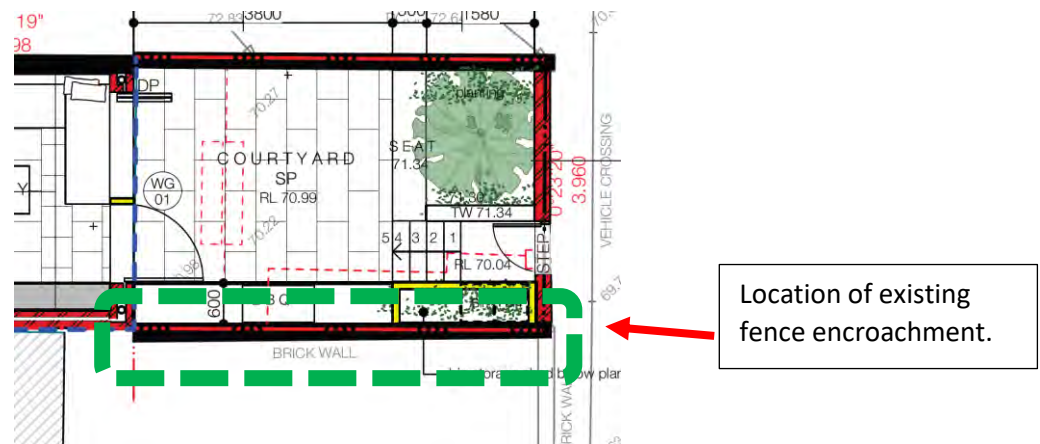


Figure 10. Existing fence to be modified already overhangs the property of 80 Denison Street. (Source: Porebski Architects, 2022)

2.1.5 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.

2.1.6 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.1.7 Any Submissions

The application was notified for 14 days from 5 – 19 May 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified due to the retention of the northern side boundary wall on the ground and first floor. The retention of this existing party wall resulted in guttering overhanging the property of 76 Denison Street, however consent from the owner of 76 Denison Street was provided.

A total of one unique submission was received from 80 Denison Street, Bondi Junction.

Issue: Construction with roughly raked joints and painting (NOT rendering) the new brickwork of the fence is to match as far as possible the present surface and colour on my side and top.

Response: The elevation plan confirms the fence addition finish will match that of the existing fence below.

Issue: The new brickwork is to be no higher than the present height of the existing timber fence.

Response: The elevation plan confirms the fence addition finish will match the height of the existing timber fence.

Issue: All demolition and building work is to be carried out, as far as practicable, from the neighbours side of the wall.

Response: All works are to be undertaken on the subject site, except where owners consent specifically provided.

Issue: The 2 Star Jasmine creepers are to be substantially pruned back to my requirements to no lower than the height of the existing brickwork wall.

Response: This is a civil matter.

Issue: All parts of my property are to be protected while the work is carried out and all building rubble and waste is to be thoroughly removed from my property and all costs of the above are to be borne by the owners of 78 Denison St.

Response: Appropriate conditions of consent are recommended.

2.1.8 Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1 Stormwater

An internal referral was sought from Council's Stormwater Engineer who recommended conditions of consent.

3.2 Traffic

An internal referral was sought from Council's Traffic Engineer who recommended conditions of consent.

3.3 Tree Management

An internal referral was sought from Council's Tree Officer who recommended conditions of consent.

3.4 Heritage

An internal referral was sought from Council's Heritage Officer who supported the design principles outlined in Part C2, Section 2.13.4 within the Waverley DCP 2012. However, as outlined above this was not a reasonable outcome.

4. CONCLUSION

The DA seeks consent for alterations and additions to attached terrace dwelling including new attic, rear courtyard landscape works at the site known as 78 Denison Street, Bondi Junction.

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

- Side setback courtyard design; and
- Encroachments onto neighbouring lot

The assessment finds these issues acceptable.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 12 July 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara and B Magistrale*

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 on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 28 July 2022	Date: 3 August 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

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

Plan Number and Revision	Plan description	Plan Date	Date received by Council
618.A.01 / Rev D	Roof/Site Plan	25/07/2022	25/07/2022
618.A.02 / Rev D	Floor Plans	25/07/2022	25/07/2022
618.A.03 / Rev D	Elevations and Sections	25/07/2022	25/07/2022
618.A.12 / Rev B	Demolition Plan	25/07/2022	25/07/2022

- (b) Landscape plan (618.A.10 / Rev A) prepared by Porebski Architects, dated 18/02/2022 and received by Council on 27/04/2022.
- (c) BASIX Certificate
- (d) Schedule of external finishes and colours received by Council on 02/05/2022
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27/04/2022

Except where amended by the following conditions of consent.

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

2. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

3. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$11,550 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.

6. LONG SERVICE LEVY

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

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. 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.

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 one (1) *Eucalyptus* species on the naturestrip at the front of the property in Denison Street. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

CONSTRUCTION MATTERS

9. HOARDING

To ensure the site is contained during construction, if 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. 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.

12. ENGINEERING CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.

13. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

14. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

STORMWATER & FLOODING

15. 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 Glen Haig & Partners, Job No. 223528, Drawing No. H101-H102, Issue A, dated 27/01/2022, Issue B, dated 23/02/2022 is considered concept only.

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Any new downpipes are to be located wholly within the property's boundary.
- c) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.

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

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

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

19. 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

20. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

DEMOLITION & EXCAVATION

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- 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:

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land, or
- particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

22. CONTROL OF DUST ON CONSTRUCTION SITES

The following requirements apply to demolition and construction works on site:

- Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

23. 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.

24. 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

25. 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*.

26. 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.

27. 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.

28. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor 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.

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, with the exception of the gutter to which encroaches on No. 76 Denison Street.

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.

32. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

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

33. VEHICULAR ACCESS - 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.

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.

34. 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.

35. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

36. 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.

37. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.

- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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.

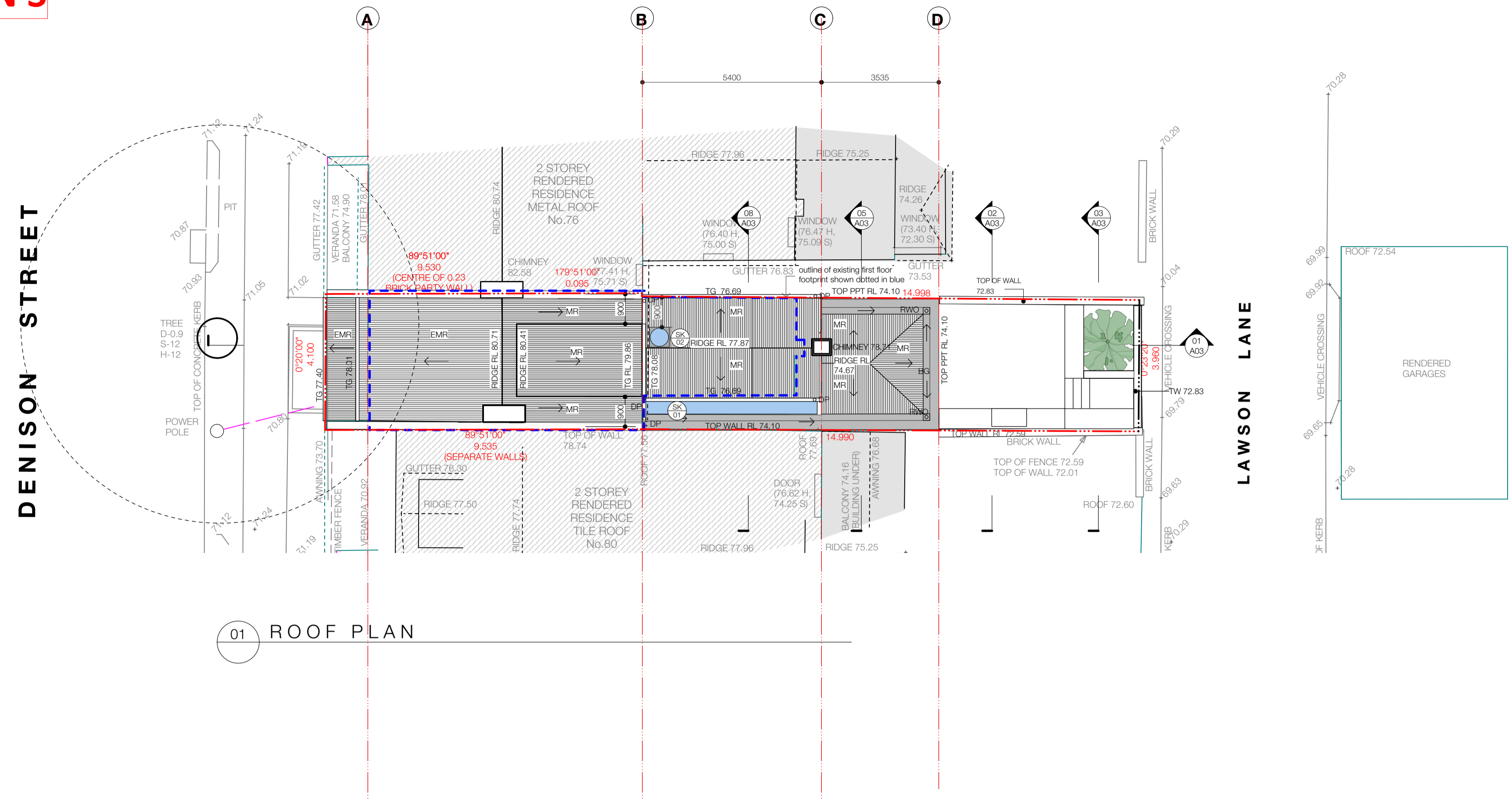
AD5. EXCAVATION TO BE LIMITED

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

AD6. 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.

RECEIVED
Waverley Council
Application No: DA-163/2022
Date Received: 25/07/2022



01 ROOF PLAN



02 SITE PLAN-NTS

- LEGEND:
- BG BOX GUTTER
 - CPT CARPET
 - DF DOWNPIPE
 - FB FACE BRICKWORK
 - EMR EXISTING METAL ROOF
 - MR NEW METAL ROOF
 - PB PLASTERBOARD
 - RB RENDERED BRICKWORK
 - RSP RENDER SET PLASTER
 - RWO RAIN WATER OUTLET
 - SP STONE PAVERS
 - T TILES
 - TC TIMBER CLADDING
 - TF TIMBER FLOOR
- (WN) WINDOW NUMBER

D	25.07.22	REVISED DA ISSUE - NORTHERN BOUNDARY WALL AMENDED TO REMAIN AS EXISTING
C	23.02.22	DA ISSUE
B	25.11.21	DESIGN REVIEW ISSUE
A	20.10.21	CONSULTANT ISSUE

POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO

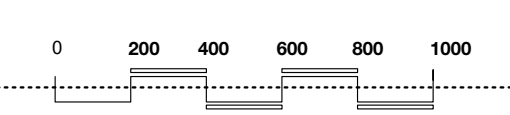
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LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

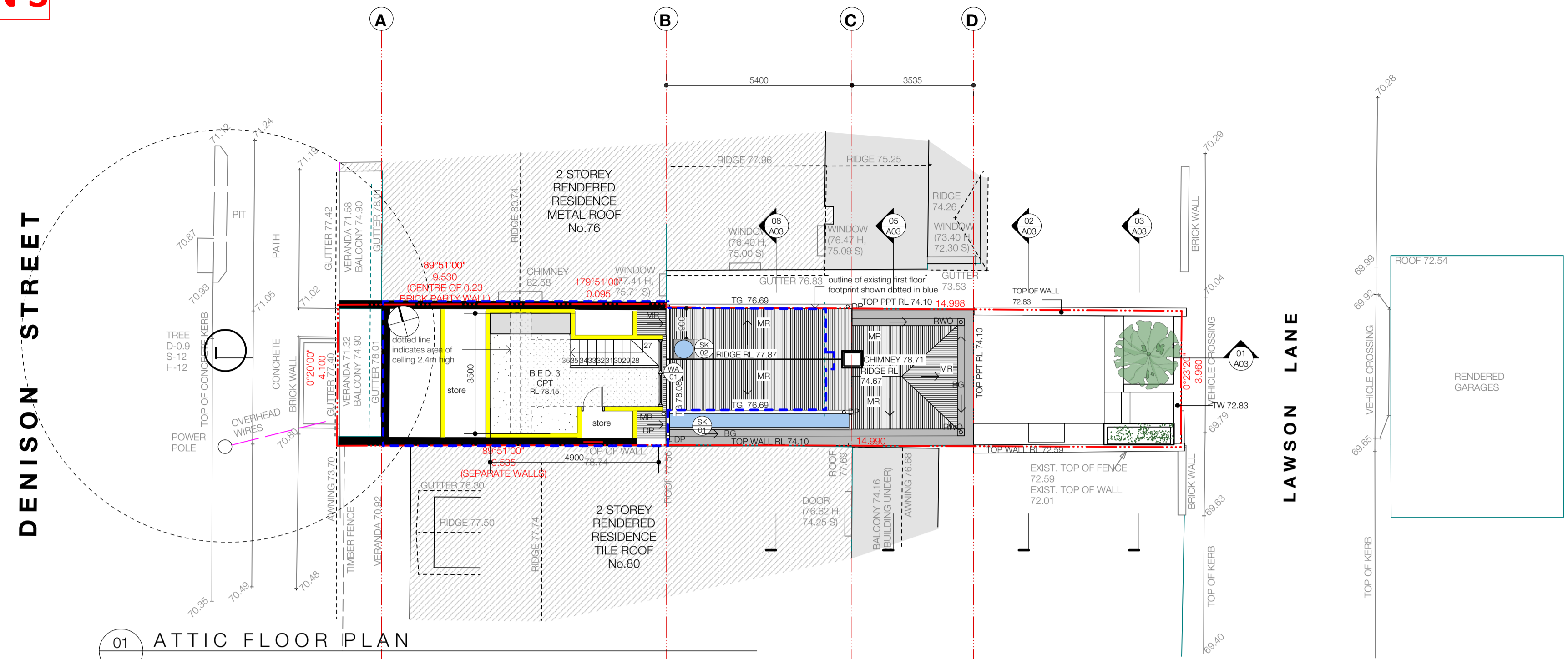


POREBSKI ARCHITECTS Pty Ltd
Registered Architects
Alex Heyko-Porebski (NSW 6877, ARBV 17867)
97 Rose Street Chippendale NSW 2008
Tel (02) 9310 1234 Fax (02) 9310 1266
Builders Contractors shall verify job dimensions before any work commences. All shop drawings shall be submitted to the Architect and manufacturer shall not commence prior to the return of amended shop drawings. The Builder and Contractors shall coordinate all services prior to construction to ensure the order of installation and that sufficient space will be allowed for, for all services and structures. Refer to figured dimensions only. Do not scale from this drawing.

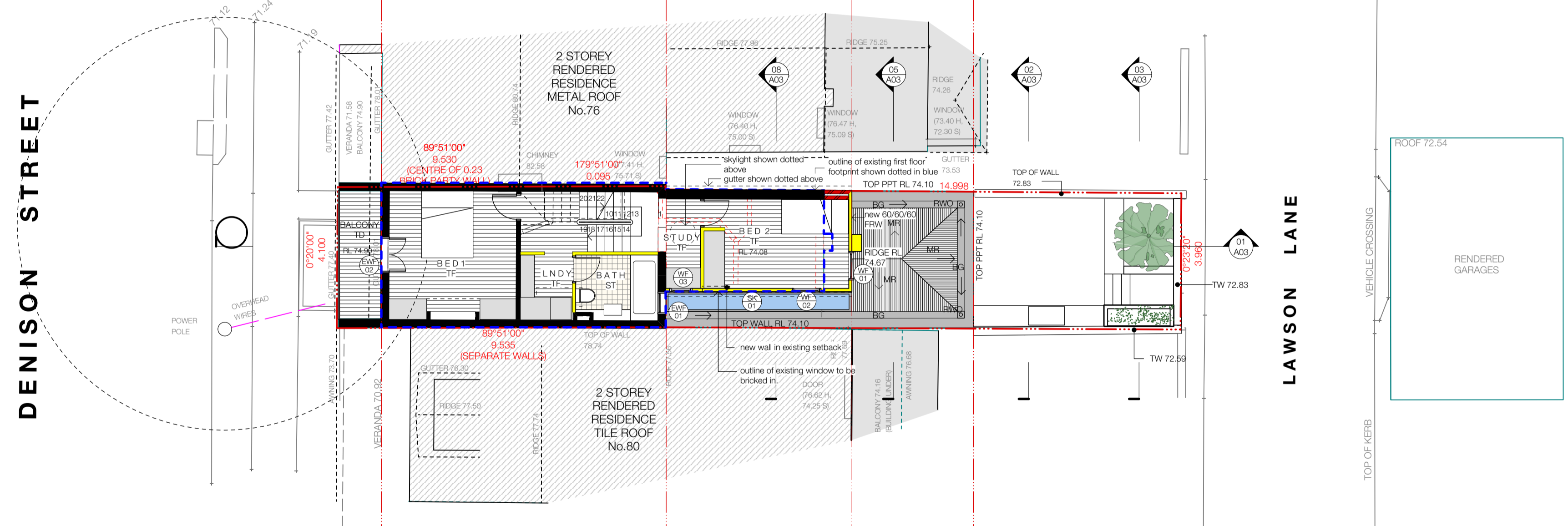
Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.01	D



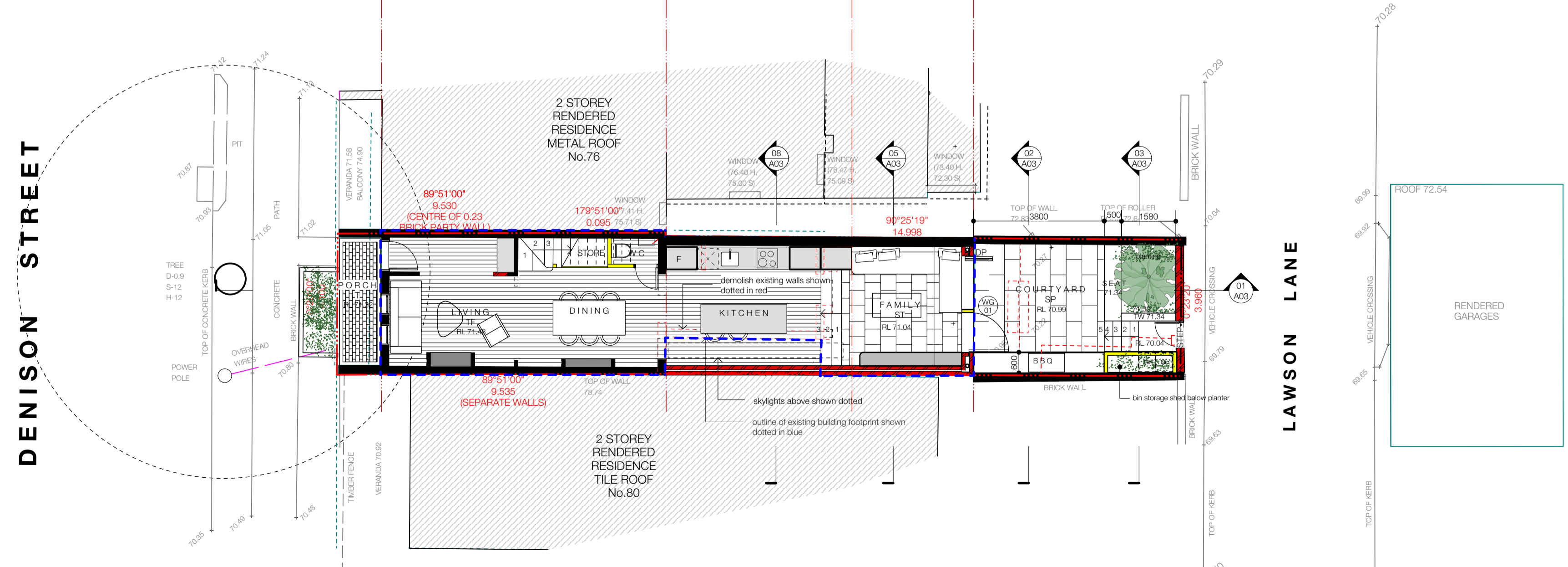
RECEIVED
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Application No: DA-163/2022
Date Received: 25/07/2022



01 ATTIC FLOOR PLAN



02 FIRST FLOOR PLAN



03 GROUND FLOOR PLAN

LEGEND:

- BG BOX GUTTER
- CPT CARPET
- DF DOWNPIPE
- FB FACE BRICKWORK
- EMR EXISTING METAL ROOF
- MR NEW METAL ROOF
- PB PLASTERBOARD
- RB RENDERED BRICKWORK
- RSP RENDER SET PLASTER
- RWO RAIN WATER OUTLET
- SP STONE PAVERS
- T TILES
- TC TIMBER CLADDING
- TF TIMBER FLOOR

WINDOW NUMBER

BASIX REQUIREMENTS

Hot water requirements
The applicant must install gas instantaneous hot water system.
Fixtures:
New or altered showerheads must have a flow rate of no greater than 9 l/min/ute or a 3 star water rating.
New or altered toilets must have a flow rate no greater than 4 litres per average flush or a 3 star water rating.
New or altered taps must have a flow rate no greater than 9 litres/minute or a min. 3 star water rating.

