



Waverley Development Control Plan (WDCP) 2022	
Control & Provision	Compliance
Part B – General Provisions	
B1 Waste	
1.1 Demolition and Construction	Complies. Refer to the Demolition & Construction Waste Management Plan prepared by Waste Audit & Consultancy Services.
1.2 Ongoing Management	Complies. Refer to the Operational Waste Management Plan prepared by Waste Audit & Consultancy Services.
1.4 All Other Development	Complies. Refer to the waste management documentation prepared by Waste Audit & Consultancy Services submitted in support of this application for detailed information.
B2 Ecologically Sustainable Development	
1) A Statement of Environmental Effects is required to outline how the objectives of ecologically sustainable development will be achieved	Reference is made to the Statement of Environmental Effects prepared by SJB Planning.
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2.1 <i>Passive Design and Thermal Safety</i>	This item is acknowledged. The proposal has regard to the design guidance of Section B2.1 of WDCP 2022 and optimises solar access and cross ventilation in accordance with the requirements of the ADG.
2.2 <i>Water Conservation</i>	Complies. Reference is made to the BASIX Report prepared by BECA which details water conservation measures associated with the proposed development.
2.3 <i>Indoor Air Quality</i>	Able to comply. The proposal enables cross ventilation in accordance with the requirements of the ADG and is able to comply with the cooking system requirements of Section B2.3 of WDCP 2022.
2.4 <i>Renewable Energy and Energy Efficiency</i>	Complies. Refer to the BASIX Report prepared by BECA submitted in support of this application which details the commitments made to the relevant sustainability requirements for residential development on the site.
2.5 <i>Energy Assessment</i>	<p>Not applicable. Section B2.5 of WDCP 2022 states that an Energy Assessment Report is not required for residential-only development. It is considered that there are no provisions relevant to the small aspect of retail/business premises floor space forming part of the development due to its floor area.</p> <p>Notwithstanding, the proposal is able to commit to integrating sustainability measures as part of the construction of the development.</p>

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<p>2.6 NABERS Commitment Agreement</p>	<p>Not applicable. The proposal is not considered to be a large commercial development. The minimum NABERS Commitment Agreement requirements apply only to retail premises with a gross lettable area (GLA) greater than 5,000m², which does not apply to the proposal.</p> <p>Notwithstanding, a Commitment Agreement is able to be organised prior to CC to ensure the environmental performance of the building achieves conformance with the relevant energy consumption and waste impact requirements.</p>
B3 Landscaping, Biodiversity and Vegetation Preservation	
<p>3.2 Landscaping</p> <p><u>3.2.1 General Controls</u></p> <p>(a) <i>A Landscape Plan is required to be submitted in accordance with the Waverley Development Application Guide and include:</i></p> <p>(i) <i>A schedule of the common name and scientific name of species to be planted, the size and number; and</i></p> <p>(ii) <i>A plan showing the location of the plants in the schedule.</i></p> <p>(b) <i>Existing significant vegetation is to be retained and enhanced.</i></p> <p>(c) <i>The landscaping should maintain and increase vegetation and urban tree canopy in Waverley.</i></p>	<p>Complies. A Landscape Report and Landscape Plans prepared by NBLA have been submitted in support of this application, which details the schedule and size of planting proposed.</p> <p>Complies. Reference is made to the Arboricultural Impact Assessment prepared by Synertree submitted in support of this application, which makes the following comment:</p> <p><i>“The proposed changes may adversely affect trees proposed for retention, however, provide adequate</i></p>

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precautions to protect the retained trees are specified and implemented as set out in the arboricultural TMP01 included in this report, the development proposal is not expected to adversely affect the contribution of the retained trees to the local amenity.”

(d) *Species should be retained, selected and placed in order to help achieve the following:*

- (i) *Cool buildings in summer;*
- (ii) *Intercept glare from hard surfaces;*
- (iii) *Channel cooling air currents into the dwelling in summer;*
- (iv) *Allow sun into living rooms in cooler months; and*
- (v) *Provide windbreaks where desirable.*

Complies.

(e) *Existing natural features including sandstone and rock features are to be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape. Sandstone walls and finishes fronting the public domain are to match the traditional pattern and colour of sandstone in the area.*

Not applicable. The site does not contain any identifiable or significant existing natural features that should be retained and incorporated as landscape features.

(f) *Landscaping is to be designed to minimise non-porous areas and maximise on-site infiltration of stormwater. Paved areas are to be semi-porous or graded to maximise on-site infiltration.*

Complies. The proposal maximises deep soil zones across the site, which equates to 771.42m² (17.75% of the site area). Opportunities for porous areas in the development have been maximised to promote on-site infiltration.

(g) *Landscaping must relate to the building scale and assist integration of the development with the existing street character.*

Complies. The proposed landscaping works are comprehensive in nature and suitably integrate with the existing street character along Old South Head Road,

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	which is improved by the introduction of balcony balustrade planter beds for residences.
(h) <i>Landscaping should include native plant species and select and position trees to maximise control of sun and winds.</i>	Complies. The proposal incorporates native plant species in its planting schedule. The proposal will provide appropriate cover and shading for communal open space within the Lower Ground Floor areas to maximise use and enjoyment of landscaped areas on the site.
(i) <i>All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.</i>	Complies. The Arboricultural Impact Assessment prepared by Synertree submitted with this application includes an arboricultural Tree Protection Plan to protect trees proposed to be retained.
(j) <i>External illumination fixtures must be directed downwards and away from reflective surfaces, avoid spill into parks, reserves and bushland and avoid short wavelength (blue-violet) light.</i>	Able to comply.
(k) <i>Utilise lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. Seek suitable professional advice regarding appropriate soil depths and types. As a guide, Table 1 provides minimum soil requirements.</i>	Able to comply. The Planting Specification, Drawing No. DA10 in the Landscape Plans prepared by NBLA details planting for trees, shrubs, lawns and garden edges.
<u>3.2.2 Landscape on Structures</u>	Able to comply.
(i) <i>Where set downs are provided, ensure the depth is suitable for paving thickness or the required soil depth for the proposed plants.</i>	
(ii) <i>Minimise visual and physical clutter through the careful design of planter beds and mounds.</i>	Complies. The design of the residential balcony balustrade planter beds across the development promotes

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(iii) Innovative design strategies that allow integrated seating to be provided through planter beds at 450mm high are encouraged.

Not applicable.

(iv) Provide raised platforms or mounding to achieve greater soil depth to support planting of larger trees in appropriate areas.

Complies. The proposal provides 771.42m² of deep soil, which equates to 17.75% of the total site area and therefore provides opportunities for planting larger trees on the western and eastern sides of the site.

(v) Demonstrate that adequate drainage and waterproofing is provided for the species and volumes of plants and soil.

Complies. The Landscape Specification, Drawing No. DA1.0 and drawings DA10 and DA20.1 in the Landscape Plans prepared by NBLA provide details and general notes associated with drainage and waterproofing for the proposed landscaping works.

(vi) Provide appropriate methods for capturing, storing and treating run off from landscapes on structures for reuse on the site.

This item is acknowledged.

(vii) Utilise lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.

Able to comply.

3.2.3 Green Roofs and Walls

Not applicable. Proposal does not include green roofs or walls.

3.2.4 Tree Canopy

(a) Development must not result in the loss of tree canopy.

This item is acknowledged. The proposed development does include the removal of additional trees in comparison

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- (b) *For Development Applications that involve external works, a Landscape Plan must be submitted showing the locations of tree species, other proposed plants species, any existing trees and vegetation to be maintained and the area of the canopy of the Landscape Plan when planting is mature.*
- (c) *Where a tree that is 3m or more in height or has 3m or more canopy spread is proposed for removal under a Development Application, replacement planting of suitable species should be planted on the site that maintain or increase the tree canopy on the site when mature.*
- (d) *Replacement plantings on site must be of the same or greater canopy size when mature than the canopy proposed to be removed as confirmed by a Landscape Plan and Arborist. Replacement trees planted in accordance with control (c) are to be selected from the list of plantings in Annexure B3-2, and minimum 45L pot sizes.*
- (e) *If there is insufficient planting space on site to accommodate a tree of similar dimensions when mature, the applicant will be asked to contribute to offset planting on public land. Generally, for every tree removed, the replacement of a minimum of three (3) off-site trees will be required in accordance with Council's policy.*

to what has been previously approved for the site. Reference is made to the Arboricultural Impact Assessment prepared by Synertree, as well as the Landscape Plans prepared by NBLA, which details a comprehensive planting schedule to compensate for additional tree removal.

