

**NSLPP MEETING HELD ON 06/11/2024****Attachments:**

1. Site Plan
2. Architectural Plans
3. Landscape Plan
4. Clause 4.6 request

**ADDRESS/WARD:** 34-36 Cammeray Road, Cammeray**APPLICATION NO:** DA 93/2024**PROPOSAL:** Demolition of existing structures, Torrens Title subdivision and construction of 2 semidetached dwellings and associated works**PLANS REF:**

Plan No	Rev	Description	Prepared by	Dated
DA01	B	Site Plan	Studio Panetta	29/08/24
DA03	A	Existing Lower Ground Floor Plan – Demolition	Studio Panetta	08/02/24
DA04	A	Existing Gound Floor Plan – Demolition	Studio Panetta	08/02/24
DA05	A	Existing Roof Plan – Demolition	Studio Panetta	08/02/24
DA06	A	Existing Elevations – Demolition	Studio Panetta	08/02/24
DA07	A	Existing Elevations – Demolition	Studio Panetta	08/02/24
DA08	A	Existing Sections - Demolition	Studio Panetta	08/02/24
DA09	A	Proposed Lower Ground Floor Plan	Studio Panetta	08/02/24
DA10	B	Proposed Ground Floor Plan	Studio Panetta	29/08/24
DA11	B	Proposed Level 1 Plan	Studio Panetta	29/08/24
DA12	B	Proposed Roof Plan	Studio Panetta	29/08/24
DA13	B	Proposed Elevations	Studio Panetta	29/08/24
DA14	B	Proposed Elevations	Studio Panetta	29/08/24
DA15	B	Proposed Long Section 1	Studio Panetta	29/08/24
DA16	B	Proposed Sections	Studio Panetta	29/08/24
DA19	B	Site Calculations	Studio Panetta	29/08/24
DA20	B	Landscape Calculations	Studio Panetta	29/08/24
DA21	A	Materials and Finishes	Studio Panetta	08/02/24
DA-01	B	Landscape Plan	Space Landscape Design	03/09/24
Sheet 1	-	Plan of Subdivision	Vaughan Wady	22/04/24

**OWNER:** Robert Salerno**APPLICANT:** Max Chipchase**AUTHOR:** Report of Jack Varka, A/Senior Assessment Officer**DATE OF REPORT:** 16 October 2024**DATE LODGED:** 14 May 2024**DATE AMENDED:** 19 September 2024**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This development application seeks consent for two lot Torrens Title subdivision, change of use, demolition of existing dual occupancy, and the construction of two semi-detached dwellings and associated works, at 34-36 Cammeray Road, Cammeray.

**The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%. In accordance with the Minister's Directions the application must be determined by the Local Planning Panel.**

The subject site, Lot 19 in Deposited Plan 15073, is generally rectilinear in shape has an area of 566.2m<sup>2</sup>. The site slopes towards the front of the site fairly gradually, however, a steep natural sandstone outcrop intersects the north western portion of the site at the rear. An existing dual occupancy with two separate lower ground garages and ground level residences occupies the site. The two dwellings of the dual occupancy building have a generally mirrored internal layout.

The existing dual occupancy is in use as a single dwelling, as determined through onsite inspection by the responsible Council Officer, with various works undertaken to effect this change permanently including new openings created through the central dividing wall. Further clarification from the applicant was sought with regard to these works, but it is noted that the use of the existing building as a single dwelling is unapproved. However, this status is rendered moot by the proposal which, if approved, would demolish the existing building.

It is proposed to partially demolish the fractured/splintered outcrop of the sandstone rock face at the rear of the site, as recommended in the Geotechnical Report submitted with the development application. This is due to safety and stability concerns and the Aboriginal Heritage Officer raised no objections in this regard.

The subject site has a minimum permitted lot size of 450m<sup>2</sup> pursuant to sub-clause 4.1(2) in *NSLEP 2013*. The existing lot has an area of 566.2m<sup>2</sup> which is compliant with the minimum lot size standard. As a result of the proposed two lot Torrens Title subdivision, the lot size for proposed Lot 1 is 293m<sup>2</sup>, and 273m<sup>2</sup> for Lot 2. The proposal results in a variation to both Lots 1 and 2 of 35% and 39% respectively.

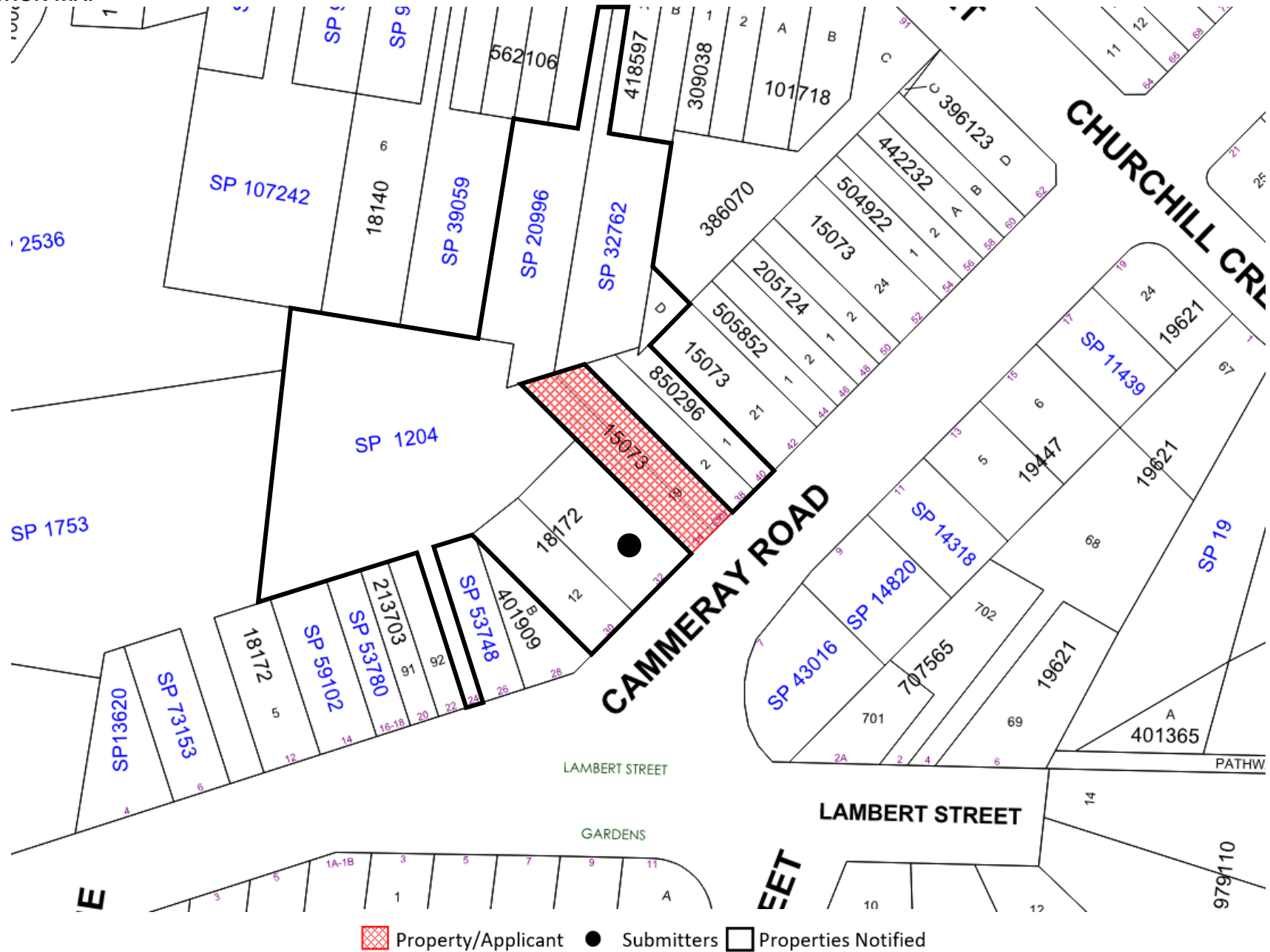
A number of lots within the immediate context of the subject site, which contain semi-detached dwellings, have lot sizes below that of the standard (approximately 260m<sup>2</sup> on average). The proposed subdivision would be consistent with this identified subdivision and would reinforce the existing development pattern on the subject site. The proposed subdivision would retain the existing number of dwellings on the site whilst allowing separate ownership which would contribute to the provision of housing stock within the locality.

