



NSLPP MEETING HELD ON 04/05/2022

Attachments:

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement

ADDRESS/WARD: 46 Crows Nest Road, Waverton (W)

APPLICATION No: DA 436/21

PROPOSAL: Alterations to an existing dwelling house, including a swimming pool, new fence and associated works.

PLANS REF:

- Architectural Plans, prepared by Arquero, Revision B, Plan no.'s A002 – A800, dated 23/03/22
- Stormwater Plans, prepared by Civil and Engineering Services, Issue A, Plan no.'s 000 – 103, dated 20/10/21.
- Landscape, Fence and Pool Plans, prepared by Outdoor Establishments, Revision A, Plan no.'s L102 – L203, dated 23/11/21

OWNER: T P Georgatos

APPLICANT: R Tawadros – Arquero Architects Pty Ltd

AUTHOR: Miguel Rivera, Senior Assessment Officer

DATE OF REPORT: 13 April 2022

DATE LODGED: 17 December 2021

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations to an existing dwelling house, including a swimming pool, new fence and associated works on land identified as No. 46 Crows Nest Road, Waverton, and legally described as Lot 69 in DP 17495.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, given that the development is considered contentious development, in that, more than ten (10) submissions were received.

Council's notification of the original plans has attracted a total of twelve (12) submissions from ten (10) individual addresses and the Edward Precinct Committee, raising concerns regarding bulk and scale, impacts associated with amenity, privacy and solar access, variations to provisions and controls under Council policy, uncharacteristic built form including front façade and roof, and impacts on streetscape and heritage conservation area.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 (NSLEP 2013), North Sydney Development Control Plan 2013 (NSDCP 2013) and the relevant State Planning Policies and it was generally found to be satisfactory given the site's constraints, context and setting.

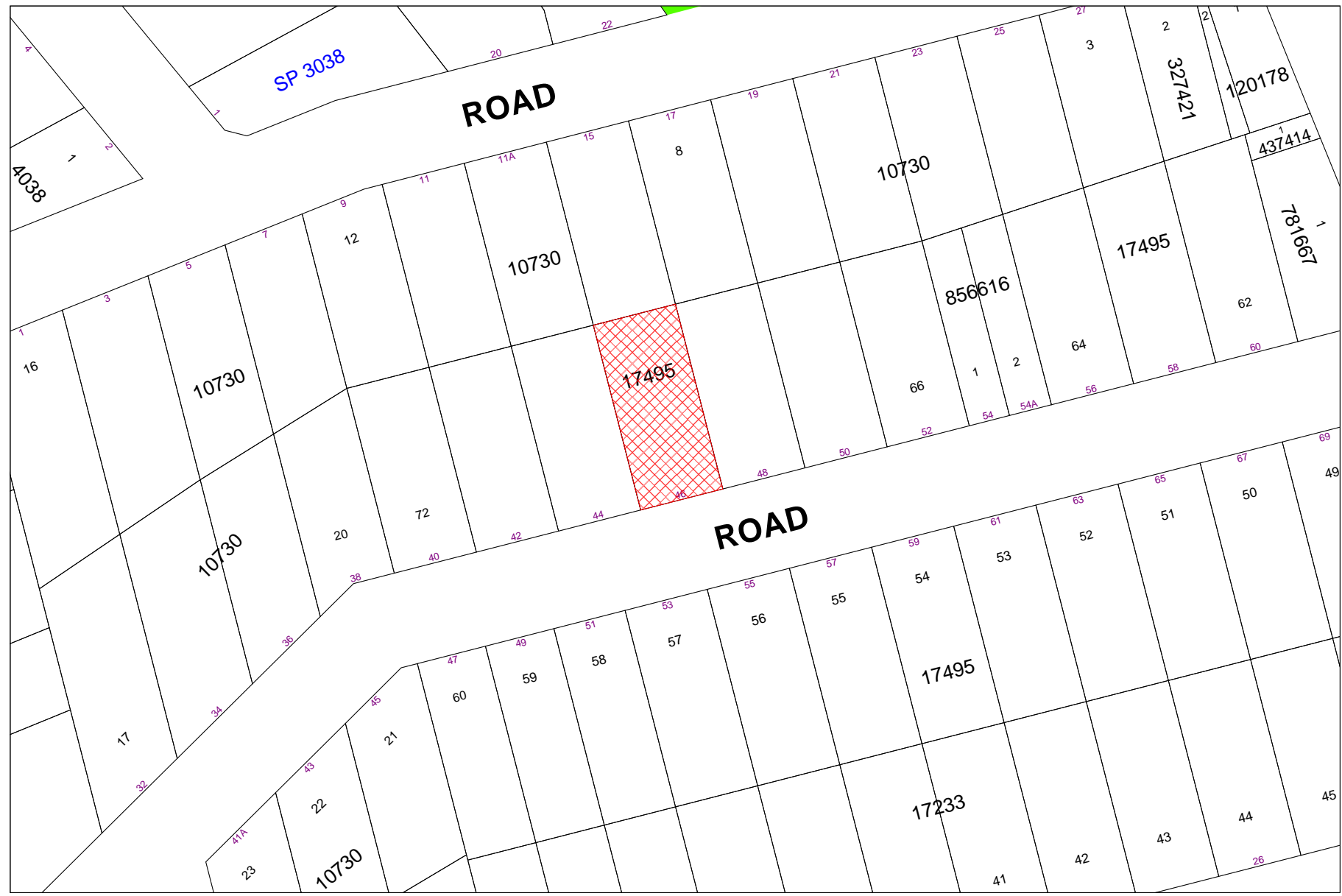
The application involves a pre-existing non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013. This variation is only attributed to the ridge of the existing pitched roof of the dwelling, which is 8.95m above natural ground level. This represents a departure of 450mm (0.45m) or 5% from the development standard. It is noted that this non-compliance does not trigger required determination of the application by the NSLPP.

The applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported on the grounds that the height of the additions and alterations demonstrate full compliance with the maximum height of buildings provision and that the only portion of the building that is non-compliant is the roof of the existing dwelling, which is proposed to be retained. The proposed development achieves the objectives of the maximum building height development standard and the R2 – Low Density Residential Zone.

The proposed development will result in a built form that is considered to be appropriately responsive to the context of the site and sympathetic to and in keeping with the established character of the immediate locality and the Crows Nest Road – Conservation Area (CA23).

The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval given the proposal's compliance to and consistency with the key objectives and controls within State Planning Policies and under Council policy including NSLEP 2013 and NSDCP 2013, and lack of adverse impacts from the development on adjoining and surrounding properties.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for alterations and additions to an existing dwelling house, including a swimming pool, new fence and associated works at No. 46 Crows Nest Road, Waverton.

Specifically, the proposed development involves the following elements:

Demolition:

- Demolition of ground floor portion including internal partition wall, internal doors, rear wall of existing garage, decking and window facing deck;
- Raise existing arch between the two (2) front rooms by 300mm on ground floor; and
- Demolition of first floor including partition wall between bedrooms, bathroom and water closet, internal doors and balustrade on garage roof.

Tree removal:

- Removal of eight (8) trees within the subject site. Council does not support the removal of two (2) of the trees and conditions are recommended to retain these trees and modify the proposed tree removal to six (6) trees.

Construction:

- Construction of two (2) car garage with tandem parking and access door to ground floor;
- Alterations to existing ground floor to comprise of front entry and corridor, office, lounge room, combined living and dining room, open plan kitchen with butler's pantry, laundry, powder room, guest bedroom with ensuite and stairwell (to access first floor); and
- Alterations to existing first floor to comprise of theatre room, activity room, corridor, master bedroom with walk-in-robe, ensuite and rear-facing balcony, and two (2) bedrooms with walk-in-robos and ensuites, and retained side balcony with new roof garden.

Ancillary and external works:

- Rebuild existing front wall using existing bricks from fence and dwelling house;
- New black wrought iron, Art Deco designed driveway and pedestrian gates to replicate the existing pedestrian gate;
- Widen the existing driveway within the site;
- New swimming pool with associated coping, paving, decking and pool safety fence;
- Paving, retaining walls and stairs for access to the open space at the rear in a terraced form;
- New front path; and
- Associated landscaping works including new plantings within garden beds, open atrium within ground floor of dwelling house and roof garden above garage.

A site plan, demolition plans, ground floor and first floor plans, roof plan and elevations are shown in Figures 1 to 10 below.

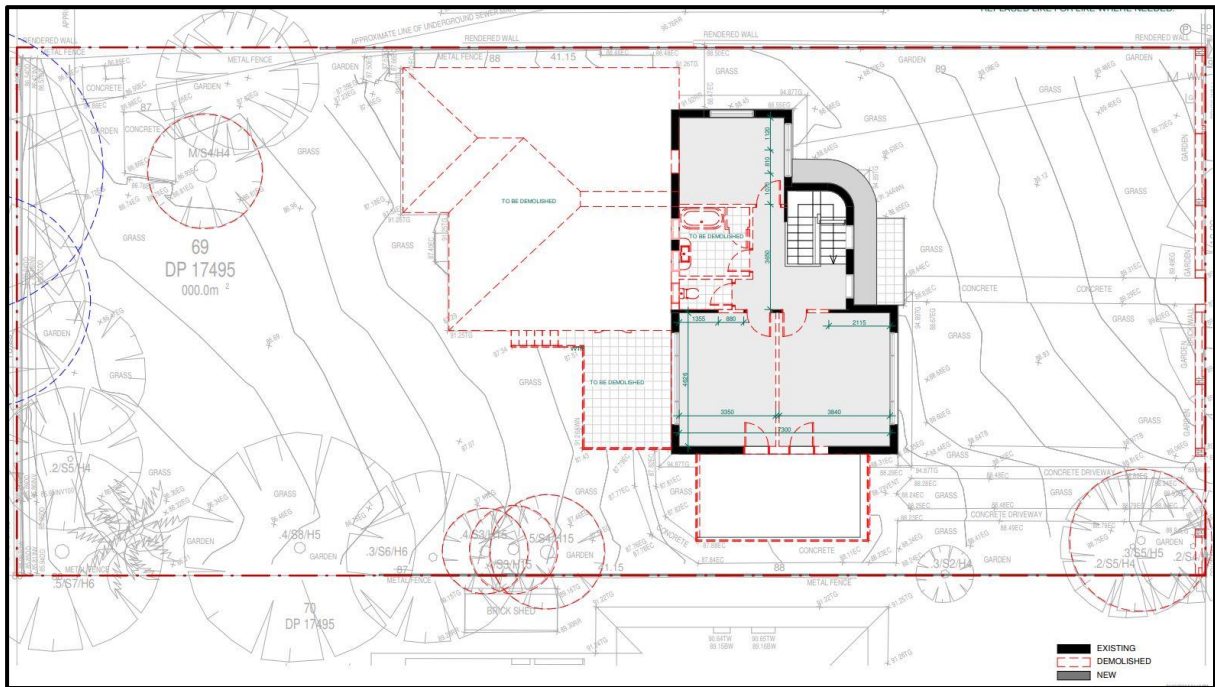


Figure 3: Demolition plan – first floor.

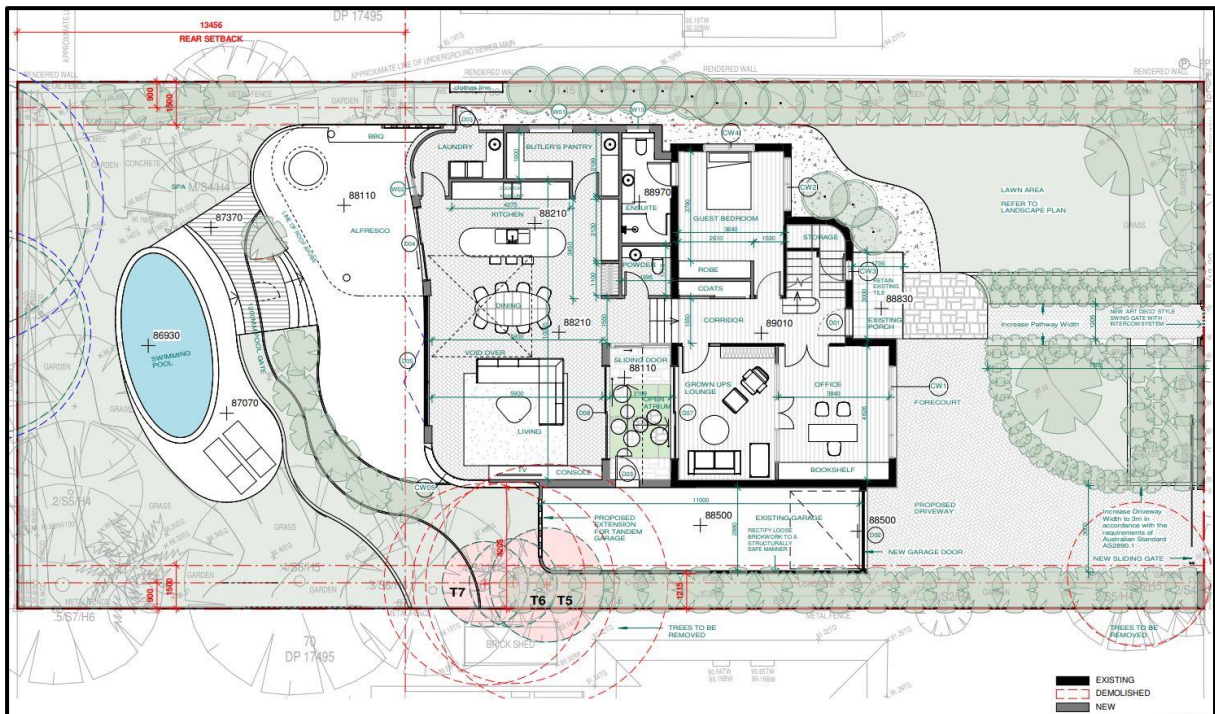


Figure 4: Ground floor plan.

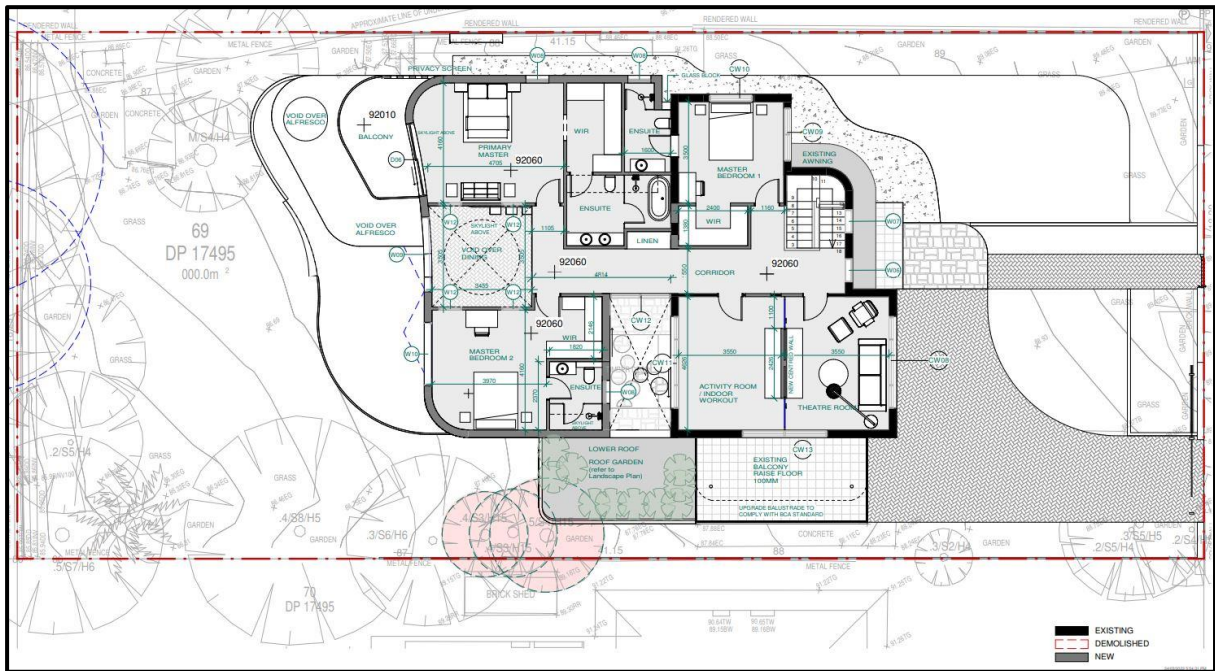


Figure 5: First floor plan.

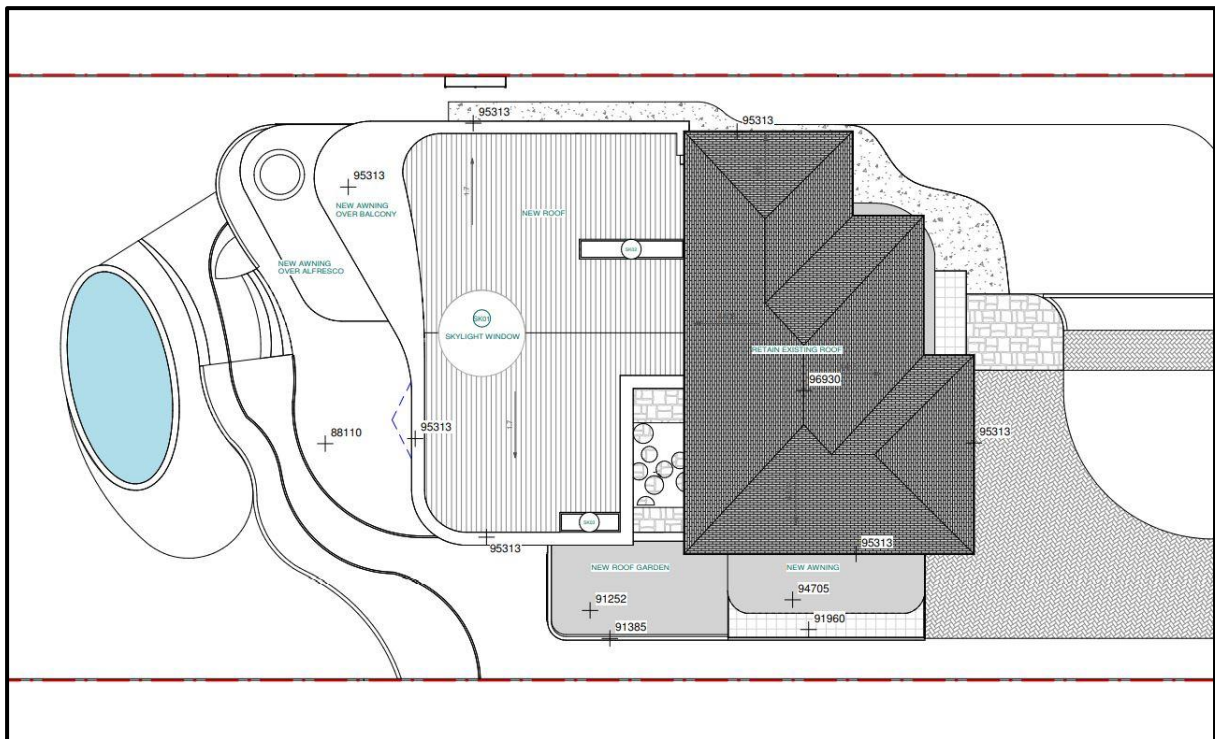


Figure 6: Roof plan.

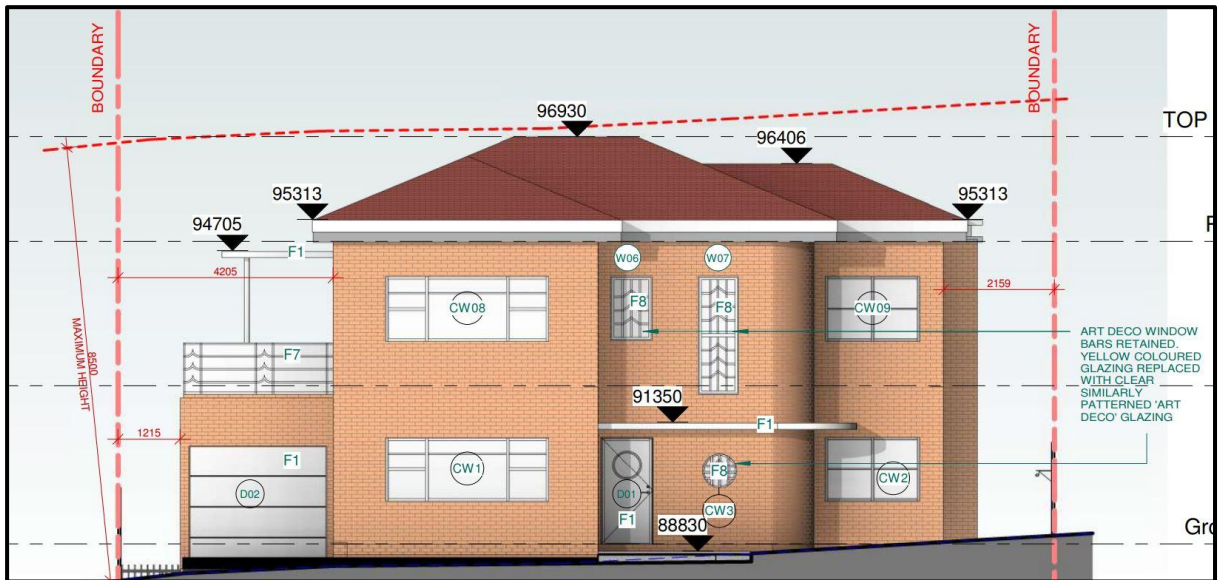


Figure 7: Southern (front) elevation



Figure 8: East elevation.

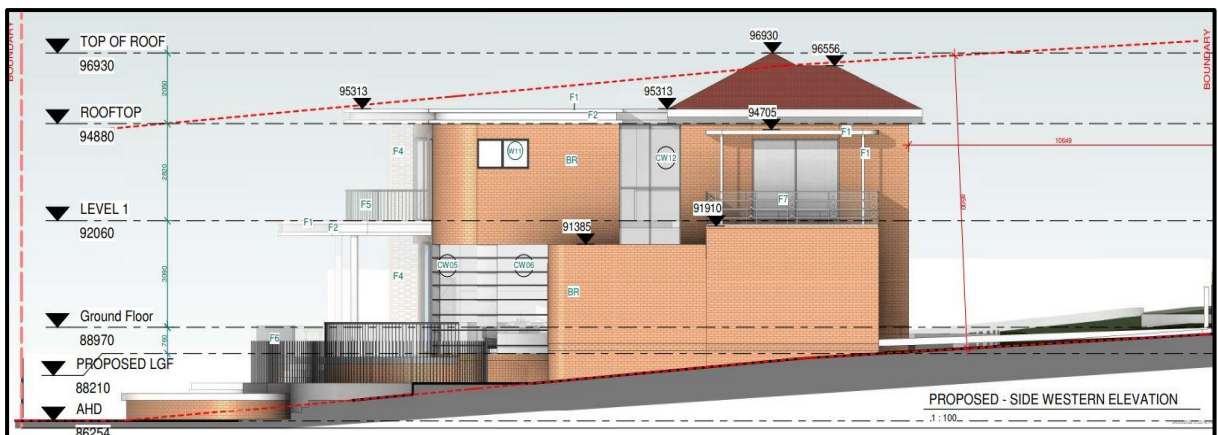


Figure 9: West elevation.



Figure 10: Northern (rear) elevation.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R2 – Low Density Residential
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – Yes, Crows Nest Road Conservation Area (CA23)
- Foreshore Building Line (FSBL) – No
- *Environmental Planning and Assessment Act 1979* (as amended)
- Environmental Planning and Assessment Regulations 1996
- SREP (Sydney Harbour Catchment) 2005
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- Local Development

POLICY CONTROLS

North Sydney Local Infrastructure Contributions Plan

North Sydney Development Control Plan 2013 (NSDCP 2013)

Sydney Harbour Foreshores and Waterways Area DCP 2005

DESCRIPTION OF LOCALITY

The subject site is commonly identified as No. 46 Crows Nest Road, Waverton, and is legally described as Lot 69 in DP 17495. It is a large, wide, rectangular shaped allotment, located on the northern side of Crows Nest Road (refer to Figures 11 and 12). The site has an 18.29m wide frontage, a maximum depth of 41.15m and an 18.29m wide rear boundary. It comprises a total area of 752.6m² and features a fall of 3.53m to the rear (northern) boundary.

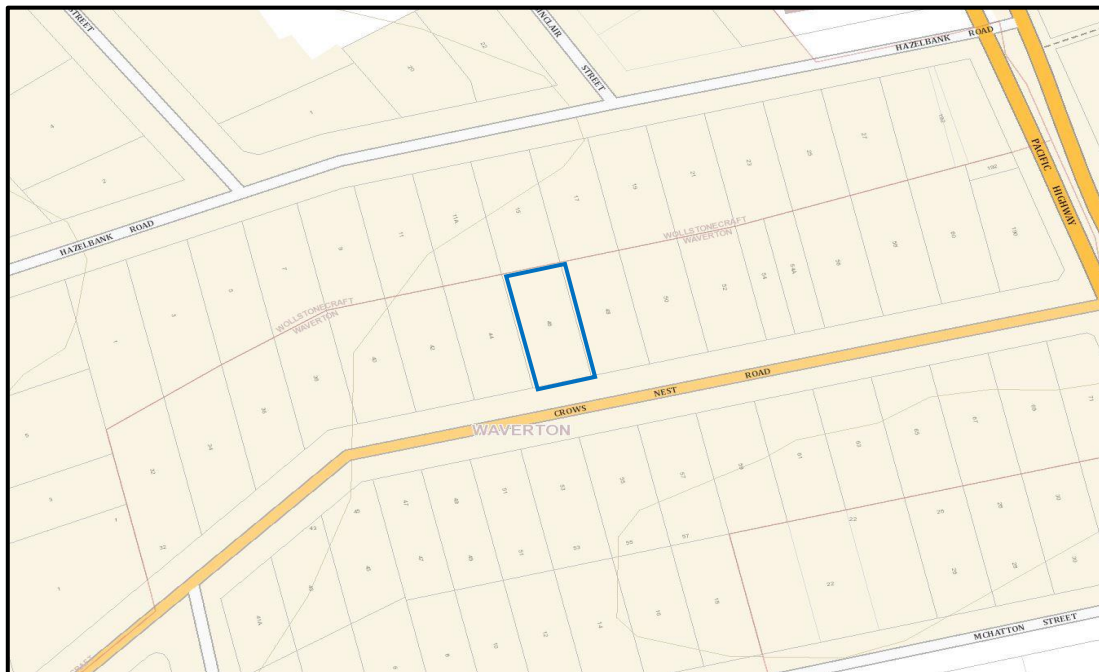


Figure 11: Location plan showing subject site (outlined in blue) and surrounding properties.
(Source: Spatial Information Exchange Maps)

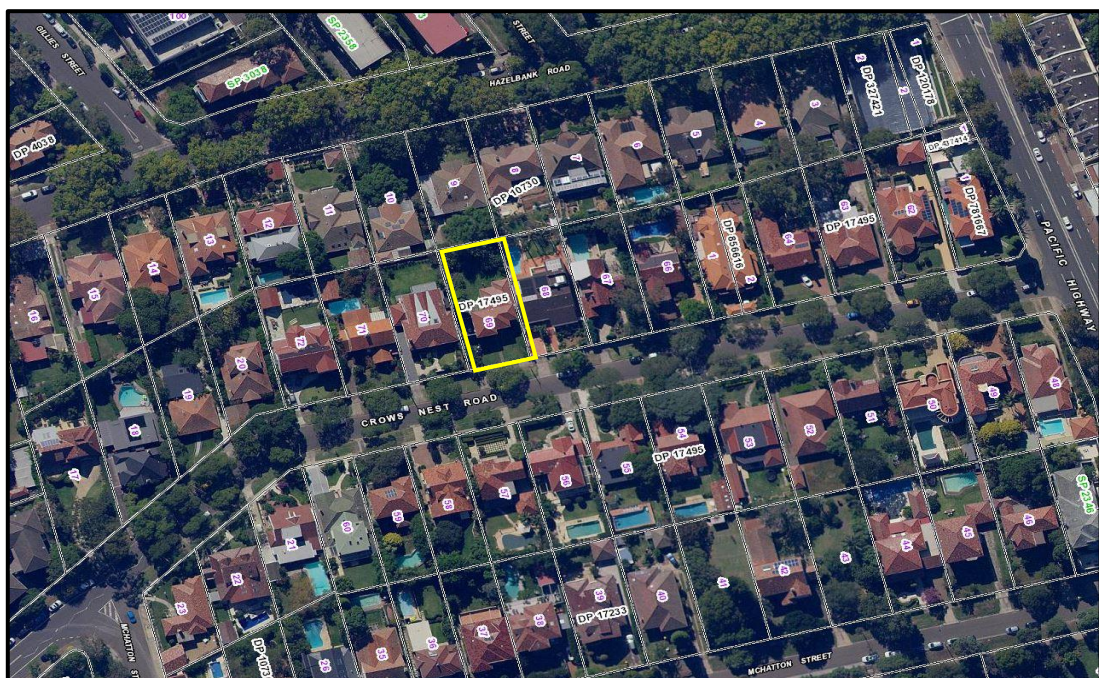


Figure 12: Aerial photo showing subject site (outlined in yellow) and surrounding properties
(Source: Spatial Information Exchange Maps)

The subject site is currently occupied by a 2-storey detached dwelling house of Art Deco design and some ancillary structures including an attached single car garage, rear deck, front awnings and front fencing (refer to Figures 13 to 21).



Figure 13: Front of dwelling within subject site.



Figure 14: Front of dwelling and attached garage with roof terrace.



Figure 15: Existing stairwell.



Figure 16: Existing dining and kitchen rooms on ground floor.



Figure 17: Existing roof terrace above garage.



Figure 18: Rear of dwelling.



Figure 19: Existing trees (3 x Bhutan cypresses and 1 x Loquat) proposed to be removed for garage extension.



Figure 20: Rear yard of subject site.



Figure 21: Existing front fence.

The subject site is predominantly modified and clear of native vegetation, with the dwelling and ancillary structures occupying most of the site. A number of scattered landscaped areas occur outside the dwelling house including some garden beds, grassed lawn areas and trees. The site has vehicular access via a driveway crossing off Crows Nest Road and a south-north orientation.

The immediate locality features a low density residential, suburban character that is predominantly comprised of dwelling houses within rectangular shaped lots with typical/generous frontages. The surrounding locality has limited views.

The site is surrounded and adjoined by the following residences:

- Front (south): No. 55 Crows Nest Road (dwelling house) (refer to Figure 22)
- Rear (north-adjointing): No. 15 Hazelbank Road (dwelling house)
- East-adjointing: No. 48 Crows Nest Road (dwelling house) (refer to Figure 23)
- West-adjointing: No. 44 Crows Nest Road (dwelling house) (refer to Figure 24)

The Crows Nest Road Conservation Area is a residential area characterised by medium to large detached houses on garden lots and is bounded to the east by the Pacific Highway, the multi-storey units to the north and the North Sydney Demonstration School to the south. The area is relatively level, sloping slightly from the ridge of the Pacific Highway towards the west, though the lower end of Crows Nest Road is terraced. Street layout and subdivision is determined by the Estate boundaries with a linear pattern of large, regular and rectangular lots with wide street frontages and no rear lanes.

The conservation area is characterised by its single and two storey individual (often architect designed) houses in a range of Inter-war styles intended to be viewed from at least three sides. Facades are modulated by strong, recessed and projecting geometrical forms consistent with each building style. The house styles are unified by the regular subdivision pattern, building materials, massing and setbacks and by the high quality of construction and design. The earlier houses to the periphery tend to be smaller and less distinct.



Figure 22: Dwelling at No. 55 Crows Nest Road.



Figure 23: Dwelling at No. 48 Crows Nest Road.