3.4 Protecting Trees on Development Sites

- (a) *When a proposal may have an impact on trees on the site, on adjoining properties or public trees within 4 metres of the site, the following information is required at these stages:*
 - (i) *Pre Development Application.*
 - *Preliminary Tree Assessment.*
 - (ii) *Lodgement of Development Application.*

Complies. Refer to the Arboricultural Impact Assessment prepared by Synertree submitted in support of this application.

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- Arboricultural Impact Assessment (include data if previous preliminary tree assessment submitted);
 - Tree Protection Plan – for trees identified as moderate to high retention; and
 - Root mapping report if construction works will occur in structural root zone (SRZ) or there is major encroachment in the tree protection zone (TPZ) of trees to be retained.
- (iii) Prior to Construction Certificate.
- Final Tree Protection Plan (if modifications are required);
 - Tree Protection Certification during works.
- (iv) Prior to Occupation Certificate.
- Tree Monitoring Report / Final Tree Protection Certification.
- (b) Details of requirements of the above reports are listed in the Waverley Tree Management Guidelines appendices. Development applications must show all associated building works (including stormwater, hydraulic and sewerage works) located within any tree protection zone.
- (c) Selective pruning or removal of trees that conflict with proposed building works may be approved where redesign of the building work is not possible or will result in inferior building performance. However, Council may require the redesign of a development proposal to retain or lessen the impact on a significant or prominent tree.

This item is acknowledged.

This item is acknowledged. Refer to the Arboricultural Impact Assessment prepared by Synertree for further details, which is supported by the Landscape Plans prepared by NBLA. It is noted that the removal of the northernmost street tree on Old South Head Road will accommodate the driveway ramp access to the basement levels, which is necessary and consistent with what has been approved under DA-455/2021.

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B5 Water Management

5.1 Stormwater Management and WSUD

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| <p>(a) A stormwater management plan is required to be submitted with all development applications (except minor alterations, retrofits and the like).</p> | <p>Complies. Reference is made to the Stormwater Management Plan prepared by Enscape Studio submitted in support of this application.</p> |
| <p>(b) WSUD principles are to be integrated into the development through the design of stormwater drainage, on-site detention and landscaping and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge (refer to Figure 1).</p> | <p>Complies.</p> |
| <p>(c) WSUD measures are to be employed to prevent contamination of stormwater.</p> | <p>Complies.</p> |
| <p>(d) Development is to be sited and built to minimise disturbance of the natural drainage system.</p> | <p>Complies.</p> |
| <p>(e) WSUD elements should be located and configured to maximise the impervious area that is treated.</p> | <p>Complies.</p> |
| <p>(f) On site detention is to be designed, installed and maintained in accordance with the Water Management Technical Manual.</p> | <p>Complies.</p> |
| <p>(g) Council consent is required for temporary/permanent dewatering and groundwater extraction and use prepared in accordance with the Water Management Technical Manual. The proposal is assessed on merits and where appropriate, referred by Council to the relevant Government department for an access licence.</p> | <p>This item is acknowledged.</p> |

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<p>(h) Applications for roof water and stormwater harvesting and reuse and grey water or black water treatment systems will be assessed on merit in accordance with the WM Technical Manual.</p>	This item is acknowledged.
<p>(i) Methods of disposal of stormwater from the site must be provided using one or a combination of the following:</p> <ul style="list-style-type: none"> (i) Infiltration; (ii) Gravity connection to Council's stormwater system; (iii) Charged system; and / or (iv) Pump system. <p>Note: A stormwater system must be constructed in accordance with AS/NZS 3500:2003 National Plumbing & Drainage and Water Management Technical Manual.</p>	Complies.
<p>(j) Depending on the extent of disturbed area, the following plans to manage erosion and sedimentation must be submitted with the development application:</p> <ul style="list-style-type: none"> (i) For areas of disturbance less than 250m², a marked up plan of proposed works and control measures is required; (ii) For disturbed areas between 250m² and 2,500m², an erosion and sediment control plan is required; and (iii) For disturbed areas greater than 2,500m² soil and water management plan is required. 	Complies. The Stormwater Management Plan notes that a Soil and Water Management Plan has been prepared and is included in Appendix A of the SWMP.
5.2 Flood Planning	
<u>5.2.2 All Other Areas</u>	
<p>(a) For sites not in a 'flood planning area' habitable floor levels must comply with the drainage requirements of the BCA.</p>	Complies.

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(b) A reduction in the required floor level will only be considered if the development includes the installation of an automatic flood gate system.	Not applicable.
B6 Accessibility and Adaptability	
6.1 Accessibility	
All Development	
(a) Access is to meet the requirements of the DDA 1992, the relevant Australian Standards and the BCA.	This item is acknowledged. Reference is made to the Access Report prepared by Vista Access Architects submitted in support of this application, which provides an assessment of the proposal with respect to the Building Code of Australia (BCA) 2022, Volume 1 and the relevant Australian Standards.
(b) Accessible parking for people with a disability must be provided in accordance with the BCA and AS/NZS 2890.1: 2004 Parking Facilities – Off Street Parking and AS 1428: Set 2003 including AS 1428.1:2009 Design for Access and Mobility.	Able to comply. This matter is able to be verified during the Construction Certificate stage of the development.
(c) An Access Management Plan for alterations and additions to existing buildings only, may be required as a means of helping to provide services or facilities to people who would be unable to gain access to the premises.	Not applicable. The proposal involves the erection of two new buildings, not alterations and additions to existing buildings.
Commercial Development	
(a) The main entrance should provide direct, level access from the street and from any parking area.	Complies. Direct access to the site is able to be achieved from the primary frontage on Old South Head Road, and the basement levels provide direct lift access from the parking areas.

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- (b) A lift must be provided at ground floor to upper floors in developments with three or more storeys and where aggregate floor area above the ground floor is 400m² or greater.

Complies. The proposal provides multiple lifts at all levels of the development.

6.2 Adaptable Housing

- (a) Plans identifying adaptable housing are to be submitted in accordance with the Waverley Development Application Guide.
- (b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.
- (c) In developments with 10 or more dwellings, 20% of dwellings (rounded to the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.
- (d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.

Able to comply. The Access Report prepared by Vista Access Architects states that the proposal is able to comply with the essential criteria of AS4299 Adaptable Housing following compliance with the recommendations of the report.

6.3 Universal Housing Design

- (a) All dwellings in any new medium or high density residential accommodation are to incorporate the universal design features as outlined below (modelled on the Livable Housing Design Guidelines Silver Level):
- (i) A safe and continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level;
- (ii) At least one level entrance into the dwelling;

This item is acknowledged. Reference is made to Pages 48 to 57 of the Access Report, which details the compliance of the proposal with Schedule 4 of the Housing SEPP that contains standards concerning accessibility and useability for independent living units.

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- (iii) *Internal doors and corridor widths that facilitate comfortable and unimpeded movement between spaces;*
- (iv) *A toilet on the ground (or entry) level that provides easy access;*
- (v) *A bathroom that contains a hobless (step-free) shower recess;*
- (vi) *Reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date;*
- (vii) *A continuous handrail on one side of any stairway where there is a rise of more than one metre; and*
- (viii) *Stairways are designed to reduce the likelihood of injury and also enable future adaptation.*

This assessment notes that the proposal either complies or is capable of compliance with these standards, with details able to be verified at the Construction Certificate stage.

- (b) *All universally designed dwellings must be clearly identified on the submitted DA plans. The incorporation of Gold and Platinum Level design features is strongly supported.*

This item is acknowledged. Refer to the above comment.

B7 Transport

7.1 Streetscape

Complies. The proposed car parking arrangements are consistent with that which was approved under DA-455/2021, which includes a driveway ramp accessed from Old South Head Road on the northern extent of the site. Vehicle parking associated with the seniors housing development is sited in the basement levels and will therefore have no impact on the streetscape.