Insulation requirements
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 additional insulation is not required where the area of new construction is less than 2m². [i] Insulation specified is not required for parts of altered construction where insulation already exists.
Construction - Additional insulation required (R-value) - Other specifications:
concrete slab on ground floor with in floor heating: 5-1.0
external wall: cavity brick - n/l
external wall (framed) - R1.5 or 1.7 including construction
raked ceiling, pitched roof ceiling: n/l (incl. roof: foil backed blanket 100mm, light solar absorbance < 0.475)

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

Windows and glazed doors glazing requirements

Window / door no.	Shading device	Frame and glass type
WG01	none	timber or UPVC, double to-Tasolar gap/clear, U value: 2.3, SHGC: 0.19
WF01	as above	as above
WA01	as above	as above
WF02	overshadowing 2.71m	timber or UPVC, single clear, U-value: 5.71, SHGC: 0.66
WF03	overshadowing 2.71m	timber or UPVC, single clear, U-value: 5.71, SHGC: 0.66

Skylights
The applicant must install the skylights in accordance with the specifications listed in the table below.

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	2.4	timber, low-e internal, argon filled, clear external, or U-value: 2.5, SHGC: 0.456	
S2	0.2	timber, low-e internal, argon filled, clear external, or U-value: 2.5, SHGC: 0.456	

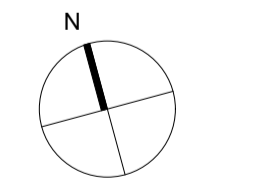
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POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO
**78 DENISON ST
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LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

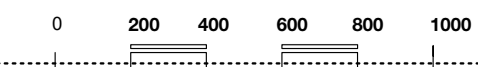
FLOOR PLANS



POREBSKI ARCHITECTS Pty Ltd
Registered Architects
Alex Heyko-Porebski (NSW 6877, ARBY 17667)
97 Rose Street Chippendale NSW 2008
Tel (02) 9310 1234 Fax (02) 9310 1266
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Scale: 1:100

Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.02	D



AMENDED PLANS



LEGEND:

BG	BOX GUTTER
CPT	CARPET
DP	DOWNPIPE
FB	FACE BRICKWORK
EMR	EXISTING METAL ROOF
MR	NEW METAL ROOF
PB	PLASTERBOARD
RB	RENDERED BRICKWORK
RSP	RENDER SET PLASTER
RWO	RAIN WATER OUTLET
SP	STONE PAVERS
T	TILES
TC	TIMBER CLADDING
TF	TIMBER FLOOR

WINDOW NUMBER

W1, W2, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W15, W16, W17, W18, W19, W20, W21, W22, W23, W24, W25, W26, W27, W28, W29, W30, W31, W32, W33, W34, W35, W36, W37, W38, W39, W40, W41, W42, W43, W44, W45, W46, W47, W48, W49, W50, W51, W52, W53, W54, W55, W56, W57, W58, W59, W60, W61, W62, W63, W64, W65, W66, W67, W68, W69, W70, W71, W72, W73, W74, W75, W76, W77, W78, W79, W80, W81, W82, W83, W84, W85, W86, W87, W88, W89, W90, W91, W92, W93, W94, W95, W96, W97, W98, W99, W100

BASIX REQUIREMENTS

Hot water requirements
The applicant must install gas instantaneous hot water system.
Flow rate:
New or altered showerheads must have a flow rate of no greater than 9 l/min/minute or a 3 star water rating.
New or altered toilets must have a flow rate no greater than 4 litres per average flush or a min. 3 star water rating.
New or altered taps must have a flow rate no greater than 9 litres/minute or a min. 3 star water rating.

Insulation requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceiling(s)) in accordance with the specifications listed in the table below, except that additional insulation is not required where the area of new construction is less than 2m². [a] insulation specified is not required for parts of altered construction where insulation already exists.
Construction - Additional insulation required (R-value) - Other specifications:
concrete slab on ground/floor with in-floor heating: 0.1-0.2
external wall: cavity brick - nil
external wall (lined): R1.5 or 1.7 including construction raked ceiling, pitched roof ceiling: nil (incl. roof: foil backed blanket 100mm, light solar absorbance < 0.875)

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

Windows and glazed doors glazing requirements

Window / door no.	Shading device	Frame and glass type
WG01	none	timber or UPVC, double-to-Taslar gap/clear, U value: 2.3, SHGC: 0.19
WF01	as above	as above
WA01	as above	as above
WF02	overshadowing 2.77m	timber or UPVC, single clear, U-value: 5.71, SHGC: 0.66
WF03	overshadowing 2.77m	timber or UPVC, single clear, U-value: 5.71, SHGC: 0.66

Skylights
The applicant must install the skylights in accordance with the specifications listed in the table below.

Skylight number	Area of glazing (sq. frame (m ²))	Shading device	Frame and glass type
S1	2.4	timber, low-e internal, argon filled, clear external, or U-value: 2.5, SHGC: 0.456	
S2	0.2	timber, low-e internal, argon filled, clear external, or U-value: 2.5, SHGC: 0.456	

STORMWATER DESIGN
1. REFER TO STORMWATER DESIGN PREPARED BY GLENN HAIG & PARTNERS.

Issue	Date	Amendment
D	25.07.22	REVISED DA ISSUE - NORTHERN BOUNDARY WALL AMENDED TO REMAIN AS EXISTING. PROPOSED FENCE ON NO. 80 BOUNDARY AMENDED TO HEIGHT OF EXISTING TIMBER FENCE
C	02.05.22	REVISED DA ISSUE (REAR LANE FENCE CHANGED TO FACE BRICK)
B	18.02.22	DA ISSUE
A	25.11.21	PREL ISSUE

POREBSKI ARCHITECTS

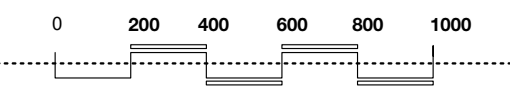
PROPOSED ALTERATIONS AND ADDITIONS TO
**78 DENISON ST
BONDI JUNCTION**
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

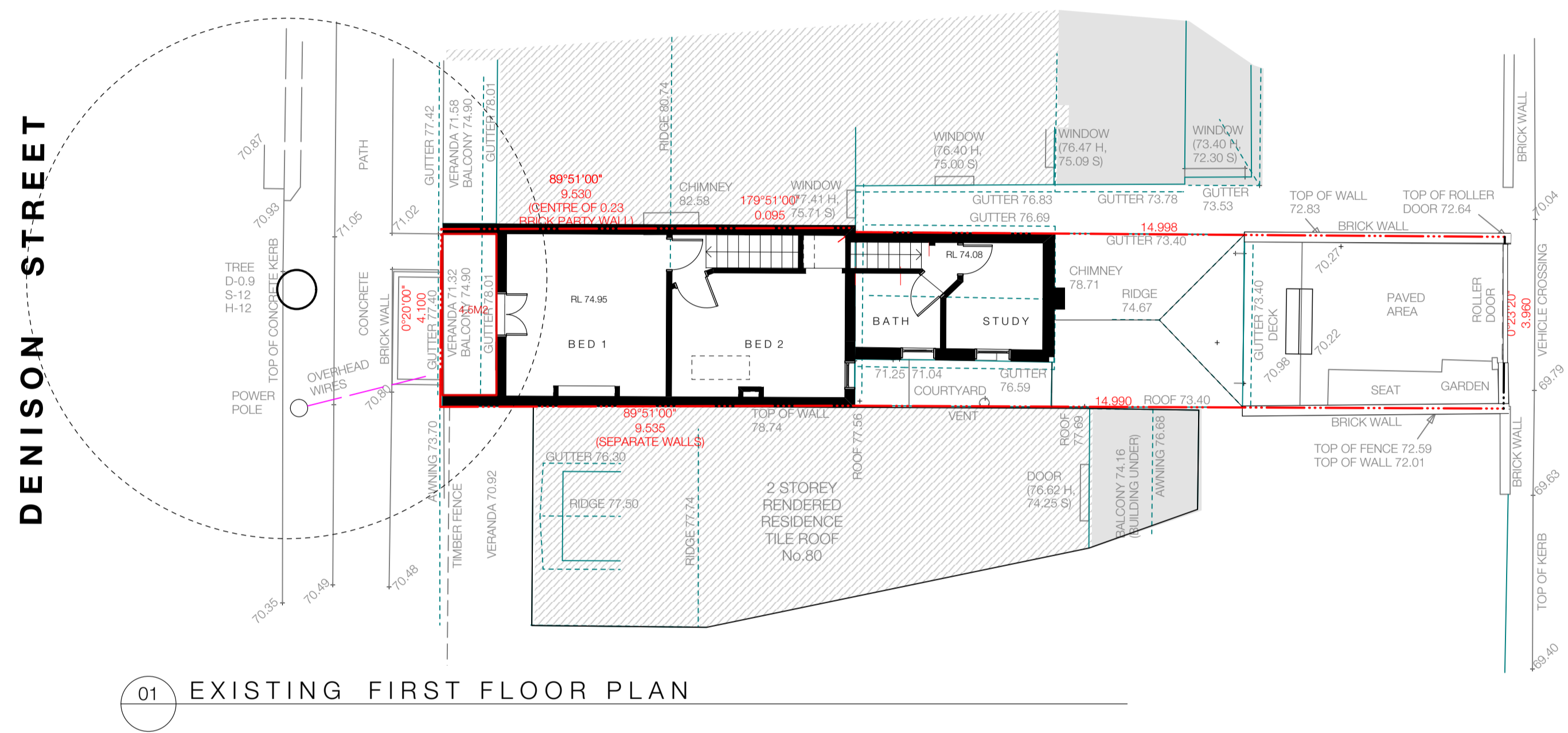
ELEVATIONS AND SECTIONS

POREBSKI ARCHITECTS Pty Ltd
Registered Architects
Alex Heyko-Porebski (NSW 6877, ARBY 17667)
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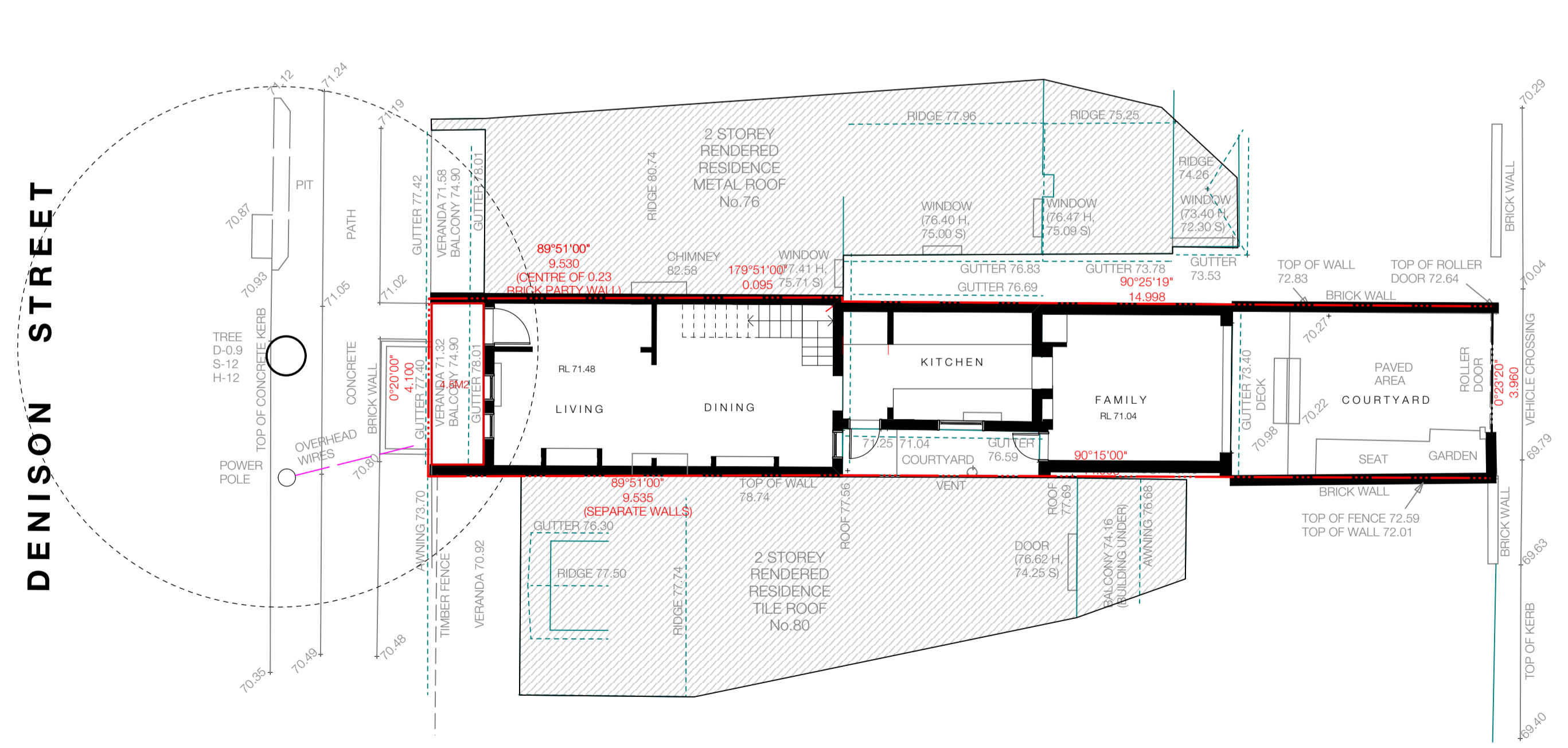
Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.03	D



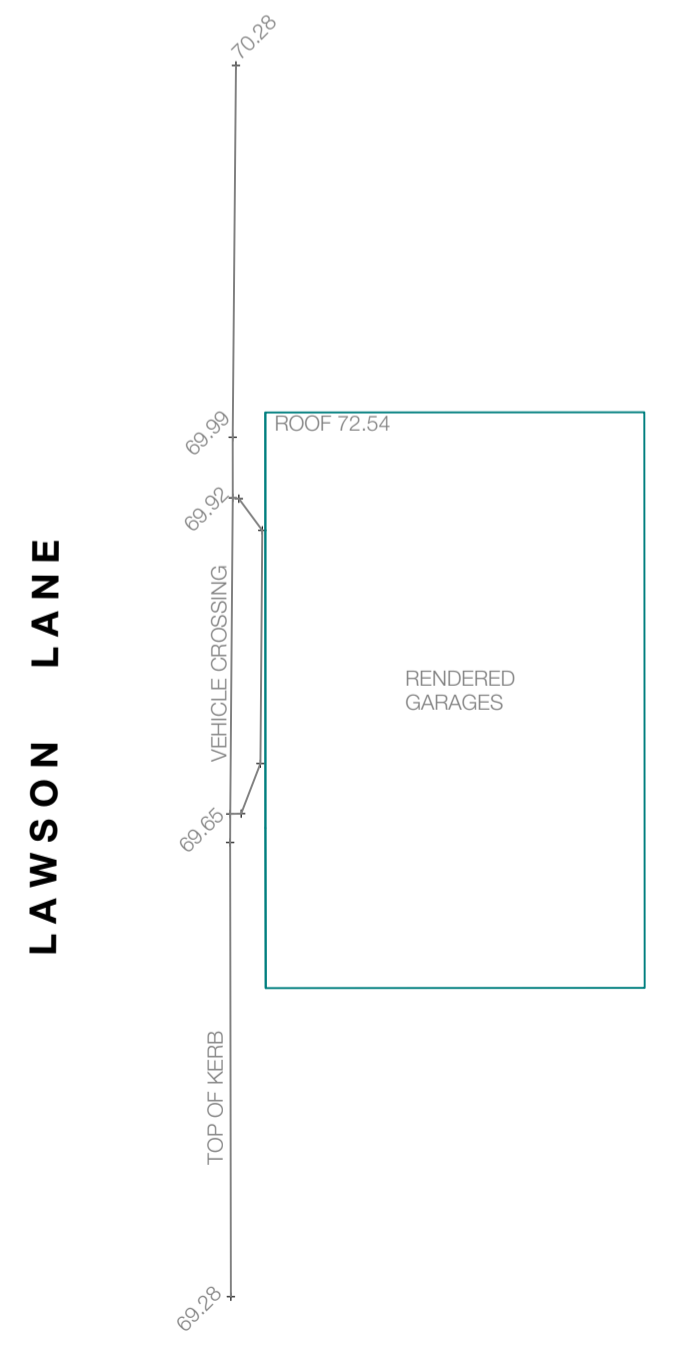
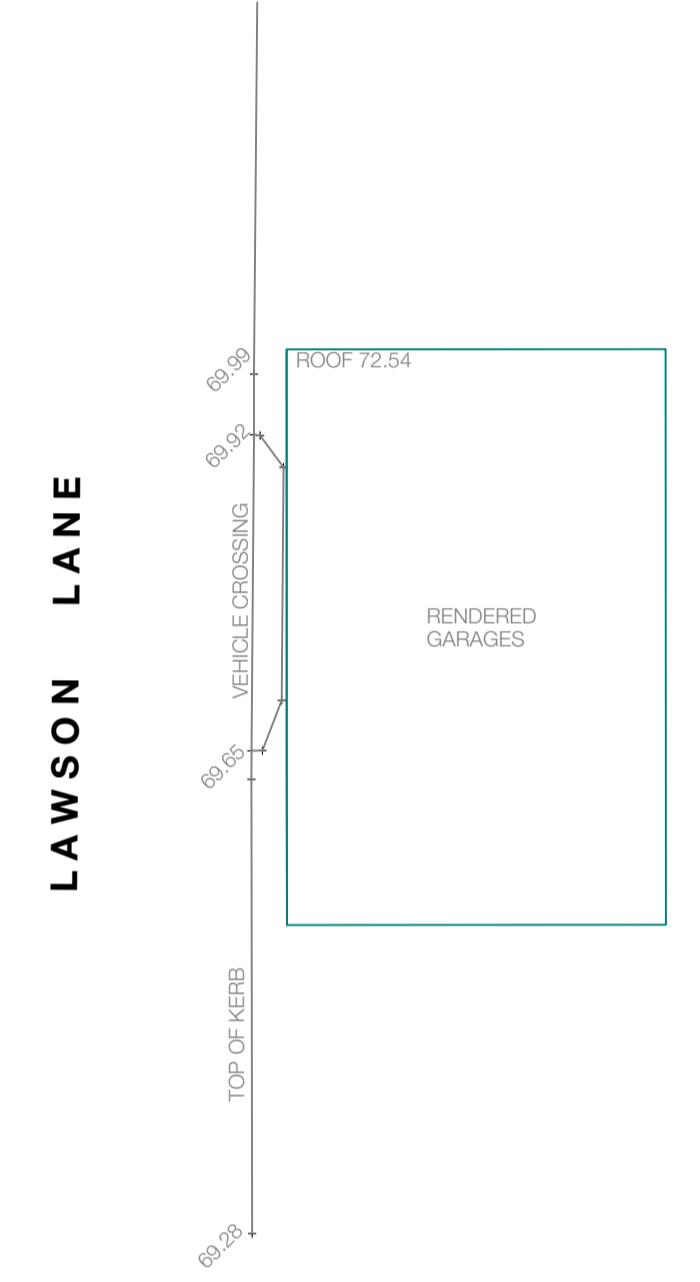
RECEIVED
Waverley Council
Application No: DA-163/2022
Date Received: 25/07/2022