It should also be noted that that the proposal is seeking an exact variation to the standard as was previously approved under DA299/21 by the North Sydney Planning Local Panel on 1 December 2021.

On balance, with regards to neighbouring amenity, and residential density the development is considered to be acceptable and generally compliant with Council's other controls in Part B of *NSDCP 2013* and will not result in any other significant adverse impact upon the amenity of adjoining properties or the character of the adjoining area.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



### DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for the proposed subdivision of the site into two Torrens Title lots, Lot 1 and Lot 2, demolition of the existing dual occupancy, and construction of pair of 3 bedroom semi-detached dwellings, including single car width basement garages. Further works of the development include:

- Excavation of lower ground level, to rear for swimming pool and partial removal of existing splintered rock outcrop due to safety
- Associated landscaping and site works

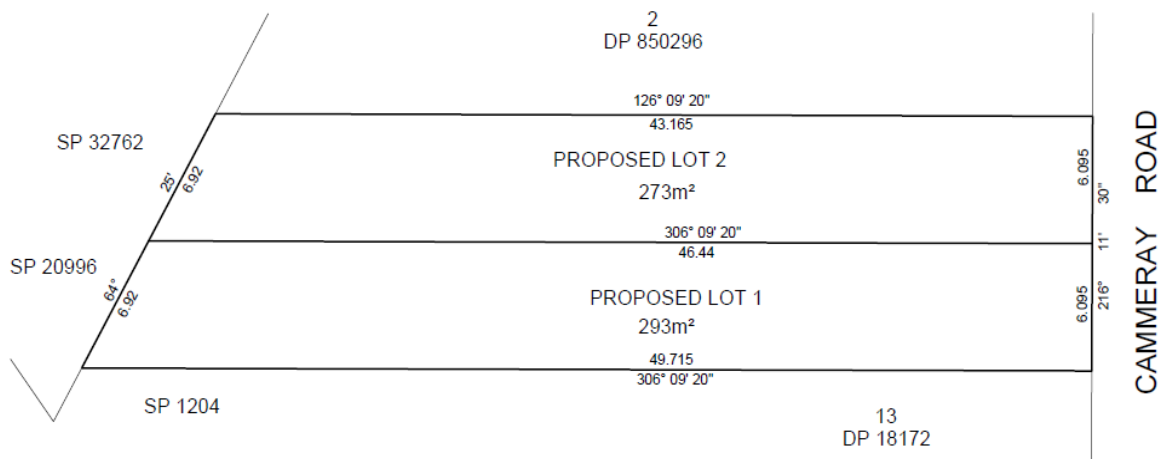


Figure 1: Proposed Two Lot Torrens Title Subdivision

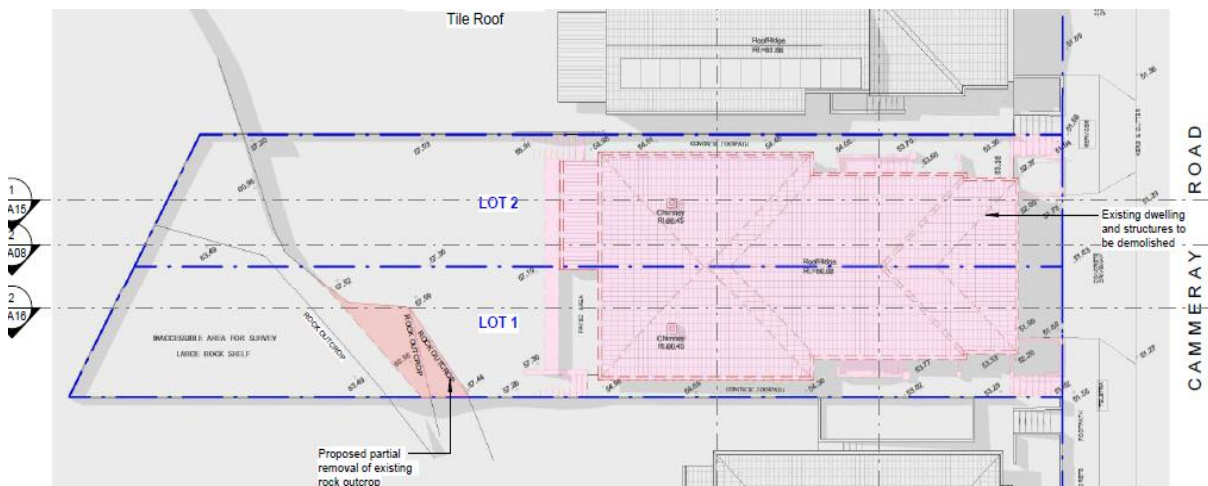


Figure 2: Demolition Plan (Existing Dual Occupancy)