We note Control (d), which seeks to preserve mature trees on the site and in the surrounding streetscape. DA-455/2021 approved the removal of a street tree to

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	accommodate access to the basement levels, and this will be maintained by the proposal.
7.2 On-Site Parking	<p>Complies. The proposal has regard to the provisions of Section B7.2 of WDCP 2022 and is generally consistent with the parking arrangements and design approved under both DA-374/2020 and DA-455/2021.</p> <p>The proposal includes 31 dwellings, which are 13 less than what was approved under both applications. Therefore, the reduced traffic generation and parking provision is considered acceptable in this instance. Additionally, the parking provision for seniors housing has been calculated in accordance with Chapter 3, Part 5 of the Housing SEPP, whereby the proposal complies with this non-discretionary standard.</p> <p>Section B7.2.1 relates specifically to vehicle access. The proposal demonstrates compliance with this section as follows:</p> <ul style="list-style-type: none"> – The proposal provides for one access point as a consolidated development, which is permitted; – Section 4.9.1 of the SEE demonstrates that it is neither feasible nor safe to provide access to the site from Oceanview Avenue, which is a secondary street; – The new development will utilise an existing basement driveway access point along Old South

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- Head Road, which is suitably integrated into the design of the building; and
- The proposed vehicle access results in a better overall site layout that maximises the use of the land and basement levels.

Reference is made to the Traffic and Parking Assessment prepared by TTPA for more detailed information.

7.3 Loading Facilities

- (a) *Loading and unloading facilities should be available for all commercial premises. These facilities are to be provided on-site where the provision of such will not adversely affect the character of the streetscape, pedestrian safety or amenity. A nearby off-site loading bay may be negotiated to minimise adverse impacts.*

Complies. The proposal makes provisions for on-site loading and unloading facilities within the Basement 1 Level.

- (b) *Where possible access to a loading facility must be provided via a laneway or secondary frontage.*

This item is acknowledged. The proposal provides loading access to the site via a ramp driveway located along Old South Head Road. The location and design of this access driveway is similar to that which was previously approved for the site under DA-455/2021.

- (c) *The number of loading bays shall be determined having regard to the scale and type of uses proposed. In this regard, details of anticipated volumes and frequency of deliveries is to be provided within the Statement of Environmental Effects submitted with the DA. Table 6 provides for minimum loading requirements.*

Complies. The proposal has made provided two (2) loading bays and two loading zones. Based on the retail/business premises use GFA of 225m² and the proposed number of dwellings, the proposal is consistent with this provision.

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Use	Rate
Offices, commercial premises & professional consulting rooms	1 per 4000m ² up to 20,000m ² plus 1 per 8000m ² thereafter
Residential flat buildings	1 per 50+ dwellings
Retail	1 per 400m ² GFA
Other uses	Merit Assessment

- (d) *The following design principles should be considered in the design of loading facilities including:*
- (i) *The size and layout of the service area must be designed to facilitate operations relevant to the development;*
 - (ii) *A service area must be a physically defined area not used for other purposes, such as storage of goods and equipment or parking;*
 - (iii) *All vehicles must enter and exit the property in a forward direction;*
 - (iv) *Internal circulation must be adequate for the largest vehicle anticipated to use the site; and*
 - (v) *Loading facilities must be designed to comply with the requirements of AS 2890.2 -2002 Part 2: Off-Street Commercial Vehicle Facilities.*

This item is acknowledged. Where relevant, the proposal has considered these design principles. The layout and size of the loading area directly responds to the anticipated needs of the seniors housing development and the future operational requirements of the retail/business premises use. Appendix D of the Traffic and Parking Assessment prepared by TTPA includes a turning path assessment which demonstrates that vehicles are able to enter and exit the property in a forward direction.

- (e) *A development application shall include the following:*
- (i) *The class and dimensions, including height, of the design vehicle accessing the service area.*
 - (ii) *Clearance heights between the access driveway and the loading dock(s).*
 - (iii) *The dimensions of the loading dock(s).*
 - (iv) *Swept wheel paths between the access driveway and the loading dock and the required manoeuvring areas for both entry and exit movements*

Complies. Reference is made to the Architectural Plans prepared by Bates Smart, as well as the Traffic and Parking Assessment prepared by TTPA.

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7.4 Pedestrian/Bicycle Circulation and Safety

- (a) *The location of parking spaces is not to obstruct pedestrian and bicycle access to the premises or major pedestrian and cycling routes.*
- (b) *Within parking areas of more than 10 car spaces, segregated routes for main pedestrian and bicycle movements must be created making use of line marking, pedestrian crossings, signage and where appropriate speed humps.*
- (c) *Provide safe lighting during the day and night. Utilise motion sensors to minimise power consumption.*
- (d) *Exit points of parking areas of more than 10 car spaces require the following safety devices installed within the boundary of the property:*
 - (i) *Two stop signs;*
 - (ii) *A white, unbroken line at the exit point appropriate to accompany stop signs;*
 - (iii) *Two fish eye mirrors to improve sighting of pedestrians traversing the public footpath area;*
 - (iv) *Either a boom gate or a speed hump, or both, within 8 metres of the exit point; and*
 - (v) *Clear signage and enforcement of an 8 km per hour speed limit and vehicles' lights being left on within the property*

Complies. Parking spaces associated with the development will be located within the basement levels.

Able to comply.

Complies. The Architectural Plans prepared by Bates Smart includes the following traffic control devices within the development:

- Traffic signal serving the Old South Head Road entry point;
- Garage door to the basement level providing secure access;
- Traffic signal and mirror at the bottom of the ramp access driveway to the Basement 1 Level;
- Mirrors at the top and bottom of the ramp to the Basement 2 Level; and
- Stop sign, stop line and speed hump at the Old South Head Road exit point.

The proposal is able to comply with other traffic safety devices as required.

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<p>7.5 Green Travel Plans</p> <p>(a) A Green Travel Plan or Workplace Travel Plan is mandatory for all developments:</p> <ul style="list-style-type: none"> (i) With over 2,500m² for office / commercial/ retail land uses; (ii) Including 15 units or more; (iii) Where 50 or more employees are proposed; or (iv) As deemed necessary by Council. <p>(b) A Green Travel Plan must include:</p> <ul style="list-style-type: none"> (i) Targets - this typically includes the reduction of a single occupant car trips to the site for the journey to work and the reduction of business travel. (ii) Travel data - an initial estimate of the number of trips to the site by mode is required. (iii) Measures - a list of specific tools or actions to support and achieve the targets. 	<p>Complies. Section 7 of the Traffic and Parking Assessment prepared by TTPA includes a Green Travel Plan, which includes the following:</p> <ul style="list-style-type: none"> - Objectives; - Modal shift; and - Site-specific measures.
<p>7.6 Traffic and Transport Management Plans</p>	<p>Not applicable. Noting that the proposal seeks to rationalise previously approved development, an adequate assessment of general traffic and parking impacts has been undertaken through the assessment of DA-374/2020 and DA-455/2021.</p> <p>Whilst this application assesses traffic and parking relevant to the current proposal, a Traffic and Transport Management is not considered to be required.</p>
<p>7.7 Car Share</p>	<p>Complies. The proposal will provide two (2) car share spaces within the Basement 1 Level of the development.</p>

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7.8 Electric Vehicle Charging Points	<p>Complies. Electric vehicle (EV) charging will be provided on-site for more than half the parking allocation, being 27 EV charging points.</p> <p>Reference is made to Condition No. 72 of DA-455/2021, which required a minimum of four (4) EV charging points. Whilst the current proposal creates less traffic generation and less overall parking provision, a higher proportion of EV charging points are to be provided.</p>
B9 Safety	
9.1 Built Form	<p>Complies. The design of the proposed seniors housing development has regard to the key CPTED principles, which will be reinforced by the ongoing management of the seniors housing by on-site staff. Legitimate access through the site is achieved through the lobby area, which will contain passive and active surveillance, and routes from the dwellings to the basement levels are wholly internal to the site.</p>
B10 Public Art	
10.1 Public Art in the Private Domain	
(a) <i>Developments located within an E1, E2 or MU1 zone, with a construction value exceeding \$10 million are required to integrate a public artwork into the development to a minimum value of 1% of the construction costs (excluding administration and associated costs).</i>	<p>Not applicable. Section B10.1 of WDCP 2022 applies only to development located within the E1 Local Centre zone with a construction value exceeding \$10 million. It is</p>

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- (b) Applicants are encouraged to clarify the value and type of public art during the Pre-Development Application process via the preparation of a Public Art Plan – to be submitted as part of the DA.*
- (c) Developments are to incorporate public art in highly visible areas such as public plazas, through site links, and external walls.*
- (d) Public art is to be integrated into the architectural integrity of a development.*
- (e) All privately commissioned public art must be undertaken in accordance with the Waverley Public Art in the Private Domain Guidelines.*
- (f) Murals do not require development consent, however must be undertaken in accordance with the Waverley Public Art in the Private Domain Guidelines.*
- (g) Murals that contain marketing or advertising material, or the like, will be treated as signage, and must seek development consent and comply with the provisions of Part B14 Advertising and Signage.*
- (h) Artworks on heritage items or within heritage conservation areas must also comply with the provisions of Part B8 Heritage.*

considered that the cost of works for the minority part of the site within the E1 zone is not greater than this amount.