01 EXISTING FIRST FLOOR PLAN



02 EXISTING GROUND FLOOR PLAN



A 26.04.22 ISSUE FOR DA
Issue Date Amendment

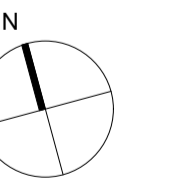
POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO

78 DENISON ST
BONDI JUNCTION
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

GROUND, FIRST FLOOR EXISTING PLANS



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Tel (02) 9310 1234 Fax (02) 9310 1266

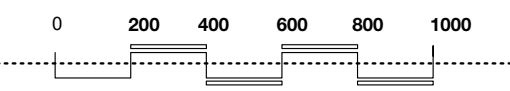
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Scale

Project Architect Date
AHP/VDA OCT 21

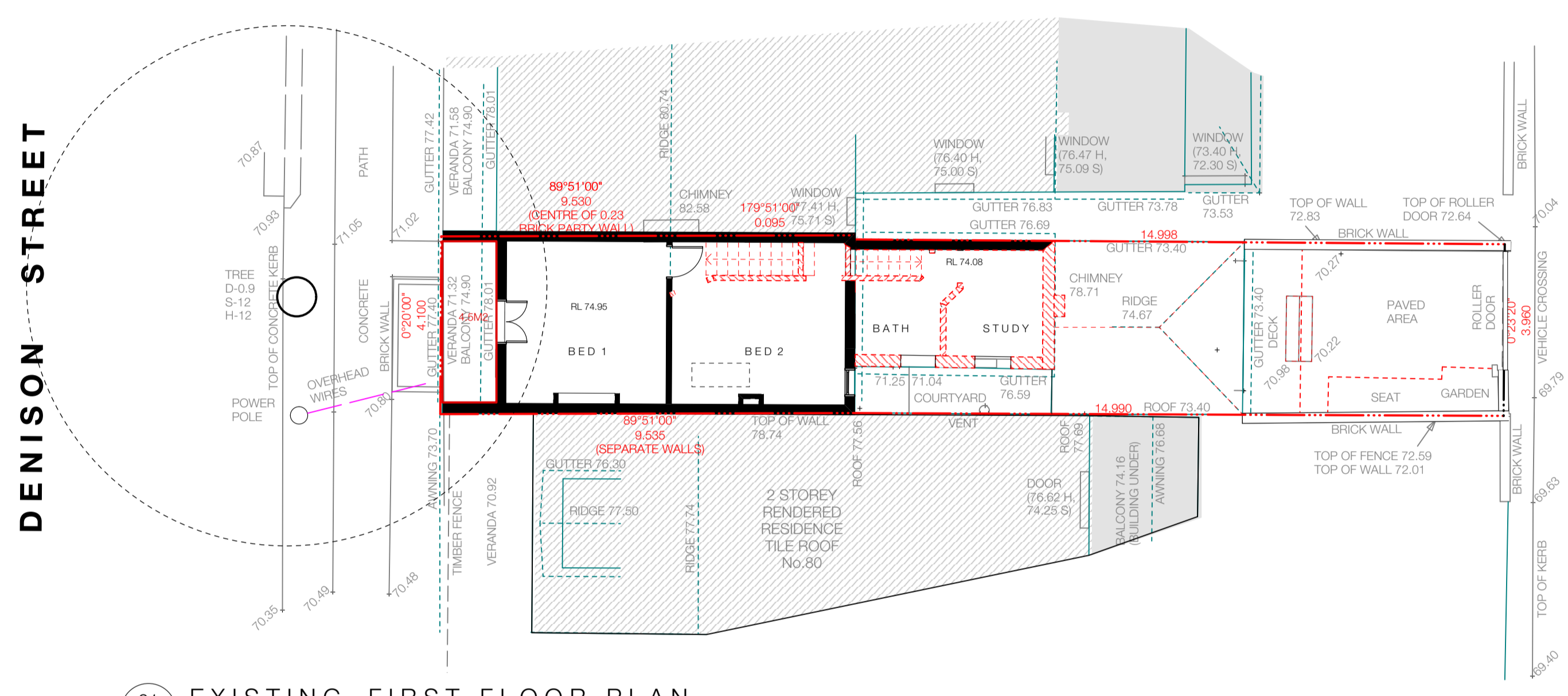
Drawn Checked
VDA AHP

Drawing No Issue
618.A.11 A

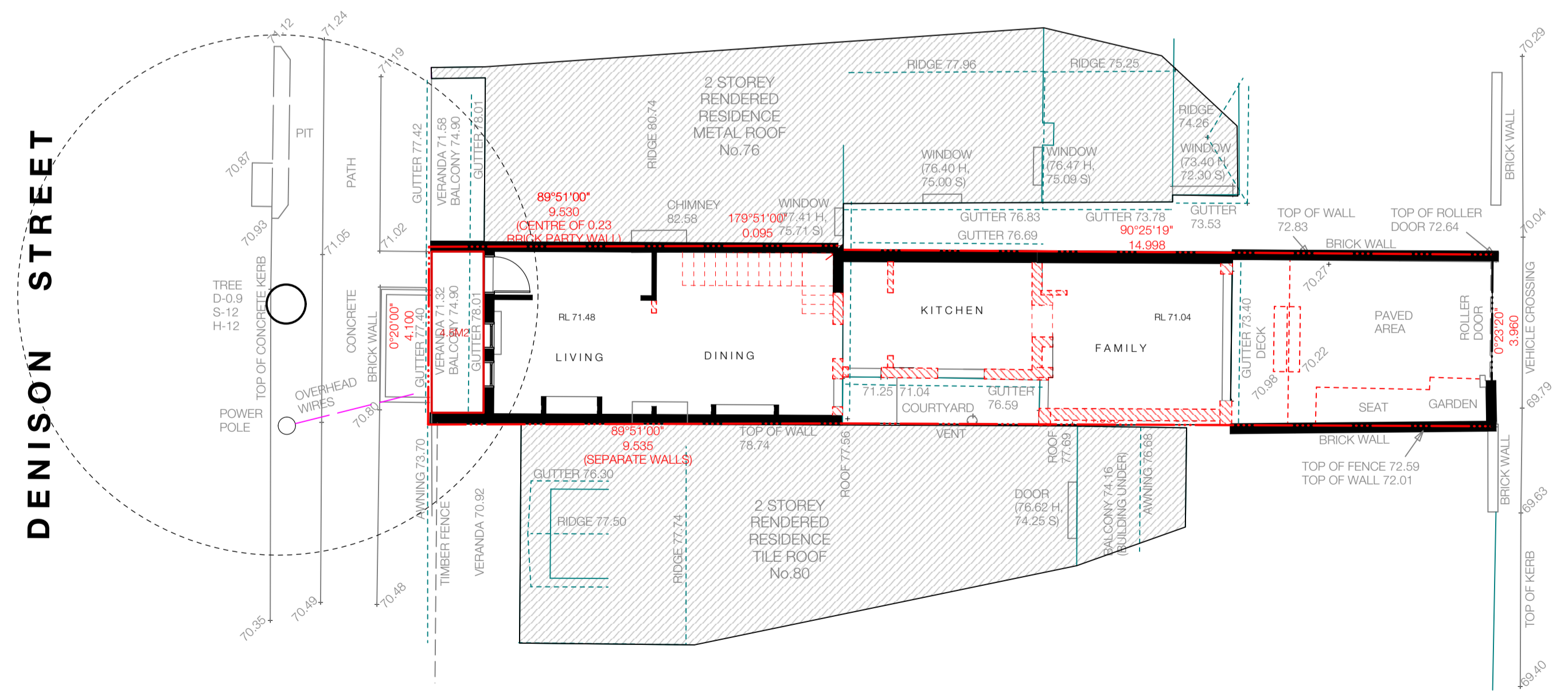


RECEIVED
Waverley Council
Application No: DA-163/2022
Date Received: 25/07/2022

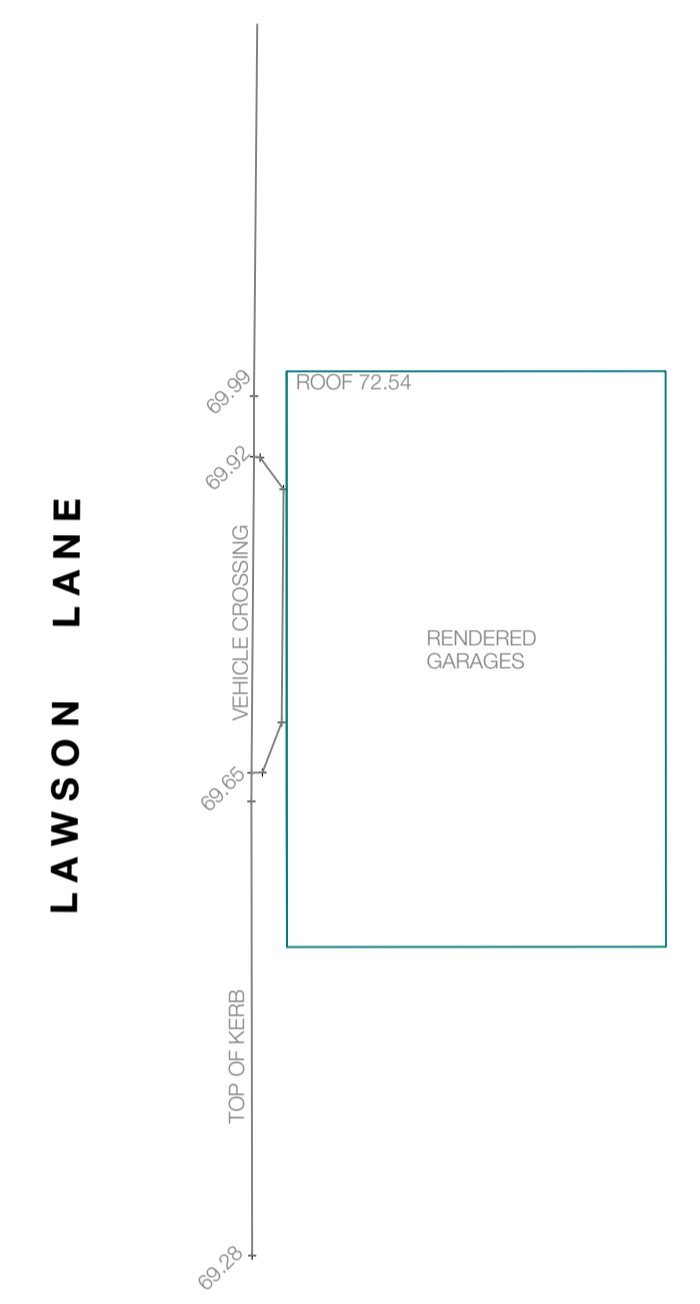
LEGEND:
WALL TO BE DEMOLISHED (---)
EXISTING WALLS (—)



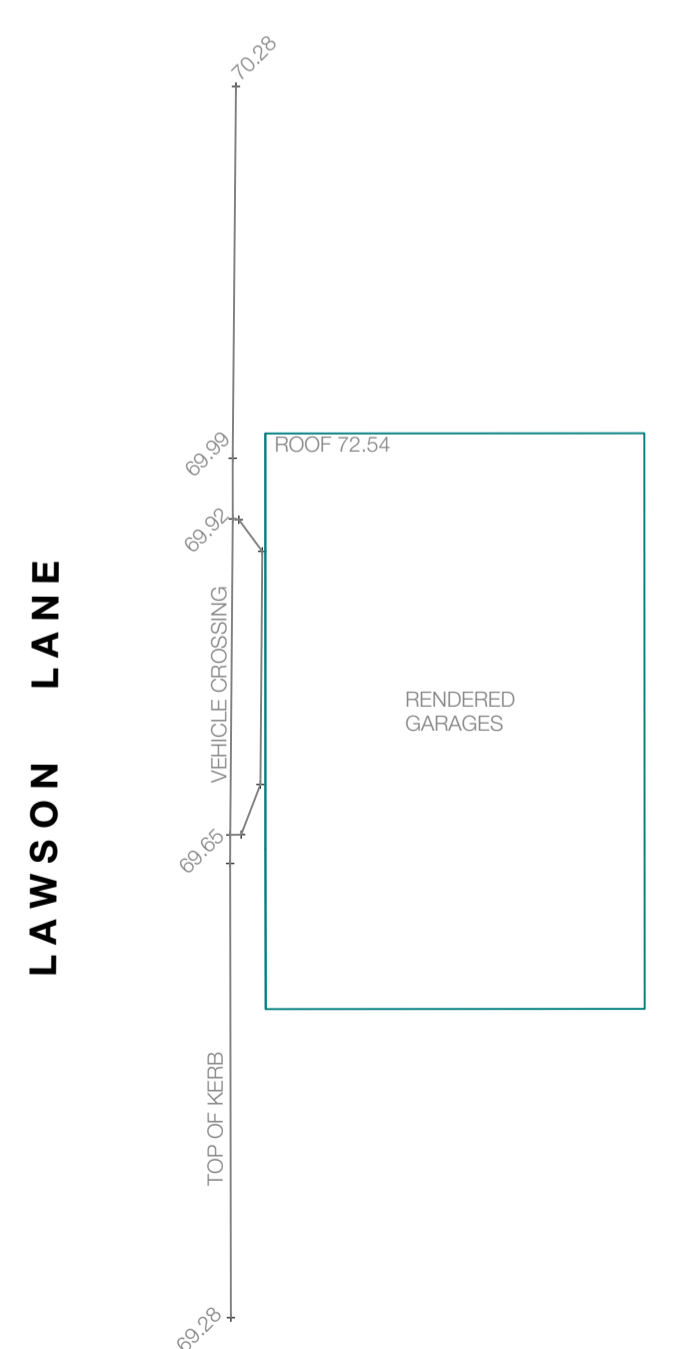
01 EXISTING FIRST FLOOR PLAN



02 EXISTING GROUND FLOOR PLAN



LAWSON LANE



LAWSON LANE

B 25.07.22 REVISED ISSUE FOR DA - NORTHERN WALL G/F/F TO REMAIN AS EXISTING
A 26.04.22 ISSUE FOR DA
Issue Date Amendment

POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO

78 DENISON ST
BONDI JUNCTION
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

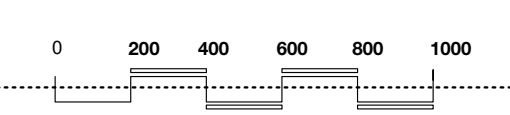
DEMOLITION PLANS

POREBSKI ARCHITECTS Pty Ltd
Registered Architects
Alex Heyko-Porebski (NSW 6877, ARBY 17667)
97 Rose Street Chippendale NSW 2008
Tel (02) 9310 1234 Fax (02) 9310 1266

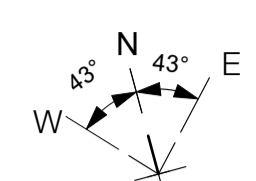
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Scale
Project Architect Date
AHP/VDA OCT 21
Drawn Checked
VDA AHP
Drawing No Issue

618.A.12 B



WINTER SUN JUNE 23
9am 43° EAST of NORTH, ALTITUDE 17
NOON NORTH, ALTITUDE 31
3pm 43° WEST of NORTH, ALTITUDE 17



- ▭ ADDITIONAL SHADOW FROM PROPOSED WORKS
- ▨ SHADOW FROM PROPOSED WORKS OVERSHADOWED BY EXISTING NEIGHBOURING BUILDING/FENCES
- ▭ SHADOW FROM EXISTING BUILDING
- ▭ PRIVATE OPEN SPACE NO. 80 DENISON ST



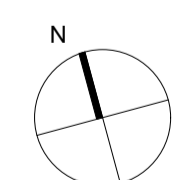
B 22.02.22 DA ISSUE
A 23.01.22 CONSULTANT ISSUE

POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO
**78 DENISON ST
BONDI JUNCTION**
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

SHADOW DIAGRAMS
9am WINTER SOLSTICE

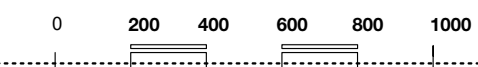


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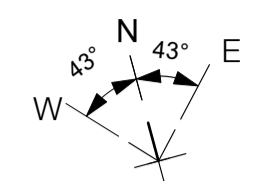
97 Rose Street Chippendale NSW 2008
Tel (02) 9310 1234 Fax (02) 9310 1266

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Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.05	A



WINTER SUN JUNE 23
9am 43° EAST of NORTH, ALTITUDE 17
NOON NORTH, ALTITUDE 31
3pm 43° WEST of NORTH, ALTITUDE 17



- ▭ ADDITIONAL SHADOW FROM PROPOSED WORKS
- ▨ SHADOW FROM PROPOSED WORKS OVERSHADOWED BY EXISTING NEIGHBOURING BUILDING FENCES
- ▭ SHADOW FROM EXISTING BUILDING
- ▭ PRIVATE OPEN SPACE NO. 80 DENISON ST