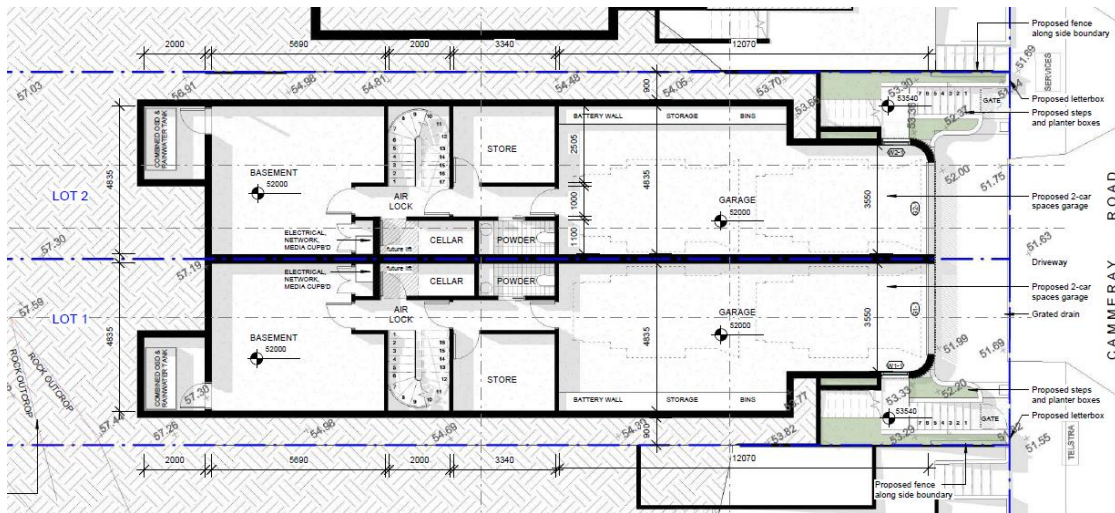


Figure 3: Proposed Lower Ground Floor Plan

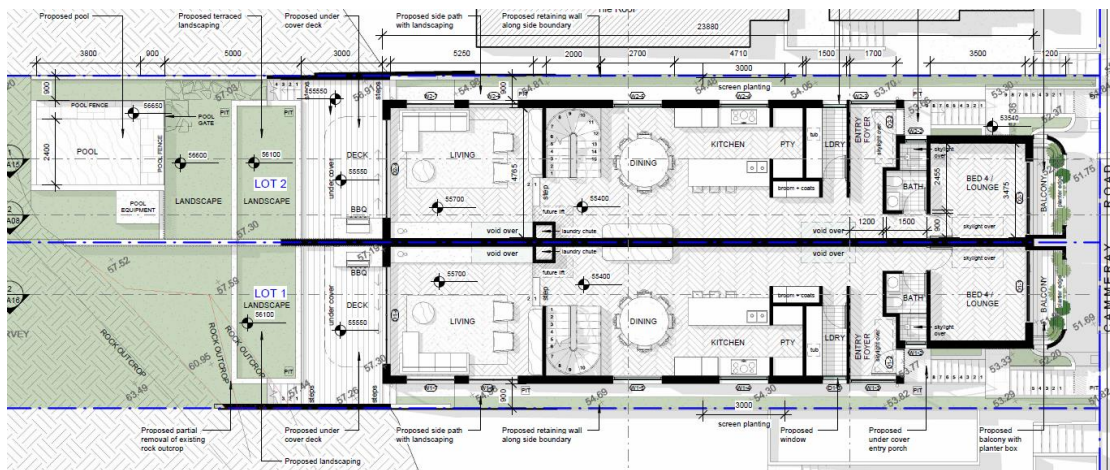
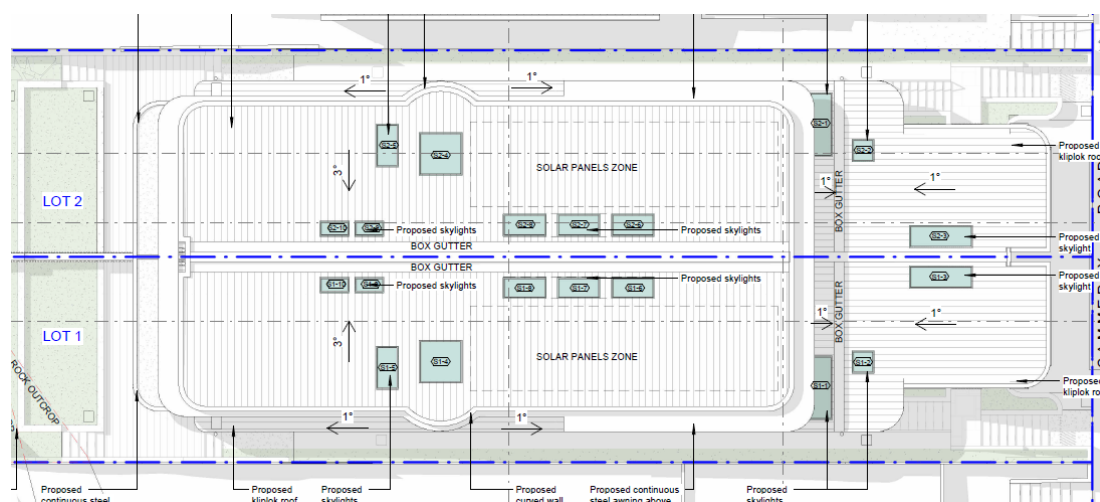


Figure 4: Proposed Ground Floor Plan



Figure 5: Proposed First Floor Plan



**Figure 6: Proposed Roof Plan**

### **Referral to NSLPP:**

The application is reported to NSLPP for determination because the proposed two lot Torrens Title subdivision breaches the minimum lot size standard of 450m<sup>2</sup> for the site. The proposed subdivision seeks a variation of the standard that exceeds more than 10% of the standard, being a 35% variation for proposed Lot 1 (293m<sup>2</sup>) and 39% variation (273m<sup>2</sup>) for proposed Lot 2.