Additionally, DA-374/2020, which the proposal seeks to rationalise, applied to land in the former B4 Mixed Use zone (currently E1) and did not include a condition of development consent requiring the integration of public art in the approved development.

B11 Design Excellence

11.1 Design

- (a) Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.*

Complies. The proposal achieves a high design quality that is similar to the design of DA-455/2021, which has been previously praised by the DEAP.

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The current proposal was reviewed by the DEAP, who were “supportive of the proposed split built form, with two defined elements centred around a lobby entrance that manages resident drop-off and pedestrian access.”

The proposal results in a high level of architectural detail and articulation which is embellished by integrating fine grain landscaping into the façade design.

(b) *The form and external appearance of development is to improve the quality and amenity of the public domain.*

Complies. The proposal responds to the streetscape and provides sympathetic external finishes that will improve the visual quality of the public domain.

(c) *Development is to consider and retain view corridors. Development will not be supported where detrimental impacts upon views and vistas is imposed, particularly those views from the public domain.*

Complies. It is noted that the proposal retains similar setbacks as that which was approved under DA-374/2020 and DA-455/2021, which produces a relatively similar built form envelope. It is considered that the proposal will not result in any detrimental view impacts in addition to what has been previously approved.

(d) *Development must not have a detrimental effect upon the amenity of public plazas and public open spaces.*

Not applicable. The site is not proximate to any public plazas or public open spaces.

(e) *Development must consider the following:*
 (i) *The suitability of the land for development;*
 (ii) *Existing and proposed uses and use mix;*
 (iii) *Heritage issues and streetscape constraints;*

Complies. The proposal is consistent with this provision in the following ways:

- The land is suitable for the proposal by virtue of a seniors housing development being previously approved on the majority of the site;

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- (iv) *The relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form;*
- (v) *Bulk, massing and modulation of buildings;*
- (vi) *Street frontage heights;*
- (vii) *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;*
- (viii) *The achievement of the principles of ecologically sustainable development;*
- (ix) *Pedestrian, cycle, vehicular and service access, circulation requirements; and*
- (x) *The impact on, and any proposed improvements to, the public domain.*

- The proposal is for a seniors housing development, with part of the ground floor of the southern building to be used as a retail/business premises;
- The proposal responds to the vehicle access constraints along Oceanview Avenue by maintaining approved access along Old South Head Road;
- The proposal maintains approved setbacks and building separation with adjoining development, and creates an improved relationship between the site's corner and the rest of the development by way of consolidation;
- The proposal does not create additional overshadowing as to what has been previously approved;
- The proposal complies or is able to comply with relevant ESD principles; and
- The proposal complies with access and circulation requirements within the development.

B13 Excavation

- (a) *The total volume of excavation permitted is to be no greater than the volume shown in Figures 26 and 27.*

Complies. The proposal involves ancillary earthworks to facilitate the construction of two (2) four storey buildings as well as two basement levels for vehicle parking, ancillary storage, loading, plant and services. Similar to DA-374/2020 and DA-455/2021, the proposal involves the excavation of the site for basement levels within the

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	<p>building footprint, with the Basement 2 level being built to the northern site boundary.</p> <p>All excavation works that will be undertaken are capable of complying with similar Conditions of Consent to those provided previously under DA-374/2020 and DA-455/2021 in relation to the maintenance of the structural integrity of adjacent development.</p>
(b) <i>The maximum volume of excavation permitted for basement storage is 8 cubic metres per dwelling.</i>	This item is acknowledged. Similar to that which was approved under DA-455/2021, the proposal will continue to provide basement storage for the seniors housing development.
(c) <i>The maximum volume of excavation permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance. DA plans should show the approximate location and size of equipment within the plant room.</i>	This item is acknowledged. The proposal has considered the location and size of equipment associated with excavated plant rooms.
(d) <i>Excavation should not add to the visual bulk and scale of the building.</i>	Complies. The proposal does not contribute to additional adverse visual bulk and scale in relation to the development that has been previously approved on the site.
(e) <i>Excavation should not result in the loss of naturally occurring sandstone.</i>	Complies.

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(f) <i>Avoid cutting into the natural stone wall of a street.</i>	Complies.
(g) <i>Avoid and minimise excavation where possible.</i>	<p>This item is acknowledged. It is noted that the proposal is generally comparable in terms of previously approved excavation, however it will result in a net increase in excavation as a result of the consolidation of both sites subject to DA-374/2020 and DA-455/2021. The increase in the extent of excavation is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> – There was previously a 6m building separation between both buildings approved under DA-374/2020 and DA-455/2021 where there is no longer a separation over this boundary; – The proposal will result in additional excavation below No. 669 Old South Head Road to align with the basement levels approved under DA-455/2021; and – The proposal will have a slightly deeper level to account for the overall structure, including transfer beams and head heights.
(h) <i>Minimise the inclination of any resulting sloping landscaping.</i>	Complies.
(i) <i>Existing natural features including trees and sandstone walls should be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape.</i>	Complies.

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(j) <i>Step retaining walls in response to the natural landform to avoid creating monolithic structures, particularly where visible from the neighbouring dwellings and the public domain.</i>	Complies. The proposal incorporates landscaping with retaining walls proposed at the rear of the site to improve visual impact.
(k) <i>For sites with significant slopes a split-level building design is to be used to minimise excavation and backfilling.</i>	Complies. The proposal includes a split-level design of the Upper and Lower Ground Levels, which minimises excavation.
(l) <i>Fill is not to be used to raise the ground level.</i>	Complies. The proposal does not use fill to raise the ground level.
(m) <i>Excavation for garaging within sandstone walls facing the street must be minimised to preserve as much of the original wall as possible.</i>	This item is acknowledged.
(n) <i>Development should accommodate stormwater detention tanks and storage systems within the excavated area.</i>	Complies. OSD tanks are located within the excavated area at the front of the site adjacent to Old South Head Road beneath the porte cochere and vehicle access ramp.
(o) <i>Excavation is not permitted within 900mm of side boundaries and shall only occur within the building footprint, except where access to a basement car park is required.</i>	Complies. The proposed basement levels do not inhibit the provision of adequate deep soil and landscaping on the site, which is compliant with Council's controls.
(p) <i>Basement car parking is to be located fully below natural ground level. Where this cannot be achieved due to topographic constraints, a maximum protrusion above ground of 1.2m is permissible (refer to Figure 25).</i>	Complies.
(q) <i>Where excavation is proposed for development which is subject to Part C2 of this DCP, it is not to occur within a 1.5m setback from side boundaries and shall only occur within the building footprint except where access to a basement car park is</i>	

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<i>required. Excavation will need to be setback greater where required to comply with Part C2, 2.3.2 Side and Rear Setbacks control (d).</i>	
<i>(r) All below-ground structures that are located below the groundwater table are to be fully tanked. These types of structures must not collect and dispose of subsoil/seepage to kerb and gutter.</i>	
B15 Public Domain	
15.1 Improving the Public Domain	
<i>(a) Overshadowing effects of new buildings on publicly accessible open space is to be minimised between 9am – 3pm on 21 June.</i>	Not applicable. The proposal is not proximate to publicly accessible open space.
<i>(b) Development is not to impede important or significant views from the public domain to public places, parks, Sydney Harbour or the eastern coastline, heritage buildings, monuments, or public artworks.</i>	Complies. The proposal will not impede important or significant views from the public domain.
<i>(c) Development is to identify and improve key view corridors from the public domain.</i>	Not applicable. It is considered that there are no key view corridors from the public domain achieved across the site.
<i>(d) Buildings are to be designed to frame important views from the public domain and within large sites.</i>	Not applicable.
<i>(e) Low level views of the sky along streets and from parks are to be maintained.</i>	Not applicable.
<i>(f) Buildings are to be designed to address the street and to utilise high quality finishes and public art to enhance the public domain and pedestrian interface.</i>	Complies. The proposal utilises high quality finishes and fine grain architectural details to enhance the public domain and pedestrian interface with the site.

