

DA-22/2024

8 May 2024

Blare Management Pty Ltd
C/- Jeremy Bryden
Level 1, 19-23 Hollywood Ave
BONDI JUNCTION NSW 2022



Dear Sir

**DEVELOPMENT APPLICATION DA-22/2024
669 - 683 OLD SOUTH HEAD ROAD, VAUCLUSE NSW 2030**

I refer to your development application to Council to carry out the following works at the above address:

Demolition of dwellings and construction of a four-storey seniors housing development with 31 units including basement parking and associated landscaping works

You are advised that this application has been deferred for the following reasons:

1. State Environmental Planning Policy (Housing) 2021

The Housing SEPP has replaced SEPP 65 in the assessment of development applications for multi-unit housing. The Seniors Housing Guide has also been introduced to guide the design and development of seniors housing.

Please amend your application to incorporate all of the requirements of the Housing SEPP, removing reference to SEPP 65. Please also address the requirements of the Seniors Housing Guide in your amended submission.

2. Floor Space Ratio

The proposal is non-compliant with Council's Floor Space Ratio (FSR) development standard as prescribed by Clause 4.4 of Waverley Local Environmental Plan (LEP) 2012 in addition to being non-compliant with the 15% bonus floor space that can be applied under Clause 87(2) of the Housing SEPP.

The Clause 4.6 submitted with the application has been reviewed however, the proposal is not considered to meet objective (d) of Clause 4.4 of Waverley LEP 2012 as the proposal results in additional overshadowing and privacy impacts to the adjoining properties that would otherwise not be experienced by a development that is fully compliant with FSR and therefore does not 'preserve' their environmental amenity.

Whilst it is acknowledged that Council has supported a similar gross floor area (GFA) over the development site compared to that which is proposed as part of this DA, it is noted that the development approved under DA-455/2021 over Nos. 671-683 Old South Head Road had a compliant FSR with the development standard that was applicable under the previous SEPP at that time which permitted a greater FSR bonus (ie. 0.5:1 bonus FSR under the previous SEPP (Housing for Seniors or People with a Disability)). Accordingly, that development was not subject to the same Clause 4.6 assessment of the FSR as is required for the current development application, which proposes an overall FSR exceedance of 22.8% above what is permitted under the Housing SEPP.

In this regard, the subject proposal results in amenity impacts upon the residential properties to the east, north and south of the site by way of unreasonable additional overshadowing and privacy impacts. Overshadowing impacts, particularly upon 2 Oceanview Avenue, are unreasonable, reducing the solar access to habitable room windows of this residential flat building to below 2 hours during the winter solstice. The proposal will also result in balconies overlooking the habitable room windows of 685 Old South Head Road. These impacts are exacerbated by a number of other non-compliances with the relevant controls including overall height, external wall height and separation distances.

Therefore, due to the additional overshadowing and privacy impacts, the environmental amenity of neighbouring properties is not preserved and the breach to the FSR development standard is not supported. The proposal is to be amended to ensure compliance with the FSR development standard or to remove the impacts identified. Furthermore, an exceedance of the GFA above what has already been approved on the site will not be supported.

3. Calculation of Gross Floor Area and Inaccuracies in Calculations

It is noted that some areas have been excluded from the calculation of GFA when they are required to be included in accordance with the definition under the Waverley LEP 2012. Notably are the horizontal circulation corridors at the top of stairs and adjacent to the lifts on each floor level. These areas are not excluded from the definition for GFA and need to be included in the calculation of FSR. Also, the lower ground floor level storage rooms (that are not located below basement floor level) and corridors leading to storage areas are required to be included.

It is also noted that the GFA and FSR have also been incorrectly calculated when assessing them over the two different zonings and FSR development standards that apply. In particular, the site at the corner of Oceanview Avenue and Old South Head Road known as 669 Old South Head Road comprises two separate lots that are located within the E1 Local Centre zone. These particular lots have not been included when assessing the FSR proposed within that part of the development site zoned E1. This has also resulted in an incorrect calculation of the FSR applicable over that part of the development site zoned R3 Medium Density Residential. Please update the SEE and Clause 4.6 to address this issue accordingly, ensuring that the Clause 4.6 submission accurately references the correct GFA and FSR calculations.

Please also update your GFA diagrams to reflect these changes.

4. Height:

Given the GFA being sought, at a minimum, the building envelope is to comply with the height development standard applicable to the subject site under the Waverley LEP 2012.

5. Apartment Design Guide

The following controls of the ADG are required to be addressed:

- The proposal is to meet the separation distances required by the Apartment Design Guide (ADG). The submitted documentation incorrectly states that the proposal is compliant with the separation distances required by the ADG when it is not, noting that separation distances are measured from the property boundaries and not the buildings themselves.