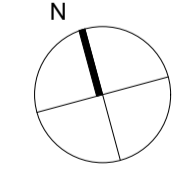
Issue	Date	Amendment
B	22.02.22	DA ISSUE
A	23.01.22	CONSULTANT ISSUE

POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO
**78 DENISON ST
BONDI JUNCTION
LOT 3 DP 596734**

FOR: MR S AND MRS D CORISH

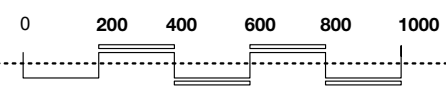
SHADOW DIAGRAMS
NOON WINTER
SOLSTICE

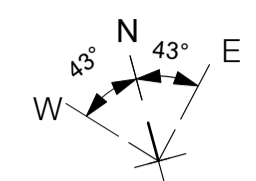


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Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.06	B





- SHADOW FROM PROPOSED WORKS OVERSHADOWED BY EXISTING NEIGHBOURING BUILDING/FENCES
- SHADOW FROM EXISTING BUILDING
- PRIVATE OPEN SPACE No. 80 DENISON ST



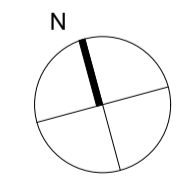
B	22.02.22	DA ISSUE
A	23.01.22	CONSULTANT ISSUE
Issue	Date	Amendment

POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO
78 DENISON ST
BONDI JUNCTION
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

SHADOW DIAGRAMS
3pm WINTER SOLSTICE

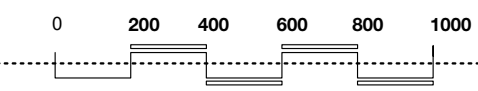


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Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.07	B





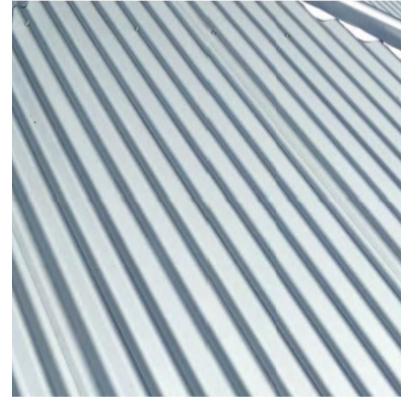




COURTYARD ELEVATION



LANEWAY WALL ELEVATION - LAWSON LANE

SCHEDULE OF MATERIAL AND FINISHES

<p>FB FACE BRICKWORK - RECLAIMED BRICKS</p>		<p>RB/RFC/eRB RENDERED BRICKWORK/ RENDERED FIBRE CEMENT, LIGHT COLOUR</p>	
<p>MR NEW METAL ROOF (AND GUTTERS/DOWNPipes) CUSTOM ORB ZINCALUME</p>		<p>SP STONE PAVERS IN COURTYARD - TERRAZZO</p>	
<p>NOTE WINDOWS TO BE STAINED/PAINTED TIMBER</p>		<p>TC TIMBER CLADDING - SHIPLAP WHITE PAINTED BOARDS</p>	

Issue	Date	Amendment
A	29.04.22	DA ISSUE

POREBSKI ARCHITECTS

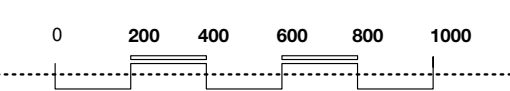
PROPOSED ALTERATIONS AND ADDITIONS TO
**78 DENISON ST
BONDI JUNCTION**
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

MATERIALS AND FINISHES SCHEDULE

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Project Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.12	A

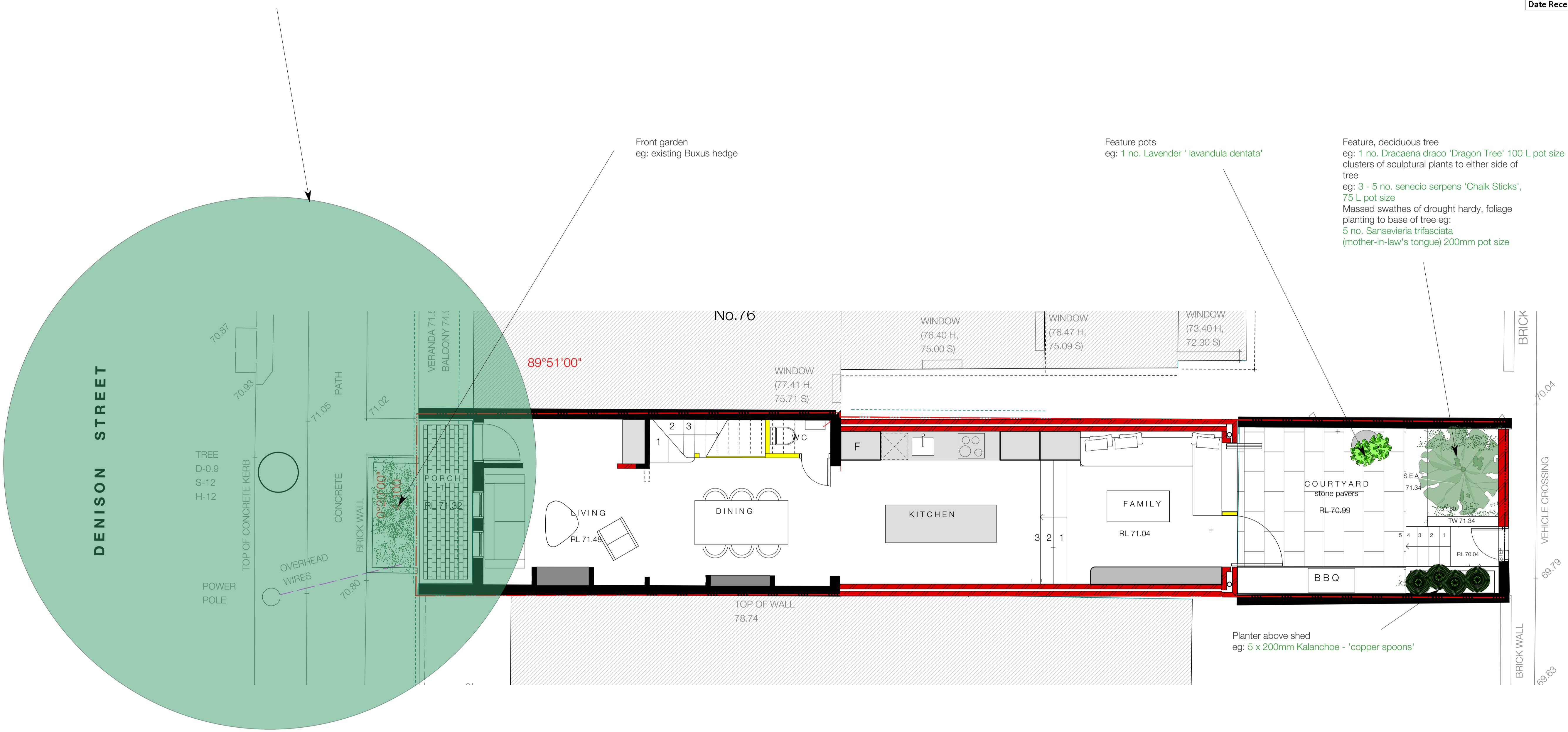


Existing native tree to be retained

Front garden
eg: existing Buxus hedge

Feature pots
eg: 1 no. Lavender 'lavandula dentata'

Feature, deciduous tree
eg: 1 no. Dracaena draco 'Dragon Tree' 100 L pot size
clusters of sculptural plants to either side of tree
eg: 3 - 5 no. senecio serpens 'Chalk Sticks', 75 L pot size
Massed swathes of drought hardy, foliage planting to base of tree eg:
5 no. Sansevieria trifasciata (mother-in-law's tongue) 200mm pot size



REAR GARDEN DESIGN INSPIRATION



low level sculptural succulents



Chalk Stick - 'senecio serpens' drought hardy succulent



Sansevieria trifasciata (mother-in-law's tongue)



Dracaena draco 'Dragon Tree'



Potted Lavender 'lavandula dentata'



Kalanchoe - 'copper spoons'

Issue	Date	Amendment
C	18.02.22	DATE/ISSUE

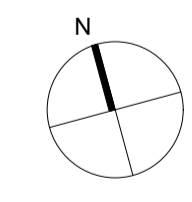
POREBSKI ARCHITECTS

PROPOSED ALTERATIONS AND ADDITIONS TO

78 DENISON ST
BONDI JUNCTION
LOT 3 DP 596734

FOR: MR S AND MRS D CORISH

LANDSCAPE PLAN

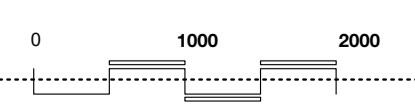


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Scale

1:50

Project/Architect	Date
AHP/VDA	OCT 21
Drawn	Checked
VDA	AHP
Drawing No	Issue
618.A.10	A





Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-225/2022
Site address	Unit 3/16 Consett Avenue, BONDI BEACH
Proposal	Alterations and additions to Unit 3.
Date of lodgement	10 June 2022
Owner	Hanna Bare Holdings Pty Ltd
Applicant	Miles Thorp Architects
Submissions	Three
Cost of works	\$192,500
Principal Issues	<ul style="list-style-type: none"> • Existing Use Rights • Inter-war character
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to Unit 3 at the site known as 16 Consett Avenue, BONDI BEACH.

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

- Existing use rights;
- FSR non-compliance;
- Inter-war building character; and
- Ongoing use of mezzanine level for storage.

The assessment finds these issues acceptable as the additional gross floor area (GFA) is to be contained within the existing built form at the first floor level of the building and therefore maintains the environmental amenity of surrounding properties. Conditions are recommended to be imposed to ensure the building retains its existing character by retaining the existing bay window and that the mezzanine level is used for storage purposes only.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed with the submission of amended plans, in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 1 July 2022.

The site is identified as Lot 3 in SP 22110, known as Unit 3, 16 Consett Avenue, BONDI BEACH.

The site is rectangular in shape with a south-eastern frontage to Consett Avenue, measuring 8.13m. It has an area of 297m² and falls from the rear towards the front of the property by approximately 1.25m.

The site is occupied by a two storey residential flat building consisting of a total of four units with no vehicular access. Unit 3 is located at the front of the first-floor level.

The site is adjoined by a single storey semi-detached dwelling to the northern side boundary and a two storey dwelling to the southern side boundary. The locality is characterised by a variety of low and medium density residential development is in close proximity to the Hall Street Town Centre.



Figure 1: Site viewed from Consett Avenue, looking west

1.3. Relevant Development History

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

- **L-585/2000:** Demolition of existing dilapidated stairway and its replacement. Approved 26 September 2000.
- **L-271/2002:** Unit 3 - Demolition of existing roof to residential flat building construct a new attic/storeroom plus outdoor area. Approved 20 March 2003.
- **L-272/2002:** Unit 4 - Partial demolition of existing tiled roof to RFB, construct a new/study/attic storage and outdoor area. Approved 20 March 2003.
- **DA-272/2002/A:** Unit 4 - Modification for alterations and additions to existing RFB. Approved 8 June 2006.

Condition No. 22 DA-272/2002/A required:

22 SURRENDERING OF CONSENT

The Development Consent L 271/2002 previously issued for alterations and additions to unit 3/16 Consett Venue is to be surrendered pursuant to the Environmental Planning and Assessment Regulation 2000 – Reg 97.

- **CCB-462/2007:** Unit 4 - Partial demolition of existing tiled roof to RFB construct a new/study/attic storage and outdoor area. Approved 23 November 2007. An Interim Occupation Certificate issued 6 September 2012

- **DA 272/2002/B:** Unit 4 - Modify proposed materials, internal reconfiguration of upper units and changes to planter on upper balcony. Approved 10 July 2012. Condition No. 23 DA-272/2002/B required:

23. FIRE SAFETY UPGRADE

Fire safety upgrading works are to be carried out in accordance with the report prepared by BCA Logic dated 11 December 2007. Details of compliance are to be included with the Construction Certificate. All works are to be carried out within 3 months from the date of this determination and are to be certified by BCA Logic. The upper level is not to be occupied unless an occupation certificate is granted.

- **DA-373/2019:** Boundary Adjustment to existing residential flat building. Approved 2 December 2019.
- **DA-217/2022:** Units 1 and 2 – Concurrent development application lodged seeking alterations and additions to Units 1 and 2 at the ground floor level including modification to strata plan allotments. The application was approved by the WLPP on 27 July 2022.

1.4. Proposal

The amended development application seeks consent for alterations and additions to Unit 3 within the existing residential flat building, specifically the following:

Level 1

- Alterations to the existing unit layout to reconfigure two bedrooms, two bathrooms and an open-plan kitchen and living room.
- Construction of a mezzanine level above the kitchen to be used for storage. Access via a drop-down ladder.
- Conversion of the existing bay window to a balcony with bi-fold doors.

Roof

- Installation of a skylight on the northern side elevation roof plane.
- Retain and restore existing roof.

1.5. Background

The application was lodged on 10 June 2022. On 5 July 2022, the applicant was advised that the proposal was not supported and any new works would have to be contained within the existing built form. The applicant submitted revised plans on 18 July 2022 however, the plans were not accepted and the applicant was advised to delete the mezzanine level demonstrating the space as habitable and the proposed conversion of the existing bay window to a balcony.

Through further discussions, the applicant was able to submit a final set of amended plans on 27 July 2022 that demonstrated all works were contained within the existing built form and the mezzanine used for storage only. However, the proposal retains the conversion of the bay window to a balcony, this is further discussed in this report. The following assessment is based on these amended plans submitted.

2. ASSESSMENT

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 – Section 4.65 of the Act

A merit assessment of the following matters are to be considered as part of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following is a merit assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

The development application relies on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) as the ‘residential flat building’ component of the proposal is prohibited in the R2: Low Density Residential Zone under Waverley Local Environmental Plan 2012 (Waverley LEP 2021).

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Section 4.67 of the Act, concerning regulations respecting existing use, 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 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 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. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from Saffioti 2018, is that provisions of an EPI (e.g. 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 2018, 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 a development standard, which is considered in **section 2.1.4** 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.

2.1.2. State Environmental Planning Policies (SEPPs)

The SEPP (Building Sustainability Index – BASIX) 2004 applies and has been considered acceptable in the assessment of this development application.

2.1.3. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.4. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2: Low Density Residential Zone	Existing Use Rights	The proposal is defined as a RFB that is prohibited in the R2: Low Density Zone. The existing building was approved and constructed prior to the LEP prohibiting the use within the zone and as such is considered to be an Existing Use under Division 4.11 of the EP&A Act.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No change	The existing building is non-compliant with Council's maximum building height control however, no change to existing building height is proposed as part of this proposal.
4.4 Floor space ratio • FSR: 0.5:1 • GFA: 148.5m ²	No	Existing GFA: 323m ² Existing FSR: 1.09:1 Existing Variation: 118% (+174.5m ²)s Proposed GFA: 327m ² (+4m ²) Proposed FSR: 1.10:1 Proposed Variation: 120% (+178.5m ²)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation

Provision	Compliance	Comment
		to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Recommended conditions	<p>The site is not a heritage item and is not located within an existing conservation area; however, the site is located within the Draft O'Brien Estate Urban Conservation Area and is an example of an inter-war residential flat building.</p> <p>The site adjoins a heritage item along the northern side boundary at 18 Consett Avenue and at the rear at 17 and 19 Chambers Avenue.</p> <p>Council's Heritage Advisor did not support the original proposal which involved a visible addition to the street frontage above the first floor level and the modification of the existing bay window. The application has since been amended to delete the additional floor level.</p> <p>It is considered that the amended scheme does not add any significant visual bulk and scale to the building, as the additional floor space is to be contained within the existing built form. The proposed skylight would be visible from Consett Avenue when viewed from the north-east, but is not considered to adversely impact upon the character of the building and is considered acceptable.</p> <p>However, the conversion of the bay window to a balcony is not acceptable, as this significantly disrupts the inter-war character of the building and its presentation to the Consett Avenue streetscape. A condition is recommended for the conversion of this bay window to a balcony be deleted.</p>

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development increases the existing non-compliant GFA by 4m² and has a FSR of 1.10:1, exceeding the standard by 178.5m² equating to a 120% variation. It is noted that should the proposed bay window to balcony

conversion be deleted from the consent as recommended above, the proposal will have a total increased GFA of 328.7m² that is an FSR of 1.106:1, exceeding the standard by 180.2m² (121.35%)

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal is compatible with the desired future character of the area.*
 - (ii) *The proposal maintains the overall height, bulk and scale of the existing building.*
 - (iii) *The proposal is located within an existing non-compliant building envelope.*
 - (iv) *The addition is located within the existing roof structure and the building will continue to present as a part two and part three storey building to Consett Avenue.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The extent of additional floor area is minor and occurs within the existing roof form to maintain existing visual impact;*
 - (ii) *The location of the additional non-compliant area is located within the front portion of the building. However, as it is located within the existing roof form, it will not be visible from the street;*
 - (iii) *Despite the non-compliance, the proposed FSR facilitates a scale of residential development that is limited to part two and part three storeys, consistent with the planning objectives of the area;*
 - (iv) *The scale of the proposal will be the same as its existing relationship within the streetscape;*
 - (v) *Removal of the non-complying element to achieve strict compliance would not result in an improved planning outcome, as this would require the removal of a significant portion of the existing built form;*
 - (vi) *The area of non-compliance would not create material impacts on the amenity of adjoining development in respect of privacy given no windows are associated with the mezzanine level, with the exception of a skylight that is designed to be flush with the roof perch;*

- (vii) The area of non-compliance will not create material impacts to the amenity of adjoining development in respect of solar access and views, compared to the existing situation; and*
- (viii) The variation results in improved internal amenity for the occupants.*

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) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's justification is considered sound, particularly as the additional GFA is to be located within the existing non-compliant building and the proposal results in no change to the existing building envelope. The proposal would not have amenity impacts upon neighbouring properties and the existing setbacks of the building are maintained.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out, despite the fact that the building has existing use rights.

The relevant objectives of the FSR 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 proposal, as amended by recommended conditions to delete the proposed conversion of the bay window to a balcony, results in a minor increase in GFA (to 5.7m²) that equates to a variation of 3.16% of the total resulting variation (180.2m²). Notwithstanding, the building footprint, setbacks, height and bulk of the existing building remain unchanged, as the additional floor space is contained within the existing built form. As the bulk and scale of the existing building remains unchanged, the proposal is considered to be consistent with the desired future character of the area. The proposal will not result in any unreasonable privacy, overshadowing or view impacts as outlined further in this report and as a result, the amenity of surrounding properties will be preserved.

The subject site enjoys the benefit of existing use rights. Given that the R2 zoning prohibits the land use of residential flat buildings, the R2 zoning does not apply to the development as it is this part of the LEP which derogates from the existing use 'incorporated provisions' in the Regulations.

Notwithstanding, an assessment against the objectives of the zone is provided following for an abundance of caution.