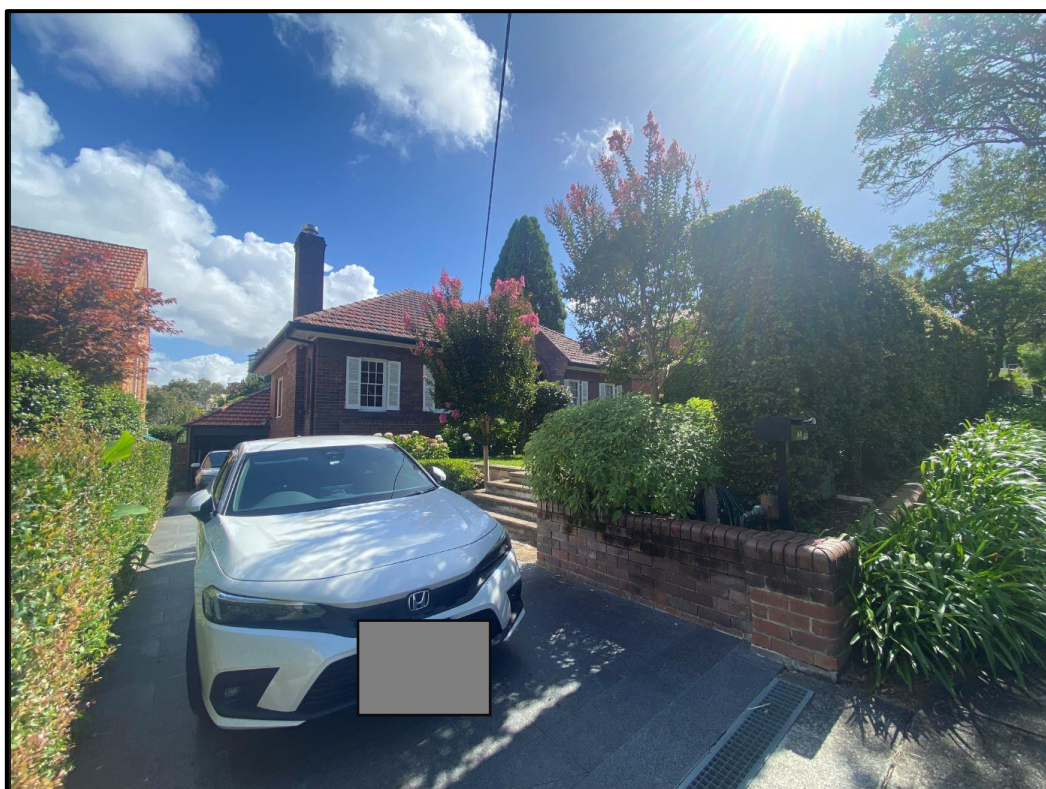


Figure 24: Dwelling at No. 44 Crows Nest Road.

RELEVANT HISTORY

Previous applications

There are no previous/historical development applications or consents (as per Council's records) for the subject land that are relevant to the current application and that require consideration in relation to the assessment of the proposed development.

Current Application

Date	Action
17 Dec 2021	The subject development application was lodged with Council.
21 Dec 2021	A Stop the Clock (STC) letter was sent to the Applicant via the Planning Portal. The STC letter questioned the estimated cost of works and requested further information and a revised estimate be provided by a quantity surveyor.
23 Dec 2021	The Applicant provided a revised cost of works estimate – which is corrected from \$500,000.00 to \$902,000.00.
14 Jan 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 28 January 2022. A total of twelve (12) submissions from ten (10) individual properties and the Edward Precinct Committee. It is noted that most of these submissions were received outside this period.

15 Feb 2022	A site inspection was conducted by the Assessment Officer.
17 Mar 2022	A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal. The letter advised the following matters that required addressing: <ul style="list-style-type: none">• Building height – clarification;• Site coverage;• Landscaped area; and• Parapets.
29 Mar 2022	The Applicant provided conceptual drawings to Council via e-mail. These drawings confirmed that the existing building does not comply with the maximum building height development standard. The Applicant was advised to submit all additional information (including a request for Clause 4.6 variation) via the Planning Portal.
30-31 Mar 2022	The Applicant submitted additional information via the Planning Portal.

INTERNAL REFERRALS

ENGINEERING

Council's Development Engineer reviewed the application and provided the following commentary with regard to the proposed vehicular access and parking, and stormwater management system.

Traffic Management:

This development proposal would not have any major impacts on the current road network. No conditions applied.

Stormwater:

Proposed to connect to existing stormwater system and install new 3000L Rainwater Tank

Appropriate conditions shall be imposed in this regard.

Parking and Access:

Proposed to widen existing driveway to 3m.

Appropriate conditions shall be imposed in this regard.

Sediment and Erosion controls

Appropriate conditions shall be imposed in this regard.

Excavation and Retaining Walls

Proposal for swimming pool and rainwater tank requires excavation to take place

Appropriate conditions shall be imposed in this regard.

Recommendation

The application has been assessed and it is recommended that conditions to be included in the development consent.

Planning comment: The above comments are noted and concurred with. The recommended conditions will be imposed and included in the development consent.

HERITAGE

Council's Heritage Planner reviewed the application and provided the following advice:

"An assessment of the proposed alterations and additions to the subject proposal has been undertaken with reference to NSLEP 2013 Clause 5.10 Heritage conservation and NSDCP 2013 Part B: Section 13 Heritage and Conservation.

The primary portion of the dwelling has a 2-storey form fronting Crows Nest Road. The rear of the dwelling comprises a single storey form that houses the kitchen/dining area and the ensuite/walk-in wardrobe to the ground floor master bedroom.

It is proposed to demolish the existing single storey rear form to make way for a new 2-storey rear addition in a contemporary but complementary style to the original dwelling. Although these works generally comply with NDCP2013 s13.6 General objectives, the height of the new addition needs to be reduced so that it sits clear of the existing two storey form ensuring its dominance [13.6.2 Form, massing and scale O1; 13.10.3 Larger scale single dwellings O1, O2, O3, P1(f)] and the extent of the proposed internal layout is to be revised to ensure the ongoing legibility and interpretation of the original dwelling [13.6.5 internal layout O1, P1, P2].

It is noted that an internal courtyard of a comparatively smaller area is proposed in place of the existing rear terrace area. This is supported as an appropriate junction point between the existing and new built forms. The projection of the eastern side boundary of the new addition beyond the existing side building line is supported as it reflects a similar projection by the existing single story rear form. The notch created by the glass block and setback from the north-eastern rear corner of the existing dwelling is also an appropriate junction point to demarcate the new from the 'old'. However, the joinery relating to the existing dwelling both internal and external, should remain as timber and retain original elements as far as possible.

The roof over the existing 2-storey form will remain. It is recommended that the proposed roof sheeting over the new addition is of a dark, recessive colour. No objection is raised to the extension of the existing garage as proposed nor to the new balustrades and fenestration 'tweaks' – they are appropriately designed to enhance existing period detailing.

The proposal is supported on heritage grounds subject to conditions to retain the external and internal character and legibility of the original building.

Conclusion and Recommendations

With reference to the above, the proposal as submitted generally satisfies the objectives of NLEP 2013 Clause 5.10 Heritage conservation and NSDCP 2013 - Part B Section 13 Heritage and conservation. However, to address the provisions in sections 13.6.2 Form, massing and scale O1; 13.10.3 Larger scale single dwellings O1, O2, O3, P1(f); 13.6.5 internal layout O1, P1, P2; in NDCP 2013 discussed above, conditions are recommended."

Planning comment: The above comments are noted and generally concurred with. The amended scheme has eliminated the initially proposed parapets/balustrades above the roof form of the rear addition. This ensures that the flat roof (as amended) is lower than the eaves of the existing roof. The recommended conditions will be imposed and incorporated into the consent.

LANDSCAPING

Council's Landscape Development Officer evaluated the application and provided the following commentary with regard to the proposed tree removal and new landscaping treatments:

"This proposal cannot be supported in its current form:

- *The removal of T5-T7 Cupressus torulosa (13-15m) to enable the additional carparking facilities is not supported*
- *The proposed pool represents major impact to neighbouring T13 Jacaranda mimosifolia (11x14m)*

The Arborist Report prepared by NSW Trees dated 13/10/21 is considered to be of questionable value. The author claims that many of the trees assessed are non-prescribed due to their height being below 5m and do not require council permission for removal but seems unaware that the prescribed dimensions also include a spread of 5m. Many of the dimensions assessed are below those estimated by LDO on site visit (from outside property) on 25/1/22. A Celtis sp. (9m) in the SW corner of the property and requiring removal for this proposal has not been assessed (although its removal would not be objected to). T2 Tristaniopsis laurina (13m x 10m) located in the council verge in front of 46 Crows Nest Rd is assessed as not being impacted by the proposed works, but it is likely that the new driveway (and certainly crossover if required), front path and sliding gate will impact this tree, although such impact is likely to be manageable with correct tree protection measures.

In his discussion and Conclusion 5.0 of the abovementioned arborist report, the author states:

"IV. In this case, the extension of the garage for secure off street car parking, and increased internal living space, alfresco area and pool, will inevitably be at the expense of some of natural environment. The Arborist cannot make judgments on other planning controls, nor on the clients choice of site usage, but takes such factors into consideration when assessing the viability of trees long term with respect to building and associated construction activities."

It should be noted that the Arborist Report is required to assess the impact of the proposal on existing trees, and not to temper his advice with regard to the viability or otherwise of the proposal in relation to the retention or otherwise of impacted trees. His conflicting statement above calls this into question, as does his later re-assignment of the value of T5-T7 from AZ to Z7.

It is noted that landscape ratios are non-compliant.

An amended proposal is required that:

- *Deletes the proposed carparking extension within the TPZ of T5-T7, such that the sustainable retention of these trees is possible (this may take the form of a single only carpark in existing location, or possibly drive through garage with tyre track hardstand beyond (at or above grade) that did not require pruning to T5-T7*
- *T9 and T10 incorrectly noted as non-prescribed, shall be retained and protected*
- *The removal of T3 and T8 and the unassessed Celtis sp. (9m) in the SW corner of the subject property would not be objected to subject to suitable replacement planting – all other trees shall be retained and protected.*
- *The proposed pool and associated landscaping works shall be moved such that it impact no more than 7% of any prescribed tree*

Should a suitably amended proposal be submitted, the following conditions shall apply:

- *All trees shown for retention shall be protected in accordance with AS4970. Sensitive construction techniques including hand excavation, pier and beam construction and flexible location of piers shall be undertaken within the TPZ of any protected tree*
- *T1 Jacaranda mimosifolia (4x3m) & T2 Tristaniopsis laurina (13m x 10m) located in the council verge in front of 46 Crows Nest Rd shall be protected in accordance with AS4970, have 1.8m high steel mesh tree protection fencing installed, and a collective tree bond of \$11,000 shall be imposed.”*

Planning comment: The above comments are noted and considered. The amended scheme involves the deletion of the spa and changes to the pool's size and location to ensure the neighbouring trees are not impacted. Conditions will be imposed to ensure the neighbouring trees are not impacted by the proposal including any works relating to the pool.

The removal of the three (3) *Cupressus torulosa* is considered reasonable and acceptable given that:

- These trees are hidden behind an existing garage and do not significantly contribute to the canopy cover of the area nor the quality of the streetscape, nor the significance and value of the heritage conservation area;
- These trees are of an ornamental species that are not a native indigenous species that provides important habitat and food sources for fauna species;
- These trees appear to have compromised health and have been pruned over time.

- The adjoining neighbour at No. 44 Crows Nest Road has provided written confirmation and support for the removal of these trees.
- The provision of an additional carparking facility is not considered excessive. Only a single space (one tandem space) is provided – resulting in a maximum of two (2) spaces for the residence, which demonstrates full compliance with the maximum parking rates under the NSDCP 2013. The proposed spaces are protected from the elements and behind the building line, ensuring that the residence is provided with additional amenity and functionality, without compromising the primary design aesthetic and presentation of the existing dwelling and impacting the heritage conservation area.
- The new roof top garden will provide an opportunity to display vegetation/plantings that present to public domain in a similar manner as the existing trees, with the foliage of the new rooftop garden plantings being visible above the garaging.
- The additional car space will reduce the need for future occupants to park on the street – thereby freeing up parking available along Crows Nest Road.

On balance, the removal of the three (3) *Cupressus torulosa* is considered a supportable outcome – subject to conditions that ensure new tree plantings compensate the tree loss and that these trees are of a suitable species, sufficient container size, positioned appropriately on-site and enable an improved contribution to tree canopy for the locality.

The amended scheme demonstrates full compliance with the maximum site coverage and minimum landscaped area controls under the NSDCP 2013 (see ‘Assessment’ section below).

The trees T9 and T10 in the rear yard, comprising a Bottlebrush and a California Palm, will be conditioned to be retained and protected.

All other recommendations from Council’s Landscape Development Officer are concurred with and will be reflected in the conditions of consent.

EXTERNAL REFERRALS

The application did not require referrals to external agencies for further assessment.

SUBMISSIONS

Original proposal

In accordance with Council’s Community Participation Plan, Council notified adjoining properties and the Edward Precinct Committee of the proposed development from 14 to 28 January 2022. Council received twelve (12) submissions from ten (10) individual properties and from Edward Precinct Committee. Majority of these submissions were received outside the notification period.

The matters raised in these submissions are listed below:

- Bulk and scale;
- Amenity impacts including privacy and overshadowing (solar access);
- Variations to provisions and controls under Council policy;
- Uncharacteristic built form including front façade and roof; and
- Impacts on streetscape and heritage conservation area.

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

Amended Proposal

The applicant submitted amended plans. The nature of the changes within the final scheme results in an improved outcome and a more compliant built form and are such that these will not be discernible to neighbouring properties. The amended design will have zero consequence in terms of any additional impacts. It is further noted that the removal of the spa and some of the awning does not change the aesthetic when viewed from public domain. The inclusion of the Clause 4.6 statement to address the existing variation to the maximum building height development standard is not considered of great consequence given that the proposed additions and alterations demonstrate full compliance with this provision. The variation relates only to the ridge of the existing roof of the dwelling, which remains unchanged by the proposal. As such, Council considered that re-notification of the amended plans was not required. An assessment of the final scheme confirms that the concerns and issues raised by submitters have been adequately addressed and considered in the re-design (see below).

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

SREP (Sydney Harbour Catchment) 2005 and Sydney Harbour Foreshores and Waterways Area DCP 2005

Having regard to the SREP (Sydney Harbour Catchment) 2005 and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location in the suburban area of Waverton and is not in close proximity to the Sydney Harbour foreshore. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Biodiversity and Conservation) 2021

The proposed development involves the removal of eight (8) trees within the subject site. The following points are considered when assessing the proposed development against this SEPP:

- Council's Landscape Development Officer confirmed objections to the removal of several trees. On balance, the removal of the three (3) *Cupressus torulosa* is considered reasonable, acceptable and supportable, for the reasons outlined previously (see Internal Referrals section above). These trees are not considered critical components that contribute to the locality's tree canopy, streetscape and suburban setting, are within the building footprint of the proposed garage extension, and their removal will provide improved amenity and functionality for the dwelling. In addition, the trees will provide an opportunity to provide trees and plantings that have greater aesthetic qualities and enable a more positive contribution to the streetscape;

- Council's Landscape Development Officer advised that trees T9 and T10 (Bottlebrush and California Palm) located in the rear yard must be retained and protected. Accordingly, conditions are recommended to be imposed to reduce the proposed tree removal from eight (8) trees to six (6) trees; and
- Council's Landscape Development Officer confirmed that the removal of trees T3 and T8 (Bottlebrush and Loquat), and a tree in the south-west corner of the premises (*Celtis* species) is supported subject to suitable replacement planting. The proposed landscape treatments (as illustrated in the Landscape Plan) indicate that ample tree and shrub planting including four (4) Kenia Palms, two (2) Chinese Magnolia, three (3) Pygmy Date Palms and sixteen (16) Weeping Lily Pilly, are incorporated into the landscape design for the site. These treatments are generally considered appropriate and sufficient in compensating the proposed tree removal. Conditions are recommended to be imposed that endorse the proposed landscape design.

Given the above considerations, the proposed development achieves all applicable objectives and provisions under this SEPP.

SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has been used for residential purposes (a dwelling house) since at least 1943 and as such is unlikely to contain any contamination. The nature and location of the proposed development (involving alterations and additions to an existing dwelling house) are such that any applicable requirements of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (No. A436822, dated 10 December 2021) for alterations and additions to an existing dwelling has been submitted with the application to satisfy the aims of this SEPP. Conditions are recommended to be imposed to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed development can be defined as alterations and additions and ancillary structures for a dwelling house, and are permissible in the zone with development consent

2. Objectives of the zone

The objectives of the R2 – Low Density Residential zone are stated below:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
 - *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed alterations and additions to the existing dwelling house ensures that the current use of the site as a dwelling house is retained and further, enables increased levels of residential amenity and functionality are achieved for future occupants, without unreasonably compromising the amenity of neighbouring properties. Further, the proposed works retain the prominent architectural features of the contributory item to ensure its presentation and quality are preserved and in-line with the heritage conservation area. The new elements proposed including the landscape design and rearward extension are complimentary to the Art Deco architecture and tie-in with the residential, suburban garden setting of Crows Nest Road. Overall, the scheme is proportionate to the site, and consists of design, bulk, massing, scale, building separation distances and setbacks that are consistent with the pattern of development within the vicinity. As such, the proposed development achieves the objectives of the R2 – Low Density Residential zone.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 752.6m²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size	N/A	450m ²	N/A No subdivision proposed
Clause 4.3 – Heights of Building	8.95m (existing roof) 8.5m (new addition)	8.5m	No (0.45m or 5% variation – pre-existing)

3. Height of Building

Clause 4.3 Height of Buildings

The proposed development involves alterations and additions to an existing dwelling house. It is noted; however, that the ridge of the roof of the existing dwelling features a height of 8.95m, which represents a 0.45m (or 5%) variation to the maximum height of buildings development standard under Clause 4.3 of NSLEP 2013. Notwithstanding that the proposed development does not alter the current height of the dwelling house and that any extensions proposed are compliant with the development standard, a discussion regarding the pre-existing variation and its assessment against Clause 4.6 of NSLEP 2013 are contained below.

Clause 4.6 – Exceptions to development standards

The applicant has provided a written request to vary the development standard under Clause 4.3 of NSLEP 2013 – maximum height of buildings.

Extent of the Variation

As highlighted above, the proposed development relates to alterations and additions to the existing dwelling house that do not result in any new variations. The existing dwelling's roof has a maximum height of 8.95m, which represents a pre-existing variation of 5% (0.45m). The proposed development maintains this departure/contravention to the development standard.

Clause 4.6(3)(a) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

For reference the objectives of the development standard are as follows:

Clause 4.3 of North Sydney Local Environmental Plan 2013

(1) The objectives of this clause are as follows:-

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- (g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.*

The Applicant's written request relies upon Webhe Test 1 to demonstrate that compliance with the development standard is unreasonable and unnecessary in this instance as the objectives of the development standard would be achieved notwithstanding the non-compliance with the development standard. The Applicant's written request further outlines that there are sufficient environmental planning grounds that justify the variation and that support for the variation will be in the public interest. The proposed development is considered below, having regard to the objectives of the development standard.

(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient

As mentioned above, the proposed development involves alterations and additions to the existing dwelling and does not alter its current height. The new additions sit below the ridge of the existing roof line and have been designed to be more subservient and less intrusive compared to the existing dwelling – ensuring the presentation and architectural expression of the dwelling when viewed from public domain remains generally intact. The rear yard is proposed to be segmented into terrace proportions – reflecting the natural fall to the rear. The proposed rear extension of the ground floor also steps down with the topography of the site, ensuring that the entire development conforms to and reflects natural landforms. The proposed development achieves this objective.

(b) to promote the retention and, if appropriate, sharing of existing views

The subject site and immediate vicinity does not benefit from having waterfront, scenic, iconic or prominent views. Supporting the existing height variation does not result in any additional view loss impacts. The proposed development achieves this objective.

(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development

As per above, the proposed development involves alterations and additions to an existing dwelling. A detailed assessment of overshadowing impacts is provided below. With regard to the pre-existing variation attributed to the existing roof of the dwelling house, it is considered that there will be no additional overshadowing impacts in relation to the retention of this roof. The proposed development achieves this objective.

(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings

The proposed development does not involve any new buildings and involves retaining the existing roof of the dwelling house. It is noted that the pre-existing variation is of no consequence with regard to privacy impacts. A detailed assessment of the proposed development in relation to privacy impacts is provided below. The existing privacy and amenity of adjoining and surrounding dwellings/properties are considered to be reasonably maintained. The proposed development achieves this objective.

(e) to ensure compatibility between development, particularly at zone boundaries

This is not applicable to the proposed development as the subject land does not adjoin other zones.

(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area

As mentioned above, the proposed development is of an appropriate scale, bulk and density that is compatible with and consistent to the development pattern of the locality and context of the site. The built form is adequately balanced by a comprehensive suite of landscaping treatments scattered throughout the site – including ample plantings in the front setback. As such, the proposed development achieves this objective.

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living

The proposed development maintains a 2-storey development within the R2 – Low Density Residential zone. It is reiterated that the non-compliance is only attributed to the roof of the existing dwelling and the new alterations and additions comply with the development standard. The final scheme retains the current 2-storey form of the dwelling house.

The planning grounds provided by the applicant are considered sufficient and reasonable in the context of the existing site and given that the variation is pre-existing and does not result in adverse impacts.

As demonstrated above, the proposed development is able to achieve the key objectives of the R2 – Low Density Residential zone and Clause 4.3 of NSLEP 2013.

Clause 4.6(4)(a)(ii) Applicant's written request

The written request provided by the applicant adequately addresses the matters required by subclause (3) as discussed above.

Clause 4.6(4)(a)(ii) Public Interest

The proposed development would be in the public interest because it is consistent with the objectives of the development standard for maximum height of buildings and the objectives of the zone as discussed above.

Conclusion

The applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013. The written request has adequately addressed subclause (3) and, subject to satisfying conditions, is considered to be in the public interest because it is consistent with the relevant development standard and the objectives of the zone.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is within the Crows Nest Road Conservation Area (CA23), which is listed under Schedule 5 in NSLEP 2013. As such, the following planning objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed development provides some ancillary structures, changed layouts and reasonable rearward additions for greater amenity and functionality for the residence whilst resulting in a built form and design that do not interrupt the prominent architectural language and style, aesthetic and development pattern that is unique to the Crows Nest Road Conservation Area and the immediate streetscape along Crows Nest Road. As mentioned above, the building is adequately balanced and softened by landscaping treatments beyond the building footprint. Further, Council's Heritage Planner confirmed that the proposed development has been assessed against the provisions of Clause 5.10 and demonstrate merit and are supported on heritage grounds. Given the above, the proposed development is considered acceptable and satisfies the above objectives.

Part 6 – Additional local Provisions

Earthworks

The proposed development involves some filling and excavation that are associated with the new extension of the dwelling house and pool. An assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

As per the provisions of Clause 6.10(3), the following matters are required to consider before consent can be issued.

- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on:
 - (i) drainage patterns and soil stability in the locality of the development, and
 - (ii) natural features of, and vegetation on, the site and adjoining land,

The proposed earthworks are considered minor and will have little impact on drainage patterns and soil stability. With regard to natural features, there is no evidence of any natural surface rock outcropping occurring in the site. Accordingly, the proposed earthworks are acceptable in this regard.

- (b) The effect of the development on the likely future use or redevelopment of the land,

The proposed development will maintain the residential (dwelling house) use of the land, at a scale and density that are in accordance with the locality, R2 – Low Density Residential zoning and zone objectives applicable to the site.

- (c) the quality of the fill or the soil to be excavated, or both,

Given the residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would give rise for concern relating to the quality of material to be utilised as fill or of any existing material that will be disturbed.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,

Given the minor nature of the proposed earthworks it is unlikely that these works will result in adverse, unreasonable amenity impacts. It is noted that the proposed filling will result in a maximum elevation of 1.11m for the ground floor extension and alfresco area. This is considered a notable improvement to the current ground floor spaces within the dwelling house, which are elevated approximately 1.38m above existing ground levels. Conditions can be imposed to manage any construction impacts. The proposed development and associated earthworks are acceptable in this regard.

- (e) the source of any fill material and the destination of any excavated material,

The proposed development involves minimal filling and excavation. Conditions can be imposed to ensure fill material is adequate and fit for purpose and any waste material from excavation exported and disposed of appropriately.

- (f) the likelihood of disturbing Aboriginal objects or relics,

The site has an extended history of residential usage with no surface outcropping of rock occurring on site. The likelihood of disturbing any relics is very low.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The site does not supply any drinking water catchments. Appropriate sediment and erosion control measures can be included as conditions of development consent in order to prevent sediment movement into adjoining properties.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the proposed excavation and filling within the site and to surrounding properties and found that the proposed earthworks are acceptable, subject to the imposition of conditions of development consent. Accordingly, the proposed development is supportable in this regard.

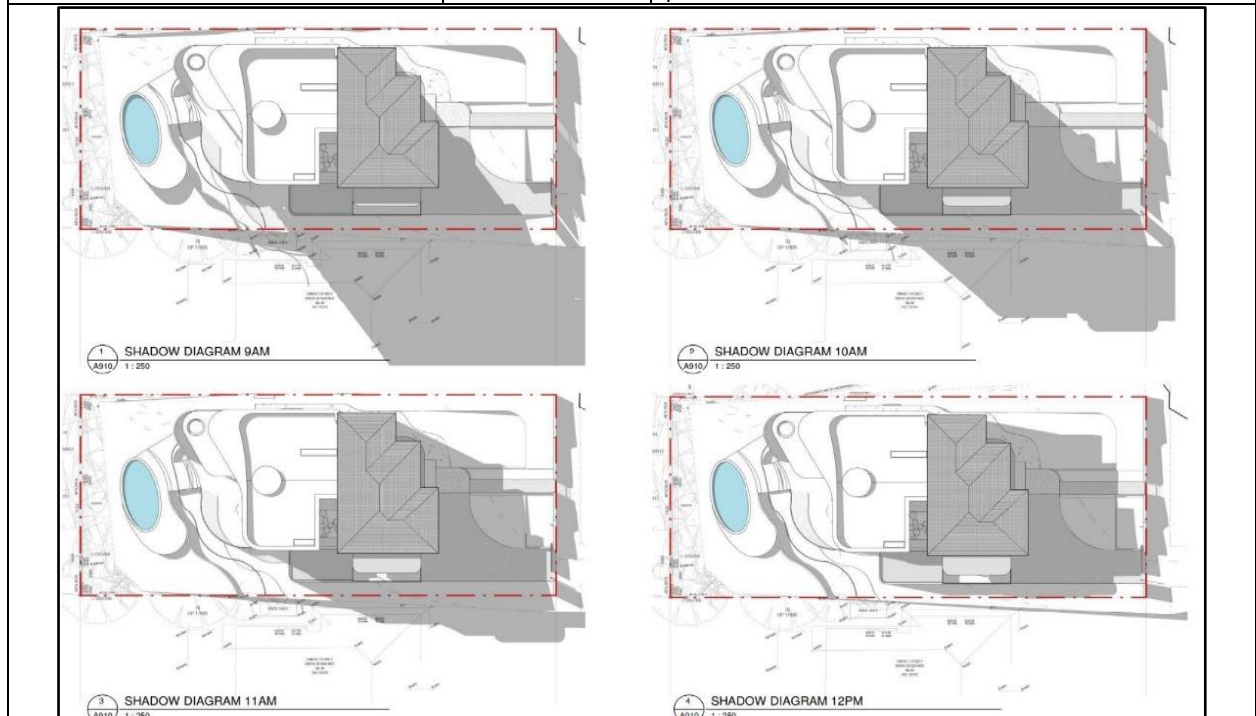
NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 (NSDCP 2013)

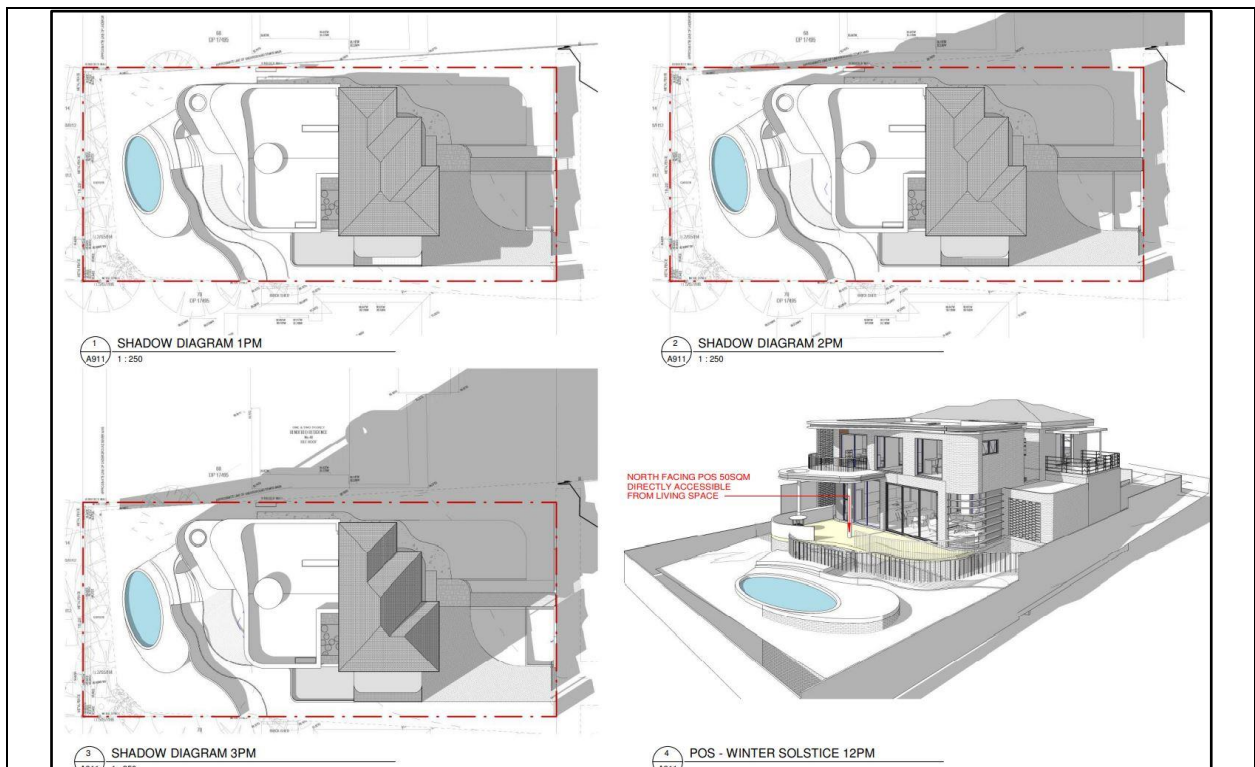
The proposed development has been assessed against the relevant objectives and controls under the NSDCP 2013. An assessment has been carried out below:

Part B, Section 1: Residential Development

Part B, Section 1: Residential Development		
Control	Compliance	Comments
1.2 Social amenity		
Population mix	N/A	The proposed development does not involve any multi-dwelling housing and residential flat buildings.
Universal design and adaptable housing	N/A	The proposed development does not involve any new dwellings nor multi-dwelling housing and residential flat buildings.
Maintaining residential Accommodation	Yes	The proposed development retains the existing dwelling house use and will not reduce the existing residential density on site.
Affordable housing	N/A	The proposed development does not involve any affordable housing (nor any development made under the Affordable Rental Housing SEPP).
1.3 Environmental criteria		
Topography	Yes	The proposed development involves additions and alterations that do not affect the topography of the site.
Properties in proximity to bushland	N/A	The proposed development is not located on land zone E2.
Properties on bush fire prone land	N/A	The proposed development is not situated on bush fire prone land.
Properties with a foreshore frontage	N/A	The proposed development is not on property with a foreshore frontage.
Visual impact – access	N/A	The proposed development does not involve any inclinators or access structures.