Additionally, as contained within the design guidance for Objective 3B-2 of the ADG, where a proposal will reduce the solar access to neighbours, building separation should be increased beyond minimums.

Detailed sections/elevations are also to be provided showing the relationship between 2 Oceanview Avenue, 685 Old South Head Road and the subject development.

6. Design Excellence Advisory Panel (DEAP)

The following matter raised by the DEAP is required to be addressed:

The entry/exit ramp connecting the Level 1 basement to the street does not appear wide enough to allow cars to fit going up and down at the same time. If it isn't then that may create issues with cars waiting on Old South Head Road if there are lots of cars existing at any time. Given the size of the building and the number of car spaces in the basement, it would be better to have a two way ramp, even if that means some of the storage space on Basement 01 and apartment space on the Lower Ground need to be relocated elsewhere.

7. Landscaped Areas/ Communal Open Space

The following matters are required to be addressed:

- Extent of actual deep soil areas which enable the planting of deep rooted vegetation is insufficient and not supported. Additional area for deep soil planting is to be provided having regard to the requirements of Part C2.9 of Waverley DCP 2022.

- The balcony landscaped areas that are beyond handrails need to be considered for maintenance and safety. To be effective planter boxes these would need and have suitable dimensions (width, soil depth, drainage and irrigation, etc).
- External common circulation spaces, common outdoor areas and pool areas have the potential to create privacy and noise issues for neighbours and light spill at night. Please provide additional information on how this is to be addressed.
- It is recommended that a toilet be provided near the outdoor pool for those people using this pool.

8. Waste Management

Council's waste department has reviewed the proposal and advised that the following matters are required to be addressed:

Criteria	Proposal	DCP Compliance and Comments
Residential Waste		
Waste generation calculation, bin size and collection frequency	<ul style="list-style-type: none"> • Garbage bins - 4x 660L red lid bins collected twice weekly. • Container recycling bins – 2x 660L yellow lid bins collected twice weekly. • Paper and cardboard bins – 2x 660L blue lid bins collected twice weekly. <p>Bins collected twice weekly by a private waste contractor.</p>	<p>Not compliant.</p> <p>Minimum number of recommended bins:</p> <ul style="list-style-type: none"> • 6x 660L collected weekly. • 4-6x 660L yellow lid container bins collected fortnightly. • 4-6x 660L blue lid container bins collected fortnightly. <p>Residential waste must be collected by Waverley Council.</p>
Waste storage area	Designed to accommodate reduced number of bins for twice weekly collection.	Recommendation of size increase to accommodate full set of bins as per Council's waste collection schedule.
Bulky waste storage	Space shown on plan and OWMP mentions DCP controls.	Minimum 7m² as per Council's DCP 2022
Bin carting path (from storage to presentation point)	Bin carting path not clearly demonstrated in OWMP.	Design according to Control 1.4.1.1 (d): Bin carting route from the storage area to the collection point must be safe and clear of steps and steep gradients.
Waste collection method	Onsite collection by private contractor.	<p>Not compliant.</p> <p>Waste must be collected by Council and its contractors through onsite</p>

		<p><i>collection or a wheel-in and wheel-out service.</i></p> <p>For onsite collection the loading bay would need to be re-designed to accommodate Council's waste collection vehicles according to AS 2890.2 (as per Annexure B1-3, page 136 of Council's DCP) to comply with controls 1.4.2.1(b) and 1.4.2.2 for onsite waste collection.</p> <p>For a wheel-in and wheel-out service the waste bins are stored in a temporary holding area accessible from the street. This area is usually located at ground level and should meet controls 1.4.2.3.</p>
Commercial Waste		
Waste storage area	Room size, door and door width not shown in architectural plan.	Storage room size must have sufficient space for bin manoeuvrability and door width to comply with Controls 1.4.1.1 (p) and 1.4.1.2 (a)
Bin carting path (from storage to presentation point)	Bin carting path not clearly demonstrated in OWMP.	Design according to Control 1.4.1.1 (d): Bin carting route from the storage area to the collection point must be safe and clear of steps and steep gradients.

Please provide additional information/modifications to the Waste Management Plan to respond to the above comments.

9. Stormwater

Council's Stormwater Engineer has reviewed the proposal and made the following comments that are required to be addressed:

- The kerb inlet pit located across Old South Head Road, North of the site's Northern Boundary within the road reserve in front of 42 Old South Head Road is owned by Woollahra Council. It was communicated with Woollahra Council's Stormwater Engineer that they will need more information to work out the impact that the extra runoff will have on their drainage system.