The objectives of the R2: Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

The proposal maintains the existing density on site while providing enhanced residential amenity for the subject unit. The development is consistent with the objective to provide for the housing needs of the community within a low density residential environment.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the R2: Low Density Residential Zone.

2.1.5. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

Given the zoning of the site and immediate surrounds to low density residential development and the Hall Street Town Centre, it is still considered appropriate to assess the development against the controls reflective of residential flat buildings. The relevant matters to be considered under WDCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	No tree removal required.
7. Accessibility and Adaptability	Yes	Satisfactory.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Recommended Condition	See comments in section 2.1.4 above.
17. Inter War Buildings	Recommended Condition	See comments in section 2.1.4 above recommending that the proposed bay window to balcony conversion be deleted in order to maintain the inter war character of the building and its presentation to the streetscape.

Table 3: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.1 - Street setbacks • Consistent street setback	Yes	The existing setback of the building to Consett Avenue is retained.
3.3.2 - Side and rear setbacks	Yes	The existing side and rear setbacks of the building are retained.

Development Control	Compliance	Comment
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	Recommended Conditions	The building is an inter war RFB and the proposed modification to convert the bay window to a balcony is not acceptable. Conditions are recommended to be imposed to ensure the character of the building and streetscape are retained. <i>See discussion above for further details.</i>
3.7 Fences and walls		
	Yes	No change to fencing on site.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	No change to unit entry.
3.9 Landscaping		
	Yes	No change to existing landscaping on site.
3.10 Communal open space		
	Yes	No change to existing communal open space areas.
3.11 Private Open Space		
	No	The proposal seeks to convert the existing bay window to the front elevation of the building to a balcony that would have an area of 1.7m ² . The proposed balcony would provide the occupants with some private open space however, this conversion is not acceptable for reasons previously discussed in this report. Private open space is currently not provided for three of the four units within the building and it is considered that the residents may continue to use the communal open space area at the rear of the ground floor level.
3.13 Solar access and overshadowing		
	Yes	The proposed works are contained within the existing building footprint and will not result in any additional shadow impacts to surrounding properties. Furthermore, the units will continue to receive solar access as existing.

Development Control	Compliance	Comment
3.14 Views and view sharing		
	Yes	No view loss anticipated as the proposed works are contained within the existing built form.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	Yes	No adverse visual or acoustic privacy impacts are anticipated from the proposed works.
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window Max with of dwelling over 15m deep is min 4m All habitable rooms to have a window Provide a range of dwelling types and sizes Min sizes 1 bedroom = 50m² 2 bedroom = 80m² Flexible design 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Merit Assessment</p>	The proposal, as amended by conditions to delete the bay window to balcony conversion, results in an internal area of 78.13m ² that is an existing two bedroom unit. The proposal reconfigures the layout of the apartment to provide a genuine second bedroom and also increases the internal area by 5.87m ² that is to be used for storage with the addition of the mezzanine. The proposed reconfiguration of the units will enhance the existing residential amenity for occupants and is considered acceptable.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	The existing floor to ceiling heights of the unit is retained however, the area above the kitchen is to be reduced to a floor to ceiling height of 2.4m that is compliant with the BCA. The mezzanine level will have a maximum floor to ceiling height of 2m and will be used for storage purposes only, as accessed from a pull-down ladder that is acceptable. A condition is recommended to be imposed to ensure this space is used for storage purposes only.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> 2 bed = 8m³ 	Yes	Additional storage is to be provided at a new mezzanine level above the kitchen. A condition is recommended to be imposed to ensure this space is used for storage purposes only.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The development is considered to maintain acoustic privacy for the occupants of the site and surrounding properties.

Development Control	Compliance	Comment
3.20 Natural Ventilation		
	Yes	The unit has cross ventilation.
3.21 Building services		
	Yes	The existing location of services are to be retained with the proposal.

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 between 30 June 2022 to 18 July 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- New floor level deleted and new works contained within existing built form.

A total of three unique submissions were received from notification of the original plans from the following properties:

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

Count	Property Address
1.	12 Consett Avenue, BONDI BEACH
2.	15 Consett Avenue, BONDI BEACH
3.	4/16 Consett Avenue, BONDI BEACH

The following issues raised in the submissions have been resolved by the submission of amended plans:

- Maximum building height non-compliance from additional floor level.
- Streetscape impacts from proposed additional floor level and change to roof form.
- Heritage impacts to surrounding properties from additional floor level.
- Increased visual bulk and scale from additional floor level.
- Amenity impacts including overshadowing from the additional floor level.
- No kitchen shown on original plans.
- Visual impact of likely external plumbing to new bathroom to the additional floor level.

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

Issue: FSR non-compliance demonstrates building is developed to its maximum capacity.

Response: As discussed throughout this report, the amended proposal contains the additional GFA that is attributed by a new mezzanine level to be used for storage within the existing built form of the building and therefore maintains the environmental amenity for the surrounding properties. The FSR non-compliance is therefore considered to be acceptable.

Issue: Conversion of bay window to balcony results in adverse impacts upon the character of the building and the streetscape.

Response: As discussed throughout this report, it is recommended that this conversion be deleted and the bay window be retained as existing to maintain the character of the building and its presentation to the Consett Avenue streetscape.

Issue: Relocation of bedroom 2 unacceptable as this bedroom will adjoin the internal stairway of Unit 4 and cause noise nuisance for occupants of the bedroom.

Response: This issue is noted however, any noise generated from the use of the internal stairs of Unit 4 are considered to be within the acceptable limits of noise expected to be generated for occupants of residential flat buildings.

Issue: Visual impact of likely external plumbing from proposed relocation of the kitchen to the front of the building.

Response: The above concern is noted however, any external plumbing for the kitchen would be located towards the north-eastern side elevation of the building and would therefore have limited visibility from the Consett Avenue streetscape. Notwithstanding a condition is recommended.

3. Public Interest

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

4. REFERRALS

The following internal and external referral comments were sought:

4.1. Heritage

See comments in section 2.1.4 of this report.

4.2. Fire Safety

The application was referred to Council's Fire Safety Officer who noted the assessment of proposal revealed that there may be a number of non-compliances with the BCA, particularly relating to possible fire separation issues between the existing residential sole occupancy units and common areas (i.e. Section C of BCA). Conditions of consent are recommended to be imposed and these conditions form part of the recommended conditions of consent in Appendix A.

5. CONCLUSION

The development application seeks consent for alterations and additions to Unit 3 at the site known as 16 Consett Avenue, BONDI BEACH.

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

- Existing Use Rights;
- FSR Non-compliance;
- Inter-war building character; and
- Ongoing use of mezzanine level for storage.

The assessment finds these issues acceptable as the additional GFA is to be contained within the existing built form at the first floor level of the building and therefore maintains the environmental amenity of surrounding properties. Conditions are recommended to be imposed to ensure the building retains its existing character by retaining the bay window and that the mezzanine level is used for storage purposes only.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed with the submission of amended plans, in this report and in the Recommendation.

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 26 July 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara, B Magistrale, T Sneesby*

6. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Judith Elijah
Senior Development Assessment Planner

Date: 8 July 2022

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**



**Manager, Development Assessment
(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 10 August 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Miles/Thorp Architects including the following:

Plan No.	Revision	Plan Description	Plan Date	Date received by Council
A05	04	Site Plan	13.07.2022	27 July 2022
A06	05	Proposed Level 1 & 2 Plans	21.07.2022	27 July 2022
A09	04	Proposed Elevations 1/2	20.07.2022	27 July 2022
A10	04	Proposed Elevations 2/2	20.07.2022	27 July 2022
A11	05	Proposed Sections	27.07.2022	27 July 2022
A14	03	BASIX	13.07.2022	27 July 2022

(b) BASIX Certificate

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 09/06/2022

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) No consent is granted for the conversion of the bay window on the eastern (front) elevation to a balcony. The existing bay window is to be retained as existing to maintain the character of the building and its presentation to the streetscape.

(b) No additional downpipes or plumbing are to be located on the front façade.

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

3. USE OF MEZZANINE

The mezzanine level above the kitchen space is to be used for storage purposes only.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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 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 **\$5,830.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

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.

CONSTRUCTION & SITE MATTERS

8. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

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

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

10. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

11. 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

ENERGY EFFICIENCY & SUSTAINABILITY

12. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

FIRE SAFETY

13. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

14. 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.

15. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Section 64 of the Environmental Planning and Assessment Regulations 2021, units 3 must be upgraded to comply with the following provisions of the Building Code of Australia 2019 (BCA):
- (i) The subject sole-occupancy units must be separated adjoining sole occupancy units and internal common areas 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;
 - (ii) Smoke hazard management - Part E2;
 - (iii) Sanitary and other facilities - Part F2;
 - (iv) Room heights - Part F3; and
 - (v) Light and ventilation - Part F4.
- (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 any 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 Section 64 of the Environmental Planning and Assessment Regulations 2021 have been considered in the assessment of the proposed development.

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 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.

17. 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

18. 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

19. 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:

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land, or
- particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

20. CONTROL OF DUST ON CONSTRUCTION SITES

The following requirements apply to demolition and construction works on site:

- Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

CONSTRUCTION MATTERS

21. 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*.

22. 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.

23. 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.

TREE PROTECTION AND REMOVAL

24. TREE PROTECTION

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

25. 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.

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

26. 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.

27. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).

- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. 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.

AD3. 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.



UNIT 3 at 16 CONSETT AVENUE
BONDI

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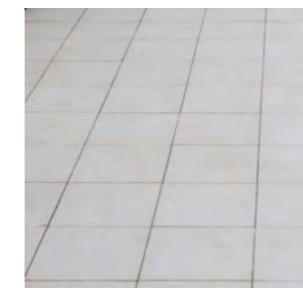
ARCHITECTURAL DRAWINGS

13 JULY 2022

DRAWING INDEX

Number	Drawing Title	Scale	Revision	Date
A00	Cover Sheet		REV05	21.07.2022
A01	Site Analysis	1:250	REV03	13.07.2022
A02	Existing Level 1 & 2 Plans	1:100	REV03	13.07.2022
A03	Existing Elevations 1/2	1:100	REV03	13.07.2022
A04	Existing Elevations 2/2	1:100	REV03	13.07.2022
A05	Site Plan	1:250	REV04	20.07.2022
A06	Proposed Level 1 & 2 Plans	1:100	REV05	21.07.2022
A07	GFA Diagrams	1:200	REV05	27.07.2022
A08	Proposed Strata Plan		REV03	13.07.2022
A09	Proposed Elevations 1/2	1:100	REV04	20.07.2022
A10	Proposed Elevations 2/2	1:100	REV04	20.07.2022
A11	Proposed Sections	1:100	REV05	27.07.2022
A13	3D Views		REV03	13.07.2022
A14	BASIX		REV03	13.07.2022
A15	Detail Elevation	1:20	REV03	13.07.2022

EXTERNAL FINISHES SCHEDULE



TL
Exterior light grey tile



TMB-2
Timber doors
White painted finish

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AMENDED PLANS

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FINISHES refer to finishes schedule for details
TL EXTERIOR FLOOR TILE
TMB-2 TIMBER DOOR/WINDOW - WHITE FINISH

LEGEND
EXISTING
DEMOLISHED
PROPOSED

client
TALIA & ELI
project address
Unit 3 16 Consett Avenue
Bondi Beach NSW 2026

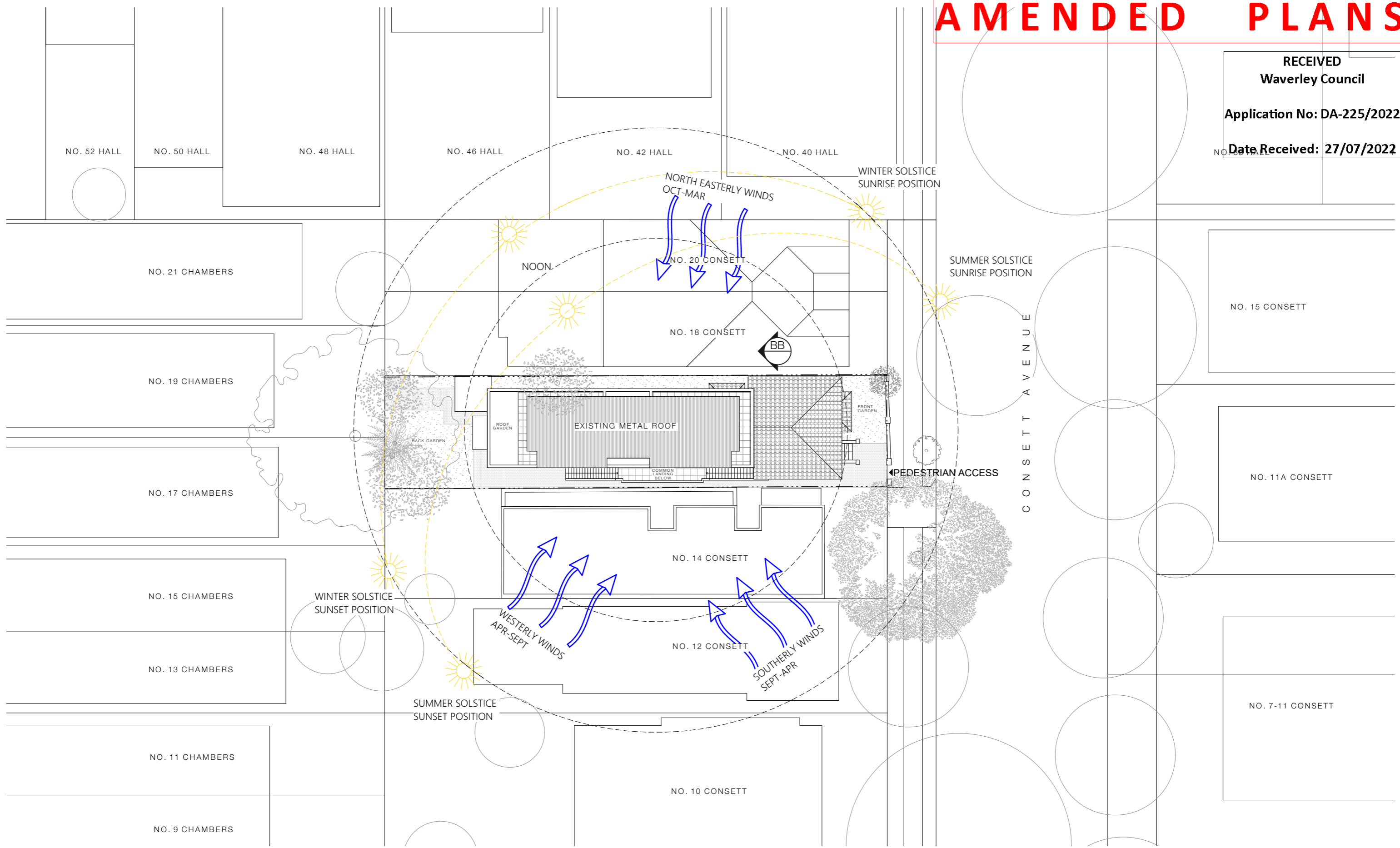
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REV02 13.06.2022
REV03 13.07.2022
REV04 20.07.2022
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A00
drawing title
Cover Sheet
revision
REV05
issue date
21.07.2022

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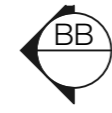
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AMENDED PLANS



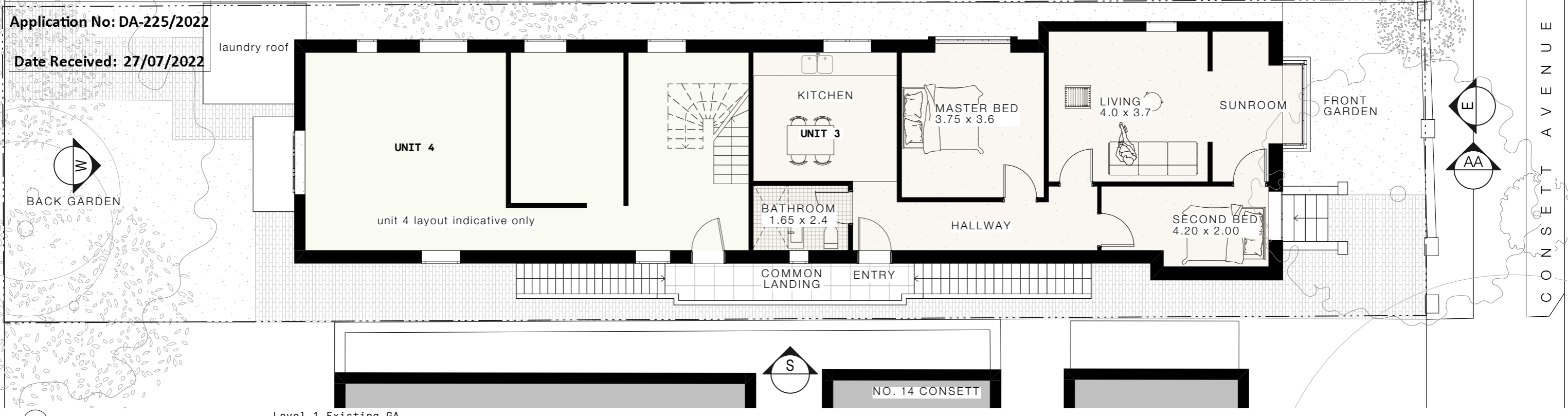
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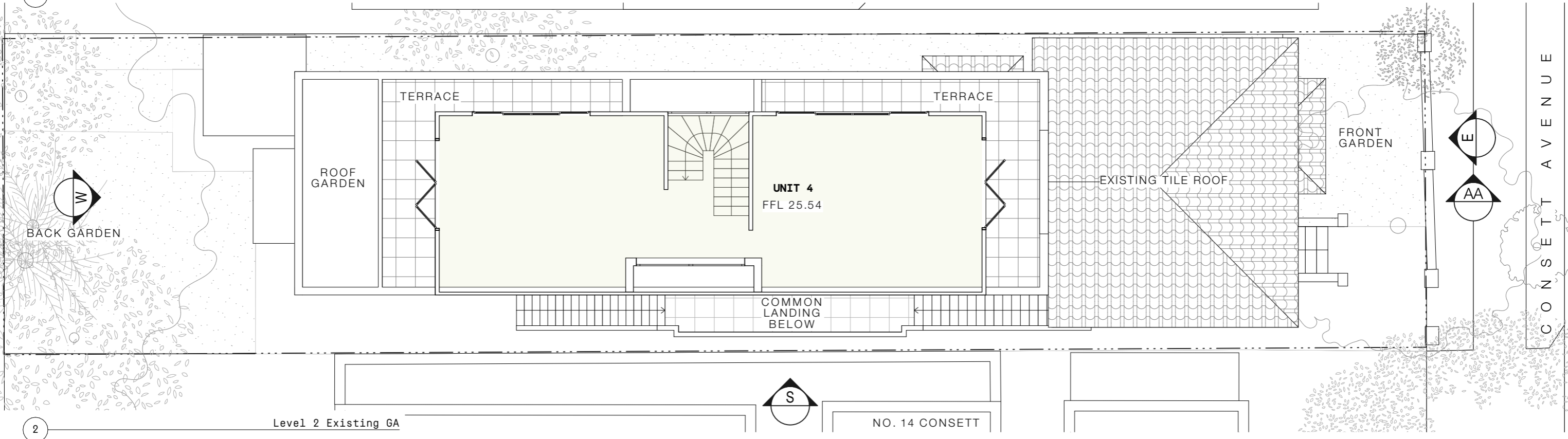
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Level 1 Existing GA