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(g) Blank walls are not supported within centres. Where blank walls must be provided, utilise artworks or interesting façade designs to enrich the public domain.	Complies. The proposal does not include blank walls.
(h) Ground entry lobbies and commercial tenancies are to have entries at the same level as the adjacent footpath or public domain	Complies. The lobby to the seniors housing development is accessible from the footpath along Old South Head Road.
(i) The ground floor of developments is to be designed so that there are regular opportunities for direct surveillance of the adjacent street or public domain.	Complies. The proposal will include a ground floor lobby and retail/business premises on the corner, which will enhance direct surveillance and “eyes on the street”.
(j) Car parking areas at ground level must be screened by active uses to a minimum depth of 6m from the façade visible to the street or public domain.	Not applicable. No car parking areas are proposed at the ground level.
(k) Align setbacks between buildings with lanes and pedestrian links to enable clear lines of sight.	Not applicable. The proposal is not related to any existing lane and does not include a publicly accessible pedestrian link.
(l) Ensure development manages and mitigates environmental or natural hazards, and does not exacerbate risks to existing developments or the public domain.	Complies. The documentation submitted with this application has appropriately addressed the geotechnical considerations of the site with respect to the proposal.
(m) New residential flat building and shop top housing development may be required to provide street lighting to contribute to nighttime public safety.	Not applicable. The proposal is not defined as a residential flat building or shop top housing development.
(n) Development involving the construction of a new residential flat building or shop top housing development are required to locate utility connections underground.	Not applicable.

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(o) <i>New residential flat building and shop top housing development will be required to provide footpath paving upgrades in accordance with the Waverley Public Domain Technical Manual</i>	Not applicable.
15.2 Active Street Frontages	Complies. The proposal creates an active street frontage on the ground floor of the corner of Old South Head Road and Oceanview Avenue, consistent with that which was approved under DA-374/2020.
15.4 Awnings and Colonnades	Complies. The proposal will provide an awning above the active frontage on the corner of Old South Head Road and Oceanview Avenue, which is generally consistent with the awning that which was approved under DA-374/2020.
15.5 Reflectivity	Able to comply.
15.6 Shopfront Security	Complies.
15.7 Minor Encroachments	Complies. The proposal involves a minor encroachment of the proposed awning on the corner of Old South Head Road and Oceanview Avenue over the footpath in the public domain. The proposed awning involves a maximum overhang of approximately 2.2m, which is less than the approximate 3m awning overhang approved under DA-374/2020.
B17 Social Impact Assessment	Complies. Reference is made to Part C of the Waverley Social Impact Assessment Guidelines 2022, which requires a Social Impact Assessment (SIA) for DAs

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	<p>involving a construction cost of greater than \$10 million or more than 3,000m² in GFA.</p> <p>The proposal results in the provision of a seniors housing development, whereby the use will present overall positive social impacts for the community. The consideration of an SIA did not form part of the assessment of either DA-374/2020 or DA-455/2021, which this application seeks to rationalise. Nonetheless a Social Impact Statement has been provided with the DA.</p> <p>The SIS concludes that the proposal will have an overall positive social impact resulting from the associated benefits of the development of seniors housing at the site.</p>
Part C2 – Residential Development	
C2 Other Residential Development	
2.1 Site, Scale and Frontage	
<p>(a) New residential flat buildings must be located on sites which feature a minimum frontage width (measured at the boundary) of 15 metres for R3 zones and 20 metres for R4 zones.</p> <p>(b) Variations to control (a) may be accepted if Council can be satisfied that the development:</p> <p>(i) Complies with the site and building design controls outlined in this Part between sections 2.2 to 2.21.</p>	<p>Complies. Whilst the proposal is not categorised as a residential flat building, the resultant seniors housing development provides a minimum frontage width of more than 15m for the part of the site located within the R3 Medium Density Residential zone.</p>

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- (ii) Provides safe and efficient access and servicing facilities - particularly in relation to parking, pedestrian and vehicle access, collection and storage of waste.
- (iii) Provides a high standard of resident amenity - particularly in relation to privacy, solar access, ventilation, and the provision of outlooks to landscaped setbacks.
- (iv) Responds to the local context, including providing adequate separation from existing and future adjoining development.

- (c) Lot sizes and dimensions must enable development to be sited to protect the natural or cultural features of the site and avoid significant changes to the natural topography.

Complies. The proposed lot consolidation will have no impact on the siting of the development.

- (d) Applications for new residential flat building development must not result in the isolation of neighbouring lots by reducing the development potential of adjoining land. Applicants may be required to submit plans that clearly identify the future development potential of adjoining land to ensure its development potential will not be adversely impacted. Considerations should include the ability for neighbouring sites to comply with the requirements of this DCP and the ADG.

Complies. The proposal rationalises two approved developments over multiple parcels of land, which ultimately improve the development potential of both sites and their relationship with surrounding residential development.

Note: Assessment of applications will need to refer to the Planning Principles established by the Land and Environment Court *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251.

2.2 Height

- (a) The maximum building height is as set by Clause 4.3 of the WLEP and the Height of Buildings Map.

This item is acknowledged. The proposal seeks to vary the relevant building height control on the site. A Clause 4.6 Request to Vary a Development Standard (Clause 4.3) prepared by SJB Planning is submitted in support of this application.

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- (b) Development must comply with the maximum external wall height (refer to Figures 16 - 18), as set in Table 2 below:

Zoning	WLEP Height	Max external wall height
R3	9.5m	7m
R3	12.5m	9.5m
R4	20m	17m
R4	28m	25m

- (c) Council may consider a varied wall height where the following matters are addressed:
- Compliance with Floor Space Ratio development standard;
 - Compliance with Height development standard;
 - Compliance with side setback controls;
 - Visual aspect of the bulk and scale, as viewed from the private open space and living areas of adjoining properties;
 - Amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
 - A high design quality is achieved.

Compliance

Does not comply. The proposal will have a maximum external wall height of greater than 9.5m. Similar to the seniors housing development approved under DA-455/2021, the proposal satisfies Control No. C2.2(c) and is considered acceptable for the following reasons:

- The proposal is consistent with the FSR approved under both DA-455/2021 and DA-374/2020;
- The proposal maintains the setbacks of the developments approved under DA-455/2021 and DA-374/2020;
- The proposal is shown to be visually compatible with the surrounding locality based on Council's comments made under PD-5/2023;
- The proposal will not have an adverse impact on the amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
- The rationalised design of the developments approved under DA-455/2021 and DA-374/2020 is of a high quality in terms of its contribution to the streetscape and its internal amenity for future occupants.

2.3 Setbacks

Refer to Part 3F of the ADG.

2.4 Length and Depth of Buildings

Refer to Part 3F of the ADG.

2.5 Building Design and Streetscape

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(a) <i>Development must be sensitive to the streetscape character and views. A streetscape and context analysis is to be provided in accordance with Part B12 Design Excellence.</i>	Complies. Following a review of the concept proposal (which is generally maintained by this application), the DEAP remarked that “the mass and design of the development are considered to make a valuable contribution to the streetscape.” The proposal remains sensitive to the streetscape character, and these comments therefore remain valid.
(b) <i>Building design is to respond to the existing streetscape character of the area.</i>	Complies.
(c) <i>The design of alterations and additions should demonstrate architectural compatibility with the existing building.</i>	Not applicable. The proposal is for the erection of two (2) new buildings.
(d) <i>The colour and finish of external materials should be sympathetic to the streetscape and contribute to the overall appearance of the building.</i>	Complies.
(e) <i>For developments on corner sites, both street frontages are to present as a primary street frontage.</i>	Complies. The proposal includes an active street frontage for part of both Old South Head Road and Oceanview Avenue.
(f) <i>The removal of original architectural details and finishes is not supported including: painting face brick work or sandstone, replacing timber with aluminium or replacing unglazed terra cotta tiles or slate.</i>	Not applicable.
(g) <i>Where a streetscape is characterised by Inter-War buildings, infill development should be sympathetic to the surrounding Inter-War features, using Part B16 of this DCP and the Waverley Inter-War Building Design Guidelines for guidance. Infill development should not copy an Inter-War building, but rather exhibit design</i>	Not applicable. The proposal is of a contemporary design that does not seek to imitate Inter-War building features.

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excellence and innovation to provide a contemporary form with sympathetic materials and proportions.

2.6 Attic and Roof Design

- (a) *Roof design should contribute to the architectural design and the environmental performance of the development.*
- (b) *Roof design should respond to the streetscape character of the area.*
- (c) *Alteration and additions must consider existing streetscape and the impact on neighbouring views.*
- (d) *Contemporary roof forms are permitted to minimise bulk and scale, and respond appropriately to the context.*

Complies. The proposal contains a flat roof design which accommodates plant and lift overruns. Based on the character and height of existing surrounding development, it is considered that the current contemporary roof form appropriately minimises the bulk and scale of the two new buildings.