<p>Views</p>	<p>Yes</p>	<p>The proposed development involves extensions and changes to the current floors of the dwelling house. The extent and nature of these are such that the likelihood of any adverse view loss impacts to occur is low. The site is large with ample area for facilitating the proposed building whilst providing adequate building separation and setbacks from property boundaries. As such, the proposed development will not result in any significant view loss.</p>
<p>Solar access</p>	<p>Yes</p>	<p>The proposed development provides sufficient solar access for future occupants – with several openings, windows and skylights across all elevations that facilitate light penetration within habitable rooms. The northern orientation of the primary living areas as well as the private open space of the residence ensures that solar access is facilitated in these areas. The proposed development features sufficient and compliant building separation and setbacks (1.5m or more) and a split ground floor plate – ensuring that the rear portion steps down with the site topography. The first floor has been increased in footprint (compared to the existing); however, its overall height is lower than the existing first floor roofline. The massing, scale, site coverage, design and siting of the built form, combined with the south-north orientation of the site and adjoining sites, ensures that the living room windows and private open spaces of any neighbouring properties will receive at least three (3) hours of solar access during mid-winter. This is further demonstrated by detailed shadow diagrams provided by the Applicant. An assessment of these is provided below.</p>





Overshadowing impacts

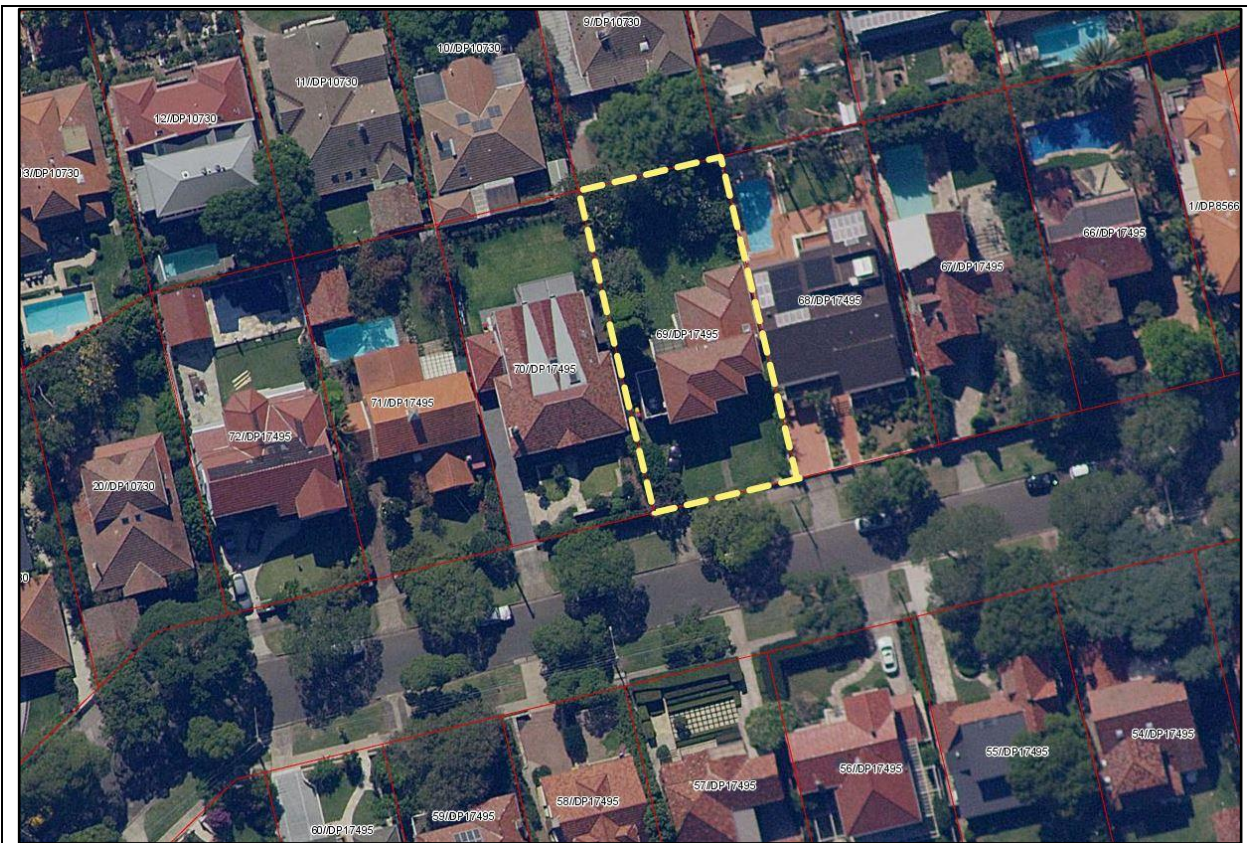
During the winter solstice, the shadows created by the proposed development will predominantly impact the front (southern) portion of the dwelling. The adjoining neighbours to the east and west of the subject site will be overshadowed for about three (3) hours in the morning (No. 44 Crows Nest Road) or in the afternoon (No. 48 Crows Nest Road). These impacts are attributed to the south-north orientation of the site. It is noted that these neighbours also have south-north orientations and have living spaces and private open spaces orientated to the north. Solar access to these areas are generally unaffected by the proposed development. Any additional overshadowing created are considered reasonable and all neighbouring properties will receive at least three (3) hours of solar access to the rear yards and primary living rooms during the winter solstice. Accordingly, the proposed development demonstrates compliance with regard to solar access and passes the test for reasonableness in terms of overshadowing impacts.

Acoustic privacy	N/A	The subject site is not located near classified roads and railway corridors.
Vibration	N/A	The subject site is not situated on land that is subject to vibrations caused by the operation of railways and roadways.

<p>Visual privacy</p>	<p>Yes</p>	<p>The proposed development will not result in unreasonable or adverse privacy impacts. As mentioned above, the proposed ground floor is modified to step with the natural topography of the site – ensuring the finished floor levels in the rear portion are reduced compared to the existing ground floor. The proposed first floor mostly comprises bedrooms and bathrooms, which are low activity spaces. The activity room and theatre room are located towards the front and western portion of the development and generally overlook the roof of No. 44 Crows Nest Road. Any views from the glazing off the corridor will be obscured by the plantings within the roof garden. It is further noted that these windows are recessed and well-away from any side boundaries. The existing west-facing balcony is retained and also overlooks the roof of No. 44 Crows Nest Road. The rear-facing balcony is off a master bedroom and comprises a privacy screen along the eastern side. A condition can be imposed to continue the privacy screen along the rear elevation as a 1m return/wrap-around portion to further obscure views to the north-east.</p>
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1.4 Quality built form

In order to undertake an assessment of the proposed development in terms of quality built form, massing, bulk and scale, contextual fit and in achieving an appropriate balance of built and softer elements, it is critical that the environmental context of the subject site and development, and the relationship between the development and adjoining/neighbouring properties are understood. Crows Nest Road features a relatively suburban, low density residential context and character. It is noted, however, that specifically, the northern side of this street comprises rectangular shaped, generous-sized allotments that are linearly aligned, containing predominantly 2-storey dwelling houses with unique designs and distinctly bespoke architectural expressions, and with similar setbacks and building separation. The front setbacks along Crows Nest Road are dominated by grassed lawn areas, garden beds and front masonry fencing that compliment the architectural styles of the respective housing as well as the street trees dotted along the road reserve. It is also evident from mapping and Council records that there are several examples of approved rearward, 2-storey additions and extensions to the dwelling houses along Crows Nest Road. The immediate surrounds of the subject site are illustrated in the figure below.



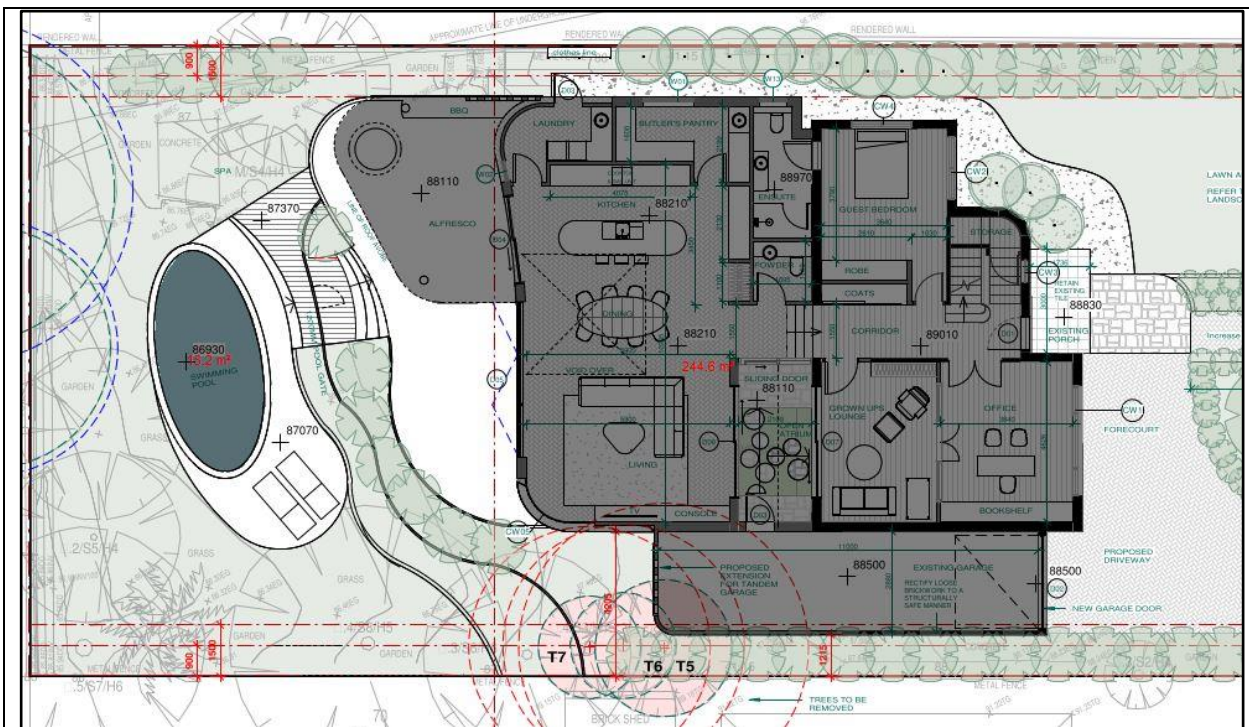
Northern side of Crows Nest Road and immediate surrounds of subject site (outlined in yellow dash)

<p>Context</p>	<p>Yes</p>	<p>Appendix 1 of the NSDCP 2013 indicated that the existing dwelling house within the subject site is a <u>contributory item</u> for the heritage conservation area. The proposed development will retain the presentation and primary aesthetic of the house, which is observed as a uniquely designed, Art Deco-style built form. This ensures that the scheme expresses an appropriate aesthetic and presentation that is in context with the surrounding area and that the architectural features and elements of the dwelling house are retained such that its contributory item status is preserved.</p> <p>The proposed development’s design is similar to the existing house in that it retains the Art Deco design at the front including the predominantly exposed brick façade with curved elements, and the red tiled, hipped roof. The recessing of new elements, curved treatment of the rear elevation, and provision of ample glazing and perforated brick detailing creates an adequate visual break-up of the built form and assists in minimising bulk – particularly when viewed from the rear/sides. The newer elements appear to reflect the Art Deco style at the front and provide a modern but complementary addition to the house without overpowering or dominating the house’s architectural form and language. The final built form when seen from public domain/Crows Nest Road is acceptable and in-context with the heritage conservation area.</p>
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		In addition to this, any views of the proposed development from Crows Nest Road are sufficiently complemented by significant improvements to the front setback landscaping treatments – in the form formalised garden beds and hedging, grassed lawn area and scattered trees. The existing 1.3m high, front boundary fence is proposed to be re-built with a new sliding gate at the driveway opening. The design of this fence appropriately ties-in with the Art Deco appearance of the built form. Overall, the final scheme features a unique character and architecture that are compatible with the existing and future desired character of the immediate locality and heritage conservation area.
Streetscape	N/A	The proposed development does not involve any changes to the road reserve including kerb and gutter.
Siting	Yes	The proposed development does not dramatically change the orientation and siting of the existing dwelling house. The location and orientation of the front portion are largely unchanged and retains the current front building line (10.649m) – ensuring ample area is provided in the front setback to separate the building from the road reserve. The siting of the first floor is acceptable as it also retains the front setback and retains/improves the side/rear setbacks of the existing house. It is noted that the siting is comparable to other neighbouring/adjoining dwellings and their first floor additions. A review of the setbacks is contained below.
Setback – front	Yes	The proposed development will retain the same front setback (10.649m) as both ground and first floors of the existing dwelling house – ensuring consistency and alignment with the front building lines and façades and of adjoining dwellings and surrounding dwellings on the northern side of Crows Nest Road.
Setback – side	Yes	<p>The existing dwelling house comprises the following setbacks:</p> <ul style="list-style-type: none"> • Western side: <ul style="list-style-type: none"> ○ Garage: 1.2m ○ Ground floor: 4.4m ○ First floor: 4m • Eastern side: <ul style="list-style-type: none"> ○ Ground floor: 1m ○ First floor: 2.2m <p>It is noted that a number of dwelling houses along the northern side of Crows Nest Road have similar side setbacks (around 1-3m) including the existing house (with approved rear extension) at No. 44 Crows Nest Road. By comparison, the proposed development has similar or improved setbacks – as follows:</p> <ul style="list-style-type: none"> • Western side: <ul style="list-style-type: none"> ○ Garage: 1.2m ○ Ground floor: 4.2m ○ First floor: 4.2m • Eastern side:

		<ul style="list-style-type: none"> ○ Ground floor: 1.5m ○ First floor: 1.5m <p>The above setbacks demonstrate full compliance with the minimum side setback controls and are in-context with the immediate area and the side setbacks of current residences. Thus, the proposed side setbacks are considered acceptable and supportable.</p>
Setbacks – rear	Yes	<p>The ground floor of the existing dwelling house has a 13.8m setback to the rear boundary. The proposed development comprises a similar setback (13.46m), which is attributed to both ground and first floors. This setback is generally in-line with the rear setbacks of adjoining and neighbouring dwellings on similar sized allotments along the northern side of Crows Nest Road including:</p> <ul style="list-style-type: none"> ● No. 40 Crows Nest Road: 14m ● No. 42 Crows Nest Road: 13m ● No. 44 Crows Nest Road: 12m ● No. 48 Crows Nest Road: 10m ● No. 50 Crows Nest Road: 13m ● No. 42 Crows Nest Road: 11m <p>Given the above, the proposed rear setbacks are acceptable and supportable.</p>
Form, massing and scale	Yes	<p>The proposed form, density and scale of the proposed development are comparable to surrounding properties and will therefore, not detract from the prevailing architectural language and streetscape character of the vicinity. As mentioned above, the presentation of the development primarily retains the Art Deco style of the existing dwelling house and incorporates new complementary elements with a contemporary style whilst appropriately framing the built form with additional soft landscaping treatments, plantings and fencing.</p>
Built form character	Yes	<p>As mentioned above, the proposed development will have massing, scale and design that are in keeping with the surrounding area. The proposal is not considered excessive and does not reflect an overdevelopment of the subject site.</p>
Dwelling Entry	N/A	<p>The current pedestrian entrance and vehicular access are unchanged. The tandem parking provides an additional space for the residence that is behind the building line and is considered an improved outcome.</p>
Roofs	Yes	<p>The retained pitch roof ensures the current presentation of the house is retained. The new elements feature a flat roof. This roof is lower than the pitched roof and is situated towards the rear - ensuring and mostly hidden from public view. The proposed roofing of the new elements is considered acceptable.</p>

Materials	Yes	The proposed development features a red brick material palette, contrasted by white metal framed windows and awnings, metal balustrades, perforated brick detailing, ripple glazed windows and some grey rendering. These materials and colouration are acceptable and compatible with the streetscape character of the locality and are reflective of the current Art Deco design and expression of the dwelling house.												
Front fences	Yes	The existing 1.3m high front fence is proposed to be re-built with a new metal sliding gate. This fence will have a near identical aesthetic as the existing fence and is considered to have a positive contribution to the characteristic pattern of fences along Crows Nest Road. Further, the design of the fence ties-in with the Art Deco look of the residence and is complemented by various soft landscaping treatments in the front setback.												
1.5 Quality urban environment														
Vehicle Access and Parking (Inclusive of considerations required under Part B Section 10 <i>Car Parking and Transport</i> of NSDCP 2013)	Yes	The site benefits from having vehicular access via Crows Nest Road, and off-street parking. This arrangement remains unchanged except for an additional parking space that is to be included in the modified garage. The proposed two (2) spaces complies with the maximum two (2) spaces allowed for a dwelling house under Part B, Section 10. Council's Development Engineer has evaluated the vehicle access and parking and confirmed support (subject to conditions).												
Site Coverage Site area: 752.6m² Site coverage requirements for detached, attached or semi-detached dwellings: <table border="1" data-bbox="204 1361 603 1594"> <thead> <tr> <th>Lot Size (m²)</th> <th>Site Coverage (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>60%</td> </tr> <tr> <td>230-499</td> <td>50%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>35%</td> </tr> <tr> <td>1000+</td> <td>30%</td> </tr> </tbody> </table>	Lot Size (m ²)	Site Coverage (max.)	0-229	60%	230-499	50%	500-749	40%	750-999	35%	1000+	30%	Yes	A maximum of 35% site coverage (263.41m ²) is allowed for dwellings on the subject site. The proposed building footprint of the proposed development is calculated to be 259.8m ² , which is 35% of the site area and therefore demonstrates compliance.
Lot Size (m ²)	Site Coverage (max.)													
0-229	60%													
230-499	50%													
500-749	40%													
750-999	35%													
1000+	30%													



Compliance diagram – site coverage (in grey)

Landscape Area

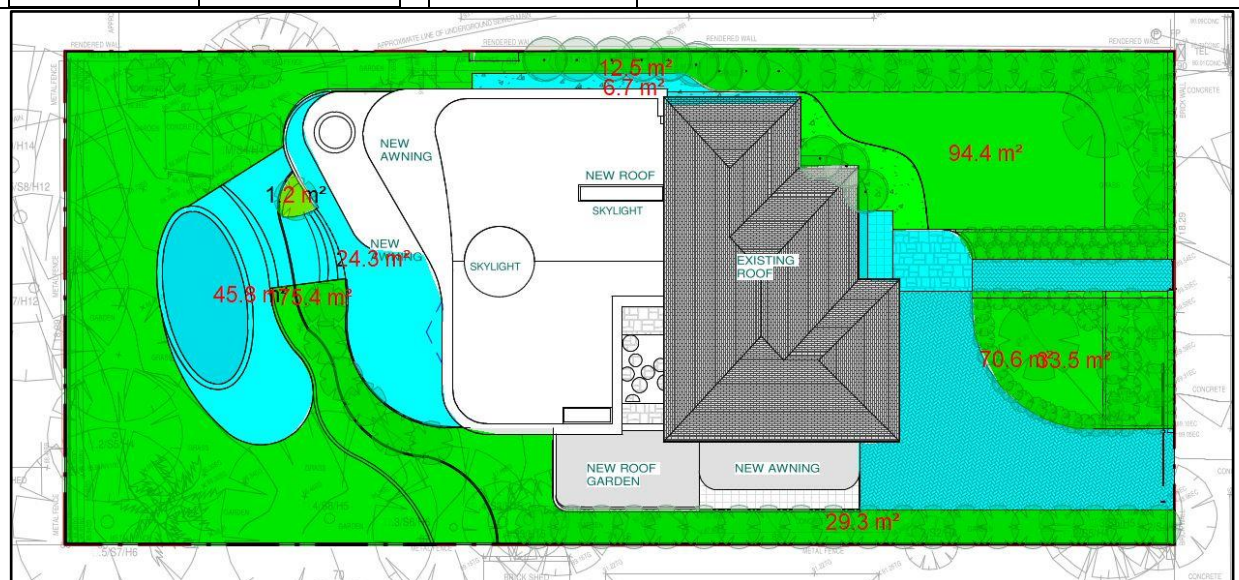
Site area: 752.6m²

Landscape area requirements for detached, attached and semi-detached dwellings:

Lot Size (m ²)	Landscaped area (min.)
0-229	20%
230-499	30%
500-749	40%
750-999	45%
1000+	50%

Yes

A minimum landscaped area of 45% (338.67m²) of the site area is required. The total landscaped area proposed is 346m² or 46% of the site area. The proposal is compliant with this requirement.



Compliance diagram – landscaped area (in green) and un-built upon area (in blue)

<p>Un-built upon area Site area: 752.6m² Un-built upon area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="209 421 603 651"> <thead> <tr> <th>Lot Size (m²)</th> <th>Un-built upon area (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>25%</td> </tr> <tr> <td>1000+</td> <td>20%</td> </tr> </tbody> </table>	Lot Size (m ²)	Un-built upon area (max.)	0-229	20%	230-499	20%	500-749	20%	750-999	25%	1000+	20%	<p>Yes</p>	<p>A maximum un-built upon area of 25% (188.15m²) of the site area is allowed. The total un-built upon area proposed is 132.4m² or 18% of the site area. The proposed development is compliant with this requirement.</p>
Lot Size (m ²)	Un-built upon area (max.)													
0-229	20%													
230-499	20%													
500-749	20%													
750-999	25%													
1000+	20%													
<p>Excavation</p>	<p>Yes</p>	<p>The proposed excavation is acceptable and primarily relates to the pool and new footings of the extension of the dwelling house.</p>												
<p>Landscaping</p>	<p>Yes</p>	<p>Acceptable but noting that it is below the minimum amount required for the site.</p>												
<p>Private and Communal Open Space</p>	<p>Yes</p>	<p>Acceptable in area, dimension and functionality. Provides ample amenity for residents and is north-facing. It is noted that the private open space is well in excess of the minimum private open space area requirement of 40m².</p>												
<p>1.6 Efficient Use of Resources</p>														
<p>Energy Efficiency</p>	<p>Yes</p>	<p>The applicant has provided a BASIX Certificate in support of the development application which requires suite of energy efficiency measures such as:</p> <ul style="list-style-type: none"> • Energy efficient internal appliances • Energy efficient lighting • Thermal insulation levels for glazing, walls and ceilings <p>Conditions are recommended to be imposed to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process.</p>												
<p>Passive Solar Design</p>	<p>Yes</p>	<p>The development will perform adequately in this regard.</p>												
<p>Natural Ventilation</p>	<p>Yes</p>	<p>The proposed development comprises an adequate number of openings that provide natural ventilation to all habitable rooms within the building.</p>												
<p>Hot Water Systems</p>	<p>N/A</p>													
<p>Water Conservation</p>	<p>N/A</p>													
<p>Stormwater Management</p>	<p>Yes</p>	<p>The proposed development has been assessed by Council's Engineer. The proposed stormwater management is acceptable and supportable, subject to recommended conditions of consent.</p>												
<p>Waste Management and Minimisation</p>	<p>Yes</p>	<p>A waste management plan is provided, which adequately details the management of waste generated from demolition and construction works.</p>												
<p>Green Roofs</p>	<p>N/A</p>	<p>The proposed development does not trigger the relevant controls for green roofs.</p>												
<p>Wind Turbines</p>	<p>N/A</p>	<p>Wind turbines are not proposed.</p>												

Part B, Section 13: Heritage and Conservation

The following table assesses the proposed development with respect to the relevant objectives and controls under Part B, Section 13 of the NSDCP 2013.

Part B, Section 13: Heritage and Conservation		
Objectives/Controls	Complies	Comments
<p>13.6.2 Form, massing and scale</p> <p>P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.</p> <p>P2 Development should recognise and complement the predominant architectural scale and form of the area.</p> <p>P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.</p> <p>P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.</p> <p>P8 Repeat any consistent pattern of side and rear setbacks...</p> <p>P9 New work may adopt a contemporary character.</p>	<p>Yes</p>	<p>The proposed development is generally consistent with the objectives and provisions for works to contributory items within heritage conservation areas.</p> <p>The proposed development retains key architectural elements including the front façade (presenting to Crows Nest Road) of the dwelling house – thereby ensuring the contributory item's presentation to public domain remains appropriate and in-context with the heritage conservation area. The proposed additions and ancillary structures have been sensitively designed to minimise bulk and scale, and enable any new contemporary elements to be hidden from view from Emmett Street. The development features appropriate setbacks and the proposed materiality, fenestration and articulation of the rearward addition are considered sympathetic and responsive to the contributory item and in context with the heritage conservation area.</p> <p>The proposed development compliments the Art Deco style of the dwelling and enables a suitable balance of built and soft landscaping treatments throughout the site.</p>
<p>13.6.3 Roofs</p> <p>P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement (refer to Part C of the DCP).</p>	<p>Yes</p>	<p>The proposed new roof for the additions are lower than the existing roof of the dwelling – ensuring the prominence and presentation of the Art Deco design is retained when viewed from public domain. Whilst the proposed addition covers a larger area than the existing dwelling this portion is concentrated at the rear, provides setbacks and building separation distances that are in-congruence with the current development pattern along Crows Nest Road, and overall, the scheme is proportionate to the site's area and dimensions.</p> <p>The proposed additions' roof form and materials are distinguishable from the built elements of the contributory item. As mentioned above, the new addition's roof is lower than the existing roof, ensuring that the current roof remains a dominant and highly visible element within the streetscape and the new additions appearing as subservient components. For this reason, the new roofing of the proposed development is considered acceptable.</p>

<p>13.6.4 Additional storeys and levels</p> <p>O1 To ensure that the streetscape and context of the heritage conservation area are respected.</p>	<p>Yes</p>	<p>The proposed development incorporates an extension of the ground floor and first floor, and the single car, attached garage that generally sits behind the existing dwelling and garage. The proposed development retains the front façade and sets the side and rear addition further towards the rear. The proposed development is consistent with the objectives and the provisions and is supported by Council’s Heritage Planner (see comments above).</p>
<p>13.6.5 Internal layouts</p> <p>P1 Consideration is given to the internal layouts of buildings. P2 Where interior layouts are determined to be significant, they should be retained.</p>	<p>Yes</p>	<p>The proposed development involves some layout changes to the existing dwelling that have little significance in terms of the original layout and reading of the contributory item and its significance. Council’s Heritage Planner confirmed support for the changed layout. As such, the provisions under this section are met by the proposed development.</p>
<p>13.9.1 Skylights, solar panels and satellite dishes</p>	<p>Yes</p>	<p>The proposed skylight and solar panels are situated at the rear of the property and will have negligible impacts on the heritage significance of the contributory item and its setting within a heritage conservation area.</p>
<p>13.9.2 Dormer windows 13.9.3 Verandahs and balconies 13.9.6 Fences</p>	<p>Yes</p>	<p>No dormer windows are proposed. The new rearward addition comprises a covered alfresco area with curved roof and a curved balcony above. These areas are not prominent nor highly visible from Crows Nest Road as these are well behind the front façade of the dwelling. The proposed re-building of the front fence is acceptable and will utilise materials similar to the current front fence.</p>
<p>13.9.4 Materials, colours and finishes</p> <p>P8 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).</p>	<p>Yes</p>	<p>As mentioned above, the proposed materiality, colouration and finishes of the proposed development are acceptable (as confirmed by Council’s Heritage Planner). The new components are considered to have materials and colours that are consistent and complimentary to the contributory item.</p>
<p>13.9.5 Garages and carports</p> <p>O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.</p> <p>O2 To ensure that off-street car parking does not dominate the streetscape.</p>	<p>Yes</p>	<p>The proposed garage extension is also situated towards the rear and the existing single garage will retain its appearance and presentation to Crows Nest Road – which is, as a single garage with rooftop terrace. The rearward extension facilitates a tandem space and the roof area above is proposed to comprise of a rooftop garden with plantings to compliment the built form. There are no new structures forward of the building line that interrupt views of the contributory item from Crows Nest Road. The proposed garage extension will not dominate the streetscape and feature materiality and colouration that are consistent with the overall scheme.</p>

<p>19.9.7 Gardens</p> <p>O1 To ensure that significant landscape features and trees are retained and reflected in new development.</p>	<p>Yes</p>	<p>The proposed landscaping treatments feature numerous garden beds, hedging/screen planting, trees and grassed lawn areas that are considered sufficient in softening the development, framing the contributory item and improving the overall aesthetic, presentation and landscaped outcome of the existing development. The proposal is considered to have a greater and more positive contribution to the streetscape by facilitating these landscaping treatments.</p>
<p>13.10.3 Larger scale single dwellings</p> <p>O1 Maintain the scale, form and integrity of the original or main building.</p> <p>O2 Retain original significant details.</p> <p>O3 Retain original outbuildings.</p>	<p>Yes</p>	<p>The proposed additions and alterations are relatively large and contemporary in their form; however these do not detract from the overall heritage fabric of the dwelling house. The proposed development maintains the scale, form and integrity of the original building and it does not detract from the historical significance of the dwelling. The proposed development is considered to be reasonably subservient to the main building in terms of height, bulk and scale.</p>
<p>13.10.3 Larger scale single dwellings</p> <p>O1 Maintain the scale, form and integrity of the original or main building.</p> <p>O2 Retain original significant details.</p> <p>O3 Retain original outbuildings.</p>	<p>Yes</p>	<p>The proposed additions and alterations are relatively large and contemporary in their form; however these do not detract from the overall heritage fabric of the dwelling house. The proposed development maintains the scale, form and integrity of the original building and it does not detract from the historical significance of the dwelling. The proposed development is considered to be reasonably subservient to the main building in terms of height, bulk and scale.</p>

Part C: Character Statements

Section 10 – Waverton/Wollstonecraft Planning Area

Section 10.11 – Crows Nest Road Conservation Area

The application has been assessed against the relevant controls in the Character Statements under Part C in NSDCP 2013 below:

Part C, Section 10.11: Crows Nest Road Conservation Area		
Control	Complies	Comments
10.11.4 Significant elements		
Topography	Yes	The proposed development involves the splitting of the ground floor plates and terracing of the rear yard – ensuring the development relates appropriately with the topography of the site.
Subdivision	N/A	The proposed development does not involve any subdivision or land consolidation.
Streetscape	Yes	<p>The proposed development retains the front setback and façade of the dwelling and generally preserves its visibility and prominence, when viewed from public domain.</p> <p>The proposed development will result in the streetscape being appropriately maintained.</p>

10.11.5 Characteristic buildings		
<p>Single storey Californian Bungalows, Arts and Crafts and Queen Anne Revival houses, and houses on 1921 subdivision.</p> <p>Single and two storey houses of Old English, Georgian Revival, Mediterranean, Art Deco and International styles on the later subdivision.</p>	Yes	The proposed development generally maintains the Art Deco style of the 2-storey dwelling and any new built elements are primarily situated at the rear of the property.
10.11.6 Characteristic built elements		
Siting	Yes	The proposed development demonstrates sufficient setbacks that are consistent with the dwellings in the immediate vicinity including those on the northern side of Crows Nest Road.
Form, massing and scale	Yes	The proposed development is an acceptable outcome. Its design, bulk and massing are proportionate to the site, demonstrate compliance with relevant provisions and controls, are sympathetic to the streetscape and conservation area and will not be highly visible from public domain. The height of the new rearward addition is lower than the front portion of the existing dwelling.
Roofs	Yes	The existing hipped roof is retained and the addition comprises a flat roof. It is noted that there are dwellings with rearward extensions along Crows Nest Road that have similar roof forms and designs.
<p>Materials</p> <p>Sandstone bases; face brick; original rendered walls.</p> <p>Slate; glazed terracotta tiled roofs.</p> <p>Timber windows, doors and joinery.</p> <p>Original front garden landscaping stone-flagged driveways and flagging paths.</p>	Yes	The proposed development comprises a red brick material palette, contrasted by white metal framed windows and awnings, metal balustrades, perforated brick detailing, ripple glazed windows and some grey rendering. These materials commonly occur in built forms within the vicinity and are considered acceptable.
Windows and doors	Yes	The proposed windows and doors are of an acceptable design.
Fences	Yes	Acceptable – see above.
Car accommodation	Yes	Acceptable – see above.