### **STATUTORY CONTROLS**

#### *North Sydney LEP 2013*

- Zoning – R2 Low Density Residential
- Item of Heritage - No
- In Vicinity of Item of Heritage – No
- Conservation Area – No

#### *Environmental Planning & Assessment Act 1979*

##### *SEPP (Biodiversity and Conservation) 2021*

- Chapter 6 Water Catchments

##### *SEPP (Sustainable Buildings) 2022*

##### *SEPP (Resilience and Hazards) 2021*

- Chapter 4 Remediation of Land

#### Local Development

### **POLICY CONTROLS**

#### NSDCP 2013

#### North Sydney Local Infrastructure Contributions Plan

#### *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*



## DESCRIPTION OF LOCALITY

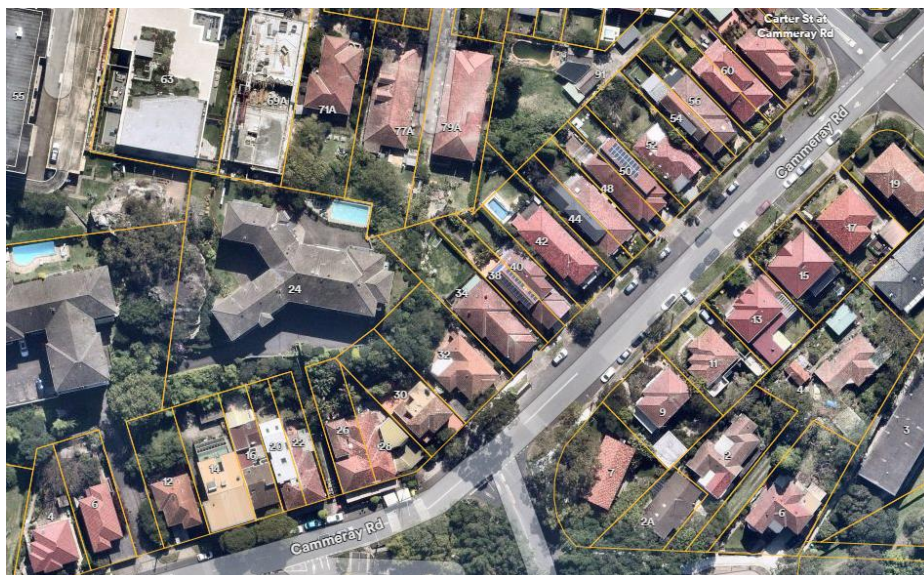
The site is known as 34 and 36 Cammeray Road, Cammeray being legally described as Lot 19 in Deposited Plan 15073. The site is generally rectilinear in shape and adheres to an area of 566.2m<sup>2</sup> by survey (562.8m<sup>2</sup> by DP) and has a 12.19m street frontage.

The site comprises existing dual occupancy with two separate lower ground garages and ground level residences. The two dwellings of the dual occupancy building have a generally mirrored internal layout. The internal configuration allows for two separate dwellings divided by a central wall with separate identified access/garage, separate entry doorways and own distinct addresses.

It should be noted that the existing dual occupancy is in use as a single dwelling, as determined by onsite inspection by the responsible Council Officer, with various works undertaken to effect this change permanently including new openings created through the central dividing wall.

The rear of the site is largely occupied by a steep sandstone cliff face and outcrop. Properties to the west of the site, across the rear boundary, are therefore located above the site.

The surrounding area is characterised by low and medium density residential development comprising mainly semi-detached dwelling forms and some dual occupancies. There are residential flat buildings located to the rear and onlooking the site.



**Figure 7: Aerial Map**

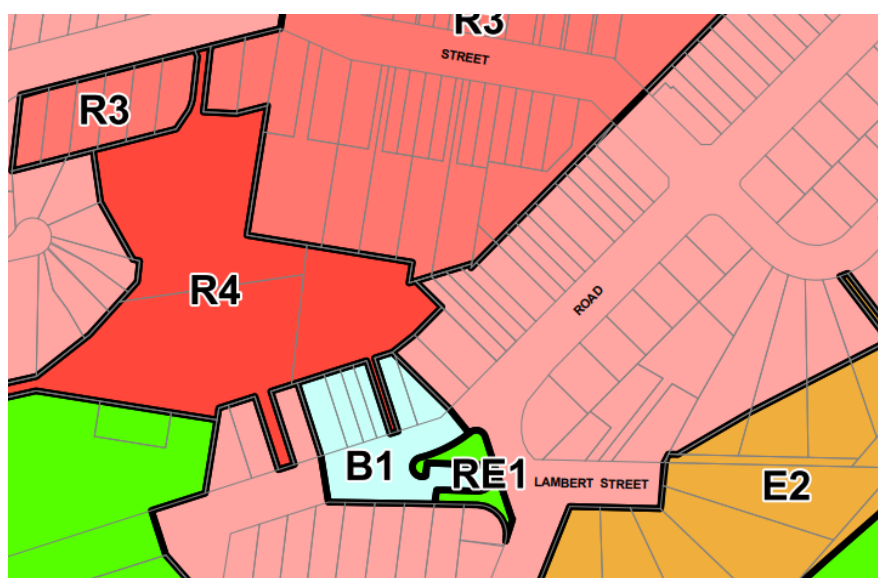


Figure 8: Zoning Map

## RELEVANT HISTORY

### Previous Applications

Building Application **BA24/1974** for alterations and additions to 34 and 36 Cammeray Road was approved by Council on 28 February 1974. The works included a new kitchen and retains the form of two dwellings with separate entries and amenities although at the time there was a connection between the two dwellings.

Development application **DA299/2021** for subdivision of Lot 19 in DP 15073 into two lots and alterations to an existing dual occupancy (attached) to create a pair of semi-detached dwellings was approved by the North Sydney Local Planning Panel on 1 December 2021. The approval sought the same variation to the minimum lot size standard to that of the subject application.

Unlike the subject application, the approved DA sought alterations and additions to the existing dual occupancy building rather than demolition and reconstruction. The approval granted under DA299/2021 will be surrendered as a result of this application.

### Current application

- **14 May 2024:** Application was lodged with Council
- **31 May – 14 June 2024:** Application was notified
- **9 July 2024:** Site Inspection was undertaken
- **9 July 2024:** Additional information was requested by Council, including the following:
  - Revised Statement of Environmental Effects to reflect an unauthorised change of use from a dual occupancy to a single dwelling
- **12 June 2024:** Additional information was submitted by the applicant in response to Council's letter

- **14 August 2024:** Additional information was requested by Council, including the following:
  - Suggested reduction in bulk and scale to preserve amenity and privacy of adjoining properties
  - Landscape details and changes
  - Consideration of submission
- **18 September 2024:** Additional information was submitted by the applicant in response to Council's letter

### **Unauthorised Works/Change of Use**

The current dual occupancy building is in use as a single dwelling, with various works having been undertaken to effect this change permanently, including:

- Two/Three openings created through the central dividing wall
- Conversion of the existing kitchen of 34 Cammeray Road into a home gym

A search of Council's records has not revealed any development consent for these works or the change of use from dual occupancy (attached) to single dwelling. The previous development consent for the subdivision of this site under DA 299/21 (approved by the North Sydney Local Planning Panel on 1 December 2021) was for "Subdivision of Lot 19 in DP 15073 into two lot and alterations to an existing dual occupancy (attached) to create a pair of semi-detached dwellings".