Level 2 Existing GA

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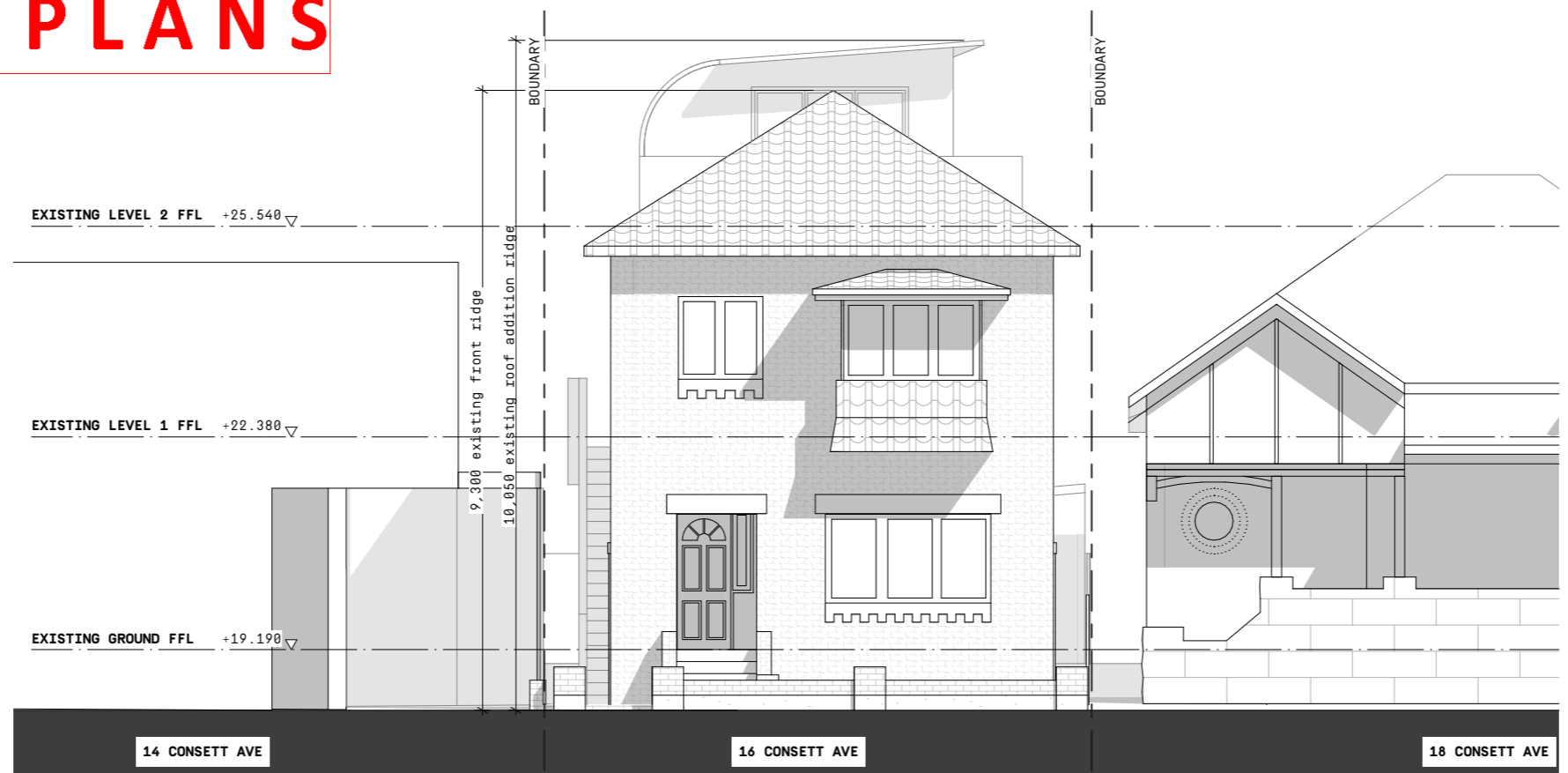
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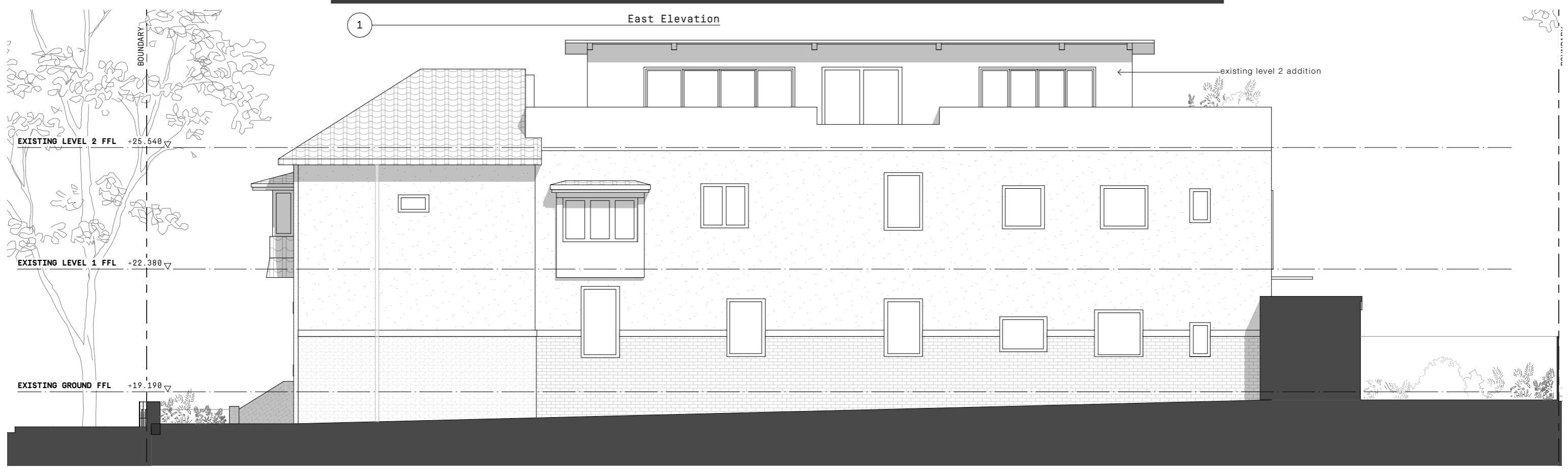
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1 East Elevation



2 North Elevation

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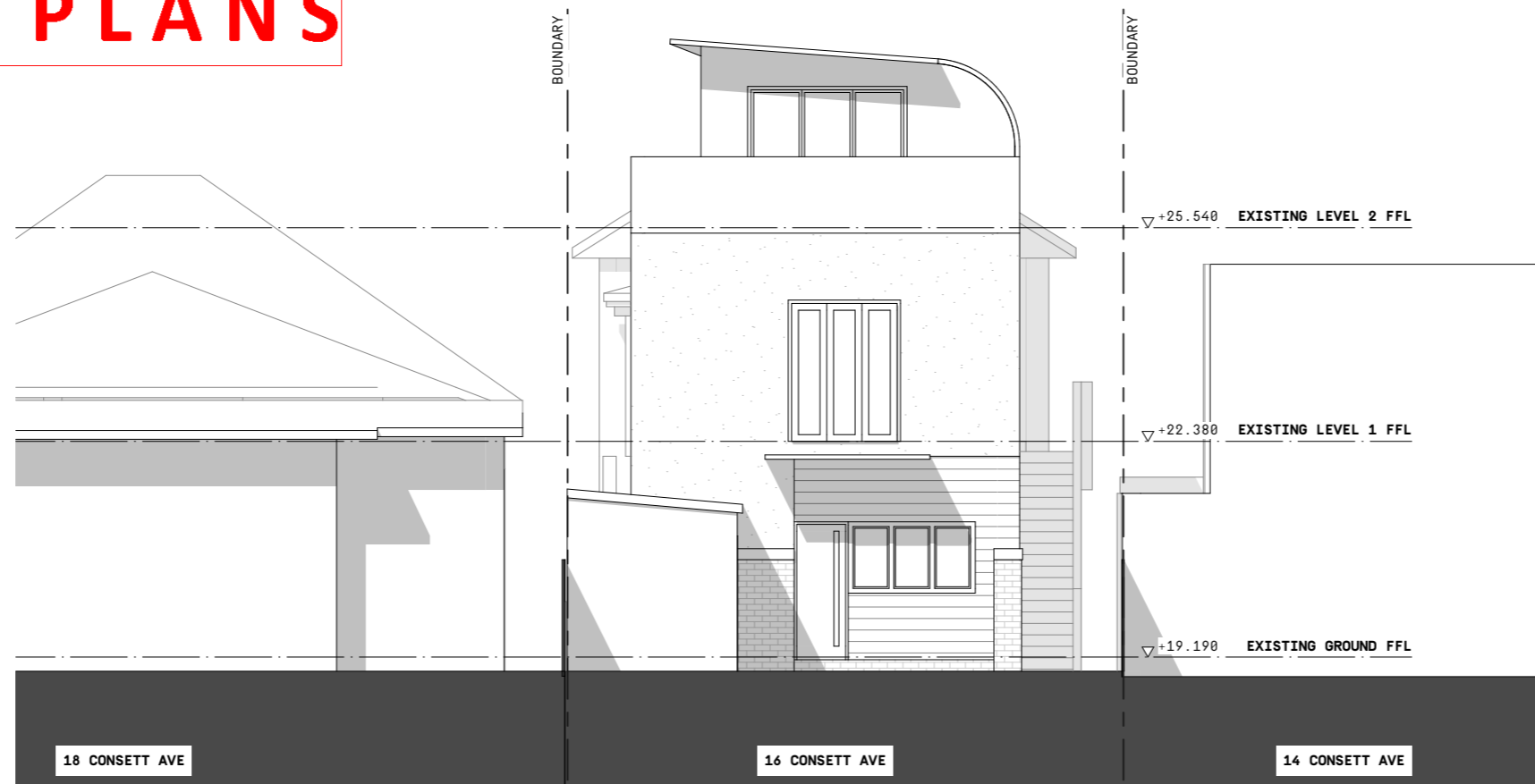
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AMENDED PLANS

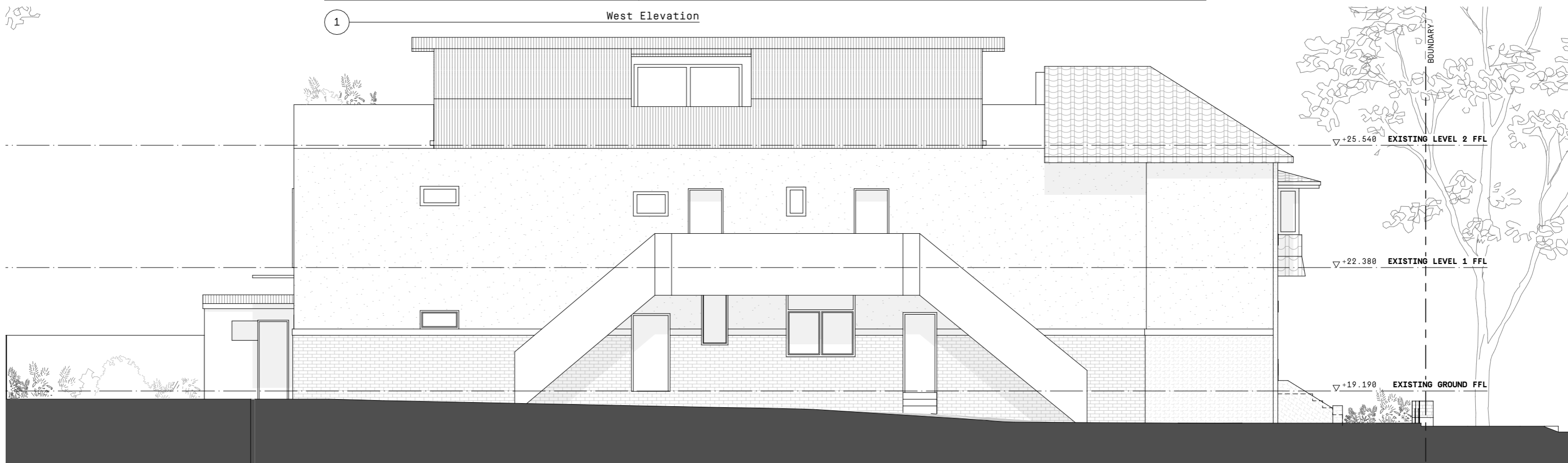
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1 West Elevation



2 South Elevation

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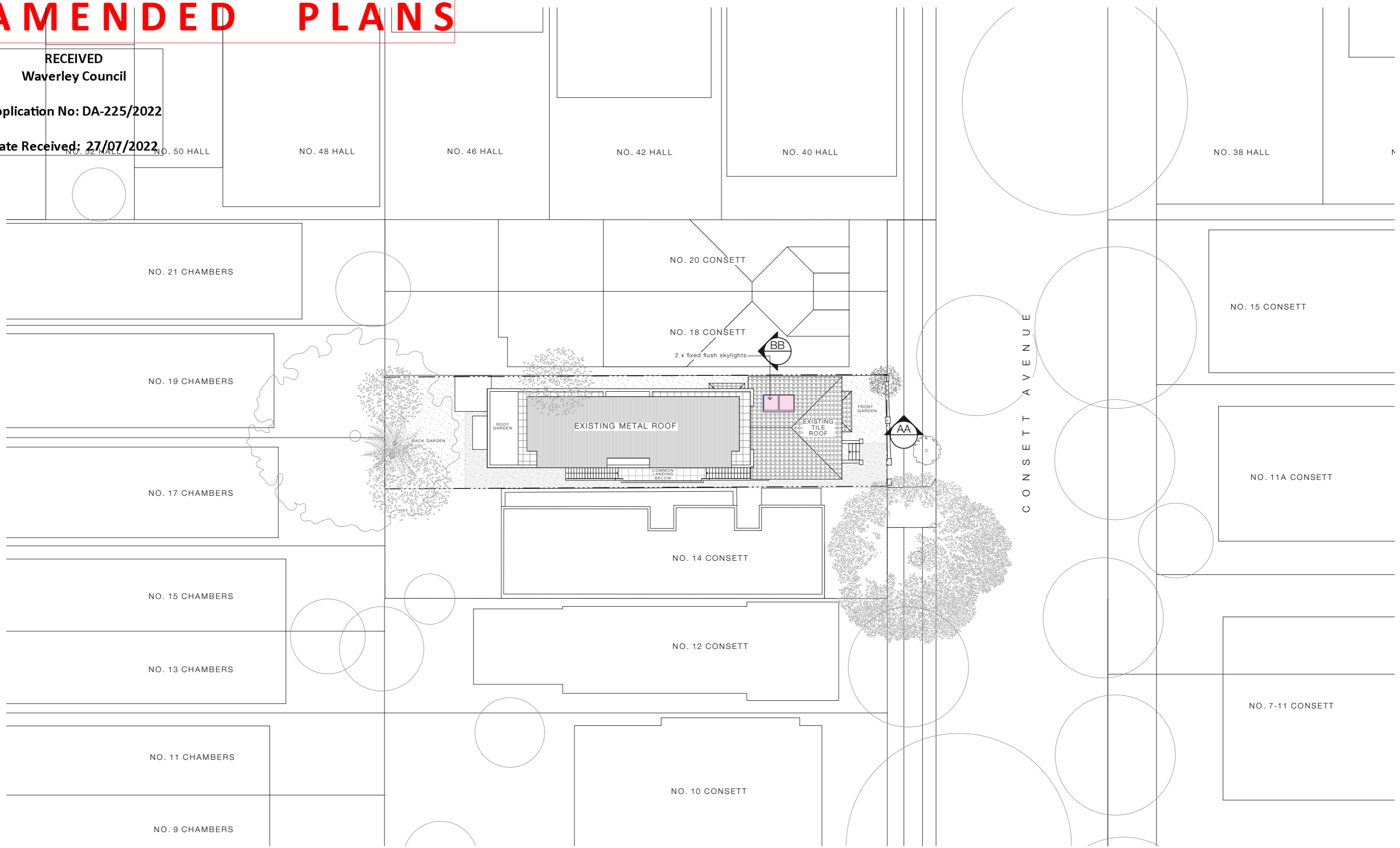
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FINISHES	refer to finishes schedule for details	LEGEND	
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TMB-2	TIMBER DOOR/WINDOW - WHITE FINISH		DEMOLISHED
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REV02	13.06.2022	SHADOWS
REV03	13.07.2022	AMENDMENTS