3.6.6 Characteristic built elements		
Uncharacteristic elements	Yes	Acceptable – see above and as confirmed by Council’s Heritage Planner.
Over-scaled two storey additions; over-scaled and poorly detailed carports and garages to the street; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.		

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to the payment of contributions towards the provision of local infrastructure. A Section 7.11 levy is not applicable as the proposed development does not result in an intensification of the current residential use. A Section 7.12 levy is applicable and has been calculated in accordance with the plan. The contribution payment has been calculated as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$902,000.00
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$9,020.00

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|--|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |
| 4. Landscaping/Open Space Provision | Yes |
| 5. Traffic generation and Carparking provision | Yes |
| 6. Loading and Servicing facilities | Yes |

7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Edward Precinct Committee. Council received twelve (12) submissions where the following matters were raised:

- Neighbour notification process;
- Bulk and scale;
- Overshadowing impacts;
- Wind tunnel effects;
- Privacy impacts – balcony and outdoor terrace (deck over garage);
- Variations to provisions and controls under Council policy;
- Uncharacteristic built form including front façade and flat roof;
- Front setback – garden, fencing and paving;
- Tree removal – pine trees;
- Changes to garage and associated rooms;
- Impacts on streetscape and heritage conservation area; and
- Location of pool pumps, air conditioning units, rubbish bins and noisy service equipment.

Council's responses to the above matters and issues are provided below.

- Neighbour notification process

Response: The development application was notified as per Council's Community Participation Plan. The notification area and notification period were as per this plan. Sufficient time was provided for consultation and submissions to be made by the public. It is noted that a number of submissions were received after the notification period ended. Nevertheless, all submissions for the subject application have been considered in the assessment.

- Bulk and scale

Response: The Assessment section above provides adequate discussion on the proposed development in terms of bulk and scale. The amended design is fully compliance with site coverage, landscaped area and setback controls – ensuring the build form, scale and massing are appropriate and proportionate to the site. The above discussion has highlighted this and has addressed the bulk and scale issue raised in submissions.

- Overshadowing impacts

Response: The Assessment section above provides a detailed discussion on the proposed development in terms of overshadowing.

- Wind tunnel effects

Response: It is highly unlikely that the construction of a single storey extension to the garage and the rear extension of the dwelling house will result in significant wind tunnel effects on neighbouring properties. The total length of the new garaging is approximately 11m, which is not considered excessive and is less than the proposed addition. The garage and dwelling addition will have setbacks of 1.2m and 4.2m, respectively, from the western side boundary. These distances ensure there is sufficient distance to minimise encroachment and visual intrusion.

- Privacy impacts – balcony and outdoor terrace (deck over garage)

Response: The Assessment section above provides adequate discussion on the proposed development in terms of privacy.

Balcony (rear-facing)

The balcony on the first floor is relatively small in size, is off a master bedroom and situated to the north-eastern corner of the dwelling. Along the eastern extent of this balcony is a perforated brick wall that obscures views to the east. The balcony is more than 10.5m from the rear boundary and at least 12m from the western boundary. It is unlikely to result in significant overlooking impacts on the rear and west-adjointing neighbours.

Roof terrace on garage (west-facing)

The roof terrace on the garage is an existing terrace/balcony (refer to Figures 14 and 17). The raising of the floor level by 100mm is of little consequence in terms of privacy and overlooking issues. In fact, raising the floor level by 100mm means that the current roof of No. 44 Crows Nest Road will be more prominent and visible from this space and the windows of the neighbour will be less visible, compared to the existing view (refer to Figure 25 below). Conditions are recommended to be imposed to ensure the roof top garden is non-trafficable.



Figure 25: Current western view from existing roof terrace above garage.

- Variations to provisions and controls under Council policy

Response: The Assessment section above provides details with regard to compliance against relevant provisions and controls under Council policy. It is noted that the only non-compliant matter is in relation to the maximum building height variation attributed to the retained existing roof of the dwelling. This matter is also covered in the Assessment section.

- Uncharacteristic built form including front façade and flat roof

Response: A review of the amended design confirms that the built form features characteristics and architectural qualities that are contextually appropriate and sympathetic to the heritage, suburban and landscape setting of the site. The Assessment section above covers this aspect in detail. The front façade and the Art Deco expression of the dwelling are retained. The flat roof of the new addition will be located behind the front façade and mostly hidden when viewed from Crows Nest Road. Council's Heritage Planner confirmed support for the design on heritage grounds (subject to recommended conditions imposed).

- Front setback – garden, fencing and paving

Response: The proposed garden and landscaping treatments in the front setback are considered acceptable and appropriately softens, frames and balances the built form, without overpowering or screening critical views of the front façade. The Art Deco style will remain a prominent element within the site.

The proposed front fencing will involve retaining and re-building the current front fence – which is of the same style and materiality as the front façade of the dwelling.

The proposed paving is not considered excessive. As mentioned above, the proposed un-built upon and landscaped areas are fully compliant with the controls under the NSDCP 2013.

- Tree removal – all three (3) pine trees should be removed

Response: The removal of two (2) of the three (3) pine trees (*Cupressus torulosa*) is noted as an error in the architectural plans. The proposal intends on removing all three (3) trees.

- Changes to garage and associated rooms

Response: The proposed changes to the garaging and the associated rooms that access the roof terrace are acceptable. Notwithstanding that the associated rooms are proposed to be activity (leisure rooms) these appear to be secondary living spaces and are setback further (4.2m) from the side boundary. It is acknowledged that the roof garden may be used as an extended roof terrace and conditions can be imposed to ensure this space remains a non-trafficable area with densely planted and established vegetation that hinders access to this space.

- Impacts on streetscape and heritage conservation area

Response: The Assessment section above provides a detailed discussion on the proposed development with regard to streetscape compatibility and impacts on the heritage conservation area.

- Location of pool pumps, air conditioning units, rubbish bins and noisy service equipment

Response: Conditions can be imposed to ensure location of pool pumps and other noisy service equipment are appropriate and well away from property boundaries. The site is generous in size and affords several options for re-location (as required).

Rubbish bins are typically situated at the rear of the premises. The final scheme features sufficient side setbacks that enable the bins to be wheeled to the front setback for collection.

PUBLIC INTEREST

The proposed development is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposed development is located in the R2 – Low Density Residential zone where additions and alterations to dwelling houses are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

The application proposes alterations and additions to an existing dwelling house, that are permissible forms of development in the R2 – Low Density Residential zone.

The Clause 4.6 written submission submitted by the applicant is acceptable.

With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Council received a total of twelve (12) submissions from ten (10) individual properties and the Edward Precinct Committee that raised concerns and issues relating to bulk and scale, impacts associated with amenity, privacy and solar access, variations to provisions and controls under Council policy, uncharacteristic built form including front façade and roof, and impacts on streetscape and heritage conservation area. These concerns and issues have been discussed in this report and are addressed with appropriate conditions of consent.

Having regard to the merits of the proposal, the application is recommended for approval, subject to appropriate standard and site specific conditions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Edward Precinct Committee for fourteen (14) days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and Crows Nest Road Conservation Area.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 – Maximum Height of Buildings and grant consent to Development Application No. 436/21 for alterations to an existing dwelling house, including a swimming pool, new fence and associated works on land at No. 46 Crows Nest Road, Waverton, legally described as Lot 69 in DP 17495, subject to the following site specific conditions and attached recommended conditions:

Design Changes

- C1. The following design changes must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:
- For consistency purposes, all documentation (including landscape plans and stormwater plans) must be amended to reflect the amended design (as approved by this consent).
 - All annotations, illustrations, words and details indicating construction of a spa in the rear yard of the premises are to be deleted from all construction certificate documentation to reflect the final scheme and approved design. This consent does not cover the construction of any spa within the site.
 - The roof top garden above the garage structure must be non-trafficable and cannot be used for any purposes other than to establish plantings and maintain the garden bed. The words 'non-trafficable area' must be annotated for the roof top garden on all construction certificate documentation.
 - The removal of trees T9 and T10 in the rear yard, comprising a Bottlebrush and a California Palm, is not supported and all construction certificate documentation (including landscape plans and architectural plans) must be amended to indicate both trees are to be retained and protected. All new plantings and landscaping treatments in the rear yard must be re-designed to incorporate the retained trees (T9 and T10).

- The tree in the south-western corner of the site (*Celtis* species) is to be removed. All construction certificate documentation must be amended to indicate that this tree will be removed.

(Reason: To ensure the amended and final design of the approved development as shown on the approved architectural plans are reflected on all construction certificate plans and documents)

Roof Top Garden – above garage

11. The roof top garden above the garage structure must be non-trafficable and cannot be used for any purposes other than to establish plantings and maintain the garden bed. The plantings within the garden bed must be planted in accordance with the approved landscape plan and maintained, in perpetuity.

(Reason: To minimise potential privacy impacts and to ensure the built form is softened by green roof areas)

MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
46 CROWS NEST ROAD, WAVERTON
DEVELOPMENT APPLICATION NO. 436/21

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
A002	Rev B	General Notes	Arquero	23/03/22
A100	Rev B	Existing Site	Arquero	23/03/22
A110	Rev B	Existing GF	Arquero	23/03/22
A111	Rev B	Existing L1	Arquero	23/03/22
A120	Rev B	Demolition Ground Floor	Arquero	23/03/22
A121	Rev B	Demolition Level 1	Arquero	23/03/22
A190	Rev B	Proposed Site Plan	Arquero	23/03/22
A200	Rev B	Ground Floor	Arquero	23/03/22
A210	Rev B	First Floor	Arquero	23/03/22
A230	Rev B	Roof Plan	Arquero	23/03/22
A300	Rev B	Elevations – Front Southern	Arquero	23/03/22
A301	Rev B	Elevations – Western	Arquero	23/03/22
A302	Rev B	Elevations – Eastern	Arquero	23/03/22
A303	Rev B	Elevations – Rear Northern	Arquero	23/03/22
A400	Rev B	Section A	Arquero	23/03/22
A450	Rev B	Section B	Arquero	23/03/22
A800	Rev B	Schedules	Arquero	23/03/22
000	Issue A	Cover Sheet Plan	Civil and Engineering Services	20/10/21
101	Issue A	SW Concept Plan Ground Level	Civil and Engineering Services	20/10/21
102	Issue A	Sediment and Erosion Control Plan and Details	Civil and Engineering Services	20/10/21
103	Issue A	Miscellaneous Details Sheet	Civil and Engineering Services	20/10/21
L002	Rev A	Plant Schedule	Outdoor Establishments	23/11/21
L003	Rev A	Plant Schedule	Outdoor Establishments	23/11/21
L101	Rev A	Landscape Calculation DCP Notes	Outdoor Establishments	23/11/21
L102	Rev A	Front Garden – Landscape Plan	Outdoor Establishments	23/11/21
L103	Rev A	Back Garden – Landscape Plan	Outdoor Establishments	23/11/21
L104	Rev A	Rooftop – Landscape Plan	Outdoor Establishments	23/11/21

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L201	Rev A	Front Wall Elevation	Outdoor Establishments	23/11/21
L202	Rev A	Pool	Outdoor Establishments	23/11/21
L203	Rev A	Pool and Spa	Outdoor Establishments	23/11/21

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Design Changes

- C1. The following design changes must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:
- For consistency purposes, all documentation (including landscape plans and stormwater plans) must be amended to reflect the amended design (as approved by this consent).
 - All annotations, illustrations, words and details indicating construction of a spa in the rear yard of the premises are to be deleted from all construction certificate documentation to reflect the final scheme and approved design. This consent does not cover the construction of any spa within the site.

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- The roof top garden above the garage structure must be non-trafficable and cannot be used for any purposes other than to establish plantings and maintain the garden bed. The words 'non-trafficable area' must be annotated for the roof top garden on all construction certificate documentation.
- The removal of trees T9 and T10 in the rear yard, comprising a Bottlebrush and a California Palm, is not supported and all construction certificate documentation (including landscape plans and architectural plans) must be amended to indicate both trees are to be retained and protected. All new plantings and landscaping treatments in the rear yard must be re-designed to incorporate the retained trees (T9 and T10).
- The tree in the south-western corner of the site (*Celtis* species) is to be removed. All construction certificate documentation must be amended to indicate that this tree will be removed.

(Reason: To ensure the amended and final design of the approved development as shown on the approved architectural plans are reflected on all construction certificate plans and documents)

Dilapidation Report Damage to Public Infrastructure

- C2. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

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Dilapidation Survey Private Property (Neighbouring Buildings)

- C3. A photographic survey and dilapidation report of adjoining properties Nos. 44 and 48 Crows Nest Road, Waverton detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Geotechnical Report

- C5. A report prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) withstanding the proposed loads to be imposed;

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- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties; and
- d) the provision of appropriate subsoil drainage during and upon completion of construction works

must be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with any construction certificate application must comply with (a), (b), (c) and (d) above and the certified report, including any recommendations made in the said certified report.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Sediment Control

- C6. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

- (Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

- C7. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

- (Reason: To encourage the minimisation of waste and recycling of building waste)

Colours, Finishes and Materials (Conservation Areas)

- C8. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

- (Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area)

Skylight(s)

- C9. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

External Finishes and Materials

- C10. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

Reflectivity Index of Glazing

- C11. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing Materials - Reflectivity

- C12. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

Work Zone

- C13. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C14. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum:

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor,
- b) the width of the vehicular layback must be up to 3.5 metres (including the wings),
- c) the vehicular crossover must be set square to the kerb,
- d) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- e) the gutter levels must match the existing levels and shall not be altered,
- f) transitioning works of (2) footpath panels on both sides of the driveway crossing are required to ensure uniformity in the footpath,
- g) the kerb gutter, and road shoulder must be transitioned 1m on both sides of the crossing to ensure uniformity in the road reserve,
- h) the works will require reconstruction of the carriageway shoulder extending out 600mm from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works, layback, kerb/gutter,
- i) any twisting of driveway access must occur entirely within the subject property,
- j) all inspection openings, utility services must be adjusted to match the proposed driveway levels,
- k) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed,

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- l) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter,
- m) a longitudinal section along the footpath property boundary at a scale of 1:50 is required,

The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Disposal - Drainage Plan

- C15. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must be designed in accordance with the following criteria:
- a) compliance with BCA drainage requirements and current Australian Standards and guidelines;
 - b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity using the existing easement. Note: It is the responsibility of the "person with the benefit of the Consent" to ensure the subject property benefits from the easement and the pipe has the capacity to accept the additional stormwater discharging from the property.
 - c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
 - d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
 - e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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Drainage plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Proper disposal of stormwater)

Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

C16. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
- c) remedying any defects in any such public work that arise within six months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of six months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and

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- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Tree Bond for Public Trees

- C17. Prior to the issue of any construction certificate, security in the sum of \$11,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

Tree bond fee	Amount (\$)
The total bond fee is	<u>\$11,000.00</u>

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Tree Protection Measures to be shown on Construction Drawings

- C18. The tree protection measures contained in the arborist report prepared by Sam Allouche, dated 13 October 2021, and received by Council on 17 December 2021, shall be shown clearly on the Construction Certificate drawings.

In addition to the above measures, the following measures must be shown on the Construction Certificate drawings:

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- All trees shown for retention must be protected in accordance with AS4970. Sensitive construction techniques including hand excavation, pier and beam construction and flexible location of piers must be undertaken within the TPZ of any protected tree.
- The street trees T1 *Jacaranda mimosifolia* (4m by 3m) and T2 *Tristaniopsis laurina* (13m by 10m) located in the council verge in front of the site must be protected in accordance with AS4970 and must have 1.8m high steel mesh tree protection fencing installed. This fencing is to be removed following completion of construction works and receipt of any occupation certificate.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

- C19. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height (m)
T1 – street tree <i>Jacaranda – Jacaranda mimosifolia</i>	Within road reserve, immediately adjacent to No. 46 Crows Nest Road	4m
T2 – street tree <i>Water Gum – Tristaniopsis laurina</i>	Within road reserve, immediately adjacent to No. 46 Crows Nest Road	>6m
T9 – site tree <i>Bottlebrush – Callistemon viminalis</i>	Rear yard, near western boundary.	>6m
T10 – site tree <i>California Palm – Washingtonia filifera</i>	Rear yard, near western boundary.	<5m

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Sensitive construction techniques including hand excavation, pier and beam, flexible location of piers/footings must be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut.

All other existing site trees, including perimeter hedge plantings of *Cupressocyparis leylandii* must be retained and protected in accordance with AS4970.

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Canopy pruning for any protected tree is not permitted.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C20. The following six (6) trees are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
T3 – Waratah <i>Alloxylon flammeum</i>	Front setback, near western boundary	<5m
T5 – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	15m
T6 – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	15m
T7 – – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	13m
T8 – Loquat <i>Eriobotrya japonica</i>	Rear yard, near western boundary	<5m
<i>Celtis species</i>	South-western corner of site	-

The removal of the above trees must be compensated by replacement tree planting within the subject site as indicated on the approved landscape plan and plant schedules.

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any trees shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Air Conditioners in Residential Premises

C21. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

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- (i) before 8.00 am and after 10.00 pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 10.00 pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

Swimming Pool Pumps on Residential Premises

- C22. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:
- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 8.00 pm on any other day
 - (c) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals .

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

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Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Swimming Pool Water to Sewer

C23. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

C24. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Section 7.12 Contributions

C25. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$9,020.00.

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

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A copy of the North Sydney Local Infrastructure Contributions Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposit/Guarantee Schedule

C26. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$11,000.00
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$16,000.00

Note: The following fees applicable

Local Infrastructure Contributions	Amount (\$)
Section 7.12 Contributions	\$9,020.00
TOTAL CONTRIBUTION FEES	\$9,020.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

BASIX Certificate

C27. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A436822 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Amendments to the Landscape Plan

C28. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- Landscape plans and details must be amended to reflect the amended design in the approved architectural plans (as approved by this consent).
- All annotations, illustrations, words and details indicating construction of a spa in the rear yard of the premises are to be deleted within the landscape plans and details.
- The roof top garden above the garage structure must be non-trafficable and cannot be used for any purposes other than to establish plantings and maintain the garden bed. The words 'non-trafficable area' must be annotated for the roof top garden on the landscape plans and details.
- The removal of trees T9 and T10 in the rear yard, comprising a Bottlebrush and a California Palm, is not supported and all landscape plans and details must be amended to indicate both trees are to be retained and protected. All new plantings and landscaping treatments in the rear yard must be re-designed to incorporate the retained trees (T9 and T10).
- The tree in the south-western corner of the site (*Celtis* species) is to be removed. All landscape plans and details must be amended to indicate that this tree will be removed.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure the landscaping treatments reflect the amended and approved scheme and to achieve sufficient residential amenity)

D. Prior to the Commencement of any Works (and continuing where indicated)

Protection of Trees

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

Temporary Fences and Tree Protection

- D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builders' waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works:

(Reason: To protect the trees to be retained on the site during construction works)

Public Liability Insurance - Works on Public Land

- D3. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Commencement of Works' Notice

- D4. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

- E4. It is the full responsibility of the Developer and their contractors to:
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Certifying Authority and Council (if it is not the Certifying Authority) must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the **approved geotechnical report prepared by a qualified geotechnical engineer**, and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

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Council Inspection of Public Infrastructure Works

E6. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Formwork for layback, kerb/gutter, footpath, etc.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Removal of Extra Fabric

E7. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

E8. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

**46 CROWS NEST ROAD, WAVERTON
DEVELOPMENT APPLICATION NO. 436/21**

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Noise and Vibration

- E9. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Applicant's Cost of Work on Council Property

- E10. The Applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

- E11. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Protection of Trees

- E12. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the arborist report prepared by Sam Allouche, dated 13 October 2021, and received by Council on 17 December 2021 must be implemented for the duration of the works. In addition to the recommendations in the arborist report, the following measures must be implemented:

- All trees shown for retention must be protected in accordance with AS4970. Sensitive construction techniques including hand excavation, pier and beam construction and flexible location of piers must be undertaken within the TPZ of any protected tree.
- The street trees T1 *Jacaranda mimosifolia* (4m by 3m) and T2 *Tristaniopsis laurina* (13m by 10m) located in the council verge in front of the site must be protected in accordance with AS4970 and must have 1.8m high steel mesh tree protection fencing installed. This fencing is to be removed following completion of construction works and receipt of any occupation certificate.

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In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes: If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

Trees to be Removed

- E13. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree	Location	Height (m)
T3 – Waratah <i>Alloxylon flammeum</i>	Front setback, near western boundary	<5m
T5 – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	15m
T6 – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	15m
T7 – – Bhutan cypress <i>Cupressus torulosa</i>	Rear yard, near western boundary	13m
T8 – Loquat <i>Eriobotrya japonica</i>	Rear yard, near western boundary	<5m
<i>Celtis species</i>	South-western corner of site	-

(Reason: To ensure compliance with the terms of this development consent)

Special Permits

- E14. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit:

1) On-street mobile plant

E.g., cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) Hoardings

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E15. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
All Other Zones	Monday - Friday	7.00 am - 5.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

E16. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E17. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Prohibition on Use of Pavements

E18. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

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DEVELOPMENT APPLICATION NO. 436/21**Page 27 of 35

Plant and Equipment Kept Within Site

- E19. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Imported Fill Material

- E20. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Certifying Authority on request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

Waste Disposal

- E21. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

E22. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

National Construction Code

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**46 CROWS NEST ROAD, WAVERTON
DEVELOPMENT APPLICATION NO. 436/21**

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- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

- F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

- F5. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F6. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

- F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

Certification - Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Pool Access

- G3. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G4. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions of artificial resuscitation methods.
- b) A warning stating:
- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

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This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

G5. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Covenant and Restriction (Stormwater Control Systems)

G6. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 46 Crows Nest Road, Waverton requiring the ongoing retention, maintenance and operation of the stormwater facility (rainwater harvesting tank),
- b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument,
- c) the wording on the Instrument making reference to the Council file/s which hold;
 - the Construction plans, and
 - the "Work-as-Executed" (as built) plans.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and adequate maintenance of drainage system)

BASIX Completion Certificate

- G7. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

Landscaping

- G8. The landscaping shown in the approved landscape plans, prepared by Outdoor Establishments, Revision A, Plan No.'s L102-L203, dated 23 November 2021, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

I. Ongoing/Operational Conditions**Roof Top Garden – above garage**

- I1. The roof top garden above the garage structure must be non-trafficable and cannot be used for any purposes other than to establish plantings and maintain the garden bed. The plantings within the garden bed must be planted in accordance with the approved landscape plan and maintained, in perpetuity.

(Reason: To minimise potential privacy impacts and to ensure the built form is softened by green roof areas)

Pool Filter

- I2. The swimming pool pump installed at the premises must not operate so as to:
- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (j) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 8.00 pm on any other day
 - (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

**46 CROWS NEST ROAD, WAVERTON
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Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Single Occupancy

13. Nothing in this consent authorises the use of the premises other than for a single occupancy.

(Reason: To ensure compliance with the terms of this consent)

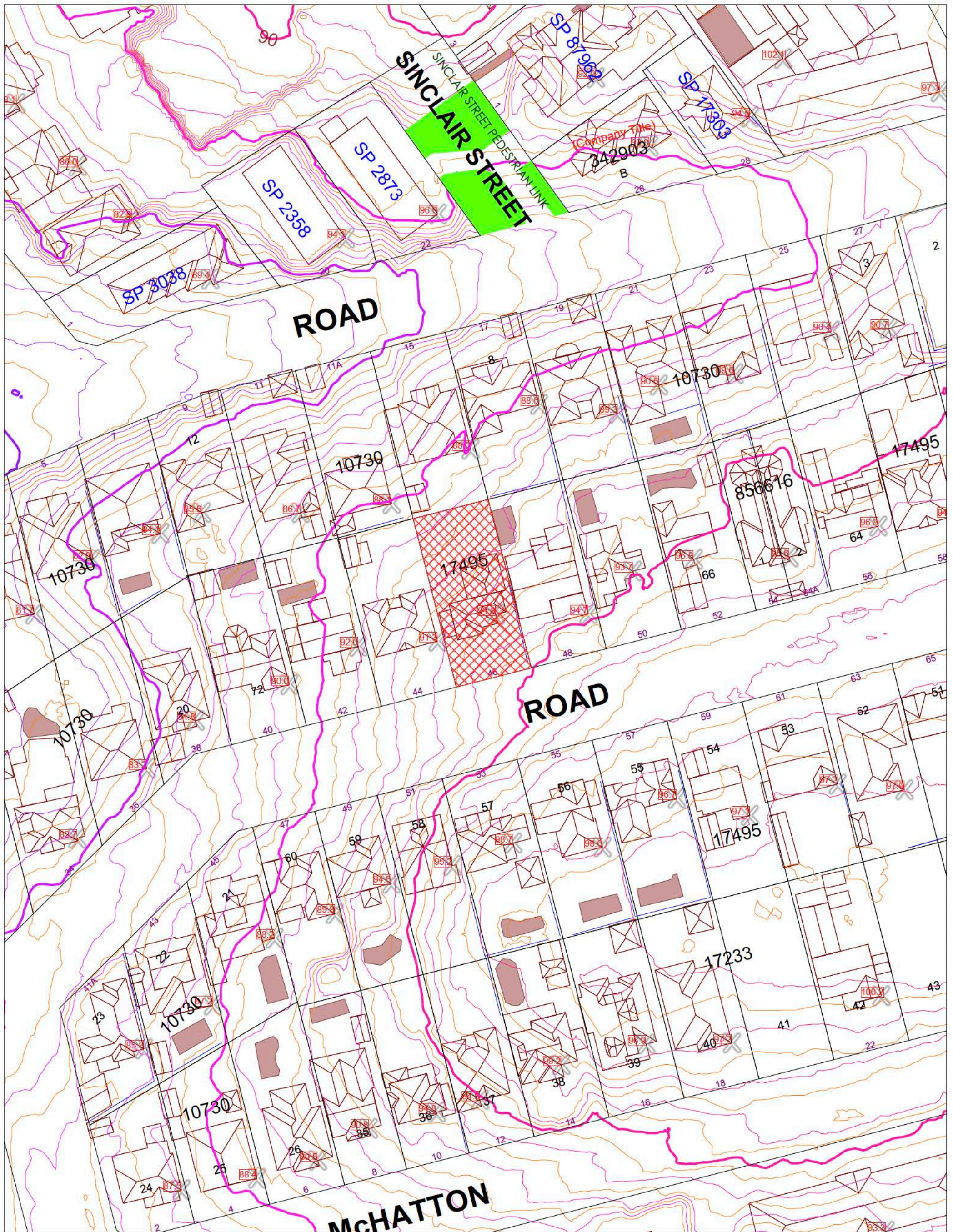
Maintenance of Approved Landscaping

14. The owner of the premises at No. 46 Crows Nest Road, Waverton must maintain the landscaping approved by this consent generally in accordance with the approved landscaped plans and as modified by Conditions C1 and C28 of this consent.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure adequate landscaping treatments, as approved by this consent, are established within the site and maintained in perpetuity)



North Sydney Council

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

DEVELOPMENT APPLICATION: 46 CROWS NEST ROAD, WAVERTON



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NOMINATED ARCHITECT
RAMY TAWADROS
Reg No. 9209 (NSW)



REV	DATE	NOTES
A	19/11/2021	FOR COORDINATION
B	23/03/2022	DA AMENDMENTS

STATUS
FOR SUBMISSION

Do not scale drawing. Verify all dimensions on site. Report any discrepancies in documentation to architect. This drawing is for the purpose of council approval and as such, is not suitable for construction

CLIENT
JASON & THEODORA

PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A000

DRAWING TITLE
COVER SHEET

DRAWING BY
VK

CHECKED BY
RT

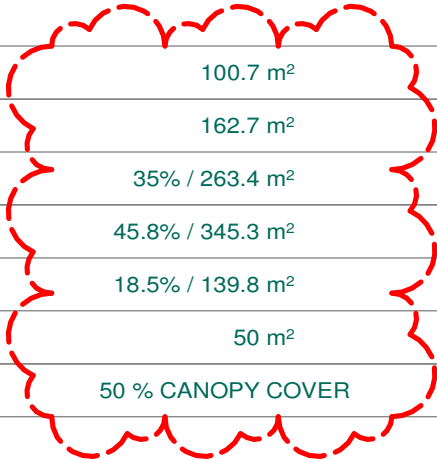
PROJECT NO.
21193

SCALE
@ A3

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COMPLIANCE - PRIMARY CONTROLS

ITEM	PROPOSED	STANDARD / CONTROL	COMPLIANCE
SITE AREA	752.6 m ²		
NO. OF STOREYS	2	2	YES
MAX BUILDING HEIGHT	8.5 m	8.5 m	YES
SETBACKS			
FRONT	EXISTING RETAINED	ALIGN WITH NEIGHBOURS	YES
REAR	CHARACTERISTIC	ALIGN WITH NEIGHBOURS	YES
SIDE STEBACK			
0 - 4 M	0.9 m	0.9 m	YES
4.5 - 8.5 M	1.5 m	1.5 m	YES
SITE COVERAGE			
EXISTING	100.7 m ²		
ADDITION	162.7 m ²		
TOTAL	35% / 263.4 m ²	35% OF LOT = 263.41 M ²	YES
LANDSCAPEED AREA	45.8% / 345.3 m ²	45% OF LOT = 338.67 M ²	YES
UN-BUILT UPON AREA	18.5% / 139.8 m ²	MAX 20% = 150.2 M ²	YES
POS	50 m ²	50 m ²	YES
TREES	50% CANOPY COVER	50% CANOPY COVER	YES



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NOMINATED ARCHITECT
RAMY TAWADROS

Reg No. 9209 (NSW)



REV	DATE	NOTES
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Do not scale drawing. Verify all dimensions on site. Report any discrepancies in documentation to architect. This drawing is for the purpose of council approval and as such, is not suitable for construction

CLIENT
JASON & THEODORA

PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A001

DRAWING TITLE
COMPLIANCE SUMMARY

DRAWING BY
VK

CHECKED BY
RT

PROJECT NO.
21193

SCALE
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ATTACHMENT TO LPP02 - 4/05/22

ABBREVIATION RELATING TO MATERIALS AND COMPONENTS:

AFW	ALUMINIUM FRAMED WINDOW SYSTEM	LB	LETTER BOX
AFS	AFS LOGICWALL SYSTEM	LI	LIGHT SWITCH
AGL	AGRICULTURAL LINE	LINO	LINOLEUM SHEET
AL	ALUMINIUM	LN	LANDSCAPED AREA
ALA	ALUMINIUM ANGLE	LS	LAUNDRY SINK
ANT	ANTENNA	LT	LIGHT
B	BATH	M	MEMBRANE
BB	BATHROOM BENCHTOP	MAX.	MAXIMUM
BAL	BALUSTRADE	MCP	MECHANICAL CONTROL PANEL
BALC	BALCONY	MDR	METAL DECK ROOFING
BFD	BI-FOLD DOOR TO FUTURE DETAIL	MH	MANHOLE COVER
BHD	LINE OF BULKHEAD OVER	MIN.	MINIMUM
BOL	PROPRIETARY BOLLARD	MR	MIRROR
BR	BRICKWORK	MW	MICROWAVE
BS	BATH SPOUT	OF	OVERFLOW
BS	BIKE STORAGE	OH	OVERHEAD
CB	CONCRETE BLOCK	OSD	ON SITE DETENTION TANK
CC	COMMUNICATION CUPBOARD	OV	OVEN
CJ	CONSTRUCTION JOINT	PB	PLASTERBOARD PAINT FINISH
COMMS	COMMUNICATION CABINET	PFC	PARALLEL FLANGE CHANNEL
CRP	CARPET	PRL	STRUCTURAL STEEL PURLINS
D	DOOR	PS	DINCEL WALL
DG	DRIP GROOVE	RC	REINFORCED CONCRETE
DP	DOWNPIPE	RCP	REFLECTED CEILING PLANT
DR	DRAIN	RF	ROOF FLASHING
DW	DISHWASHER	RH	RANGE HOOD
EA	EQUAL ANGLE	RPZD	REDUCED PRESSURE ZONE DEVICE
EDB	ELECTRICAL DISTRIBUTION BOARD	RWO	RAIN WATER OUTLET
EF	EXHAUST FAN GRILLE	S	SARKING
EMS	ELECTRICAL MAIN SWITCHBOARD	SA	SHELF ANGLE
EQ	EQUAL	SIM	SIMILAR
F	FLASHING	STR	STRUCTURE
FC	FIBRECEMENT SHEET	TGSI	TACTILE GROUND SURFACE INDICATOR
FFE	FURNITURES, FIXTURES, AND EQUIPMENTS	TV	TELEVISION
FH	FIRE HYDRANT	UB	UNDER BENCH
FHR	FIRE HOSE REEL	WM	WATER METER
FI	FILL	WMS	WASHING MACHINE
FIP	FIRE INDICATOR PANEL	WS	WASTE BIN
FL	FLUE		
FMC	FOLDED METAL CLADDING		
FR	FRIDGE		
FW	FLOOR WASTE		
G	GLASS		
GA	GENERAL ARRANGEMENT		
GD	GARAGE DOOR		
GM	GAS METER		
GP	GRATING PROFILE		
GPO	GENERAL POWER OUTLET		
GR	GRASS AREA		
GT	GARDEN TAP		
GU	GUTTER		
HCP	HYDRAULIC CONTROL PANEL		
HR	HANDRAIL		
HWU	HOT WATER UNIT		
INS	INSULATION		
JNR	JOINERY		
KB	KITCHEN BENCHTOP		

- STAIRS REQUIREMENTS: MIN.TREAD 240MM, MIN. RISER 115MM, MAX. RISER 200MM, SPACE BETWEEN OPEN TREADS MAX.125MM TREADS TO BE NONSLIP SURFACE. BALUSTRADES: MIN.1000MM ABOVE LANDINGS WITH MAX. OPENING OF125MM AND IN ACCORDANCE WITH BCA3.9.2. FOR STAINLESS STEEL BALUSTRADES REFER TO TABLE 3.9.2.1.(WIRE BALUSTRADE CONSTRUCTION–REQUIRED WIRE TENSION AND MAX. PERMISSIBLE DEFLECTION) OF THE BCA.
- THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY OF EXISTING AND NEW STRUCTURES THROUGH-OUT CONSTRUCTION.
- LOCATION OF SMOKE DETECTORS (REFER ELECTRICAL LAYOUT PLANS) TO BE HARD WIRED WITH EMERGENCY BACK-UP AND COMPLY WITH AS3786.
- WIND SPEED AS NOMINATED ON BRACING PLAN.
- EXHAUST FANS FROM SANITARY COMPARTMENTS TO BE DUCTED TO THE OUTSIDE AREA AIR OR TO A VENTED ROOF SPACE AND AS PER AS 1668.2.
- THESE NOTES ARE NEITHER EXHAUSTIVE NOR A SUBSTITUTE FOR REGULATIONS STATUTORY REQUIREMENTS, BUILDING PRACTICE OR CONTRACTUAL OBLIGATIONS.
- ALL CONSTRUCTION MATERIALS SUPPLIED MUST TAKE INTO ACCOUNT PROXIMITY TO COSTAL OR INDUSTRIAL ENVIRONMENTS, IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
- THE CONSTRUCTION OF DECK/S MORE THAN 1000MM ABOVE GROUND ARE TO BE SECURELY FIXED TO THE EXISTING BUILDING BY THE MEANS OF A POLE PLATE OF EQUAL OR GREATER STRENGTH AS THE BEAM/S IN THE DECK CONSTRUCTION. THE POLE PLATE IS TO BE FIXED TO THE EXISTING BUILDING BY THE USE OF 2/M12 BOLTS TO & BOTTOM @ 450 CENTERS. IF A SECURE FIXING CANNOT BE MADE BY WAYS OF A POLE PLATE THAN IT IS THE RESPONSIBILITY OF THE BUILDER TO CONTACT ARQUERO ARCHITECTURE FOR ADDITIONAL DESIGN INFORMATION

ABBREVIATION RELATING TO SETOUT:


BOS	BOTTOM OF (BRICK) SOLDIER COURSE
COS	CONFIRM DIMENSIONS ON SITE
NOM	NOMINAL CONFRIM SETOUT RELATIVE TO OTHER IDENTIFIED REQUIREMENTS
FCL	FINISHED CEILING LEVEL (TO RL – AUSTRALIAN HEIGHT DATUM)
FFL	FINISHED FLOOR LEVEL (TO RL – AUSTRALIAN HEIGHT DATUM)
REM	REMAINING DIMENSION. CONFIRM ACTUAL DIMENSIONS ON SITE
RL	REDUCED LEVEL TO AUSTRALIAN HEIGHT DATUM
SSL	STRUCTURAL SLAB LEVEL
TOS	TOP OF (BRICK) SOLDIER COURSE
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
BHD	LINE OF BULKHEAD OVER

TAGS AND KEYNOTE:


WALL TYPE (TYPE MARK)

	WT	WALL TYPE
	##	WALL TYPE IDENTIFIER (01, 02,...), REFER TO SCHEDULE


WINDOW TYPE

	TYPE MARK	
	WD	WINDOW
	##	TYPE MARK IDENTIFIER (01, 02,...), REFER TO SCHEDULE
	MARK	
	X	WINDOW LOCATION, 0 FOR GROUND, 1 FOR LEVEL 1, ETC
	YY	WINDOW IDENTIFIER (01, 02,...), SEQUENTIAL FOR EACH FLOOR


DOOR TYPE

	TYPE MARK	
	DR	DOOR
	##	TYPE MARK IDENTIFER (01,02,...), REFER TO SCHEDULE
	MARK	
	X	DOOR LOCATION, 0 FOR GROUND, 1 FOR LEVEL 1, ETC
	YY	DOOR IDENTIFIER (01, 02,...), SEQUENTIAL FOR EACH FLOOR

FLOOR FINISH

	TYPE MARK	
	FT	FLOOR TYPE
	##	TYPE MARK IDENTIFIER (01,02,...), REFER TO SCHEDULE
	LOCATION	
	FFL	FINISH FLOOR LEVEL
	XXXX	RL (REDUCED LEVEL) TO AUSTRALIAN HEIGHT DATUM

CEILING FINISH

	TYPE MARK	
	CL	CEILING TYPE
	##	TYPE MARK IDENTIFIER (01, 02,...), REFER TO SCHEDULE
	LOCATION	
	FCL	FINISH CEILING LEVEL
	XXXX	CEILING HEIGHT FROM FINISH FLOOR LEVEL

KEYNOTE

	?	KEYNOTE IDENTIFIER, REFER TO SCHEDULE OR TECHNICAL SHEET
---	---	--

GENERAL NOTES:

- THE REQUIREMENTS OF THESE DRAWINGS IS IN NO WAY DIMINISHES THE BUILDER'S RESPONSIBILITY TO COMPLY WITH COUNCIL, BCA, AUSTRALIAN STANDARDS AND ALL OTHER RELEVANT AUTHORITY REQUIREMENTS
- THE TERM "AS REQUIRED" SHALL MEAN AS REQUIRED BY THE DRAWINGS, COUNCIL, BCA, AUSTRALIAN STANDARDS AND ALL OTHER RELEVANT AUTHORITIES
- HYDRAULIC SERVICES AND ELECTRICAL SERVICES SHALL COMPLY WITH THE BCA AND RELEVANT AUSTRALIAN STANDARDS REQUIREMENTS.
- REFER TO RELEVANT CONSULTANT DOCUMENTATION FOR SERVICES AND STRUCTURAL REQUIREMENTS.
- MATERIALS, LININGS AND SURFACE FINISHES USED IN THE WORKS SHALL COMPLY WITH FIRE HAZARD PROPERTIES IN ACCORDANCE WITH SPECIFICATION C1.10 OF THE BCA. AT THE COMPLETION OF THE PROJECT CERTIFICATES SHALL BE ISSUED BY THE CERTIFYING AUTHORITY DETAILING COMPLIANCE WITH THE SPECIFICATION
- OPENINGS FOR SERVICES INSTALLATIONS ARE REQUIRED TO COMPLY WITH C3.12 AND C3.15 OF BCA. ROUTING SERVICES TO SERVICES RISER LOCATIONS THROUGH AN ADJOINING APARTMENT MAY REQUIRE FIRE RATED CONSTRUCTION TO A WALL, FLOOR AND/OR CEILING, AND AFFECT DOOR CONSTRUCTION / INSTALLATION REQUIREMENTS TO COMPLY WITH THE ABOVE MENTIONED PROVISIONS FOR INSTALLATIONS IN EXITS AND PATHS OF TRAVEL REFER TO SECTION D2.7 OF THE BCA.
- SOUND TRANSMISSION AND INSULATION OF ALL WALLS AND FLOORS THROUGHOUT THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH PART F5 OF BCA TO ACHIEVE THE REQUIRED RW RATING.
- WATERPROOFING OF ALL WET AREAS SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION F1.7 OF THE BCA AND AS 3740.
- ACCESSIBLE PERSON'S SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH SECTION D3.6 OF THE BCA AND AS 1428.1.
- THE METHOD OF CLEANING WINDOWS SHALL BE IN ACCORDANCE WITH NSW G1.101 OF THE BCA.
- GLASS INSTALLATIONS SHALL COMPLY WITH THE ACOUSTIC CONSULTANT'S SPECIFICATIONS AND AS1288 AND AS 2047.
- THE WALL CONSTRUCTION OF BATHROOMS TO ADAPTABLE BATHROOMS SHOULD BE DETERMINED TO ALLOW FUTURE GRABRAIL INSTALATION.
- PROVIDE TACTILE GROUND SURFACE INDICATORS TO ALL STAIRWAYS AND RAMPS IN ACCORDANCE WITH AS1428.4.1.
- DO NOT SCALE PLANS, USE WRITTEN DIMENSIONS ONLY.
- THE OWNER / BUILDER SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS, LEVELS, SETBACKS AND SPECIFICATIONS PRIOR TO COMMENCING WORKS OR ORDERING MATERIALS AND SHALL BE RESPONSIBLE FOR ENSURING THAT ALL BUILDING WORKS CONFORM TO THE NATIONAL CONSTRUCTION CODE (NCC) 2019, CURRENT AUSTRALIAN STANDARDS, BUILDING REGULATIONS AND TOWN PLANNING REQUIREMENTS.
- ALL PARTIES SHALL REPORT IF ANY DISCREPANCIES ARE FOUND TO ARQUERO OFFICE.
- ALL WORKS SHALL COMPLY WITH BUT NOT LIMITED TO THE NATIONAL CONSTRUCTION CODE (NCC) AND THE AUSTRALIAN STANDARDS LISTED IN NOTE 5.
- AS1288-2006 GLASS IN BUILDINGS – SELECTION AND INSTALLATION
AS1562-1992 DESIGN AND INSTALLATION OF SHEET ROOF AND WALL CLADDING
AS1684-2010 NATIONAL TIMBER FRAMING CODE
AS2049-2002 ROOF TILES
AS2050-2002 INSTALLATION OF ROOF TILES
AS2870-1996 RESIDENTIAL SLAB AND FOOTINGS – CONSTRUCTION
AS/NZ2904-1995 DAMP-PROOF COURSES AND FLASHINGS
AS3600-2000 CONCRETE STRUCTURES
AS3660–2000 BARRIERS FOR SUBTERRANEAN TERMITES
AS3700-2001 MASONRY IN BUILDINGS
AS3740-2004 WATERPROOFING OF WET AREAS IN RESIDENTIAL BUILDINGS
AS3786-1993 SMOKE ALARMS
AS4005-2006 WIND LOADING FOR HOUSING
AS4100-1998 STEEL STRUCTURES
- THESE PLANS SHALL BE READ IN CONJUNCTION WITH ANY STRUCTURAL AND CIVIL ENGINEERING COMPACTIONS AND DRAWINGS.
- ALL BUILDINGS SHALL BE PROTECTED AGAINST TERMITE ATTACK IN ACCORDANCE WITH AS3660.1 AND A DURABLE NOTICE SHALL BE PLACED IN THE METER BOX INDICATING TYPE OF BARRIER AND REQUIRED PERIODICAL INSPECTIONS.
- SAFETY GLAZING TO BE USED IN THE FOLLOWING CASES
-ALL ROOMS- WITHIN 500MM VERTICAL OF THE FLOOR
-BATHROOMS- WITHIN 1500MM VERTICAL OF THE BATH BASE
-FULLY GLAZED DOORS-
-SHOWER SCREENS- WITHIN 300MM OF A DOOR AND <1200MM ABOVE FLOOR LEVEL
-WINDOW SIZES ARE NOMINAL ONLY ACTUAL SIZES WILL VARY - WITH MANUFACTURER'S FLASHING ALL ROUND.
- GUTTERS WILL BE AS PER SPECIFICATION WITH MIN.100X75 RECTANGULAR OR 90MM DIA, DOWNPIPES - EACH DOWNPIPES SHALL SERVICE A MAXIMUM ROOF AREA OF 36 SQM OR SHALL BE POSITIONED AS PER AS3500.3, 2003, SECTION 3.
- STORMWATER TO BE TAKEN TO THE LEGAL POINT OF DISCHARGE AS DETERMINED BY THE RELEVANT AUTHORITY.
- TILED DECKS OVER LIVABLE AREAS ARE TO BE IN THE FOLLOWING OR EQUIVALENT ORDER OVER THE FLOOR JOISTS: 19MM COMPRESSED FIBRE CEMENT SHEET, WITH ONE LAYER OF PARCHEM EMER-PROOF 750 WITH A SECOND LAYER OF SAND SEED WITH A DFT OF 1300 MICRON, INSTALLED TO MANUFACTURER'S SPECIFICATIONS, AND FLOOR TILES OVER ALL CORNERS TO HAVE 20MM MASTIC SEALANT UNDER THE PARCHEM EMER-PROOF 750.
- FOOTINGS NOT TO ENCROACH TITLE BOUNDARIES OR EASEMENTS, IT IS RECOMMENDED THAT WHERE BUILDINGS ARE TO BELOCATED IN CLOSE PROXIMITY OF BOUNDARIES, A CHECK SURVEY TO BE CONDUCTED BY A LICENSED SURVEYOR.
- ALL STEELWORK IN MASONRY TO BE HOT DIP GALVANIZED.
- ALL WET AREAS TO COMPLY WITH BCA 3.8.1.2 AND AS3740. SPLASHBACKS SHALL BE IMPERVIOUS FOR 150MM ABOVE SINKS, TROUGHS AND HAND BASINS WITHIN 75MM OF THE WALL.
- PROVIDE WALL TIES AT 300MM SPACINGS BOTH VERTICAL AND HORIZONTAL AND WITHIN 300MM OF ARTICULATION JOINTS, BRICK TIES TO BE STAINLESS STEEL.
- SUB-FLOOR VENTILATION MIN. 750MM SQ FOR EXTERNAL WALLS AND 1500MM. SQ FOR INTERNAL WALLS BELOW BEARER.
- THERMAL INSULATION AS PER ENERGY RATING REPORT.



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RAMY TAWADROS

Reg No. 9209 (NSW)



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JASON & THEODORA

PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

DRAWING NO.
A002

DRAWING TITLE
GENERAL NOTES

DRAWING BY
VK

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PROJECT NO.
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SCALE
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WAVERTON



SITE PLAN IS APPROXIMATE AND SUBJECT TO NORMAL CONSTRUCTION VARIANCES AND TOLERANCES.

0 2m 4m 6m 8m 10m 12m



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A100

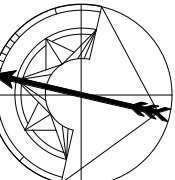
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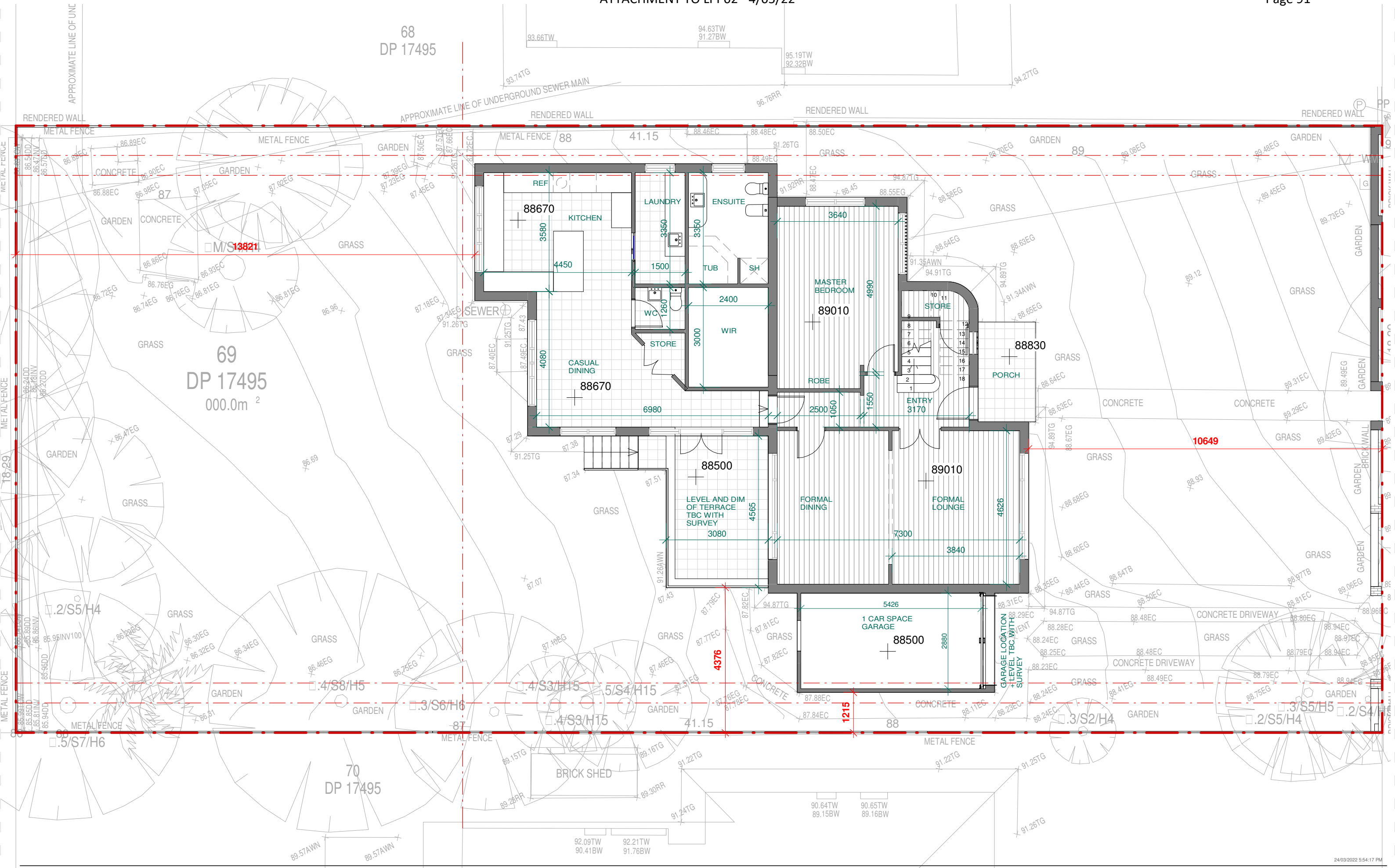
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A110

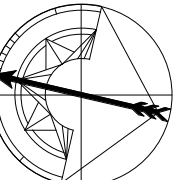
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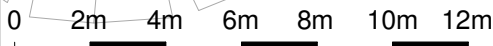
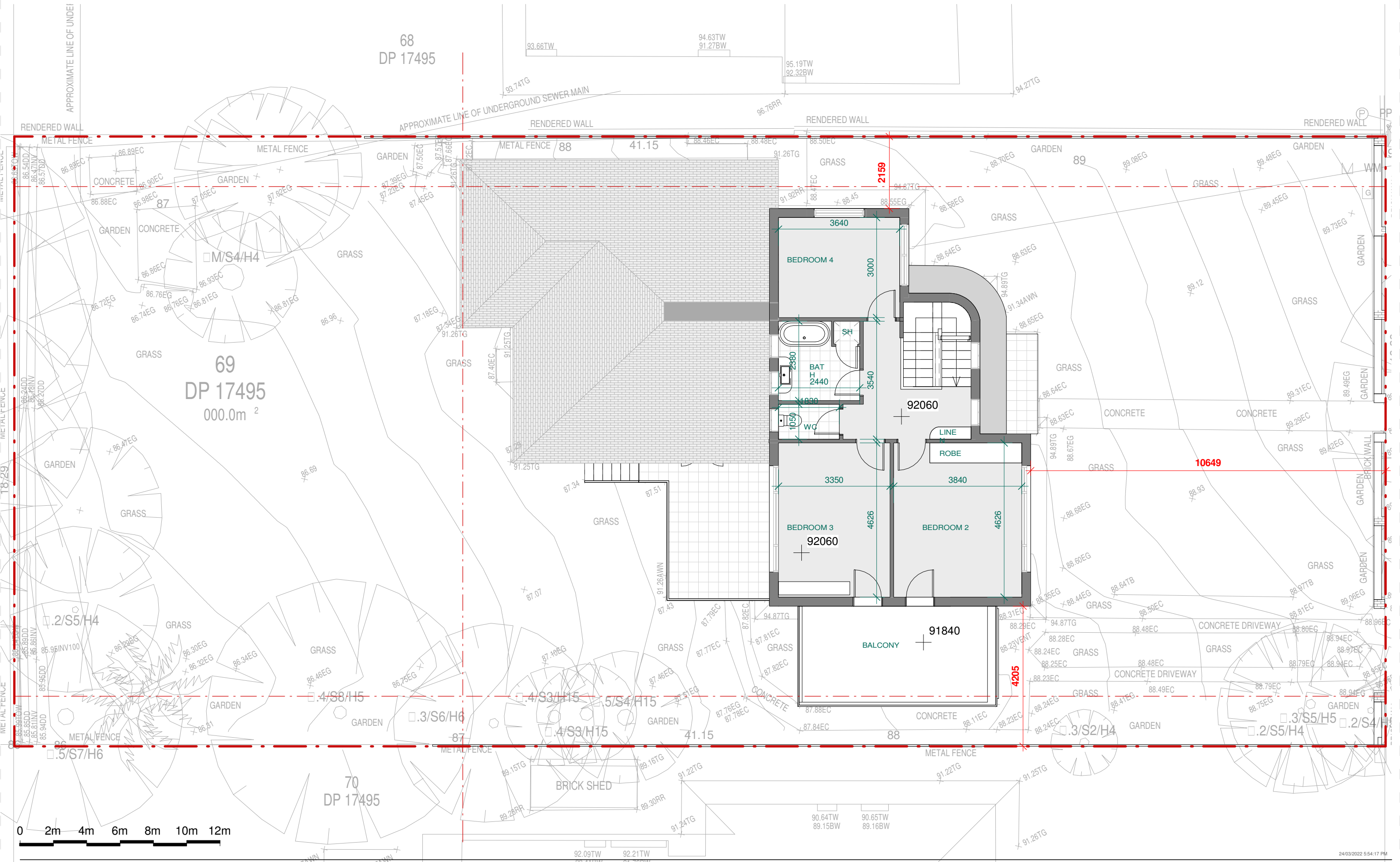
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A111

DRAWING TITLE
PLAN - EXISTING L1

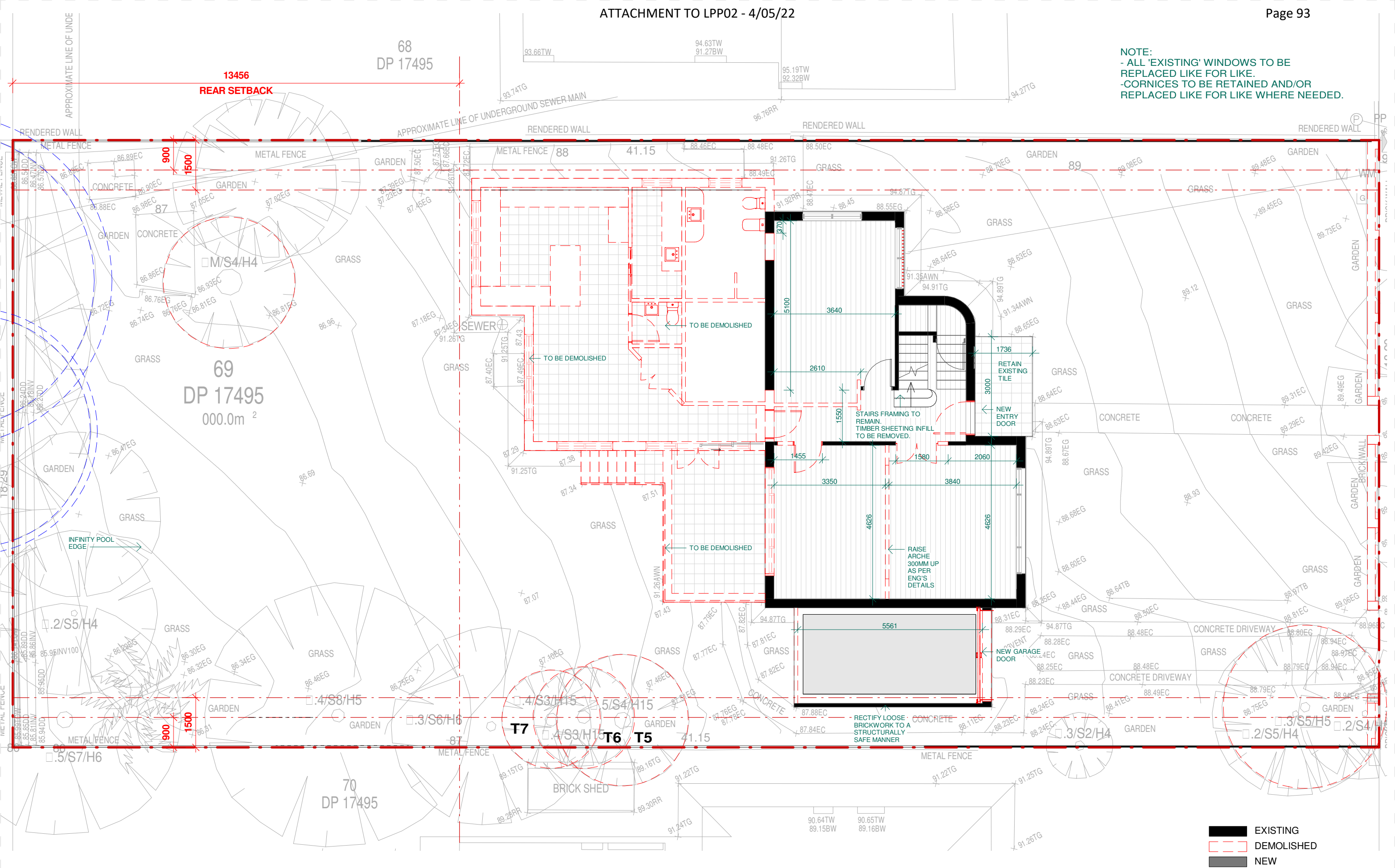
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NOTE:
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- CORNICES TO BE RETAINED AND/OR REPLACED LIKE FOR LIKE WHERE NEEDED.