The current proposal under DA 93/24 is for "Torrens Title subdivision, demolition of the existing dual occupancy and the construction of semi-detached dwellings", which involves the complete demolition of the existing building and the construction of two semi-detached dwellings.

Further clarification on the use was sought from the applicant, but it is noted that the existing building as a single dwelling is unapproved, and this status is rendered moot by the proposal which, if approved, would demolish the existing building and would replace the de jure dual occupancy with two new dwellings, so there is no loss of residential accommodation.

### **REFERRALS**

#### **ABORIGINAL HERITAGE OFFICE**

The application was referred to the Aboriginal Heritage Office as a result of the proposed demolition works to the existing rock face outcrop at the rear of the site. The following comments were provided:

*No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.*

*Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.*

#### **Planner's Comments**

Comments are noted and accepted.

## LANDSCAPE

The application has been referred to Council's Landscape Team who provided the following comments:

- *Stormwater connection to the street shall be via existing pipework. No new stormwater shall be directed through TPZ of protected street trees*
- *2 x canopy trees (45L) capable of attaining a mature height of 7m (minimum) shall be planted within the rear setback of 34-36 Cammeray Road*

*Subject to the resolution of the above, the following draft conditions are recommended. Some amendments to the conditions may be required on the basis of the submitted Landscape Plan.*

### **Planner's Comments:**

Comments noted and accepted. Recommended conditions will be reflected in the determination of the application.

## ENGINEERING

The application has been referred to Council's Development Engineers Team who raised no objections to the proposed development. Standard conditions have been recommended.

### **Planner's Comments:**

Comments noted, and will be reflected in the determination of the application.

## SUBMISSIONS

### **Original Plans**

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Bay Precinct notified between 31 May and 14 June 2024. In response to the notification Council received a total of one (1) submission:

- The proposed three-storey dwelling is inconsistent with the streetscape, which mainly features single and double-storey homes.
- The development will lead to increased overshadowing of the neighbouring property at 32 Cammeray Road, which they believe is unacceptable, and request amendments to reduce this impact.
- Concern is raised about privacy issues towards 32 Cammeray Road and they suggest adding louvers to windows to mitigate views into the property.

### **Planner's Comments:**

Amended Plans were submitted on 18 September 2024 in response to Council's RFI, dated 18 August 2024. Council's RFI noted similar concerns to those raised in the submission regarding the protection of solar access and privacy to adjoining properties.

The plans revised the bulk and scale of the First Floor Level by reducing the overall length of the building envelope by 1m at the western rear elevation. This involved minor internal alterations to bedroom 1 and ensuite of the proposed two dwellings. The reduction in bulk results the retention of neighbouring solar access to the rear private open space at 32 Cammeray Road. This is assessed in further detail later in this report.

It should be noted that the amended plans increase the length of the privacy screens along the side boundaries to the north and south to ensure that neighbouring privacy is not compromised by the proposal as well as incorporating frosted glass in windows along the north and south side elevations.

As a result, the minor amendments made resolve the concerns raised in the submission.

## **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:

### ***SEPP (Biodiversity and Conservation) 2021***

- **Chapter 10 - Sydney Harbour Catchment**

Having regard to the *SEPP (Biodiversity and Conservation) 2021* concerned with the Sydney Harbour Catchment 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 Cammeray. As such, the development is acceptable having regard to the provisions contained within the above SEPP.

### ***SEPP (Resilience and Hazards) 2021***

- **Chapter 4 – Remediation of Land**

The provisions of SEPP (Resilience and Hazards) 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 only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

### ***SEPP (Sustainable Buildings) 2022***

The applicant has submitted valid BASIX Certificates (1740546S\_02 and 1740564S) for both Lot 1 and 2 to satisfy the requirements of the above SEPP.

## **NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)**

### **1. Permissibility**

The subject site is Zoned R2 Low Density Residential under the provisions of the *NSLEP 2013*. The proposal involves two lot Torrens Title subdivision, demolition of the building, and construction of two semi-detached dwellings which is a permissible form of development in the Zone R2 with consent from Council.

## 2. Objectives of the zone

The objectives of the Zone R2 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 the 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 proposal will continue to provide for the housing needs of the community within a low density environment. The amended proposal will ensure that a high level of amenity is achieved and maintained across the two semi-detached dwellings, and provides for the day-to-day needs of residents without compromising the amenity of surrounding properties.

## 3. Minimum Lot Size

The subject site has a minimum permitted lot size of 450m<sup>2</sup> pursuant to Clause 4.1(2) of the *NSLEP 2013*. The existing lot has an area of 566.2m<sup>2</sup> which exceeds minimum lot size standard. As a result of the proposed two lot Torrens Title subdivision, the lot size for proposed Lot 1 is 293m<sup>2</sup>, and 273m<sup>2</sup> for Lot 2. The proposal results in a variation to both Lots 1 and 2 of 35% and 39% respectively.

It should also be noted that that the proposal is seeking an exact variation to the standard as was previously approved under DA299/21 by the North Sydney Planning Local Panel on 1 December 2021.

To justify the two-lot subdivision, a written request to vary the development standard made pursuant to Clause 4.6 in *NSLEP 2013* has been submitted and is assessed below.

## 4. Clause 4.6 - Contravention of a Development Standard

A written request to contravene the development standard for minimum lot size has been submitted and has been considered below:

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

The most common way to demonstrate that compliance with the development standard is unreasonable and unnecessary is to demonstrate that the objectives of the development standard are met notwithstanding the non-compliance. This is identified as test 1 in *Wehbe*.