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Site Plan	20.07.2022

AMENDED PLANS

NO. 18 CONSETT

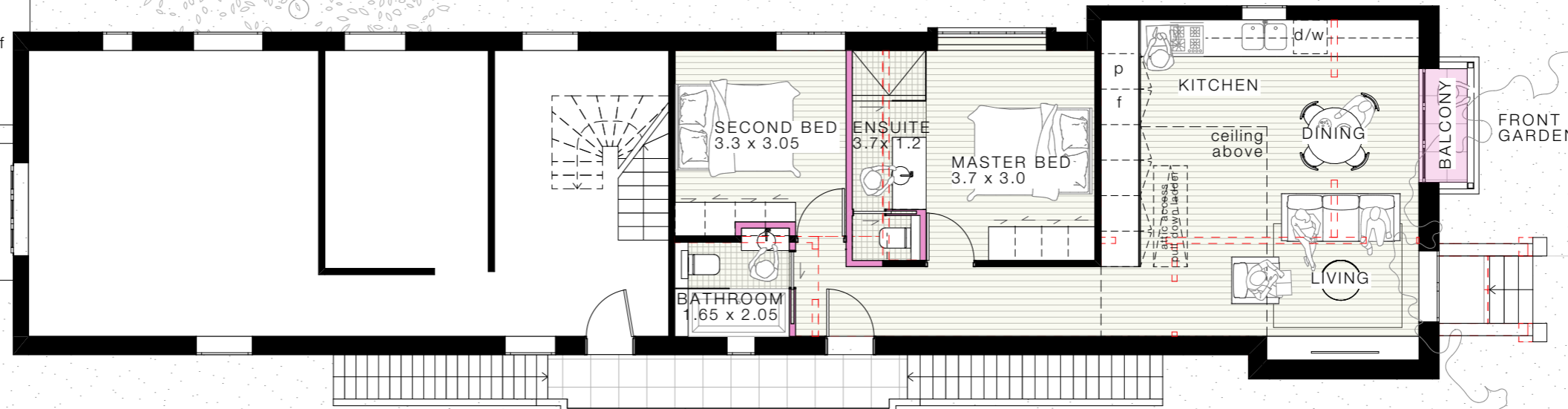


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laundry roof



BACK GARDEN

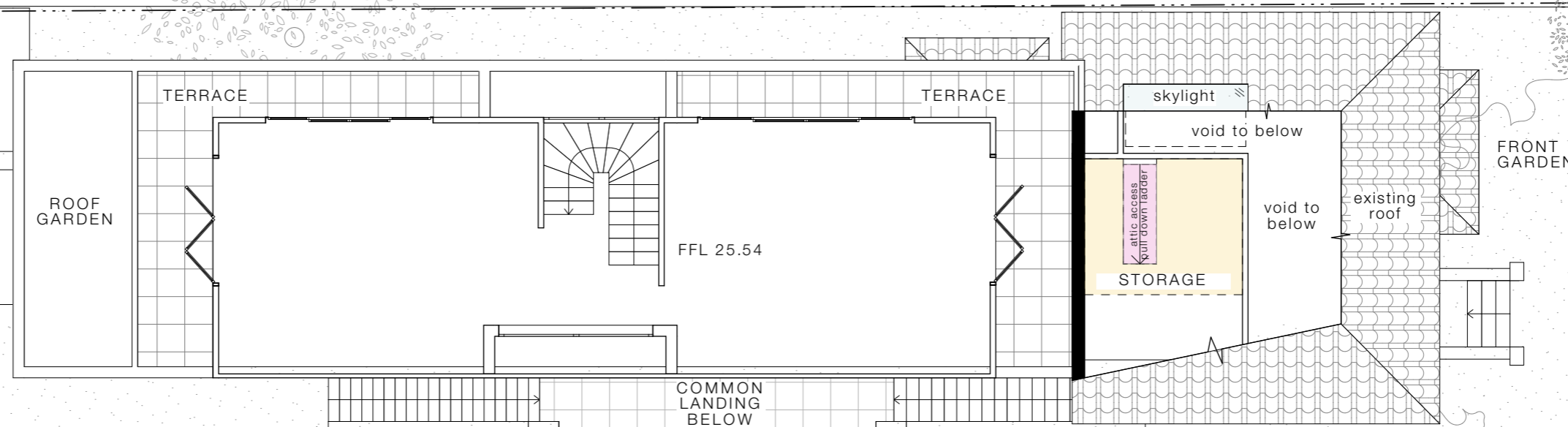
CONSETT AVENUE



NO. 14 CONSETT

Level 1 Proposed GA

1



BACK GARDEN

CONSETT AVENUE



NO. 14 CONSETT

Level 2 Proposed GA

2

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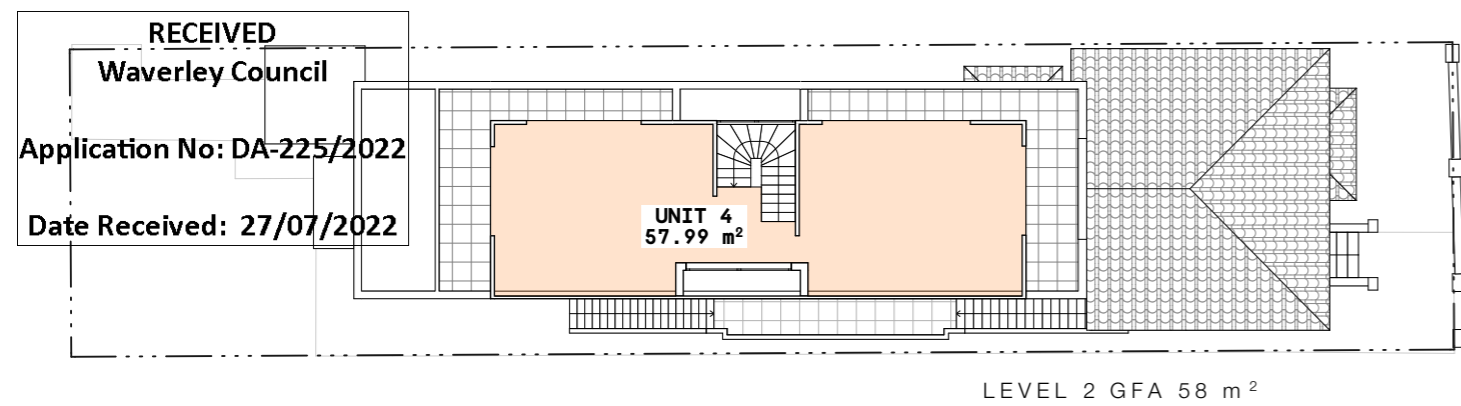
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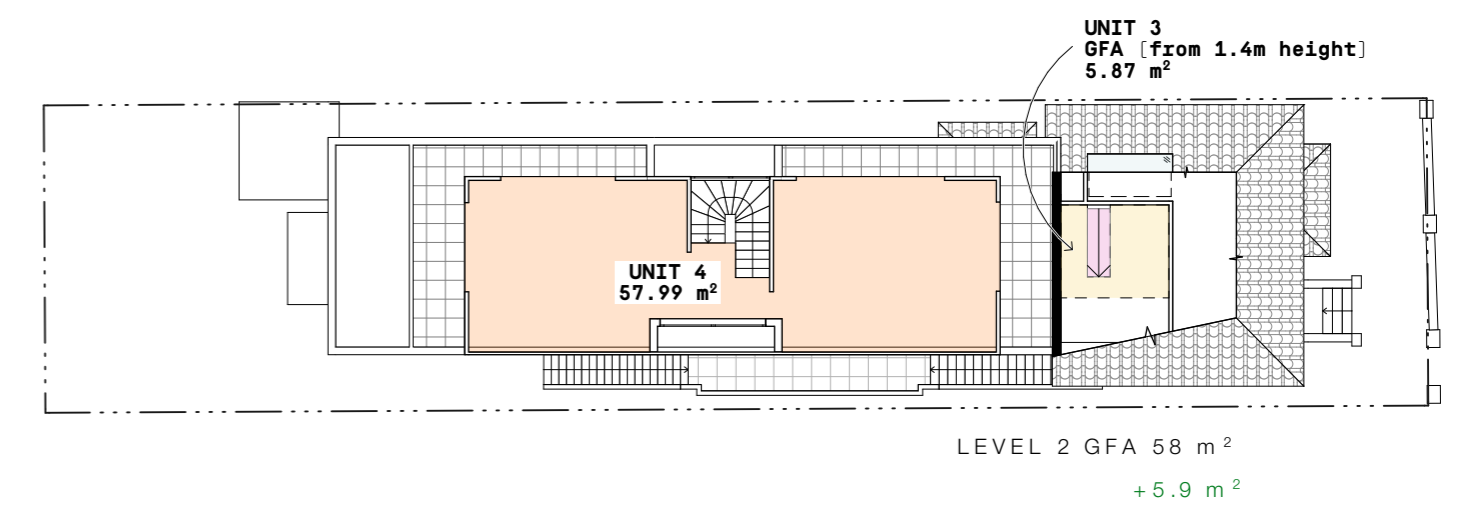
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issue date
21.07.2022

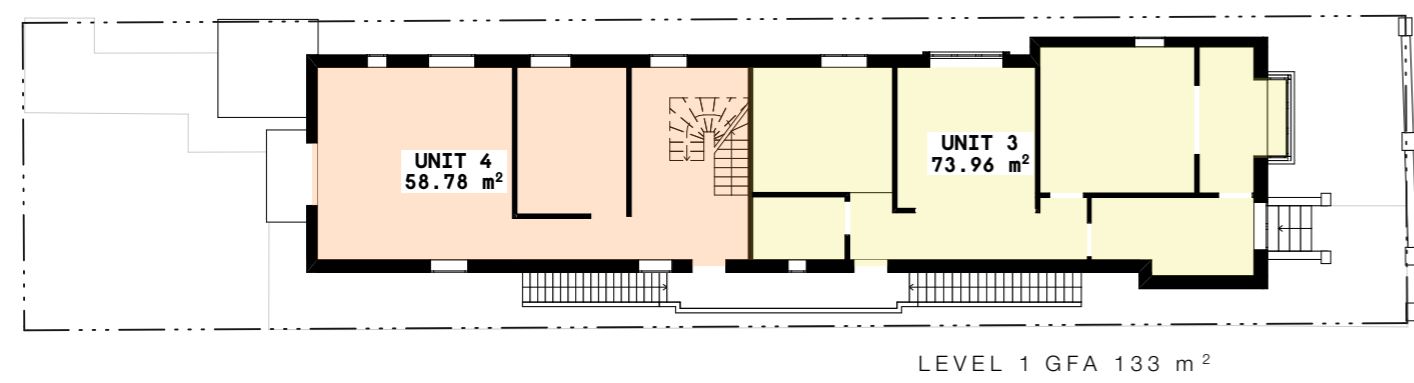
AMENDED PLANS



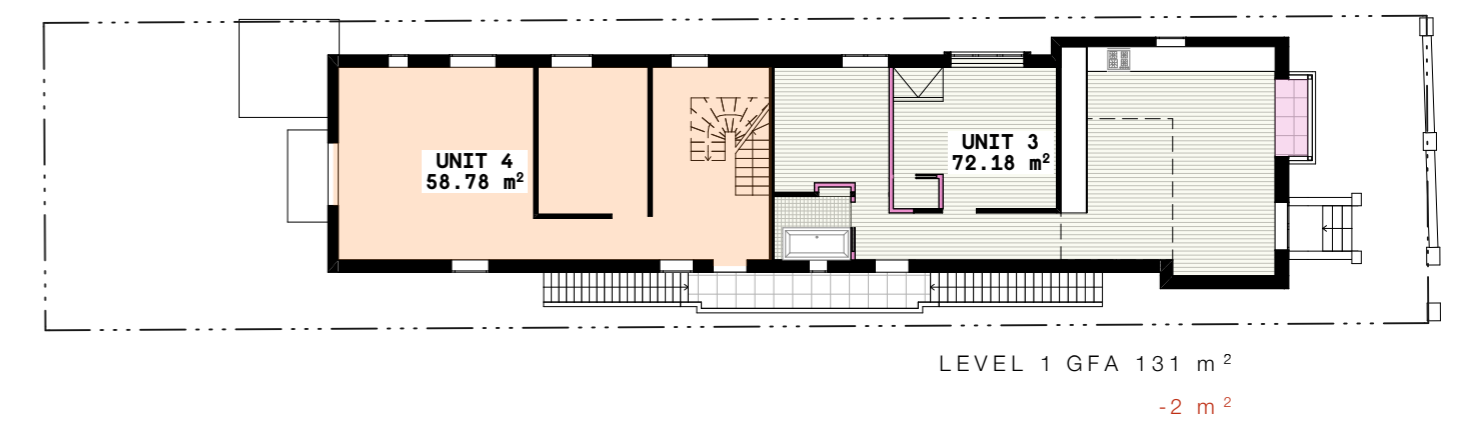
1 Existing GFA Diagram Level 2



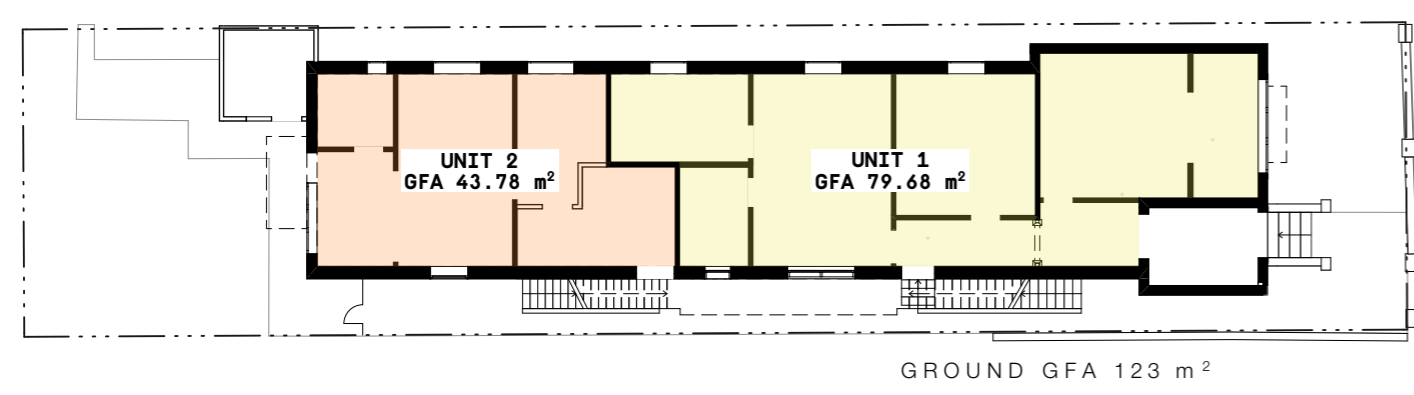
4 Proposed GFA Diagram Level 2



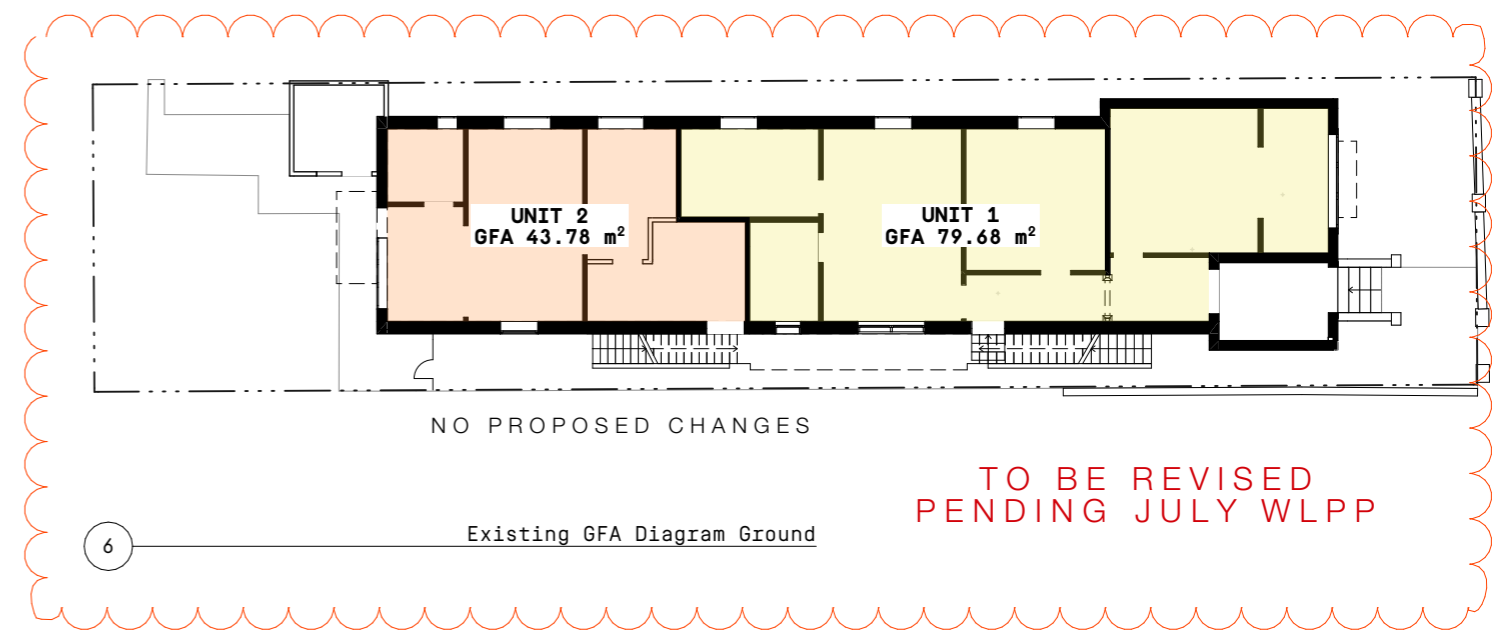
2 Existing GFA Diagram Level 1



5 Proposed GFA Diagram Level 1



3 Existing GFA Diagram Ground



TOTAL GFA 314 m²
SITE AREA 297 m²
EXISTING FSR = 1.06

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TL EXTERIOR FLOOR TILE
TMB-2 TIMBER DOOR/WINDOW - WHITE FINISH

LEGEND
EXISTING
DEMOLISHED
PROPOSED

client
TALIA & ELI
project address
Unit 3 16 Consett Avenue
Bondi Beach NSW 2026

revision history
REV00 07.02.2022
REV01 15.02.2022
REV02 13.06.2022
REV03 13.07.2022
REV04 20.07.2022
REV05 27.07.2022

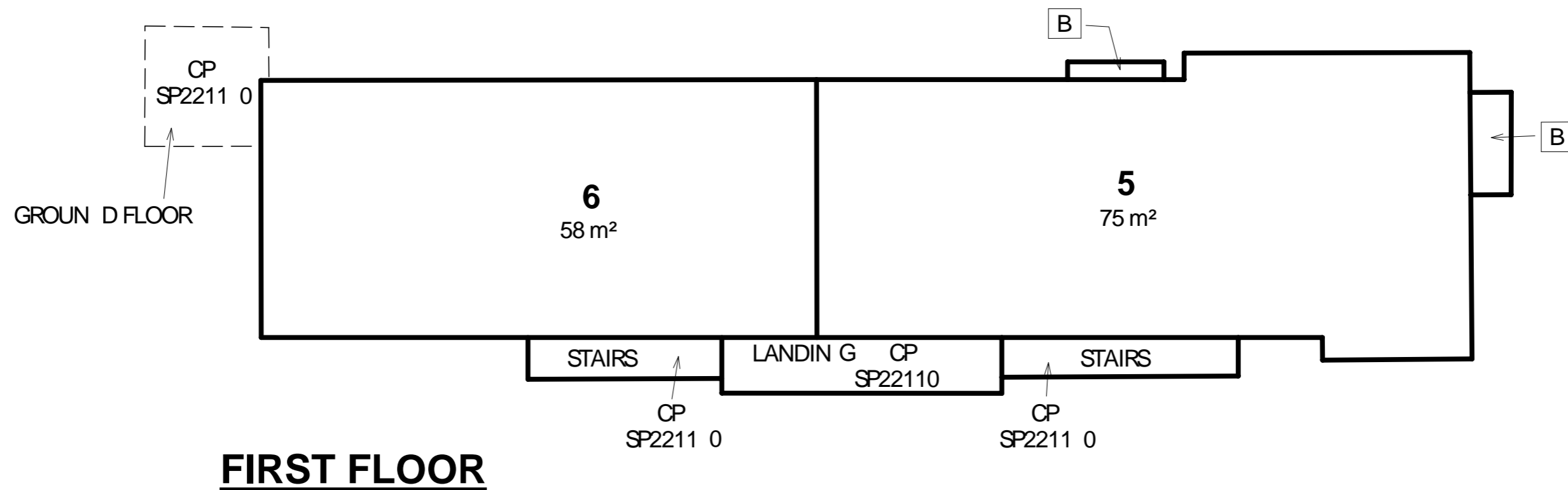
draft DA
DA
SHADOWS
AMENDMENTS
AMENDMENTS
AMENDMENTS

scale 1:200 @ A3
north
drawing number A07
drawing title GFA Diagrams
revision REV05
issue date 27.07.2022

AMENDED PLANS

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Waverley Council
Application No: DA-225/2022
Date Received: 27/07/2022

RECEIVED
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Application No: DA-373/2019
Date Received: 25/11/2019