An electronic closed circuit television report (CCTV camera footage) must be prepared by an accredited operator that assesses the condition of the existing pipe of the proposed connection point at least up to 100m downstream of the existing pipe to determine its structural and serviceability condition and for Woollahra Council to assess whether it is suitable to accept extra flow. A dilapidation report must be submitted.

- Stormwater management plans must be submitted in accordance with the current Council's DCP and Water Management Technical Manual dated October 2021.
- The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted.
- The proposed design must include the rainwater tank with a minimum size of 10 kL collecting at least 300 m2 of the roof area as specified in the BASIX report.
- The rainwater tank will not be directly connected to the On-site Detention (OSD) tank with a weir separation/combined with the OSD storage.
- Details of any rainwater tank required by BASIX commitments or as nominated are to be shown on the architectural plan, including the overflow connection to the stormwater drainage system.
- A roof stormwater management plan must be provided.
- A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%.
- Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and fully tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.
- The DRAINS model must be submitted for assessment.
- Provide a site catchment plan including the catchment area for each OSD tank, roof catchment area, pump out system catchment area etc.
- As a minimum, the pump system must consist of one duty and one standby pump.
- In the event of pump failure, pondage in a suitably visible area must be provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.
- All electrical fittings and supply must be located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.

Please update the stormwater management plans/ documentation to address the above matters.

10. Referrals

Please note the following referral comments have not yet been received:

- Traffic

Once comments have been received, they will be forwarded as soon as possible.

11. Plans and Documentation

In addition to the above, the following amended plans and documentation are required to be addressed/ submitted:

- Clearly label the existing ground level on all elevations and sections.
- Additional detailed dimensions are required on all floor plans showing proposed setbacks from all boundaries over each floor level. RLs are also to be shown on all floor plans and relationship to neighbouring RLs.
- Please submit elevational shadow diagrams for those properties immediately adjoining/ adjacent the subject site that are impacted by the subject development. Elevational shadow diagrams are to accurately depict all openings on these adjoining/ adjacent buildings.
- East elevations of the proposed development are required to be submitted showing a clearer representation of the building's relationship to the neighbouring properties to the east. In this regard, the building appears to present as five (5) storeys at the rear. Could you please clarify in the amended documentation.
- Provide sections showing façade details with floor to ceiling heights over all floor levels. Provide a detailed typical section demonstrating compliance with the requirement for 2.7m high ceilings for all units. Please also show the proposed floor to ceiling heights of the commercial/retail premises.
- Fence/ wall height details for all sides of the development are to be submitted. Fence details are to show materiality and heights. Fence/ wall heights are also to show their relationship to floor levels of the adjoining properties.
- Details on the proposed treatment of the substation at the Oceanview Avenue side of the development.
- Further detailed plans are required showing the proposed structures to the Old South Head Road and Oceanview Avenue frontages of the development. This is to include, but not limited to, fence details, letter boxes, planter boxes and the proposed integrated treatment of the fire services to Old South Head Road. Dimensions and materiality are to be provided on the submitted plans, elevations and sections.
- Further information and details are required on the proposed structures located within the rear courtyard areas. This includes the toilets, private pool seating and associated roof structures, chimney to fireplace and courtyard dining roof structure. Materiality and

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dimension details including heights, setbacks, width/depth dimensions of all of these structures are required.

- The Solar Panel location and area drawn to scale on architectural plans as per the BASIX Certificate (70 kW). The surface area of a 1kWh photovoltaic system is approximately 8m².
- Provide details on the capability for electric vehicles to be charged within each car parking space.
- There appears to be some overlooking between units within the development itself. Please address this issue in the amended submission.
- The retail space is to provide toilets that are accessed from within the tenancy itself and not from the common residential area, to improve security for residents.
- Exhaust/ducting, internal ventilation shaft for the retail space at ground level needs to be provided/demonstrated on the plans.

Upon submission of amended plans/documentation addressing the reasons outlined above, further consideration will be given to your application.

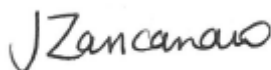
If amended plans are not received within 21 days from the date of this letter, then Council may proceed to deal with your application in the form submitted which may lead to a refusal.

A reassessment fee is required. Calculated at 25% of the original Development Application fee, the additional fee is **\$6,760.20**. In addition, the amended application may require notification and payment of the associated fee.

The amended plans/documentation are to be submitted via the NSW Planning Portal in PDF format and include a cover letter with the DA number, address and description of submitted documentation.

If you have any questions, require assistance or further information about the matter, please contact Jo Zancanaro via email at jo.zancanaro@waverley.nsw.gov.au.

Yours faithfully



Jo Zancanaro
Senior Development Assessment Planner
Development Assessment

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