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PLAN - DEMOLITION GROUND FLOOR

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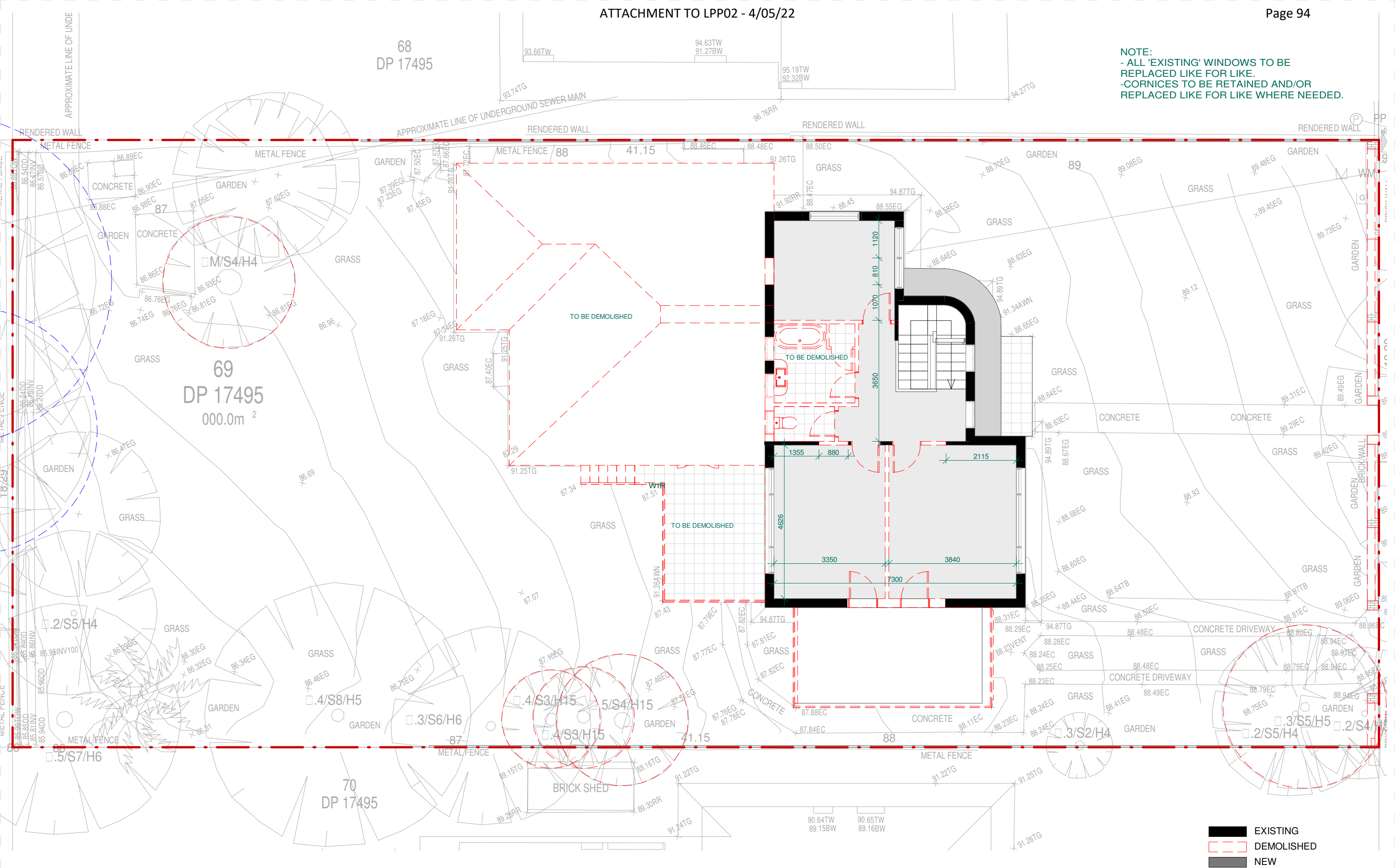
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PLAN - DEMOLITION LEVEL 1

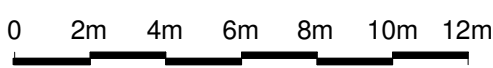
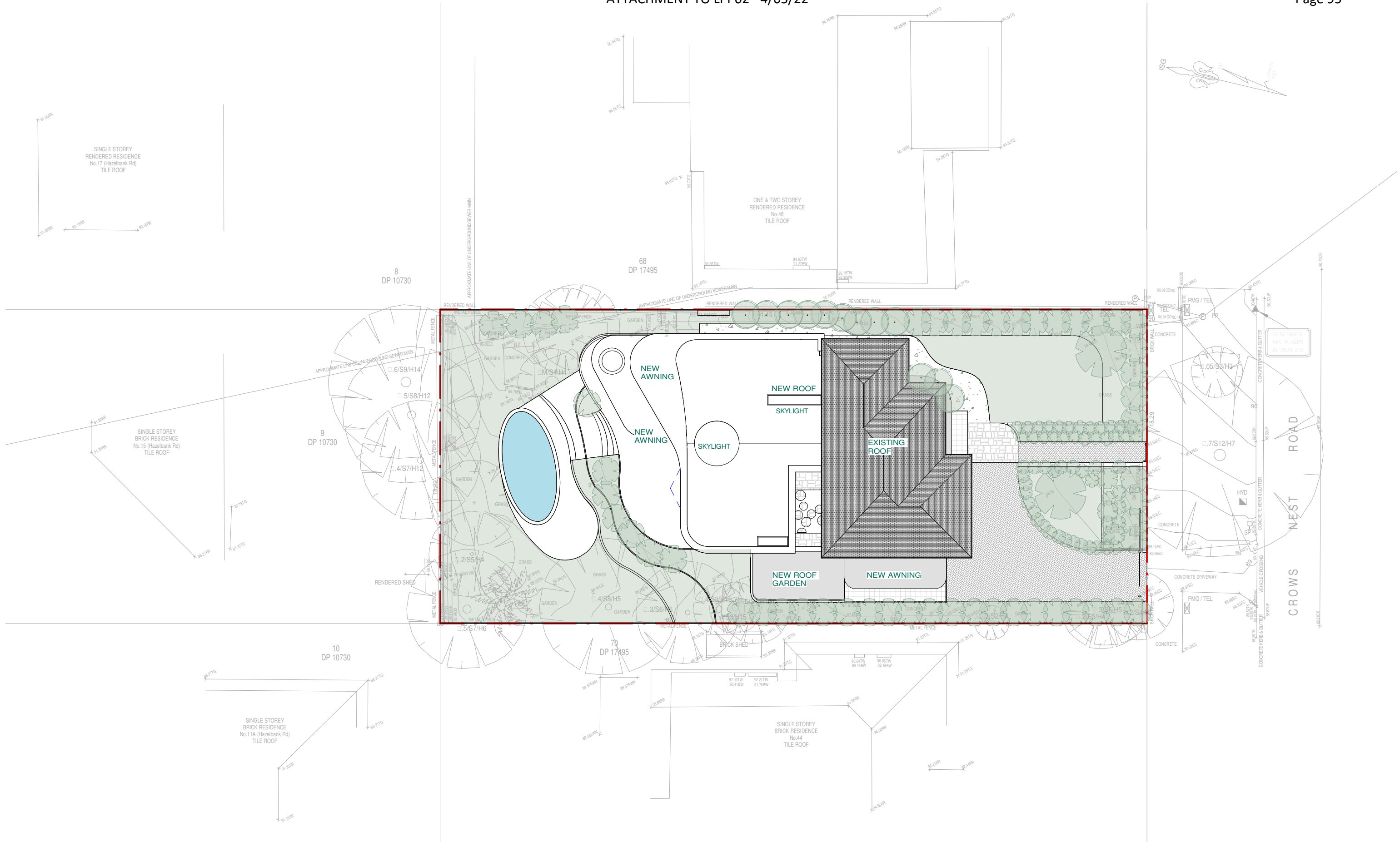
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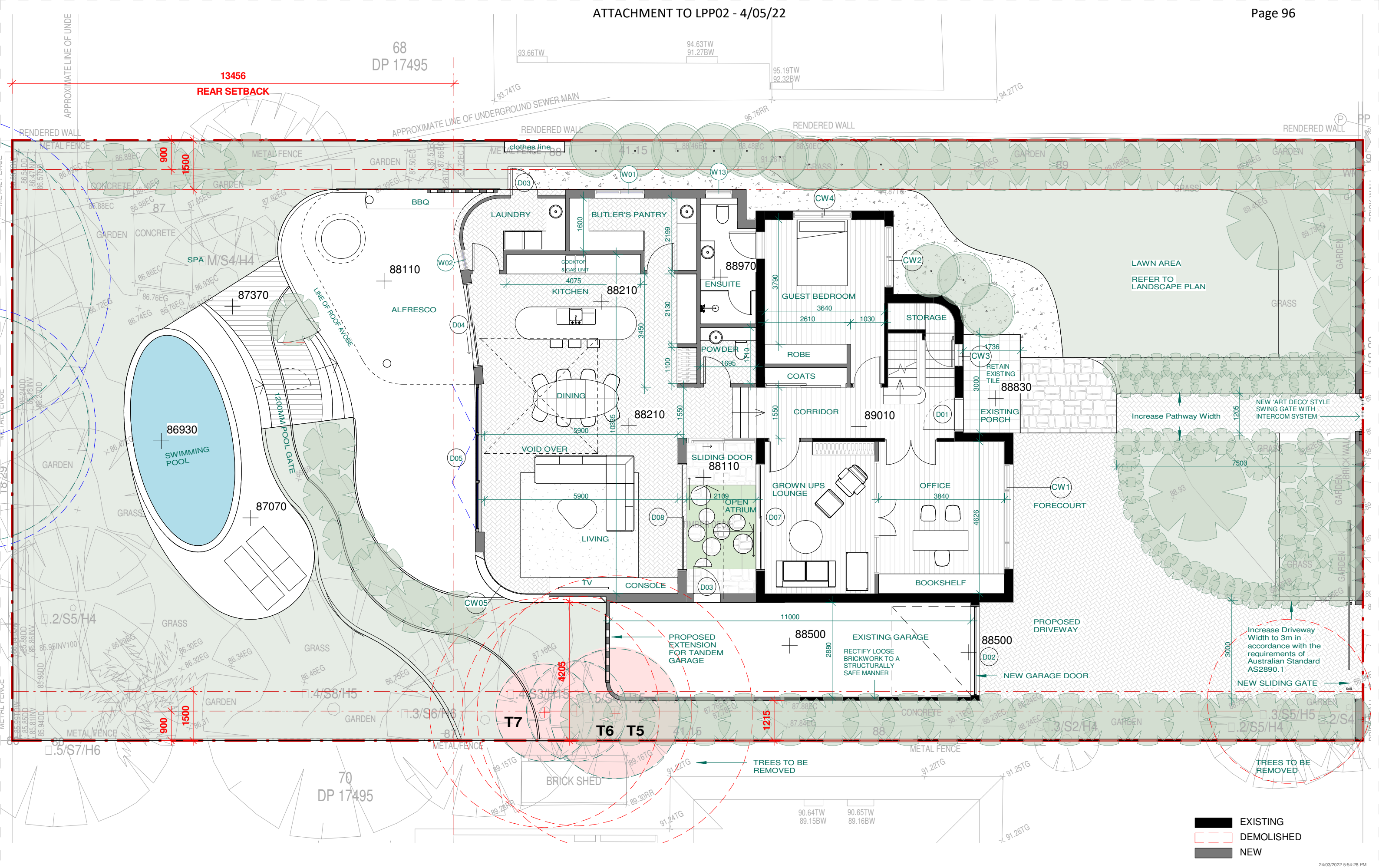
DRAWING TITLE
PLAN - PROPOSED SITE PLAN

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ADDRESS
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WAVERTON

DRAWING NO.
A200

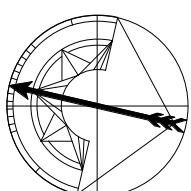
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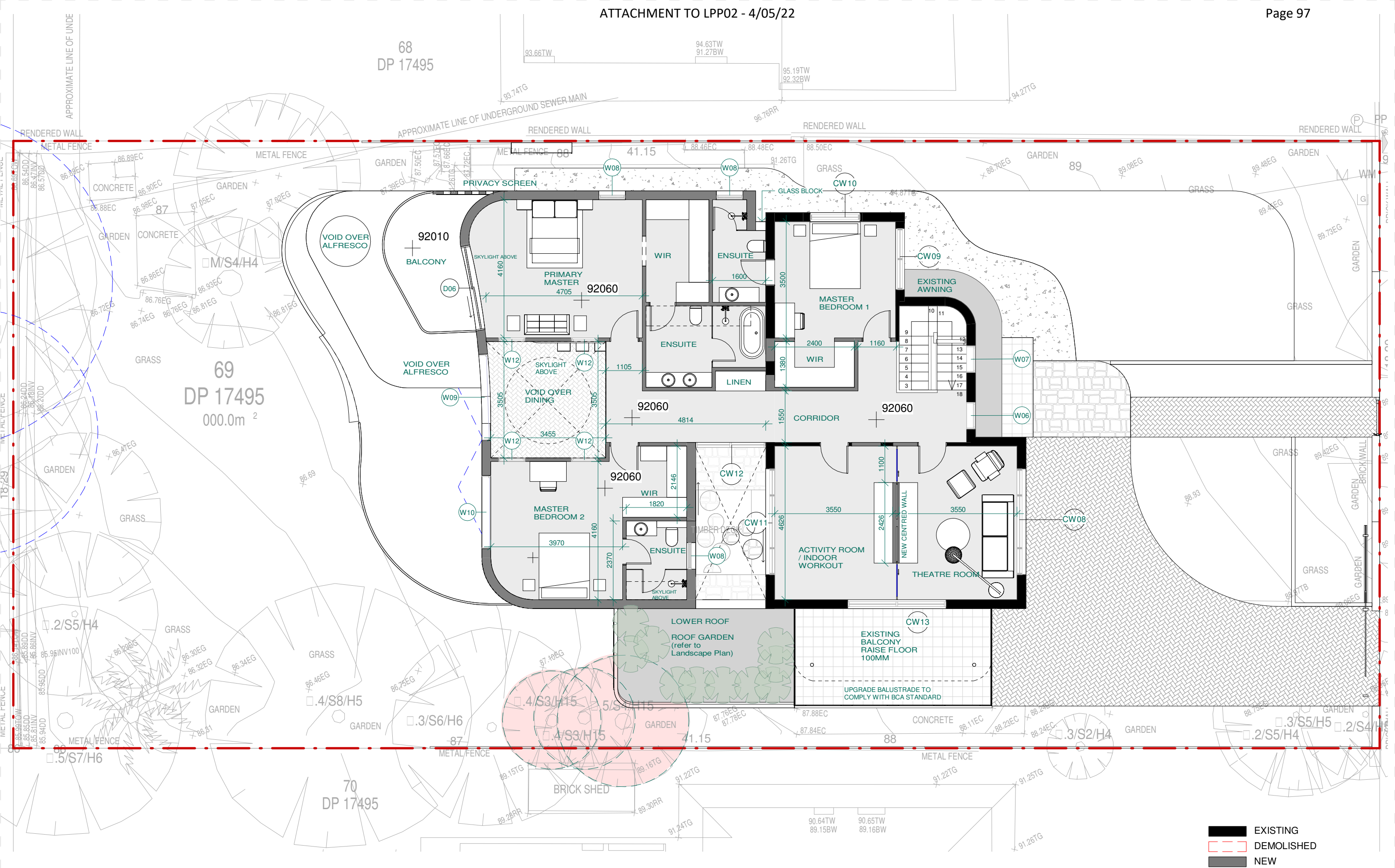
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PROJECT
ART DECO HOUSE

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DRAWING NO.
A210

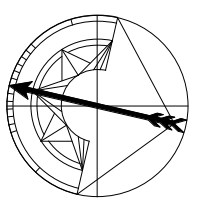
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PLAN - FIRST FLOOR

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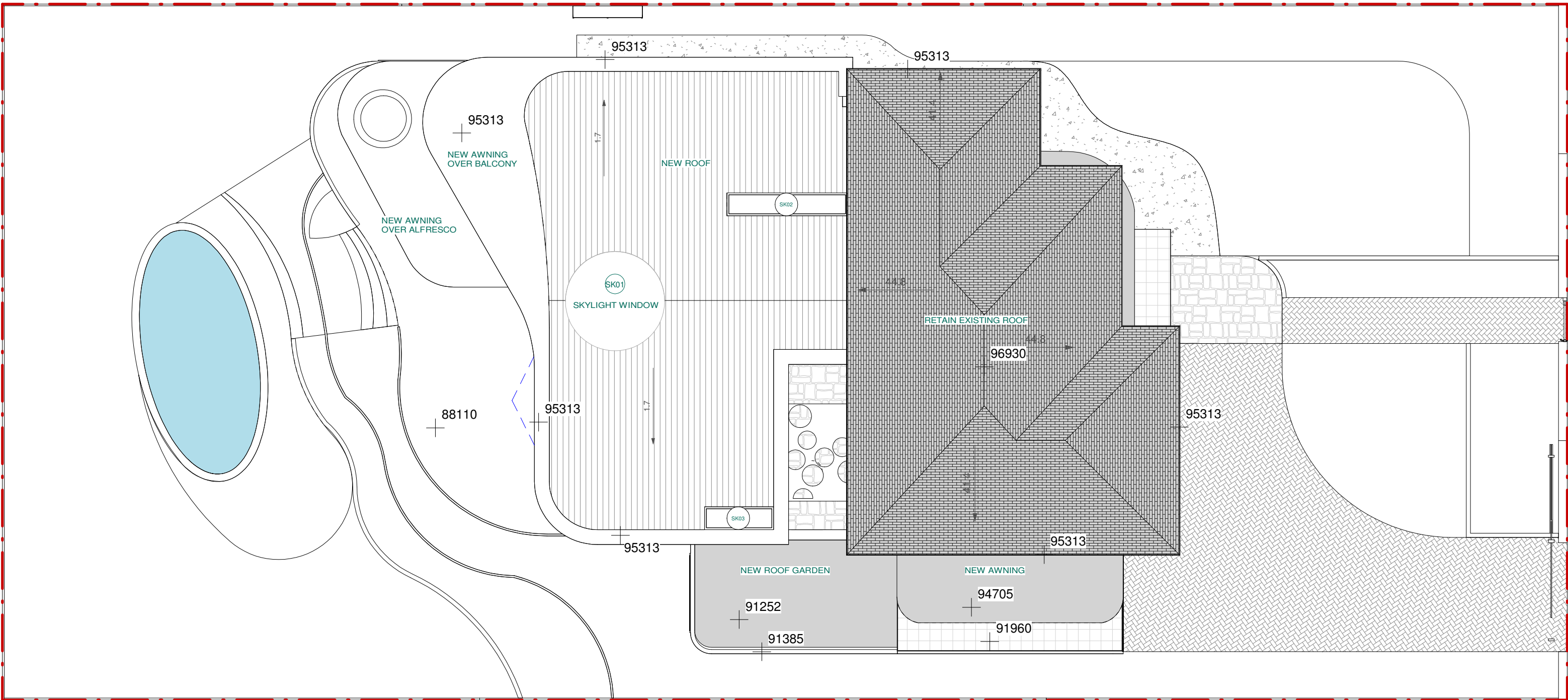
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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A230

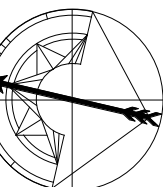
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DRAWING BY
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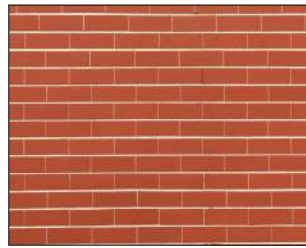
PROJECT NO.
21193

SCALE
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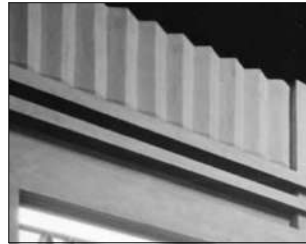
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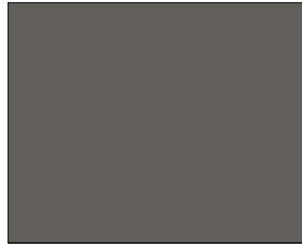
BR - RED BRICK TO MATCH EXISTING BRICK COLOR



F1 - WHITE PAINT / POWDER COAT DULUX VIVID WHITE (OR SIMILAR TO)



F2 - CONCRETE PLASTERBOARD PAINTED WITH F1



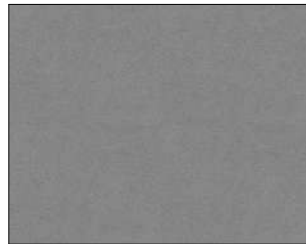
F3 - DARK GREY POWDER COAT DULUX WOODLAND GRE (OR SIMILAR TO)



F4 - PERFORATED BRICK WALL IN RED BRICK



F5 - METAL RAILING TYPE 1: MODERN POWDERCOATED IN F3 (OR SIMILAR TO)



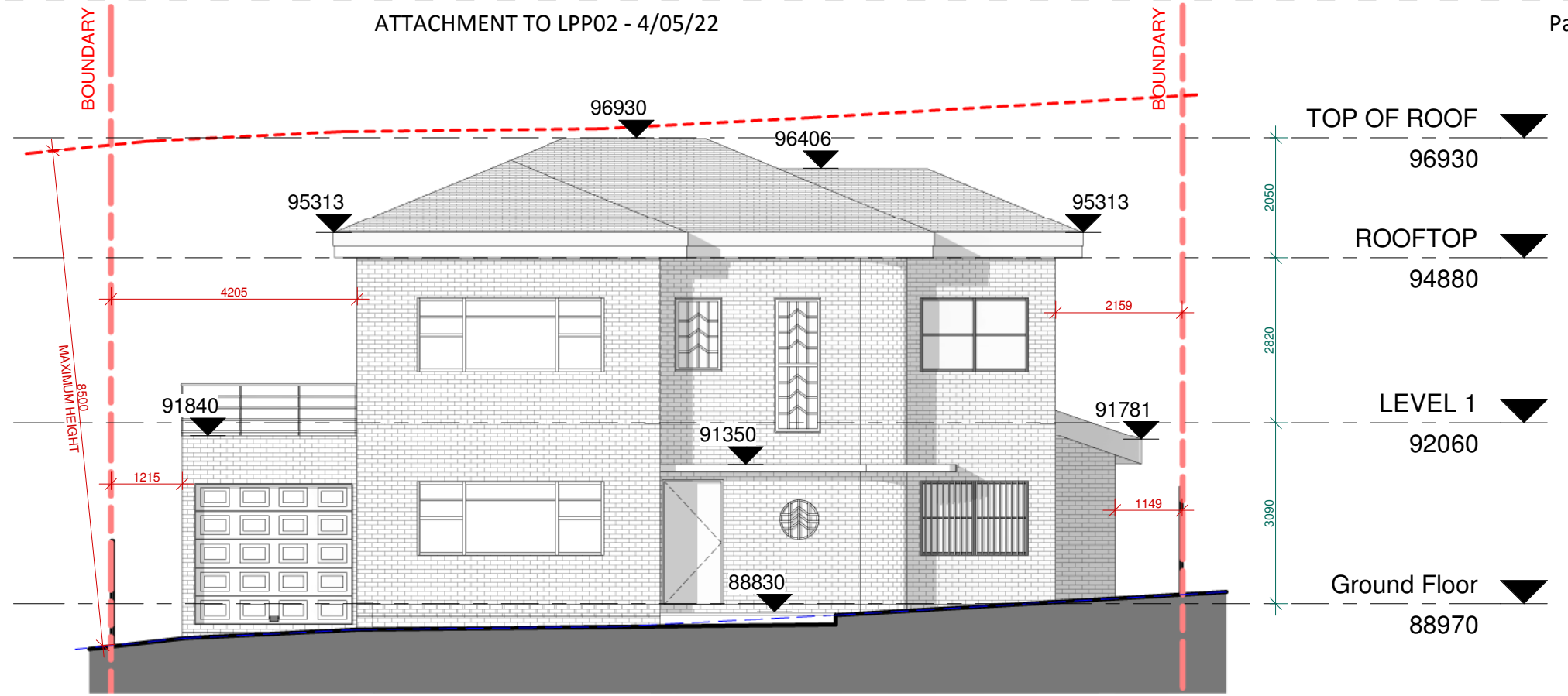
F6 - DARK GREY CONCRETE FINISH (OR SIMILAR TO)



F7 - METAL RAILING WITH GLASS BACKING TYPE 2: ART DECO (OR SIMILAR TO)

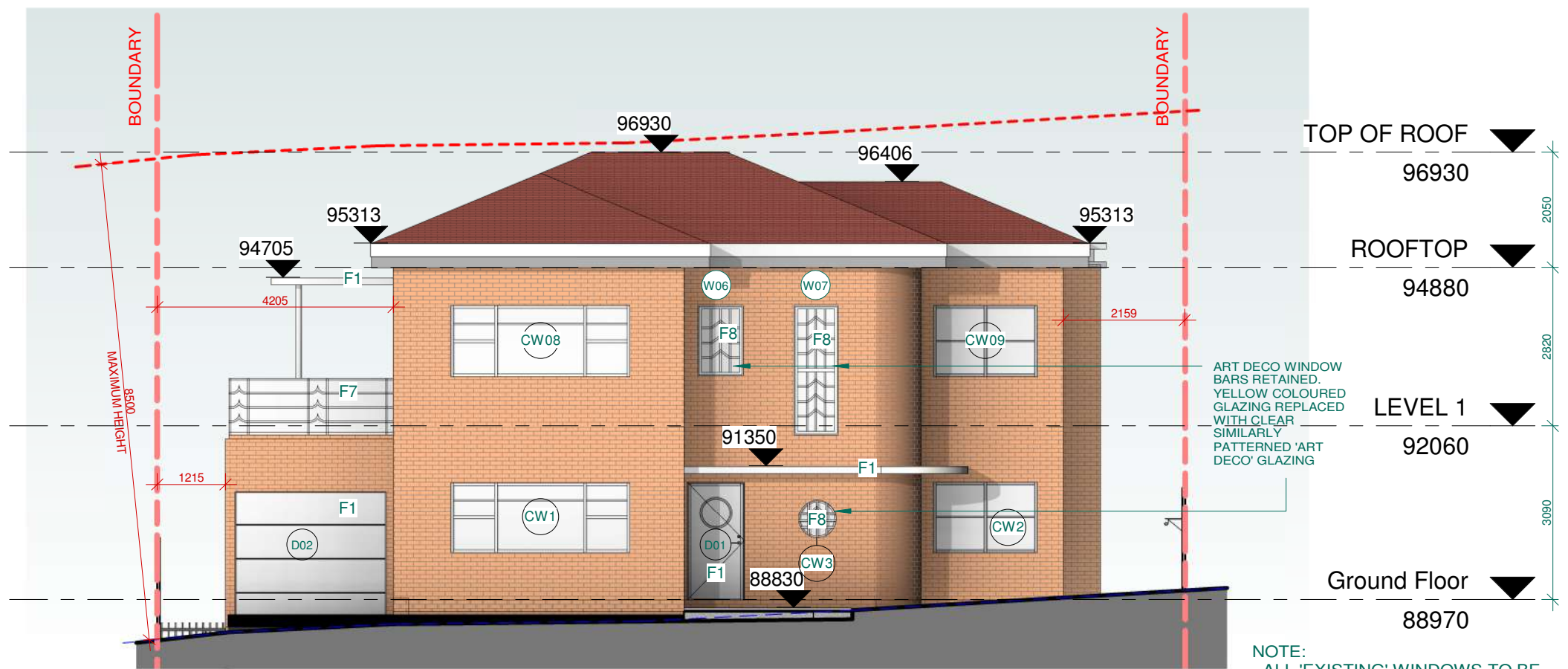


F8 - CLEAR RIPPLE GLASS (OR SIMILAR TO)



EXISTING - FRONT SOUTHERN ELEVATION

1 : 100



PROPOSED - FRONT SOUTHERN ELEVATION

1 : 100

ART DECO WINDOW BARS RETAINED. YELLOW COLOURED GLAZING REPLACED WITH CLEAR SIMILARLY PATTERNED 'ART DECO' GLAZING

NOTE:
- ALL 'EXISTING' WINDOWS TO BE REPLACED LIKE FOR LIKE.
- CORNICES TO BE RETAINED AND/OR REPLACED LIKE FOR LIKE WHERE NEEDED.



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A300

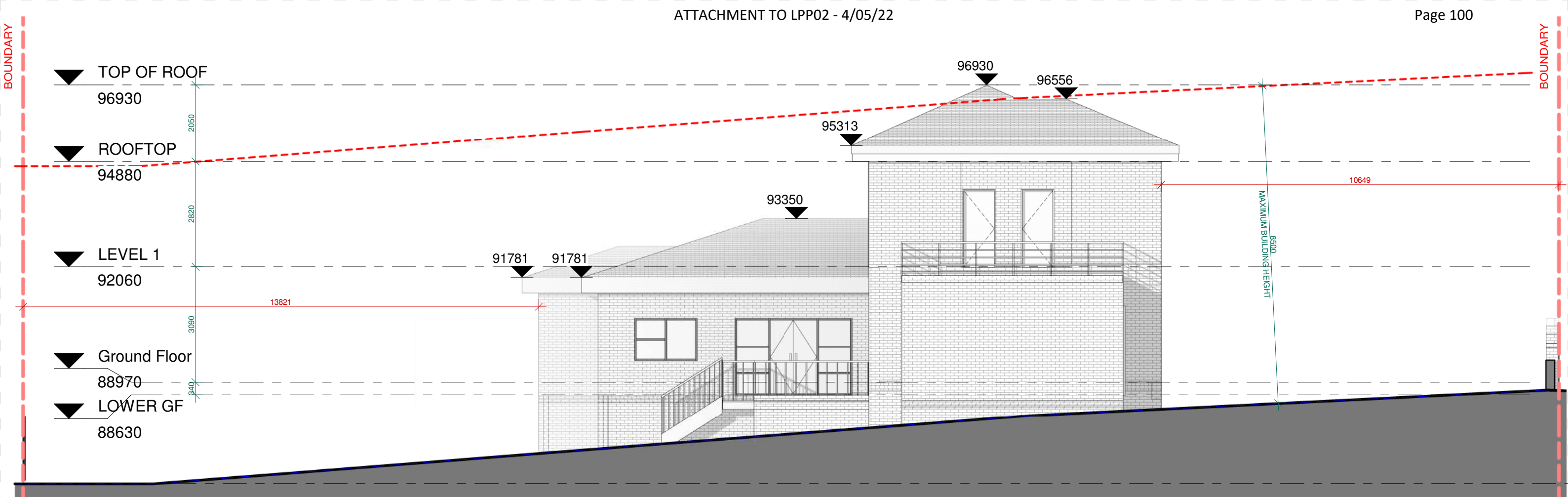
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ELEVATIONS

DRAWING BY
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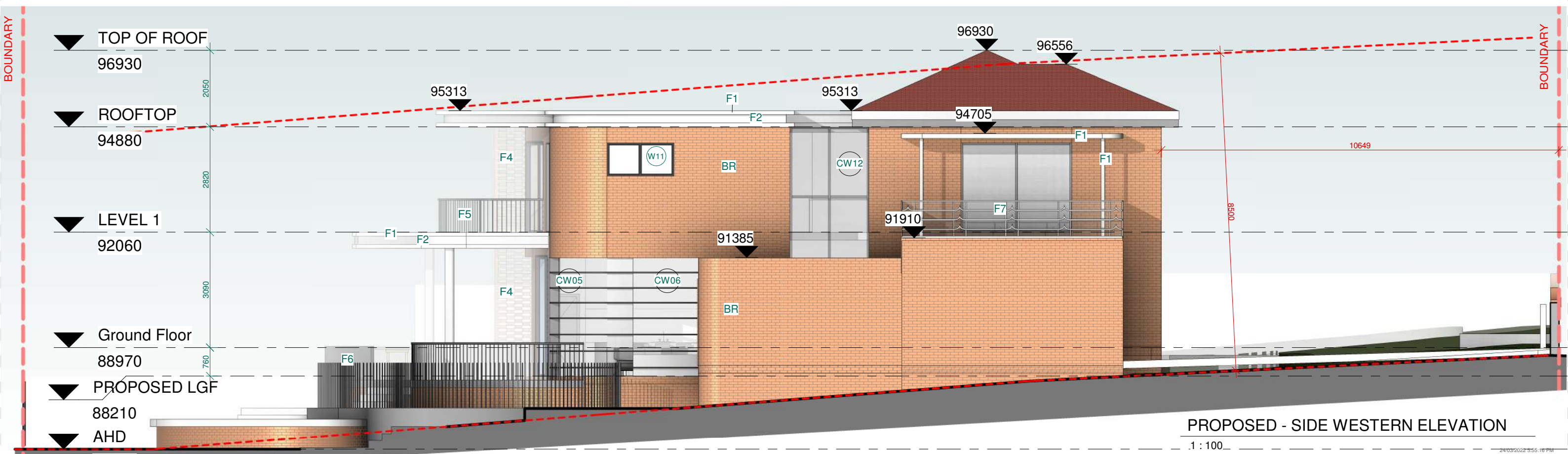
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1 : 100 @ A3



EXISTING - SIDE WESTERN ELEVATION

1 : 100



PROPOSED - SIDE WESTERN ELEVATION

1 : 100



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A301

DRAWING TITLE
ELEVATIONS

DRAWING BY
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RT

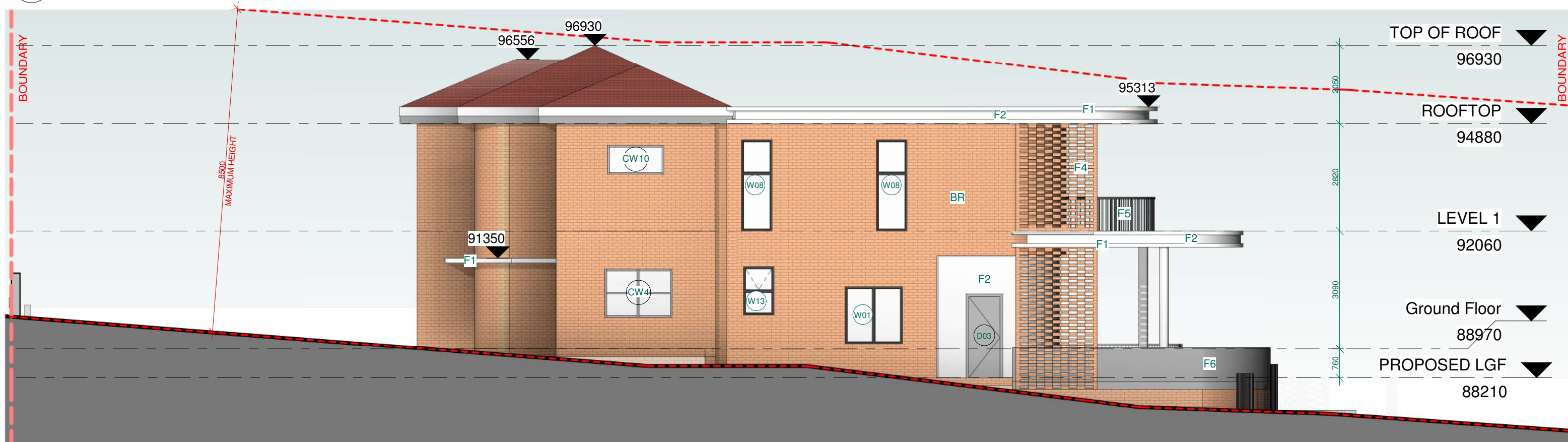
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SCALE
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2 EXISTING - SIDE EASTERN ELEVATION
A302 1:100