B - BAY WINDOW

CP - DE NOTES COMM ON PROPERTY

EXISTING PLAN FOR REFERENCE ONLY
NO CHANGE PROPOSED TO STRATA PLAN

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revision history

REV00 07.02.2022
REV01 15.02.2022
REV02 13.06.2022
REV03 13.07.2022

draft DA
DA
SHADOWS
AMENDMENTS

scale

@ A3

north



drawing number

A08

drawing title

Proposed Strata Plan

revision

REV03

issue date

13.07.2022

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1 East Elevation



2 North Elevation

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LEGEND

- EXISTING
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revision history

REV00	07.02.2022
REV01	15.02.2022
REV02	13.06.2022
REV03	13.07.2022
REV04	20.07.2022

draft DA
DA
SHADOWS
AMENDMENTS
AMENDMENTS

scale

1:100 @ A3

north



drawing number

A09

drawing title

Proposed Elevations 1/2

revision

REV04

issue date

20.07.2022

AMENDED PLANS

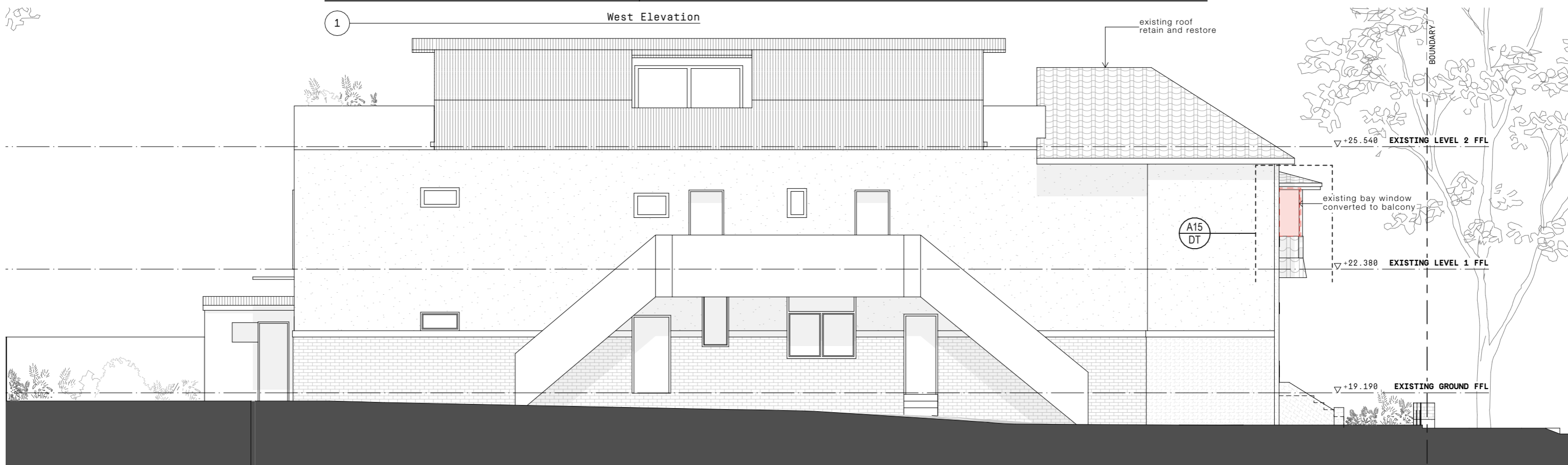
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1 West Elevation



2 South Elevation

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REV00 07.02.2022
REV01 15.02.2022
REV02 13.06.2022
REV03 13.07.2022
REV04 20.07.2022
draft DA
DA
SHADOWS
AMENDMENTS
AMENDMENTS

scale
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north

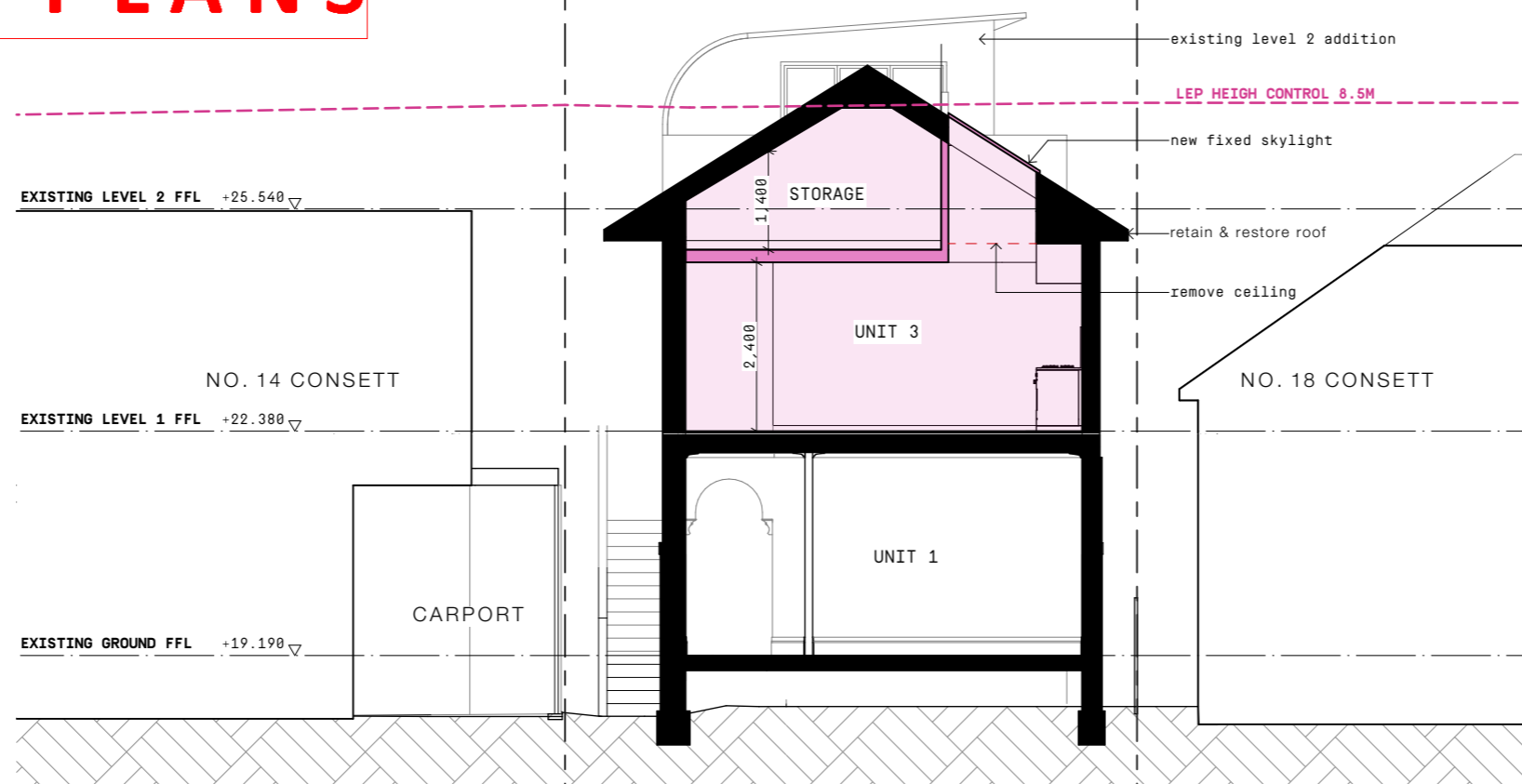
drawing number
A10
drawing title
Proposed Elevations 2/2
revision
REV04
issue date
20.07.2022

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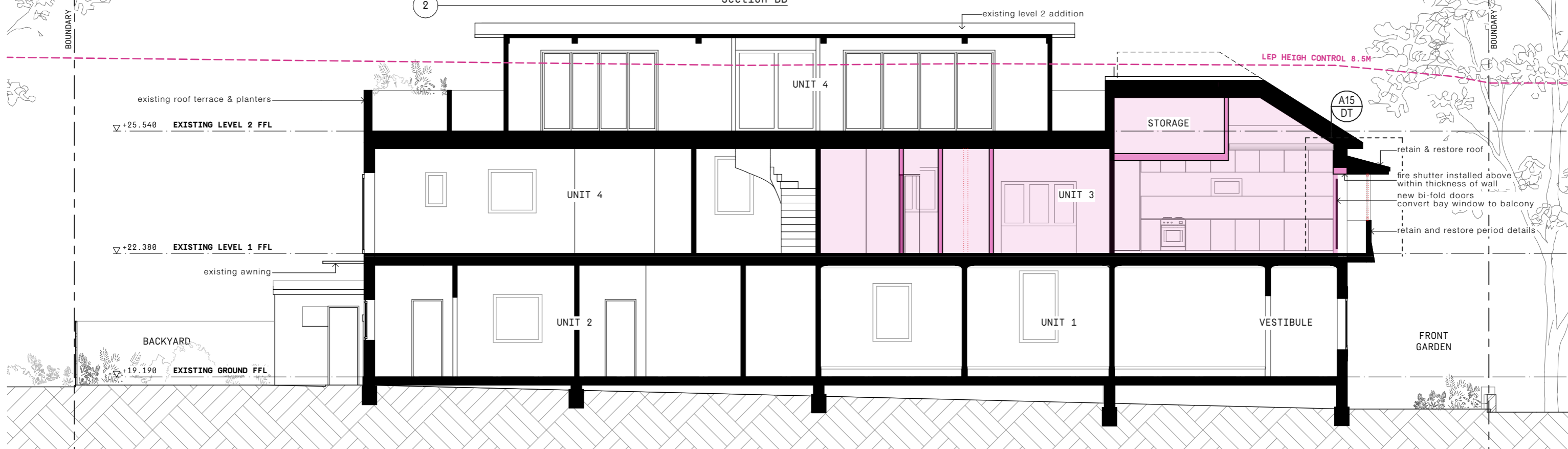
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2

Section BB



1

Section AA

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LEGEND

- EXISTING
- DEMOLISHED
- PROPOSED

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revision history

REV00	07.02.2022
REV01	15.02.2022
REV02	13.06.2022
REV03	13.07.2022
REV04	20.07.2022
REV05	27.07.2022

draft DA
DA
SHADOWS
AMENDMENTS
AMENDMENTS
AMENDMENTS

scale
1:100 @ A3



drawing number
A11

drawing title
Proposed Sections

revision
REV05

issue date
27.07.2022

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Application No: DA-225/2022

Date Received: 27/07/2022



1 Street View Front - Existing



3 Street View NE Corner - Existing



2 Street View Front - Proposed



4 Street View NE Corner - Proposed

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LEGEND
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REV00 07.02.2022
REV01 15.02.2022
REV02 13.06.2022
REV03 13.07.2022

scale
@ A3
north

drawing number
A13
drawing title
3D Views

revision
REV03
issue date
13.07.2022

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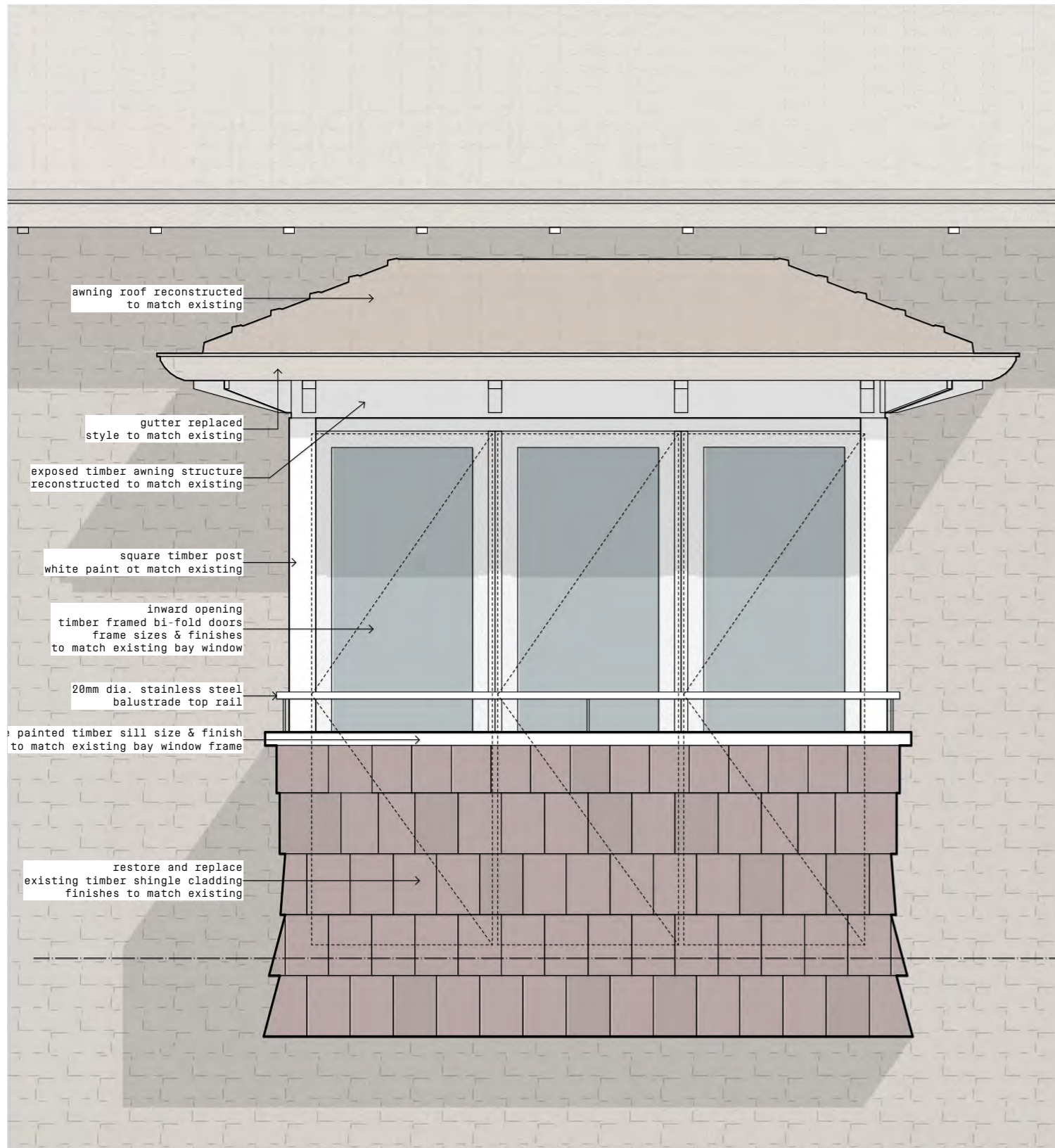
Date Received: 27/07/2022

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.			
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil		✓
external wall: cavity brick	nil		✓
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		✓
raked ceiling, pitched/skillion roof: framed	ceiling: R1.74 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)	✓

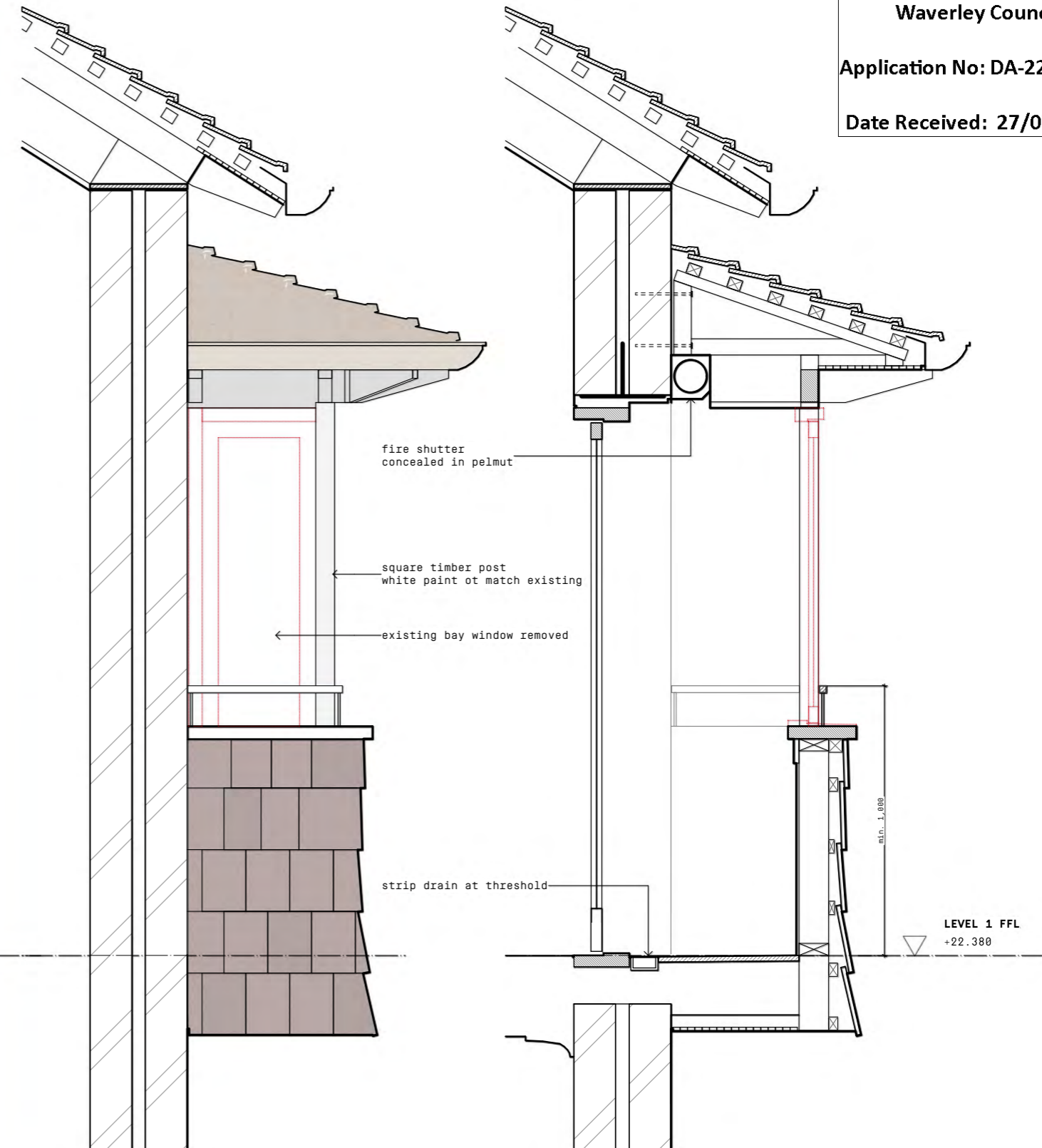
Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check				
Windows and glazed doors							
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.							
The following requirements must also be satisfied in relation to each window and glazed door:							
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.							
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.							
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.							
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.							
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.							
Windows and glazed doors glazing requirements							
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type		
W1	E	3.9	0 0	eave/verandah/pergola/balcony >=750 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	✓	✓
W2	N	6	0 0	external louvre/blind (fixed)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	✓	✓
W3	E	2.3	0 0	external louvre/blind (fixed)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	✓	✓
W4	E	1.4	0 0	external louvre/blind (fixed)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)	✓	✓

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1 East Elevation Bay Window Conversion Detail



2 South Elevation Bay Window Conversion Detail

3 Bay Window Conversion Detail Section

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scale
1:20 @ A3
north

drawing number
A15
drawing title
Detail Elevation

revision
REV03
issue date
13.07.2022