*Wehbe v. Pittwater Council [2007] NSWLEC 827 ("Wehbe").*

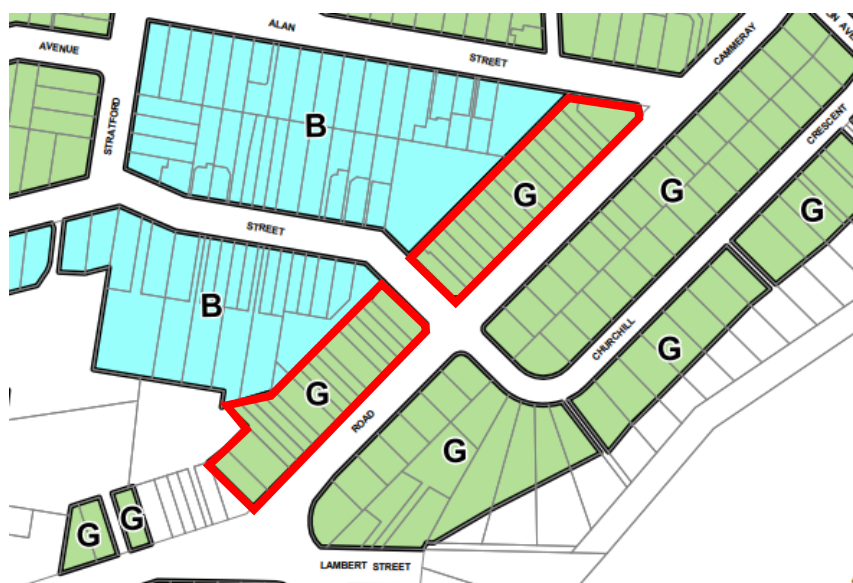
- (1)(a) *to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density,*



The subject site is located on the western side of Cammeray Road which is characterised of smaller rectilinear lots of a consistent size with similar frontages between 6-8m. A number of lots within the immediate context of the subject site, which contain semi-detached dwellings, have lot sizes below that of the standard (approximately 260m<sup>2</sup> on average). The proposed lots have a lot size of 273m<sup>2</sup> and 293m<sup>2</sup>, greater than the identified average lot size of the adjoining properties.

The proposed subdivision would be consistent with this identified subdivision and would reinforce the existing development pattern on the subject site as the existing building form appears as a pair of symmetrical semi-detached dwellings although is considered a dual occupancy as the building is currently located on one lot.

The proposed lots would have a lot size that is marginally larger than the average lot size for similar development within the immediate context. The orientation and shape of the lots are also consistent with the surrounding lots given that the existing rectilinear subdivision pattern is to be retained. The proposed subdivision would not alter the housing density on the site as the two existing dwellings will be provided.



**Figure 9: Existing Subdivision Pattern along the North Western Side of Cammeray Road**

Of note, only two properties within the identified area, other than the subject site, achieve the minimum lot size with one containing a dwelling house and the other a strata subdivided dual occupancy.

*(1)(b) to maintain a mix of dwelling sizes and affordable accommodation,*

The proposed subdivision would retain the existing number of dwellings on the site whilst allowing separate ownership which would contribute to the provision of housing stock within the locality. The size of the dwellings would be comparable to the surrounding development given that the character is predominantly semi-detached dwellings.

*(1)(c) to prevent fragmentation of land, which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*

The proposed subdivision would reinforce the existing development pattern that is evident on both the subject site and surrounding sites. The existing development on the site is considered to achieve the extent of development envisioned by the Plan for this particular location and would retain its residential use.

*(1)(d) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*

The proposed subdivision would reinforce the existing development pattern on the site. Any future development of these dwellings would be the subject of similar building envelope controls that currently apply to the site and also apply to the surrounding development. The proposed subdivision or future development of these dwellings are unlikely to result in any direct amenity impacts that would not be envisaged by the existing site constraints and are a matter for any future application. Notwithstanding, the proposed subdivision does not necessarily imply future development given that the dwellings already exist.

*(1)(e) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features, including heritage items, and retain special features, such as trees and views.*

The proposed subdivision would not alter the general siting of the development, and any future development could be reasonably accommodated without impacting any special features. It is noted that there is a rocky outcrop at the rear of the site, however, would be well outside any reasonable building footprint.

#### **Clause 4.6(3)(b) Are there sufficient environmental planning grounds to justify the variation**

The environmental planning grounds advanced in the written request are considered to be sufficient to justify the contravention of the development standard in the circumstances of the case. The following justifications were provided:

- *The proposal is seeking an exact variation to the minimum lot size as was previously approved by the North Sydney Local Planning Panel under DA299/21 on 2 December 2021.*
- *The proposal is consistent with the objectives of the development standard as provided in clause 4.1 of the NSLEP 2013.*
- *The departure to the minimum subdivision lot size standard will not introduce any significant adverse environmental or amenity related impacts on neighbouring properties.*
- *The proposal reinforces the existing development pattern on the subject site and within the surrounding area.*
- *The proposed use is consistent with the existing and desired character of the area.*
- *The proposed development will enable the use to correspond with the general nature of the site and building form of the existing development.*
- *Will enable Torrens Title allotments commensurate with the distinct property addresses (34 & 36 Cammeray Road) and unique property characteristics including independent entryways, accessways, dwellings and entryways.*
- *The proposal will not result in any unreasonable privacy intrusion as the existing amenity is retained and will maintain the existing high-level of amenity of adjoining occupiers.*

- *The proposed development is in accordance with Council’s strategic plans in providing a housing typology which offers additional housing and promotes affordable housing to the community without the need to redevelop.*

The environmental planning grounds advanced in the written statement are generally concurred with and provide sufficient justification for the variations to the minimum lot size development standard as the development would reinforce the existing development pattern of the existing development on the site and is consistent with the surrounding development on the north western side of Cammeray Road where the prevailing character is characterised by smaller lots containing semi-detached dwellings.

**Clause 4.6(4)(a)(i) Applicant’s written request**

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

**5. Earthworks**

The majority of the proposed works to the dwelling are contained within the existing building footprint and would not alter the developments overall relationship with the topography of the site. The proposal requires excavation to accommodate the proposed lower ground level. The excavation is 900mm from the side boundary setbacks and is supported by Geotech and Structural Engineer. The earthworks are subject to compliance with the recommendations of the submitted Geotechnical Report undertaken by AscentGeo Consulting, dated 14 February 2024.

The proposed level of excavation is acceptable and appropriate, with Council’s Engineering Team raising no objections. Their recommendations are reflected in the determination of this application to ensure the earthworks are managed accurately throughout the construction phase.

**NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

The proposal has been assessment under the following heading within NSDCP 2013:

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
	<i>complies</i>	<i>Comments</i>
<b>1.2 Social Amenity</b>		
<b>Population Mix</b>	YES	The proposed development would retain the two existing dwellings on the site. The proposed subdivision allows for the separate ownership of both dwellings.
<b>Maintaining Residential Accommodation</b>		
<b>1.3 Environmental Criteria</b>		
<b>Topography</b>	Acceptable on Merit	The majority of the proposed works to the dwelling are contained within the existing building footprint and would not alter the developments overall relationship with the topography of the site. The proposal requires excavation to accommodate the proposed lower ground level. The excavation is 900mm from the side boundary setbacks and is supported by Geotech and Structural Engineer.  No habitable rooms are located entirely belowground level. The garage contains windows and the area to the rear includes

		<p>powder, storage, stairway (access to levels) and basement for storage/services.</p> <p>The excavation beyond the rear building line predominantly consists of silty uncontrolled fill and silty sand and minor Hawkesbury Sandstone for part base of the pool.</p> <p>The partial demolition of the fractured/splintered outcrop is recommended to be removed in the Geotechnical Report submitted with the development application due to safety and stability concerns. The Aboriginal Heritage Officer raised no objections in this regard.</p>
<p><b>Solar Access</b></p>	<p>YES</p>	<p>The proposed development is compliant with the solar access at the winter solstice providing more than 3 hours to neighbouring properties.</p> <p>The proposal will not significantly impact upon the solar access of the adjoining property at 38-40 Cammeray Road which receives adequate solar access throughout the winter solstice with no additional shadowing to windows of main internal living areas, principal private open space area or communal open space. Minor shadowing to hardstand area of the entrance to 38 Cammeray Road is evident however is negligible.</p> <p>With respect to the property at 32 Cammeray Road, the proposed development provides adequate solar access to the neighbouring private open space and habitable windows. The 9am shadow diagram removes all solar access to the property. By 10am, the proposed additional shadow equates to approximately 50% of the rear open space. Across the hours between 11am and 1pm, the space retains solar access with minimum additional overshadowing created towards the common side boundary.</p> <p>Unobstructed sunlight is received to either a majority or the total area of the neighbouring rear private open between the hours of 10am to 1pm and therefore is satisfactory.</p>
<p><b>Acoustic and Visual Privacy</b></p>	<p>YES</p>	<p>The proposed subdivision would reflect the existing development pattern and would not give rise to any acoustic impacts.</p> <p>There would be some overlooking between the existing dwellings on the site given that the existing rear setback area is not fenced however the following subdivision it would be possible to fence the proposed boundary pursuant to exempt provisions of <i>SEPP (Exempt and Complying Development Codes) 2008</i> and the <i>Dividing Fences Act NSW 1991</i>.</p> <p>The proposed development has been designed to protect visual privacy including appropriate placement of balconies limited to the street frontage for surveillance and ground floor to rear towards the private open space.</p> <p>The windows have been selected and placed with respect of neighbouring property windows to ensure privacy is maintained. In response to Council's RFI dated 14 August, the amended proposal provides frosted glass and privacy screens to the southern elevation windows to mitigate privacy and overlooking issues.</p>

1.4 Quality Built Form		
<b>Context</b>	YES	
<b>Subdivision Pattern</b>	YES	<p>The subdivision of Lot 19 in DP 15073 into two lots and alterations and additions to an existing dual occupancy (attached) to create a pair of semi-detached dwellings was considered and approved by the North Sydney Local Planning Panel (NSWLPP) on 1 December 2021.</p> <p>The proposed subdivision would reinforce the existing development on the site. The existing building contains two dwellings within a symmetrical side by side form which is more consistent with the form of semi-detached dwellings within the locality.</p> <p>The prevailing subdivision character along the north western side of Cammeray Road is also primarily semi-detached dwellings with some detached dwellings. Lots are generally long and narrow in a rectilinear form with between a 6-8m frontage for semi-detached dwellings. The proposed subdivision would also achieve a 6m frontage.</p>
<b>Streetscape</b>	YES	The proposed development is consistent with the character of the streetscape. No changes to footpaths, kerb and guttering. No existing street trees are currently located on the road reserve or in the front setback.
<b>Siting</b>	YES	<p>The proposed development maintains the characteristic building orientation and siting. The siting of the proposed building is consistent with arrangement of existing dwelling, neighbouring development and within the locality.</p> <p>The siting of the buildings is east-west orientation with identical side by side built form presentation. The external walls are parallel to the corresponding boundary of the site.</p>
<b>Side setback</b>	YES	<p>The lower ground and ground floor levels comply with the side setbacks control of 900mm to both the northern and southern side boundaries.</p> <p>The first floor level setbacks generally comply with the 1.5m control with the exception of the proposed staircases, which are circular in design, and are only setback 1.2m setback at its furthest extent from the side boundaries. This comprises a minor portion in full extent of the total building length and is acceptable in this instance.</p> <p>The two semi-detached dwellings are technically applicable to the side setback control. The proposal will maintain the existing nil side setback along the common boundary. Given that the development proposes a nil setback, the Planning Principle - <i>Galea v Marrickville Council 2003</i> applies to the application where the relevant matters for consideration are addressed below:</p> <p><u>Is the street characterised by terrace housing?</u>          The subject site is currently characterised by an attached dual occupancy which effectively functions as semi-detached dwellings. Semi-detached dwellings with nil side setbacks are common within the locality particularly along the north western side of Cammeray Road within the immediate context of the subject site.</p>

<p><b>Rear Setback</b></p> <p><b>Front Setback</b></p>		<p><u>What is the height and length of the wall on the boundary?</u>          The proposed semi-detached dwellings will have a common wall length of 27.65m and a maximum height of 10.5m when factoring in the proposed basement excavation.</p> <p>As the wall is positioned centrally within the site, essentially in the same location as the existing common wall. It will have limited impact on natural light and solar access retention.</p> <p><u>Has the applicant control over the adjoining site(s) or the agreement of their owners?</u>          The owner of the subject site does have control over both 34 and 36 Cammeray Road. Council is not aware that an agreement in place for maintenance. The proposed boundary wall will be fire-rated, has no windows, has no services (such as pipes), and has no gutters.</p> <p>Party wall consent is not required.</p> <p><u>What are the impacts on the amenity and/or development potential of adjoining sites?</u>          The proposed extension allows for the retention of solar access to neighbouring sites and the subject site. Visual privacy is to be maintained and protected. There are no windows proposed.</p> <p><u>Are there arrangements in place for the maintenance of the wall or gutters?</u>          No gutters are located along the common boundary wall.</p> <p>The proposed front setback to Cammeray Road is keeping with adjoining properties to north and south and maintains the existing building line. The ground floor balconies cantilever 1.2m from the existing building line and is considered reasonable when viewed in context of the streetscape.</p> <p>The proposed new semi-detached dwellings generally maintain the existing and consistent rear setback line with neighbouring properties at 38-40 and 42 Cammeray Road.</p> <p>The property at 32 Cammeray Road is uniquely sited as a result of the difficult and steep topography at the rear of the site which prevents the building from extending in line with neighbouring site. Despite this, the proposed semi-detached dwellings are generally aligned with the predominant rear setback of the street.</p>
<p><b>Form Massing Scale</b></p>	<p>YES</p>	<p>The proposed new development corresponds in bulk and scale as is in keeping with the style, character and mass of other developments in the vicinity.</p> <p>The proposed development is compliant with the provisions of the control including within the building height standard, and has a predominantly 2 storey appearance in the streetscape with lower ground level garage, in line with neighbouring properties.</p>