1 PROPOSED - SIDE EASTERN ELEVATION Copy 1
A302 1:100



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

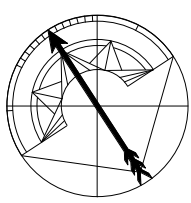
WAVERTON

DRAWING NO.
A302
DRAWING TITLE
ELEVATIONS

DRAWING BY
VK
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RT

PROJECT NO.
21193

SCALE
1:100 @ A3



ATTACHMENT TO LPP02 - 4/05/22
96930



EXISTING - REAR NORTHERN ELEVATION

1 : 100



PROPOSING - REAR NORTHERN ELEVATION

1 : 100



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A303

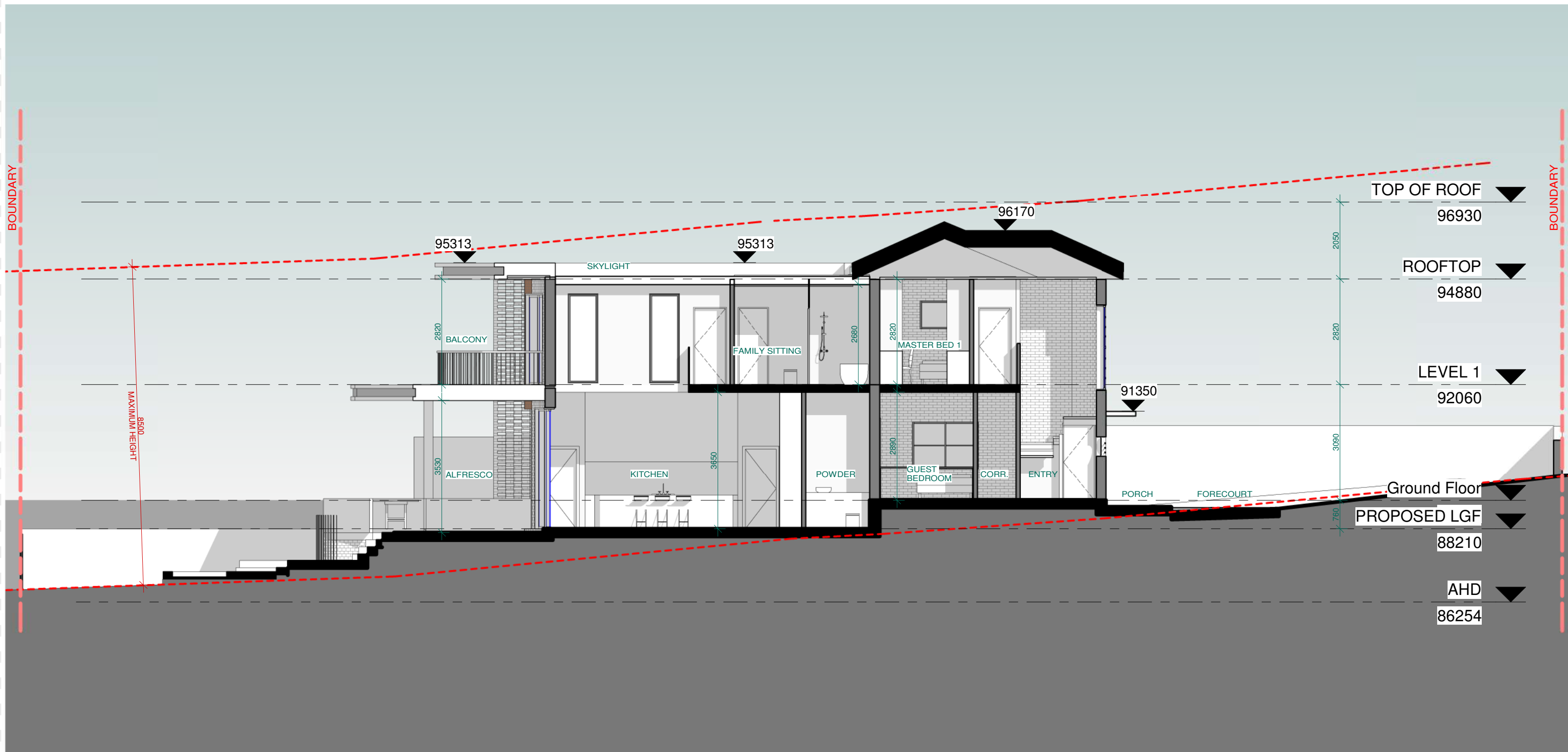
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ELEVATIONS

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SECTION A

1 : 100



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A400

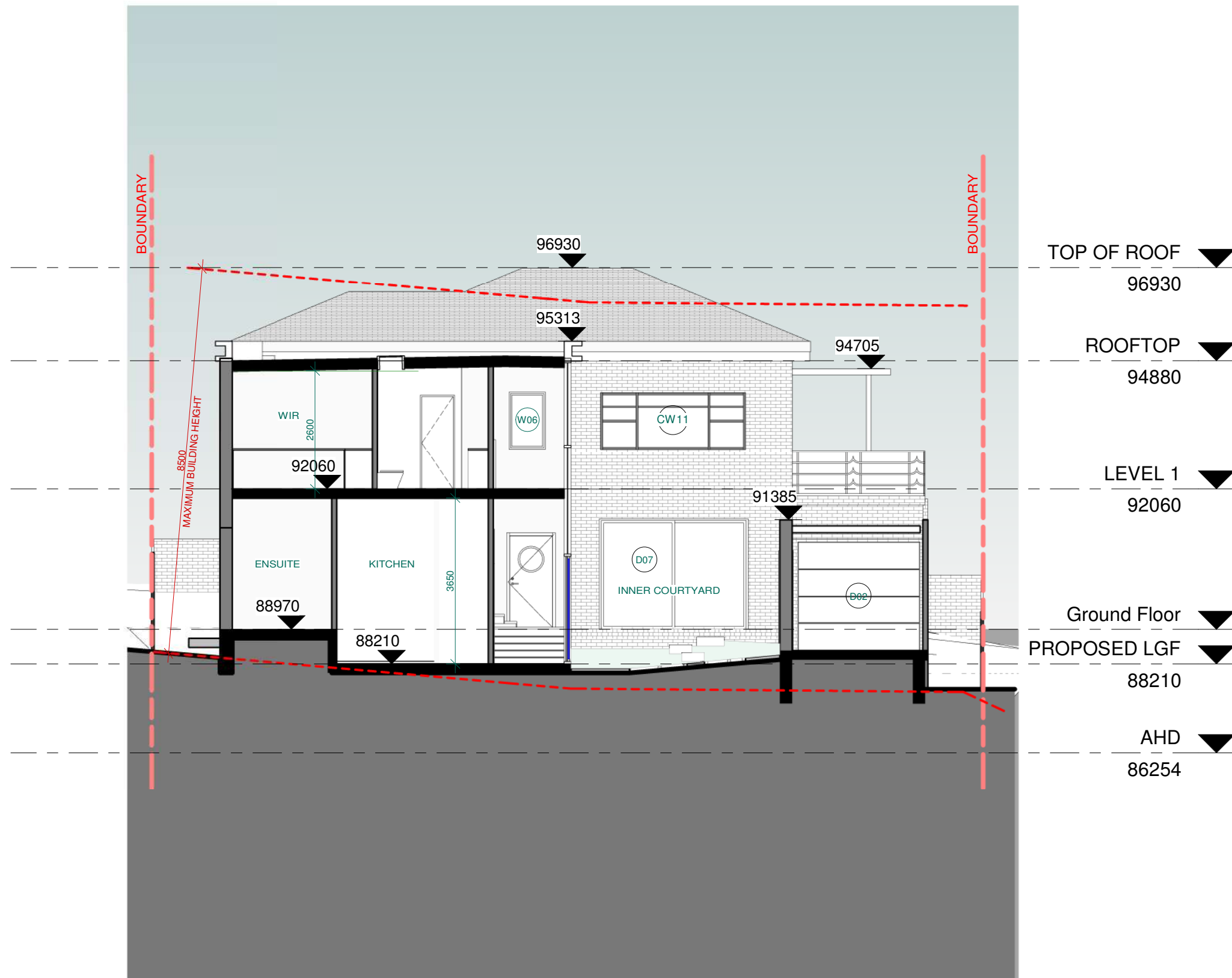
DRAWING TITLE
SECTIONS - OVERALL

DRAWING BY
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PROJECT NO.
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SCALE
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SECTION B

1 : 100



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A450

DRAWING TITLE
SECTIONS

DRAWING BY
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PROJECT NO.
21193

SCALE
1 : 100 @ A3

Window Schedule

Type Mark	Window Style	Width	Height	Glazing	Count	Phase Created
W01	SLIDING	1500	1500	CLEAR	1	New Construction
W02	AWNING	600	3200	CLEAR	1	New Construction
W06	FIXED - EXISTING	800	1250	FLUTED	1	Existing
W07	FIXED - EXISTING	800	2290	FLUTED	1	Existing
W08	AWNING	800	2400	OBSCURE BOTTOM PANNEL	3	New Construction
W09	FIXED	2600	2400	CLEAR	1	New Construction
W10	FIXED	2200	2400	CLEAR	1	New Construction
W11	SLIDING	1800	900	CLEAR	1	New Construction
W12	FIXED - INTERNAL	800	2400	CLEAR	4	New Construction
W13	AWNING	800	1260	OBSCURE BOTTOM PANNEL	1	New Construction

Mark	Length	Unconnected Height	Glazing	Count	Phase Created
CW1	3190	1250	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW2	1845	1260	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW3	739	3090	FLUTED / TIMBER FRAME	1	Existing
CW4	1780	1260	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW05	2003	3175	CLEAR GLAZING	1	New Construction
CW06	1792	3175	CLEAR GLAZING	1	New Construction
CW07	3190	1250	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW08	3190	1260	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW09	1845	1260	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW10	1500	750	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW11	3190	1250	CLEAR GLAZING / TIMBER FRAME	1	Existing
CW12	2379	6730	CLEAR GLAZING	1	New Construction
CW13	2960	2400	CLEAR GLAZING / TIMBER FRAME	1	New Construction

Door Schedule

Type Mark	Height	Width	Comments	Count	Phase Created
D01	2090	990	selected entry door	1	New Construction
D02	2400	2700	selected garage door	1	New Construction
D03	2134	820	selected solid external door	2	New Construction
D04	3200	2500	sliding glass door	1	New Construction
D05	3180	4500	bifold glass door	1	New Construction
D06	2400	2500	sliding glass door	1	New Construction
D07	2400	3190	sliding glass door	1	New Construction
D08	3200	3190	sliding glass door	1	New Construction

Grand total: 9

SKYLIGHT WINDOW SCHEDULE

Type Mark	Diameter	Count
SK01	2500 mm	1

Type Mark	Width x Length	Count
SK02	600 x 3170	1
SK03	600 x 1820	1

NOTE:

EXISTING ART DECO GLAZING BARS TO BE RETAINED OR REPLACED LIKE FOR LIKE BASED ON CONDITION.



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PROJECT
ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A800

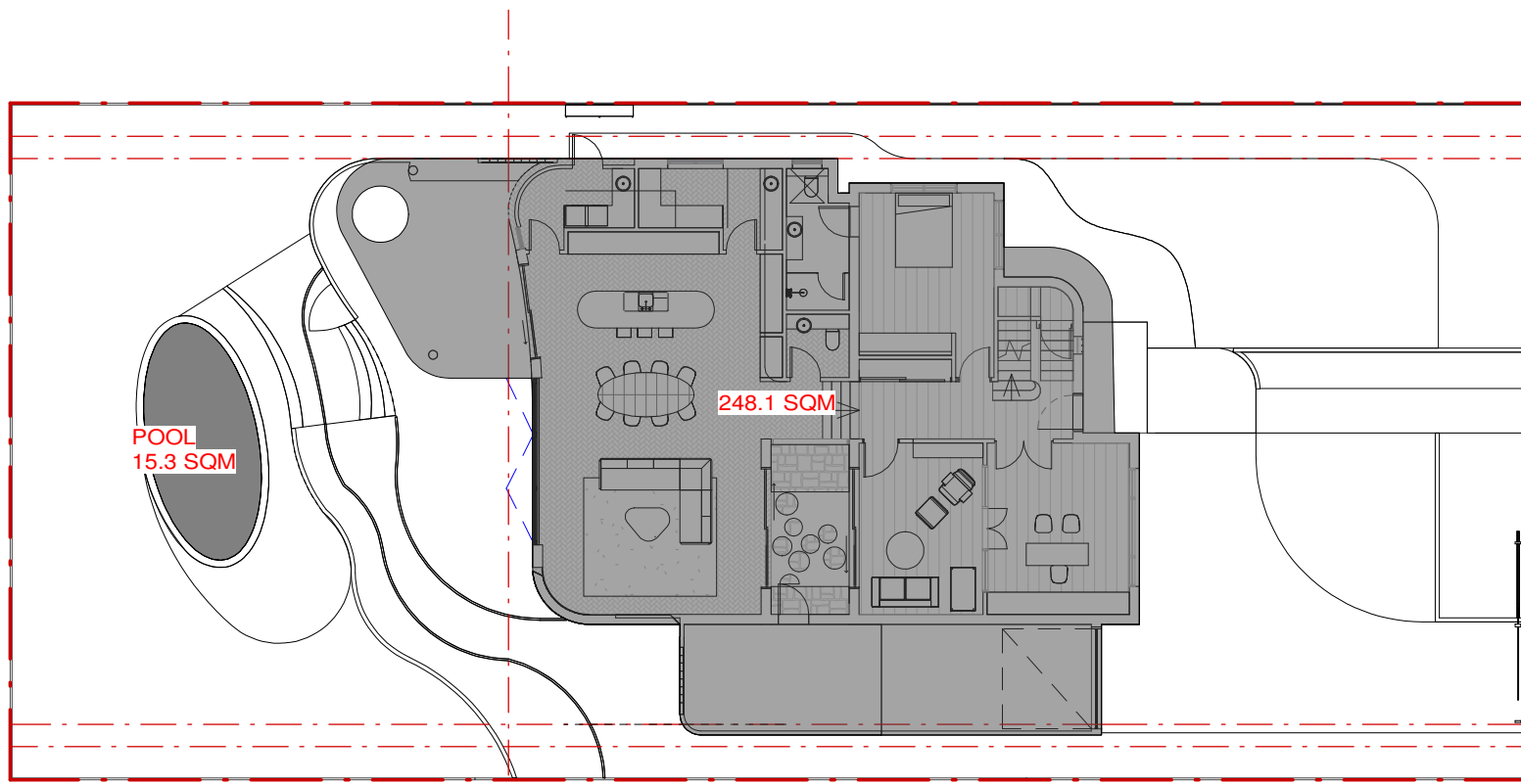
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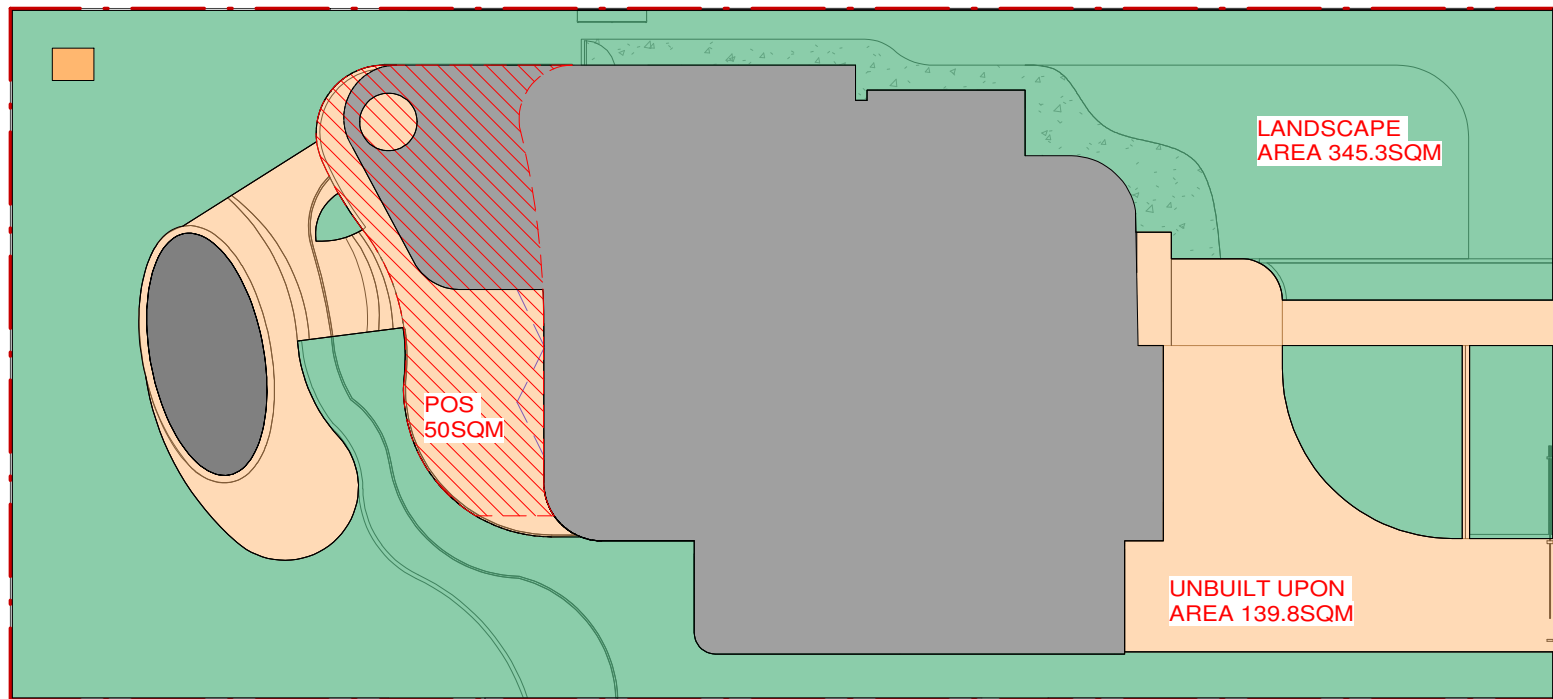
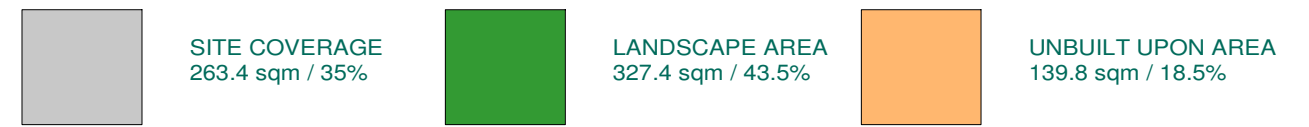
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SCALE
@ A3

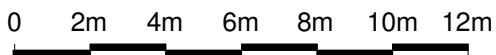


1 SITE COVERAGE CALCULATION
A900 1 : 200



3 LANDSCAPE CALCULATION
A900 1 : 200

ITEM	PROPOSED	STANDARD / COMPLIANCE CONTROL	COMPLIANCE
SITE AREA	752.6 m ²		
SITE COVERAGE	EXISTING	100.7 m ²	
	ADDITION	162.7 m ²	
	TOTAL	35% / 263.4 m ²	35% OF LOT / 263.41 M ²
LANDSCAPED AREA	45.8% / 345.3 m ²	45% OF LOT = 338.67 M ²	YES
UN-BUILT UPON AREA	18.5% / 139.8 m ²	MAX 20% = 150.2 M ²	YES
	POS	50 m ²	50 m ²



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ART DECO HOUSE

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WAVERTON

DRAWING NO.
A900

DRAWING TITLE
AREAS CALCULATIONS

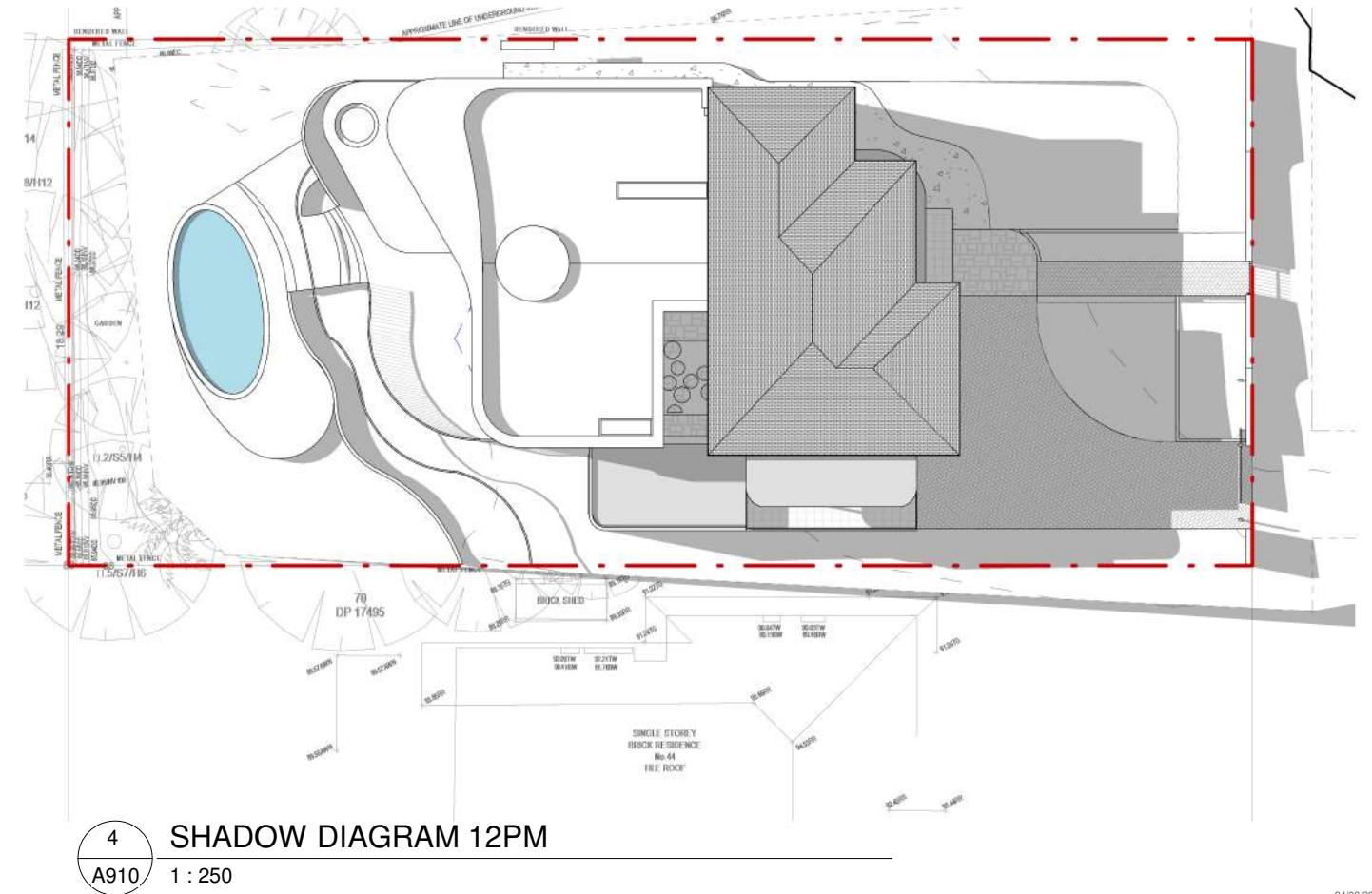
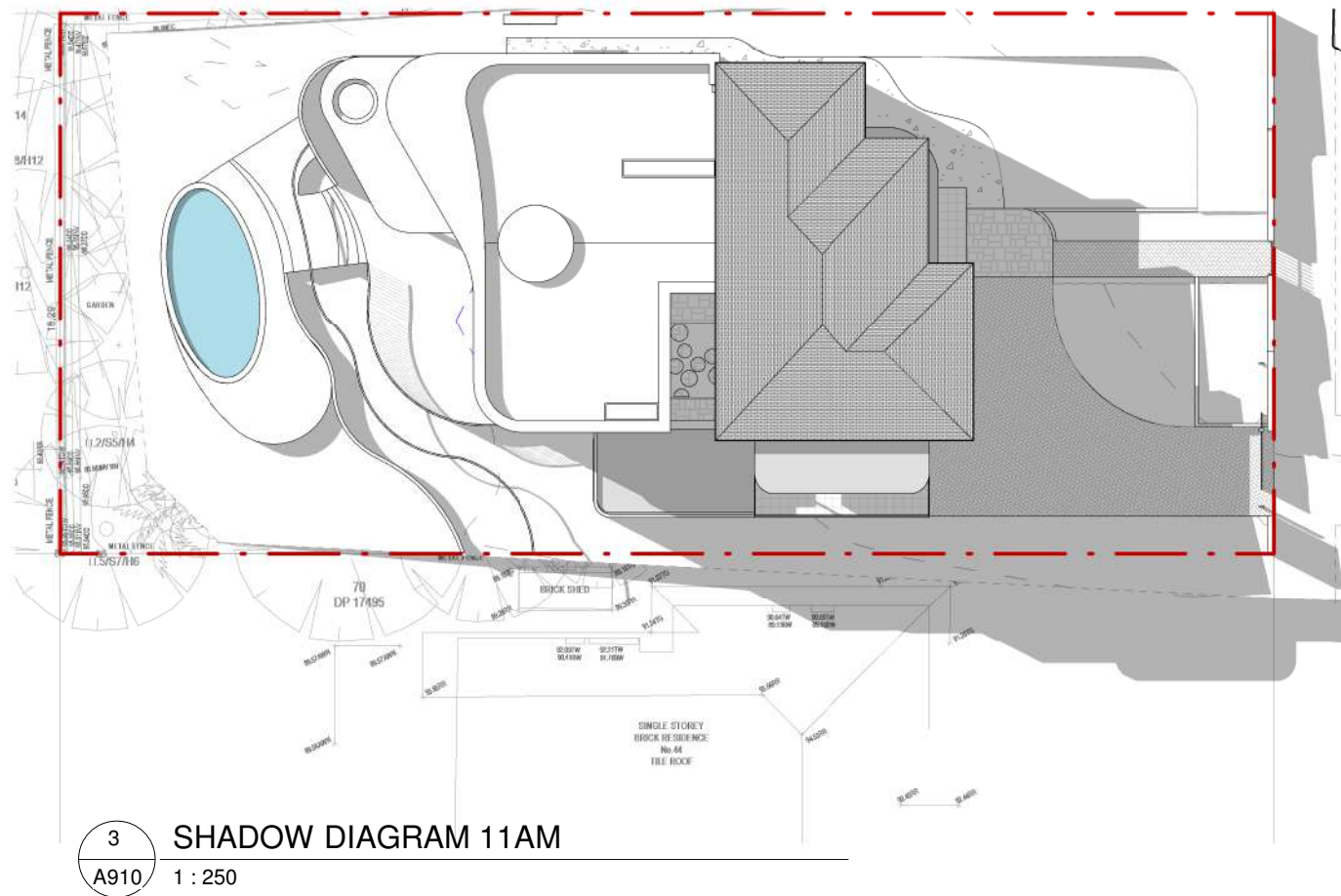
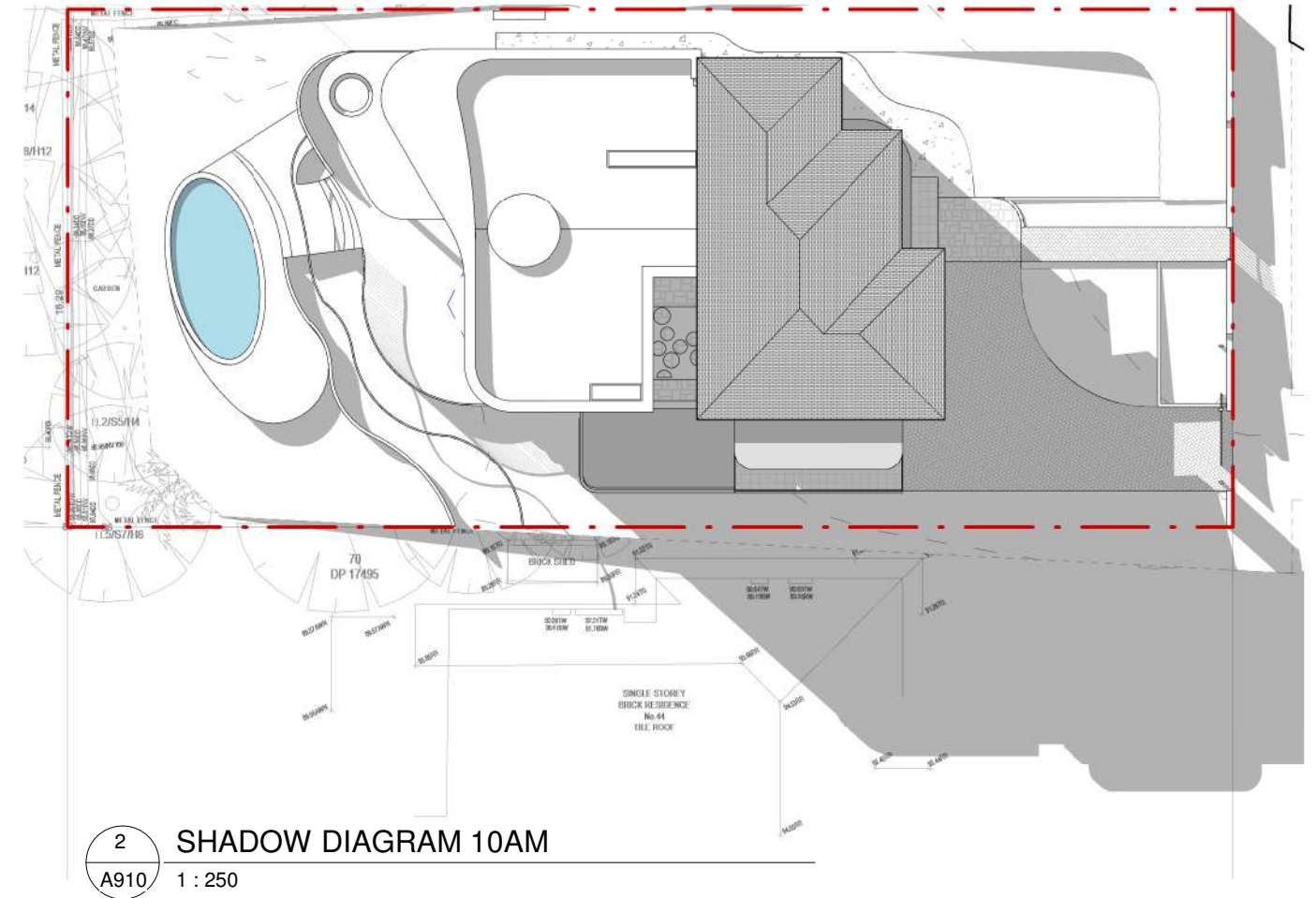
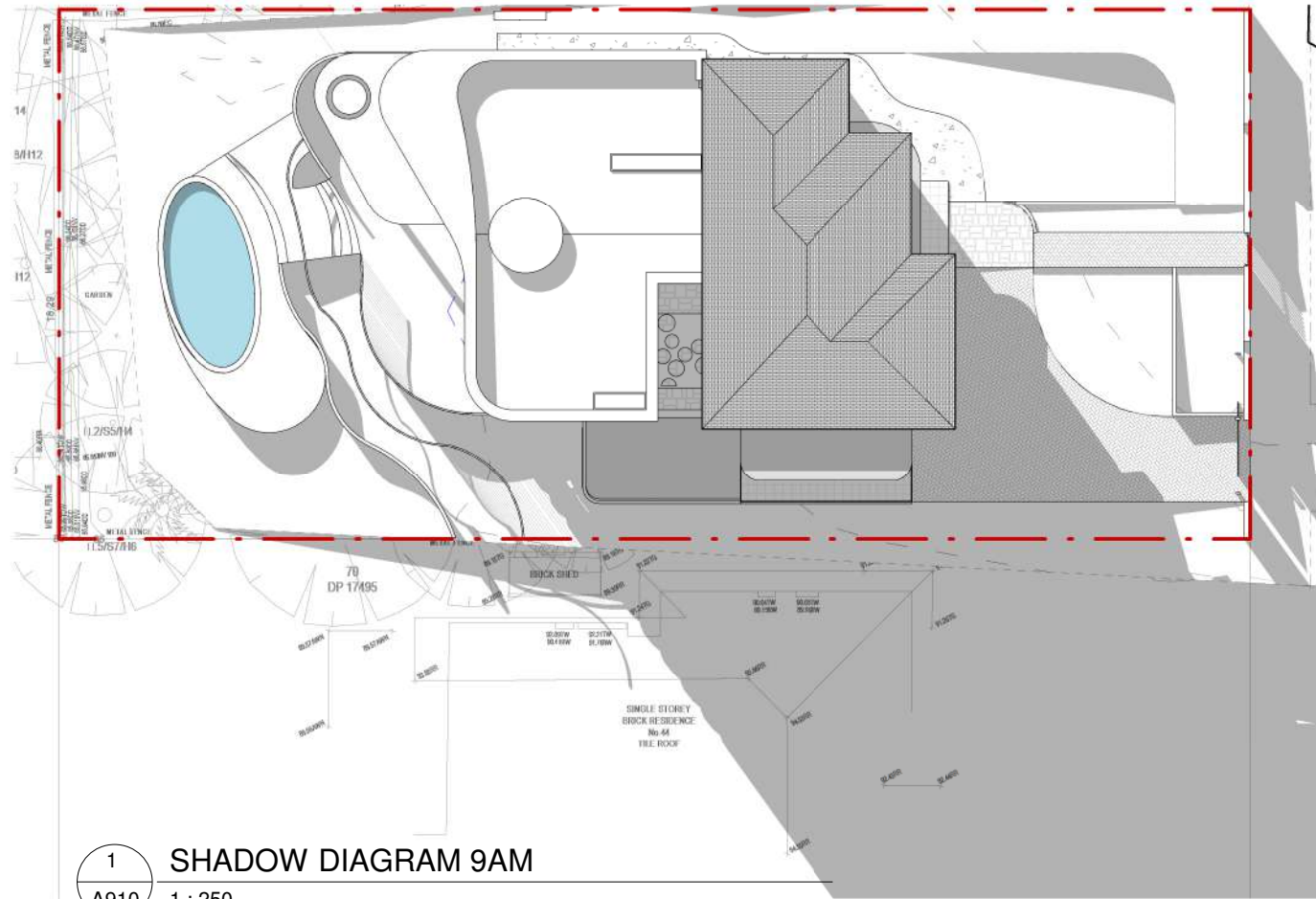
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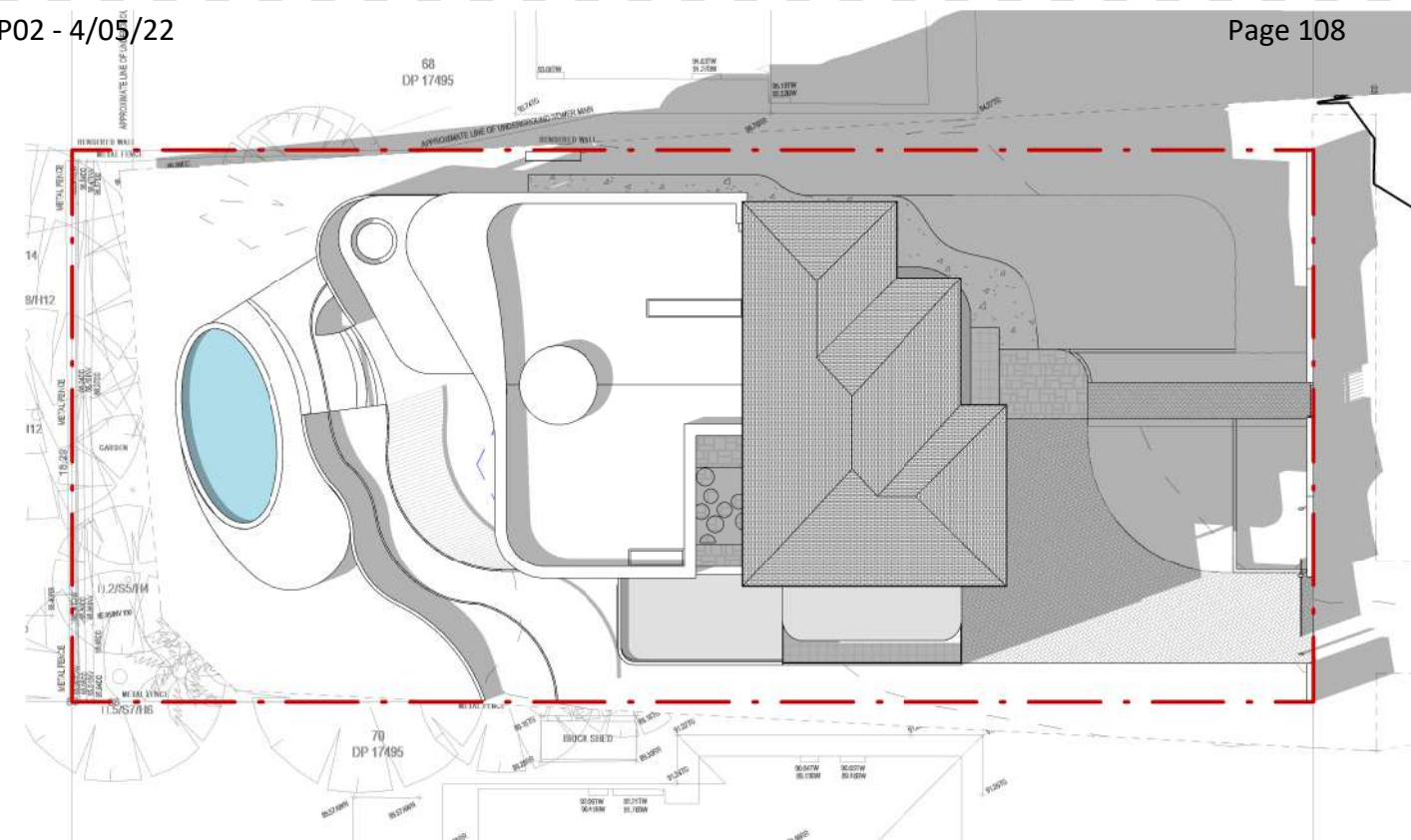
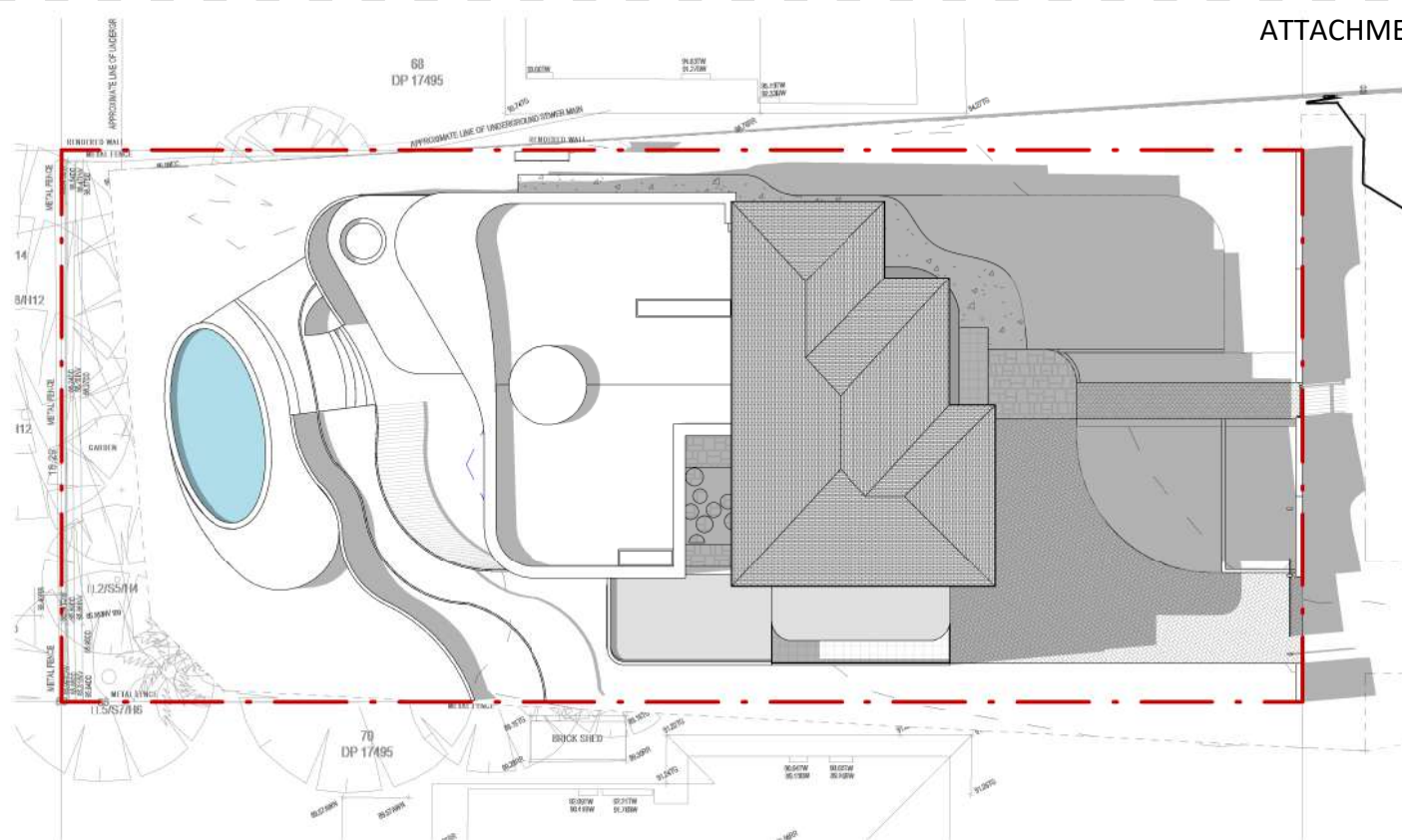
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As indicated @ A3