Not applicable.

Complies.

2.7 Fences and Walls

- (a) *Front fences are to be provided where it is a predominant character of the street frontage within a street block.*

Complies. The proposal includes front fencing for private open space associated with independent living units on the ground level of the development, which will include a landscaped setback from its western boundary to Old South Head Road. Residential development along Old South Head Road, including the existing residential flat building at No. 685 Old South Head Road, includes front fencing.

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(b) <i>Front fences must not exceed 1.2m in height. On sloping sites, the height is averaged so that fences step down the street.</i>	This item is acknowledged. Refer to below variation and justification under Control No. C2.7(d).
(c) <i>Front fences must have a maximum proportion of two thirds solid to one third open design.</i>	This item is acknowledged. The proposed front fencing incorporates rendered brick, which is discussed below.
(d) <i>Council may permit front fences up to a height of 1.8m of solid material provided it can be shown that the fence acts as an effective noise barrier as a result of adjoining a street with high traffic volume. Such fences are to be setback from the boundary to allow landscaping to soften the bulk or the structure is to be articulated as an alternative to a solid blank wall.</i>	Complies. Front fencing is proposed at a height of between 1 to 1.5m of solid material. In addition to the fence acting as an acoustic barrier, which is improved by a landscaped front setback, the fencing will provide appropriate security and visual screening for seniors living on the ground level, which is an important consideration.
(e) <i>Rear and side fences behind the building line must not exceed 1.8m in height.</i>	This item is acknowledged.
(f) <i>Side fences must taper down from the front building line to the front boundary fence.</i>	This item is acknowledged. The proposed side fencing on the northern extent of the development adjacent to No. 685 Old South Head Road will screen the existing residential flat building from the access driveway ramp, thereby protecting residential amenity.
(g) <i>Fences are to respond to the architectural character of the street in terms of materials used, predominant height, vertical/horizontal rhythm and predominant setback.</i>	Complies.
(h) <i>Fences are to clearly delineate between public, communal and private areas.</i>	Complies. The proposed fencing clearly demarcates the public domain and the private open space for the development.

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(i) <i>Fencing is to be designed so that sightlines between pedestrians and vehicles exiting the site are not obscured and gates do not open over the public roadway or footpath or into parks.</i>	Complies.
(j) <i>All boundary treatments for properties adjoining parks are consistent with the material palette from the relevant plan of management.</i>	Not applicable.
(k) <i>The design of fences should generally relate to the period and architectural style of building and help to integrate development into the existing streetscape.</i>	Complies. The fencing is contemporarily designed in line with the proposed built form.

2.8 Pedestrian Access and Entry

(a) <i>Provide main building entries at street level which respond to patterns in the streetscape. Refer to Figure 22.</i>	Complies. The proposal provides a main building entry at street level along Old South Head Road.
(b) <i>Provide an accessible path of travel from the street to and through the front door of all dwellings on the ground floor.</i>	Complies. The proposal provides level access to all dwellings on the Upper Ground Level and access to LG.01 via lift access.
(c) <i>To increase accessibility, applicants should consider providing lifts in buildings of more than two habitable levels.</i>	Complies.
(d) <i>Separate and clearly distinguish between pedestrian access ways and vehicle access ways/building service areas (e.g. garbage rooms).</i>	Complies. Pedestrian and vehicle access to the site is separate to one another.
(e) <i>Locate entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian footpath.</i>	Complies. The central porte cochere will utilise existing driveway entries along Old South Head Road and retain the majority of street trees.

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(f) Provide main building entries that are legible, safe and well lit.	Complies.
(g) Provide as direct a physical connection as possible between the street and the building entry.	Complies.
(h) Where appropriate, provide individual ground floor dwelling entries that address the street.	Not applicable. Due to the nature of the proposal as a seniors housing development, it is considered that entries to the ground floor dwellings via the lobby are more appropriate.

2.9 Landscaping

(a) Development is to comply with the provisions of Part B3 Landscaping, Biodiversity and Vegetation Preservation and Part C2.3.2(d).	Complies.
(b) 30% of the site area is to be provided as landscaped area.	<p>Complies. The proposal provides 1,912m² of landscaped area, which is 44% of the total site area - as calculated using the Housing SEPP definition.</p> <p>The proposal provides 1,335.62m² of landscaped area, which is 30.7% of the site area - as calculated using the WDGP definition of landscaped area.</p>
(c) 50% of the landscaped area must be deep soil zone.	Complies. The proposal provides 771.42m ² of deep soil zone, which equates to 58% of the total landscaped area.
(d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting.	This item is acknowledged. The provides multiple deep soil areas across the development as a result of site

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(e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.

conditions and detailed landscaping works without diminishing drainage flows.

Complies.

(f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.

Complies. The Arboricultural Impact Assessment prepared by Synertree details measures for tree protection and retention, and also refers to the comprehensive planting schedule proposed.

(g) For developments with podium landscaping, compliance with Part B3 Landscaping, Biodiversity and Vegetation Preservation is required.

Not applicable. The proposal does not include a podium level. Notwithstanding, the roof landscaping above the lobby is minor in nature and improves amenity.

2.10 Communal Space

(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.

Complies. The proposal provides 1,095m² of communal open space, which is 25% of the total site area. This communal open space is general consolidated on the Lower Ground Level.

(b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.

Not applicable.

(c) Communal open space is to:

- (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
- (ii) Be located so that solar access is maximised.
- (iii) Provide a landscape buffer between buildings.

Complies. The proposed communal open space on the site:

- Maximises solar access for the communal open space;

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<p>(iv) <i>Be designed to a high quality, and allow for landscaping and seating.</i></p> <p>(v) <i>Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).</i></p>	<ul style="list-style-type: none"> – Provides landscaping between the two buildings above the lobby; – Is of a high design quality and creates high amenity facilities, which includes a swimming pool, sun deck, outdoor dining areas, and associated landscaping; – Is able to accommodate a variety of uses outside of the function of private balconies and courtyards, which are comparatively smaller in size.
(d) <i>Communal open space may be provided on a podium or roof-top terrace provided the controls within this Part are met.</i>	Not applicable.
(e) <i>In considering a roof-top terrace or deck, Council will consider the magnitude of the impact on both privacy and noise for neighbouring residents, with the reasonableness of the proposal.</i>	Not applicable.
<p>(f) <i>Where developments are unable to achieve the recommended communal open space, such as small developments (5 or less dwellings) or sites within business zones, they must:</i></p> <p>(i) <i>Provide quality communal indoor space within the development; and/or</i></p> <p>(ii) <i>Provide significantly larger balconies or greatly increased private open space for dwellings; and/or</i></p> <p>(iii) <i>Demonstrate proximity to public open space and facilities; and/or</i></p> <p>(iv) <i>Provide significant contributions to public open space.</i></p>	Not applicable. The development is compliant with the recommended open space.
(g) <i>At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.</i>	Complies.

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(h) Communal open space is to be accessible to all dwellings within a development.	Complies. Residents of all 31 independent living units will be able to utilise the communal open space.
(i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.	Complies.
(j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.	Complies. The proposal has considered the principal users of the space in its design, which are seniors and may include people with a disability.

2.11 Private Open Space

(a) Private open space is to have a northerly aspect where practicable.	This item is acknowledged. The constraint of the site means that dwellings are generally oriented in an east-west manner. Notwithstanding, northernmost dwellings at the top of both buildings contain additional private open space to maximise sunlight access.
(b) Private open space is to be provided for at least 75% of dwellings and may be in the form of a courtyard, deck, balcony or the like.	Complies. Private open space is provided for 100% of dwellings.
(c) Swimming pools are not to be included in any calculation of private open space area.	This item is acknowledged.
(d) Private open space is to be directly accessible from the main living area of the dwelling.	Complies.

2.11.1 Courtyards

(a) Private courtyards must have the following minimum dimensions:	Complies.
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<ul style="list-style-type: none"> (i) Minimum 25m² area; and (ii) Minimum width and depth of 3m. 	
(b) Provide opportunity for planting in private courtyards, including access to deep soil zones wherever possible.	Complies.
(c) Private open space is not to be provided at the front of the building unless a landscape buffer between the private open space and the street is provided.	Complies. There is a landscape buffer between the private open space fronting Old South Head Road and the footpath.
(d) Provide a clear distinction, and adequate privacy, between private courtyards and public/common open space.	Complies. Privacy will be achieved by landscaping and fencing.
(e) Private courtyards are to have a maximum gradient of 1 in 10.	Complies.
(f) Sun screens, pergolas, shutters and operable walls are to be used to increase amenity where appropriate, and to ensure privacy for neighbours	Able to comply.
<u>2.11.2 Balconies/Decks</u>	
(a) Balcony additions are to be designed to relate to the character of the existing building.	Complies. The design of the proposed balconies are integrated in the facades of the development.
(b) Balconies should not visually dominate the façade. This may require balconies to be limited in width, and to be designed as re-entrant or Juliet balconies.	Complies. The proposal includes the design of Juliet balconies, which are generally limited to west-facing dwellings.
(c) Continuous wrap around balconies that add to the bulk of the building are not encouraged. The enclosure of balconies for the purpose of additional floor space is discouraged.	Complies. The proposal will not enclose balconies.