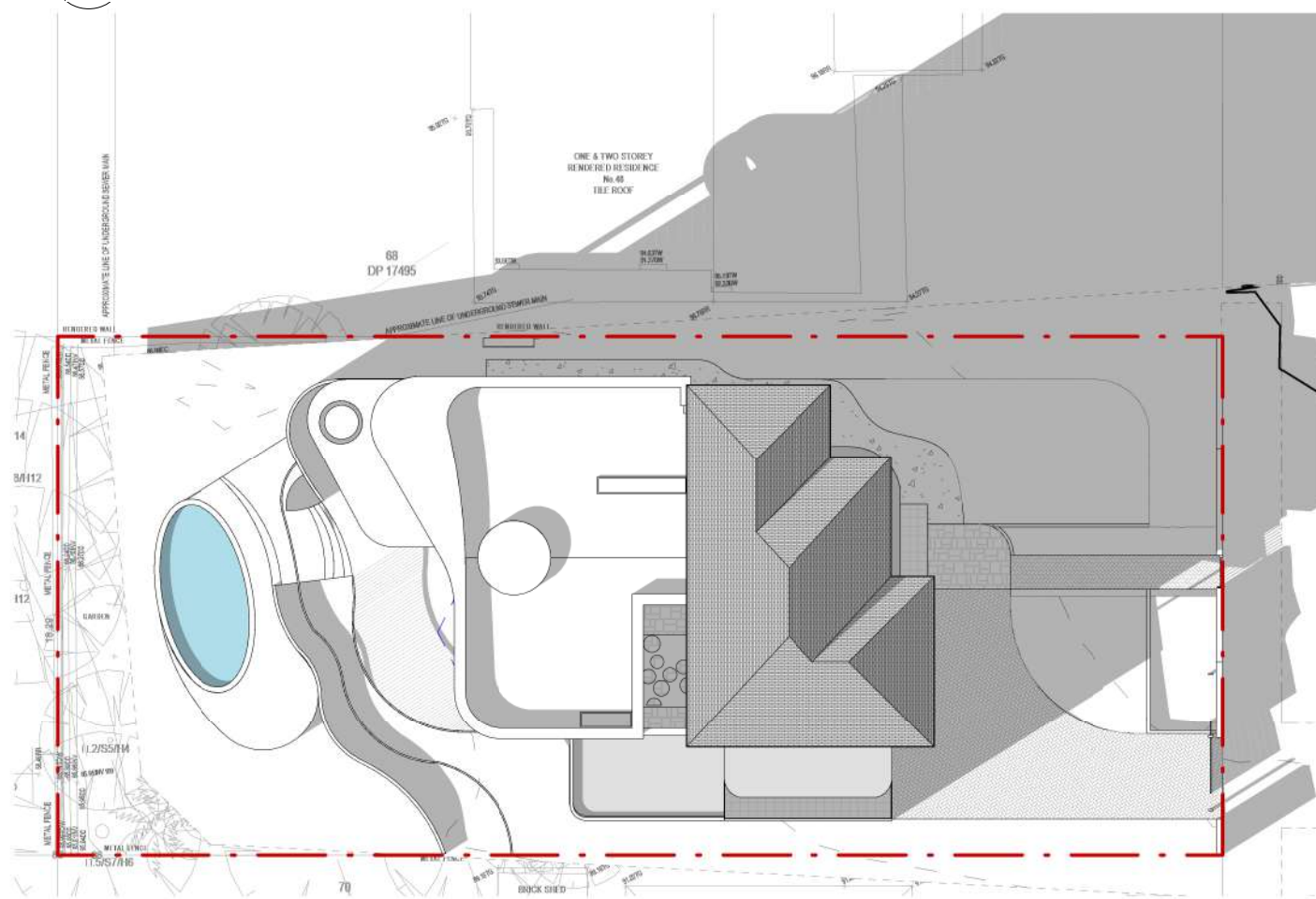






1 SHADOW DIAGRAM 1PM
A911 1 : 250

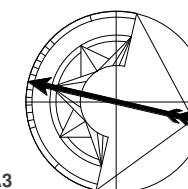
2 SHADOW DIAGRAM 2PM
A911 1 : 250

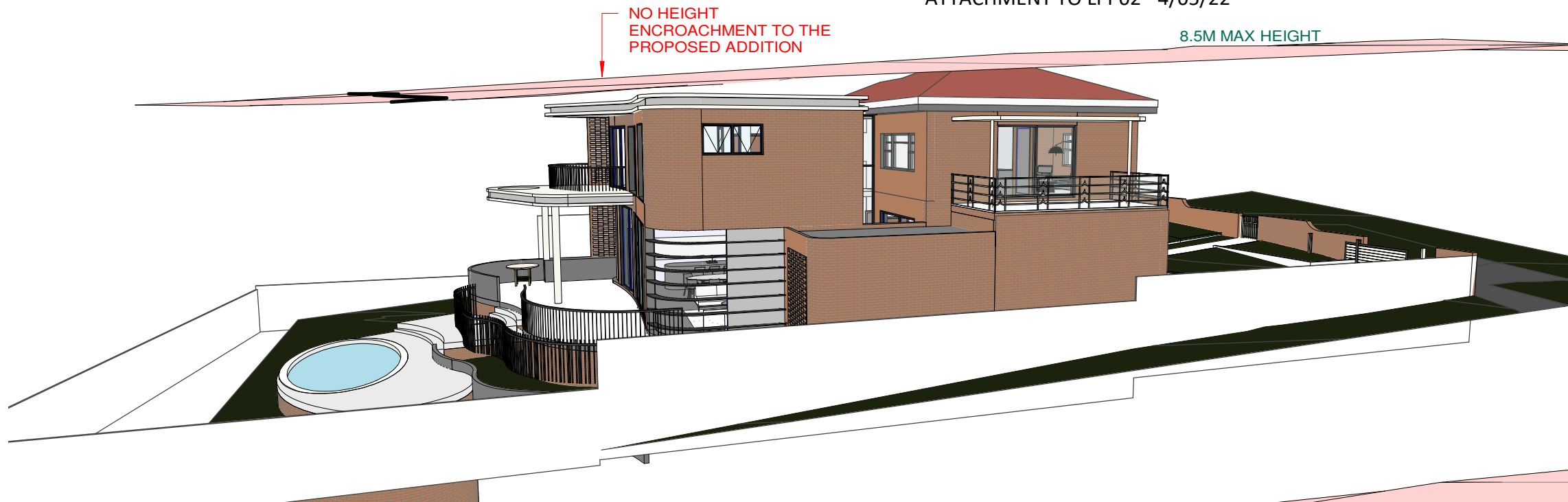


3 SHADOW DIAGRAM 3PM
A911 1 : 250

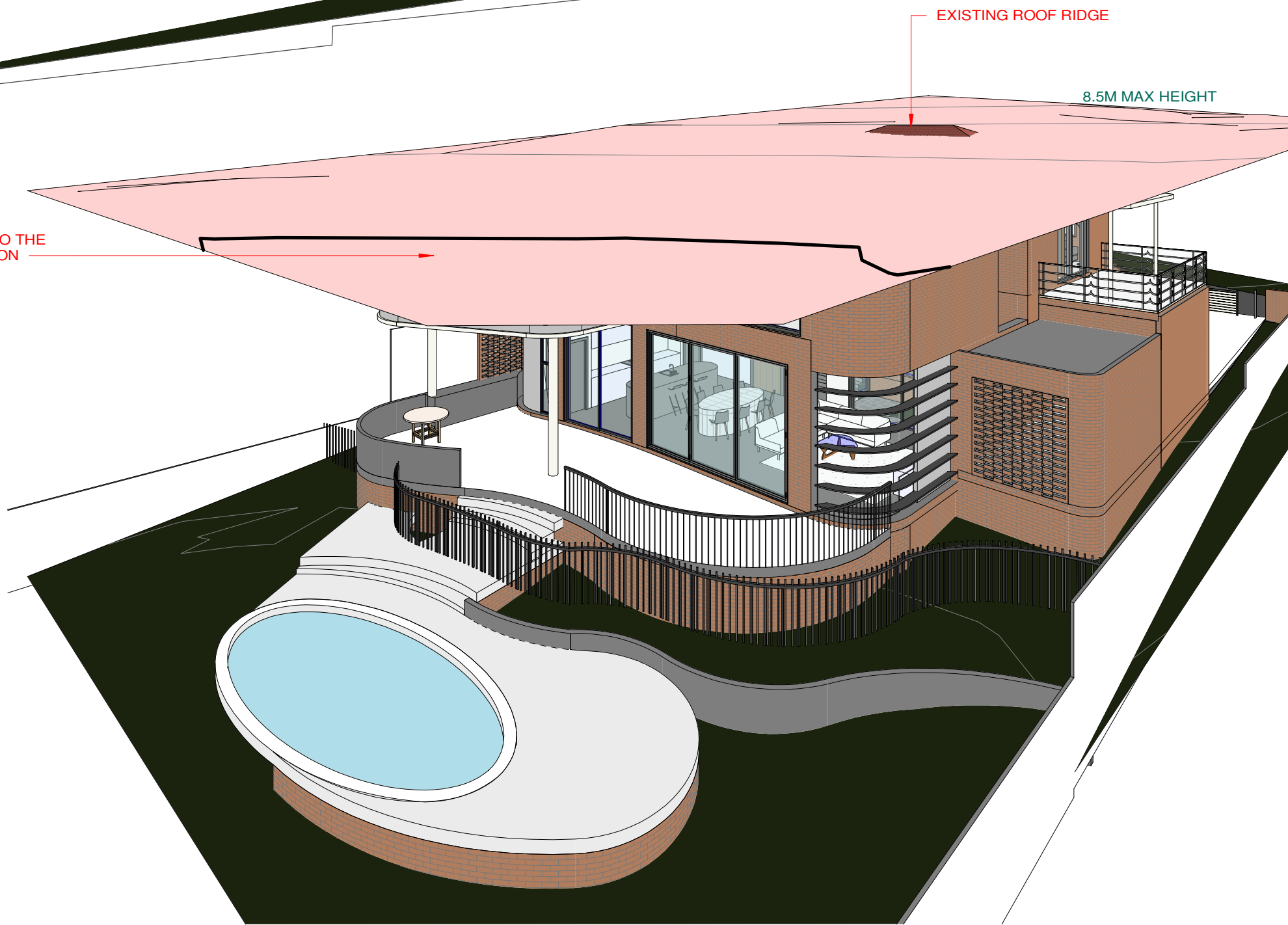


4 POS - WINTER SOLSTICE 12PM
A911





8.5M HEIGHT BLANKET DIAGRAM 2



8.5M HEIGHT BLANKET DIAGRAM 1

24/03/2022 5:56:26 PM



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ART DECO HOUSE

ADDRESS
46 CROWS NEST ROAD

WAVERTON

DRAWING NO.
A912

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MAX. HEIGHT BLANKET

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PO Box 309
Frenchs Forest NSW 1640.

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M: 0430 007 725



29 March 2022

North Sydney Council
200 Miller Street
North Sydney, NSW 2060

Att: Miguel Rivera, Senior Assessment Officer

Dear Miguel,

RE: DA436/2021 – 46 Crows Nest Rd, Waverton (PAN 178700) – Clause 4.6 Variation Request Height.

The purpose of this letter is to respond to Council's letter of 29 March 2022 requesting a Clause 4.6 variation request with respect to a pre-existing non-compliance with the building height standard.

Building Height

Under Clause 4.3 of North Sydney LEP 2013, a development standard related to building height of 8.5m applies to the site.

The proposed works have a maximum height of 8.5m thereby complying with the standard but the existing building presently breaches the standard by approximately 300mm (~3.5% variation). Council has requested that this pre-existing non-compliance be addressed by way of a Clause 4.6 variation request. Refer to Figure 1 below which shows the extent of the pre-existing non-compliance.

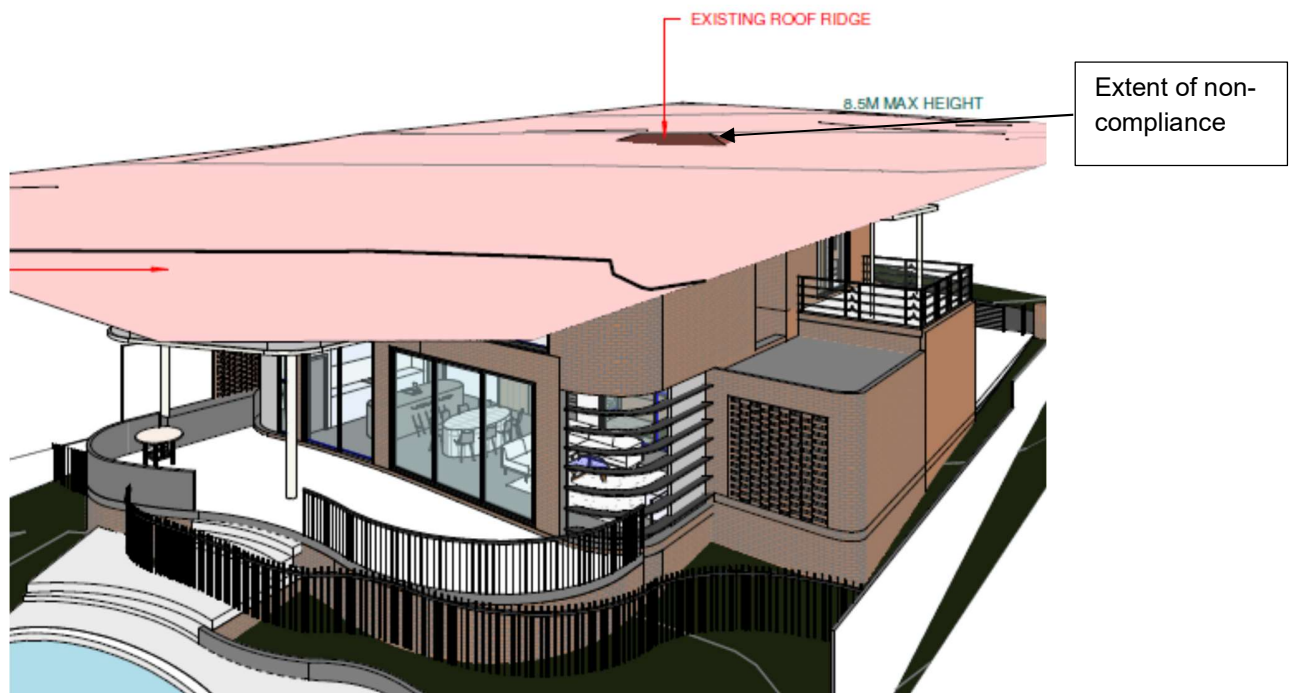


Figure 1: Perspective from rear showing 8.5m height plane and extent of non-compliance

To address the breach to the development standard a request to vary the standard, in accordance with Clause 4.6 of the LEP is provided.

The correct approach to assessing whether a Clause 4.6 written request is well founded is set out in the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118).

His Honour said in *Initial Action* [at 13] that cl 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power in cl 4.6(2) to grant development consent for development that contravenes a development standard.

He further stated [at 14] that:

“The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii).....”

The formation of the opinions of satisfaction as to the matters in cl 4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard.

Finally, the Chief Justice said [at 15] that:



“The first opinion of satisfaction in cl 4.6(4)(a)(i), is that the applicant’s written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3).”

In addition, under cl 4.6(4)(a)(ii), the consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and with the objectives for the development within the zone in which the development is proposed to be carried out.

Further to the matters for consideration set out at Clause 4.6, His Honour also set out how the written variation request must relate to the part of the development which breaches the development standard as opposed to the consideration of the proposed development as a whole. The following written variation request has been drafted in this manner.

Clause 4.6 - Exceptions to Development Standards – Height

The Objectives of Clause 4.6 of North Sydney Local Environmental Plan 2013 as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

At sub clause (2) “development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”

Sub-clause (3) includes the requirement that a written request is provided by the applicant that seeks to justify the contravention of the standard.

The written request needs to demonstrate that:

- i. compliance with standard is unreasonable or unnecessary in the circumstances of the case;*
- ii. there are sufficient environmental planning grounds to justify contravening the development standard.*

Pursuant to sub-clauses (4) and (5), the consent authority needs to be satisfied that the request made by the applicant adequately addresses those matters at sub clause (3), (items (i) and (ii) above); and, that the proposal is within the public interest because it is consistent with the objectives of the particular standard; and, the objectives for development within the zone in which the development is proposed to be carried out.

Concurrence must be obtained from the Secretary. In deciding whether to grant concurrence, the Secretary must consider:



- a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) *the public benefit of maintaining the development standard, and*
- c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Sub-clauses (6) and (8) are not relevant in the circumstances of this case and Clause (7) which refers to record keeping is a matter for Council to address.

These matters are considered below with respect to a proposed contravention to Clause 4.3 Height under North Sydney LEP 2013.

This statement (or request) satisfies the first provision of Clause 4.6 in terms of the applicant making a written request to vary a development standard.

Relevant Standard

The development standard to which this Clause 4.6 request seeks to vary is Clause 4.3 Height of North Sydney LEP 2013.

“(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”

The Height of Buildings Map indicates a maximum height for the site of 8.5m.

Is the requirement a development standard?

A *development standard* is defined at Section 4 of the Act as:

*“**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) *the area, shape or frontage of any land, **the dimensions of any land, buildings or works**, or the distance of any land, building or work from any specified point,*

[emphasis added]

Clause 4.3 of the LEP includes a numeric provision related to the height of a development of 8.5m. The control is considered to be a *development standard*.



1. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

As to whether or not compliance with the standard is unreasonable and unnecessary, the consideration provided in *NSWLEC Wehbe v Pittwater 2007* (previously applied to SEPP 1) has been found to be of assistance. *Wehbe* sets out five means for consideration as follows:

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

With respect to the tests outlined above from *Wehbe*, we submit that it is unreasonable and unnecessary to strictly comply with Clause 40(4)(a) for reasons related to (a) above, in terms of the consistency of the proposed development with the objectives of the development standard.

We further note that in *NSWLEC Four2Five Pty Ltd v Ashfield Council 2015*, Pearson C found that the reasons to justify any contravention should be particular to the circumstances of the site and development. This is not to say that wider reasons must be discounted. Our submission is made on the basis of the circumstances of this particular site and wider environmental strategic and contextual planning grounds.

(a) Consistency with the objectives of the standard

The objectives of the Height standard are addressed as follows:

- a. *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*

The building, as a whole, follows the topography of the land by sloping down towards the rear. The non-compliant existing ridge of the roof is a natural consequence of the overall building form.



- b. to promote the retention and, if appropriate, sharing of existing views,*

No significant private or public views are obstructed as a result of the breach to the development standard.

- c. to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*

No significant overshadowing is caused, and no additional overshadowing is introduced, as a result of the pre-existing non-compliance.

- d. to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*

No additional privacy related impacts will be introduced as a result of the pre-existing non-compliance to the height standard.

- e. to ensure compatibility between development, particularly at zone boundaries,*

The existing development is characteristic in form with the prevailing built form character of the streetscape being two storey with high pitched roofs. The pre-existing non-compliance relates to the roof ridge and does not, in any way, appear visually incompatible with the prevailing character.

The proposed development is considered to be consistent with, and would not hinder, the objectives of the Height standard.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed variation under Clause 4.6 is considered to be justified on the following environmental planning grounds:

- The proposed breach to the height standard relates to a pre-existing non-compliance which does not result in a built form which is out of character with the prevailing built form of the locality;
- The building is a contributory item in the Conservation Area – a status which includes the existing roof form and pitch, albeit non-compliant with the building height standard;
- Any action to remedy the non-compliance would create a roof form which would be uncharacteristic to the locality and the Conservation Area;
- In March 2021, the *NSW Department of Planning, Industry and Environment* released a Discussion Paper with respect to proposed changes to the operations of Clause 4.6 which provides for a “secondary test” to an “alternative test” which would aim to capture variations which cannot demonstrate “improved planning outcomes” such as any existing development including a non-compliance, and the proposed development not extending the existing non-compliance;
- The pre-existing departure to the height standard will not introduce any significant adverse environmental or amenity related impacts on neighbouring properties;



- The proposed development satisfies the objectives related to the height standard, despite the numeric pre-existing non-compliance.

The Public Interest

Under Clause 4.6 the public interest is considered to be satisfied where it can be demonstrated that the proposed development is consistent with the objectives of the development standard and the zone within which the site is located.

The proposed development promotes the objectives of the zone and the development standard for height and is therefore considered to be in the public interest.

Matters of significance for State or regional environmental planning

No matters of significance for State or regional environmental planning arise as a result of the non-compliance with Clause 4.3.

The public benefit of maintaining the development standard

It would not be in the public benefit to strictly maintain the standard in the particular circumstances of this case since this relates to a pre-existing non-compliance, the reversal of which would have adverse impacts on the heritage values of the Conservation Area and a poor design outcome.

No enforceable precedent is created by the support of this Clause 4.6 variation request since each submission is appropriately considered on the merits of each individual case.

Conclusion

Strict compliance with Clause 4.3 of the LEP is considered to be unreasonable and unnecessary and there are satisfactory environmental planning grounds to warrant a variation to the height standard in the circumstances of this case.

Subject to the concurrence of this Clause 4.6 variation request by the Secretary, or as otherwise delegated, the proposed development satisfactorily addresses Clause 4.3 of the LEP, and consent may be granted.

We trust this additional information and proposed amendments satisfactorily addresses those matters raised during the exhibition of the DA.

Should you require anything further please do not hesitate to contact the undersigned.



Yours sincerely,

Tony Robb
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Principal.