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(d) Enclosure of balconies for weather protection is discouraged.	Complies.
(e) Locate primary balconies to achieve maximum solar access and privacy. Sun screens, pergolas, shutters and operable walls are to be used to increase amenity where appropriate, and to ensure privacy for neighbours.	Complies.
(f) Design balustrades to allow views and casual surveillance of the street, whilst maintaining visual privacy.	Complies. The balcony balustrades maintain visual privacy through sympathetic landscaping.
2.12 Vehicular Access and Parking	
(a) The siting of car parking must be integrated into the design of the development ensuring the building façade is the dominant streetscape element.	Complies. Car parking is sited in the basement levels of the development.
(b) The car park entry is to be secondary to pedestrian building entry.	Complies. The car parking entry is located on the edge of the site whilst the pedestrian building entry via the porte cochere is a central feature.
(c) A maximum of one 2-way vehicular access point per individual development is to be provided.	Complies. The proposal results in one (1) 2-way vehicular access point from Old South Head Road.
(d) Car park access is to be provided from secondary streets or lanes.	This item is acknowledged. Section 4.9.1 of the SEE demonstrates that it is neither feasible nor safe to provide access to the site from Oceanview Avenue, which is a secondary street.
(e) The safety of pedestrian entry and circulation is not to be compromised by the location of driveways and car park access.	Complies. Pedestrian and vehicle access to the site is separate to one another.

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(f) <i>The provision of basement parking must not result in non-compliance with the deep soil zone controls in Part C2.9 Landscaping</i>	Complies. The extent of the basement levels will not result in a deep soil zone non-compliance.
2.13 Solar Access and Overshadowing	Refer to Part 4A of the ADG.
2.14 Views and View Sharing	
(a) <i>New development should be designed to minimise view loss to adjoining and adjacent properties while still providing opportunities for views from the development itself (refer to Figures 23 and 24).</i>	Complies. The proposal retains similar setbacks as that which was approved under DA-374/2020 and DA-455/2021, which produces a relatively similar built form envelope. The current proposal now creates some separation in the built form to create two distinct buildings, which should improve views through the centre of the site.
(b) <i>Provide articulation, and minimise the bulk and scale of roof forms on the low side of streets allowing views to the landscape beyond.</i>	Complies. The proposal provides a high level of articulation of its building elements.
(c) <i>Design the landscape to allow for views between buildings, particularly on the low side of streets.</i>	Complies.
(d) <i>Where the property is adjacent to a Council park or reserve, private landscaping should be sympathetic to and complement the public domain landscaping in order to soften the public-private interface.</i>	Not applicable.
(e) <i>Existing significant public views and vistas available from the public domain, including but not limited to ocean, city and parks views are to be maintained where possible by the design of buildings.</i>	Not applicable.

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(f) <i>In some instances a detailed view loss analysis may be required by Council. Refer to the Waverley Development Application Guide for more information.</i>	Not applicable. A View Loss Analysis is not considered to be required for the proposal.
(g) <i>Measures to be used to facilitate view sharing include buildings setbacks, gaps between buildings, floor heights, roof forms and use of open materials and balustrades on balconies and decks.</i>	Complies. The proposal retains previously approved setbacks and generally maintains approved building envelopes. The current proposal includes changes that will create a gap between the two buildings and a minor increase to the maximum building height.

2.15 Visual Privacy and Security

(a) <i>Dwellings should be oriented towards the street with entrances and street numbering clearly visible.</i>	Complies.
(b) <i>Development should be designed to provide clear sightlines and lighting between public and private places.</i>	Complies.
(c) <i>Development comprising 50 or more dwellings must be designed having regard to Crime Prevention through Environmental Design (CPTED) principles (refer to B10 Safety). Council may also require consideration of these principles for other large scale development (refer to the NSW Governments Crime Prevention and the Assessment of development Applications – Guidelines under section 4.15 of the EP&AA 1979 for details).</i>	Not applicable. The proposal comprises less than 50 dwellings. Notwithstanding, the proposal has regard to the CPTED principles.
(d) <i>Above ground open spaces must not directly overlook rooms and private landscaped areas of adjoining properties unless screening can mitigate overlooking. This includes:</i> (i) <i>offset windows of dwellings in new development and adjacent development,</i>	Complies. The private open spaces of dwellings above ground level open spaces will contain landscaping to minimise potential visual intrusion and create visual separation.

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- (ii) *recess balconies and/or provide vertical fins between adjacent balconies; provide solid or semi-solid balustrades to balconies where necessary;*
 - (iii) *provide louvres or screens to windows/balconies where necessary;*
 - (iv) *use vegetation as a privacy screen between buildings;*
 - (v) *incorporate planter boxes into walls or balustrades to increase the visual separation between areas, and*
 - (vi) *utilise pergolas or shading devices to limit overlooking of lower dwellings or private open space.*
- (e) *Privacy needs to be considered in the context of density, separation, use and design and should consider the following principles from LEC decision Meriton vs. City of Sydney Council (2004) NSWLEC 314.*
- (f) *Windows and balconies of an upper level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below and within the same development. Development may:*
 - (i) *screen balconies from other balconies and ground level private open space, separate communal open space;*
 - (ii) *common areas and access routes through the site from the windows of habitable rooms; and*

This item is acknowledged. The amended DA design includes a detailed response to privacy of residential flat buildings to the north and west of the site. Great attention has been demonstrated in the design of the proposed units and the landscaping treatments in order to ensure visual and acoustic privacy is maintained at adjacent sites. Further, the DA is supported with a POM that outlines the proposed management practices for use of the external communal open space to ensure that acoustic impacts are mitigated during the sleep disturbance periods between 10pm and 7am.

This item is acknowledged. The development has included measures as required to mitigate potential visual intrusion into private open space on the ground level.

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<p>(iii) <i>change the level between ground floor private courtyards and adjacent communal/public areas.</i></p> <p>(g) <i>Landscaping should not be relied on as the sole protection against overlooking.</i></p> <p>(h) <i>In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.</i></p> <p>(i) <i>Roof tops may be used as trafficable roof-top terrace areas to meet communal open space requirements for residential flat building, mixed use and shop top housing development provided the following requirements are met:</i></p> <p style="padding-left: 20px;">(i) <i>The rooftop will not result in unreasonable amenity impacts such as overlooking and unacceptable noise;</i></p> <p style="padding-left: 20px;">(ii) <i>The trafficable area is distanced from the edge of the rooftop with permanent planter boxes or the like of sufficient size to mitigate unreasonable overlooking;</i></p> <p style="padding-left: 20px;">(iii) <i>They satisfy the considerations of the Privacy Planning Principle from 2Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7;</i></p> <p style="padding-left: 20px;">(iv) <i>Access hoods and stairs should be designed and sited to avoid obstructing views and producing adverse visual impacts.</i></p> <p style="padding-left: 20px;">(v)</p> <p style="padding-left: 20px;">(vi) <i>The development does not contain a boarding house, co-living development or tourist and visitor accommodation; and</i></p> <p style="padding-left: 20px;">(vii) <i>Other controls within this Part C2 are met.</i></p>	<p>Complies. Whilst the proposal does include landscaped areas on the balconies which will minimise overlooking, the proposal has utilised Juliet balconies throughout the development, reducing the function of some areas of the development that would typically create overlooking.</p> <p>Complies.</p> <p>Not applicable.</p>
2.16 Dwelling Size and Layout	Refer to Part 4D of the ADG.

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2.17 Ceiling Heights	Refer to Part 4C of the ADG.
2.18 Storage	Refer to Part 4G of the ADG.
2.19 Acoustic Privacy	
(a) <i>Soundproofing of all dwelling units by such means as acoustic glazing is required to reduce noise impacts on residents.</i>	Able to comply.
(b) <i>Minimise noise transmission between dwellings by:</i>	Able to comply.
(i) <i>Locating noisy and quieter areas next to other noisy or quiet areas, e.g. living rooms adjacent to living rooms, and bedrooms adjacent to bedrooms.</i>	
(ii) <i>Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas and minimising the amount of party (shared) walls with other dwellings.</i>	
2.20 Natural Ventilation	Refer to Part 4B of the ADG.
2.21 Building Services	
(a) <i>Ensure that building services are integrated into the design of buildings. Building service elements include garbage rooms, mailboxes, fire hydrant boosters, electrical substations, downpipes, and plant rooms and satellite/communications structures.</i>	Able to comply. Building services have been considered in the design of the proposal and are able to be detailed at a further stage.
(b) <i>The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance. Plant rooms should be located in underground areas where possible. DA plans should show the approximate location and size of equipment within the plant room.</i>	Able to comply.

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(c) <i>Provide mailboxes adjacent to the main entrance and integrated into a wall of the building where possible, ensuring that they are secure and can accommodate large articles such as newspapers.</i>	This item is acknowledged. The proposal will suitably integrate mailboxes through detailed development design prior to construction.
(d) <i>Coordinate and integrate building services within the overall façade and roof design.</i>	Complies. Rooftop services are appropriately screened to reduce visual impact.
(e) <i>Provide adequate space and facilities for outdoor communal clothes drying.</i>	This item is acknowledged.
(f) <i>Locate any ancillary structures such as plant rooms and satellite dishes away from the building entry, communal and private open spaces, and bedrooms.</i>	Complies.
(g) <i>Where located on podium or roof levels, building service elements must not be visible from the street or impact on public or private views. As a guide, a minimum of 2m is to be provided from the building wall. (Refer to Figure 25)</i>	Complies. Building service elements are provided approximately 9.8m from the building wall fronting Old South Head Road.
2.22 Retention of Affordable Rental Housing	Not applicable. Section C2.22 of WDCP 2022 only applies to a development site that contains an existing residential flat building or an existing boarding house where Chapter 2 Part 3 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) is relevant for consideration.
Part D1 – Commercial and Retail Development	
1.2 Design	Complies. The proposal includes substantial glazing on the active street frontage which promotes transparency and visual interest from the public domain.
<u>1.2.1 Frontages</u>	
(a) <i>Front windows shall be designed to promote an active street frontage and have a display function (refer to Part B16 Public Domain).</i>	

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(b) The development is to be designed to provide casual surveillance to the street.	Complies.
(c) The use of obscured glazing is generally not supported. Privacy louvres and screens are preferred which allow partial views into a premises. Where privacy is required, obscured glazing may be provided at the rear of the premises.	Complies.
(d) Window and door frames and styles should reflect the character of the building and area.	Able to comply.
(e) Premises are required to display a street number. The height of the numbers will be no less than 300mm presented in a clear readable font, located above the entry door, where possible.	Able to comply.
<u>1.2.2 Awnings</u>	
(a) Premises are to provide a continuous awning, except where an awning would compromise the integrity of a heritage item.	Complies.
(b) Awnings are to be designed in accordance with the building age, style and character, and be sympathetic to the design of adjoining awnings.	Not applicable. There are no awnings adjoining the proposed awning, however it is commensurate with the contemporary design of the building it will be attached to and it is sympathetic to existing surrounding awnings to the west and south of the site.
(c) Awnings are to match the alignment and style of adjoining buildings to provide continuous weather protection.	Not applicable.
(d) Development must also comply with the relevant provisions of Part B16 Public Domain.	Complies.

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<u>1.2.3 Lighting</u>	
(a) Under awning lighting is to be provided	Able to comply.
(b) Fluorescent lighting is discouraged.	Able to comply.
(c) Where residential development is located above retail or commercial premises or to the rear, demonstrate that light is not directed toward the residents of the building.	Able to comply.
(d) Illumination at the rear of commercial properties or where installed for security purposes must be sensor controlled, except where public street frontage and/or footpaths require it.	Able to comply.
(e) Development is to minimise negative impacts of lighting from within the premises on nearby properties.	Able to comply.
<u>1.2.4 General Amenity</u>	
(a) The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.	Able to comply. Operational details for the retail/business premises are able to be confirmed via a separate application.
(b) Development shall incorporate plant rooms and any associated services required for the use of the premises into the building envelope. Where this cannot be achieved in an existing development, plant room/utilities are to be designed to cause negligible impact to neighbouring properties and streetscape.	Complies.
(c) All new development shall be designed to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.	Able to comply.
(d) No goods shall be placed on the footpath without Council consent.	Able to comply.

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1.2.5 Noise

(a) *An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings.*

Able to comply. Acoustic matters are able to be addressed via a separate application.

(b) *Air conditioning units and cool-room equipment must be located in a plant room or acoustic enclosure.*

Able to comply.

(c) *Speakers should be located and orientated to minimise noise levels to neighbouring properties.*

Able to comply.

(d) *The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises.*

Able to comply.

1.3 Hours of Operation

Able to comply. The proposed retail/business premises is able to comply with the trading hours specified for the Rose Bay North Local Centre, which are as follows:

General base trading hours:

- Monday to Saturday: 7.00am to 11.00pm; and
- Sunday: 7.00am to 10.00pm.

Extended trading hours:

- Monday to Sunday: 6.00am to midnight.

Part E3 – Site Specific Development – Local Village Centres

3.1 Village Centre Specific Controls

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3.1.11 Rose Bay North



As shown in the figure to the left, the southern extent of the site is identified as being within the Rose Bay North Centre. The Desired Future Character Objectives for the centre are as follows:

- (a) To ensure an integrated approach and consistent treatment to the conservation of buildings of historic character.
- (b) To maintain and improve the continuity of awnings over the footpath.
- (c) To maintain Old South Head Road as the primary streetscape in the village with side streets as secondary frontages.
- (d) Maintain a good distinction between the mixed use sections of Old South Head Rd and residential side streets.
- (e) To maintain a clean and attractive environment, with waste disposal managed discreetly and efficiently.
- (f) To ensure that the centre provides universal access to all users.
- (g) To promote well-maintained mid-rise buildings of varying styles which form a consistent street frontage of ground floor shop fronts and upper storey residential.
- (h) To ensure new buildings are well designed and responsive to existing built form with appropriate street frontage heights.
- (i) To maintain and encourage a diverse range of shops and services.

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The proposal is consistent with the desired future character objectives as it:

- Does not interfere with the consistency of the treatment to the conservation of buildings of historic character.
- Maintains and improves the continuity of awnings over the footpath.
- Maintains Old South Head Road as the primary streetscape in the village with side streets as secondary frontages.
- Maintains a good distinction between the mixed use sections of Old South Head Rd and residential side streets with an appropriate shoptop form of development at the intersection of Old South Head Road and Oceanview Avenue.
- Maintains a clean and attractive environment, with waste disposal managed discreetly and efficiently within the proposed buildings and with a discrete waste holding area designed for Oceanview Avenue in accordance with Council's request.
- Provides universal access to all users.
- Provides mid-rise buildings of high architectural merit which will be consistent with the scale of development and the shoptop style of development within the street frontage in the Rose Bay North Centre.

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- The proposed buildings are well designed and responsive to existing built form with appropriate street frontage heights of four storeys consistent with the buildings immediately adjacent.
- Will assist in encouraging diversity in the range of shops and services by providing a contemporary retail floor space at the corner of Old South Head Road and Oceanview Avenue.

3.2 Generic Controls

3.2.1 Land Uses

Able to comply. Similar to the shop top housing development approved under DA-374/2020, the retail/business premises has been designed to be flexible in its use to meet the needs of a future operator. The retail/business premises is located on the corner of Old South Head Road and Oceanview Avenue, and any future use is able to address both frontages. Residential and non-residential entries will be separately located, and non-residential parking provision has been considered as part of this application.

3.2.2 Public Domain Interface

Complies. The retail/business premises has been designed to wholly integrate with the seniors housing development which creates better urban design outcomes as a result of DA-374/2020 and DA-455/2021 being rationalised. The future use of this space has multiple

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opportunities to create an active land use in the E1 Local Centre zone.

3.2.3 Built Form

Complies. The proposal includes 225m² of retail/business premises floor space, including a depth from Oceanview Avenue of approximately 13m, which is more than acceptable.

3.2.4 Building Façade Articulation

Complies.

3.2.6 Building Services and Site Facilities

Able to comply. The retail/business premises use is able to adequately provide essential services for the use which can be integrated into the internal design of the space.