<b>Built Form Character</b>	YES	The new building reflects and reinforces the predominant land use, being semi-detached low density residential development. and proposes a design which considers the existing and desired future character of the area.
<b>Dwelling Entry</b>	YES	The proposed development provides two distinct dwelling entries (vehicular and pedestrian) separated to the doorways into the individual dwellings. The proposed dwellings propose windows to both habitable rooms with frontage to street. The dwelling entries have defined access gates identifiable from the street.
<b>Roofs</b>	YES	The proposed roof design is a flat roof which is consistent with the proposed modern design which enables the functional arrangement of the pair of semi-detached dwellings using the gradient and site within the building height.
<b>Materials</b>	YES	The proposed development includes timber, render wall finish and wall cladding in colour offerings sympathetic to the surrounding natural features and the environment.  No reflective glass, reflective metal and plastics are proposed on the exterior of the building. Glass is minimised within the front elevation, providing more masonry walling.
<b>Front Fences</b>	YES	The proposed development provides fencing to the entry gate with open hardstand area for car parking. The fence height is compliant with the 1.5m height control.
<b>1.5 Quality Urban Environment</b>		
<b>Safety and Security</b>	YES	A reasonable level of safety and security would be maintained for the dwellings. It is noted that the rear setback area currently do not have a fence separating the rear area although could be constructed pursuant to exempt provisions of <i>SEPP (Exempt and Complying Development Codes) 2008</i> and the <i>Dividing Fences Act NSW 1991</i> .
<b>Vehicle Access and Parking</b>	YES	The proposed parking provision meets the quantity requirement of the proposed use providing two off-street car spaces for each dwelling. Parking arrangement is similar to the current arrangement and is at grade.  Forward entry is available but not forward exit due to the limited lot width. This is consistent with existing properties' parking arrangements along Cammeray Road. Proposed access meets the required driveway width and is the same as the current arrangement with two driveways and separate entry ways.
<b>Site Coverage</b>	YES	Lot 1 has an area of 273m <sup>2</sup> and Lot 2 has an area of 293m <sup>2</sup> . Each proposed lot is compliant with the control which limits site coverage to 50% for lots in area between 230-499m <sup>2</sup> .  Lot 1 will have a site coverage of 118m <sup>2</sup> which represents 40% of the site area. Lot 2 will have a site coverage of 127m <sup>2</sup> , including rear pool, which represents 47% site area.

<p><b>Landscape Area</b></p>	<p>YES</p>	<p><u>Lot 1</u></p> <table border="1" data-bbox="860 286 1326 618"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td><b>Site coverage (50%)</b></td> <td>118m<sup>2</sup> (40%)</td> <td>Complies</td> </tr> <tr> <td><b>Landscaped area (30%)</b></td> <td>120m<sup>2</sup> (41%)</td> <td>Complies</td> </tr> <tr> <td><b>Unbuilt-upon area (20%)</b></td> <td>55m<sup>2</sup> (19%)</td> <td>Complies</td> </tr> </tbody> </table> <p><u>Lot 2</u></p> <table border="1" data-bbox="860 683 1326 1014"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td><b>Site coverage (50%)</b></td> <td>127m<sup>2</sup> (47%)</td> <td>Complies</td> </tr> <tr> <td><b>Landscaped area (30%)</b></td> <td>81.9m<sup>2</sup> (30%)</td> <td>Complies</td> </tr> <tr> <td><b>Unbuilt-upon area (20%)</b></td> <td>64.1m<sup>2</sup> (23%)</td> <td>3% exceedance</td> </tr> </tbody> </table> <p>As the existing use of the site is a dual occupancy, site calculations, including site coverage, and landscape and unbuilt upon areas, cannot be readily compared to the proposed new two lots and separate dwellings, which garner individual site calculations rather than as a whole site.</p> <p>Regardless, proposed Lot 1 is fully compliant with respect to landscape area and site coverage, and exceeds the landscape area control as a result of the rear natural outcrop, which is undevelopable.</p> <p>The proposed Lot 2 has a minor exceedance in the unbuilt upon area control, however landscape area remains compliant. The 3% exceedance, which represents 8.2m<sup>2</sup>, is considered negligible in this instance with the site maintaining a consistent site balance that is in keeping with its adjoining Lot 1 site and surrounding sites.</p>	Control	Proposed	Compliance	<b>Site coverage (50%)</b>	118m <sup>2</sup> (40%)	Complies	<b>Landscaped area (30%)</b>	120m <sup>2</sup> (41%)	Complies	<b>Unbuilt-upon area (20%)</b>	55m <sup>2</sup> (19%)	Complies	Control	Proposed	Compliance	<b>Site coverage (50%)</b>	127m <sup>2</sup> (47%)	Complies	<b>Landscaped area (30%)</b>	81.9m <sup>2</sup> (30%)	Complies	<b>Unbuilt-upon area (20%)</b>	64.1m <sup>2</sup> (23%)	3% exceedance
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<p><b>Landscaping and Front Gardens</b></p>	<p>YES</p>	<p>The existing site comprises limited number of trees and does not propose removing any trees of significance.</p> <p>The proposed planters meet the diameter and depth size requirements of 110mm diameter and 135mm depth.</p> <p>The front setback includes planters and landscaping to soften the concrete hardstand area and built form. The existing building front setback is maintained as well as the paved hardstand area in front for access to the garage.</p>																								
<p><b>Swimming Pools</b></p>	<p>YES</p>	<p>The proposed pool structure is subterranean and does not exceed the 500mm above ground level (existing). The pool structure is setback more than 1.2m from the northern boundary with fencing 900mm in accordance with side boundary setback. The pool is adequately setback from the habitable principle living area to the rear of the property.</p>																								



<b>Servicing of New Lots</b>	YES	The new lots that will be created from the subdivision are adequately serviced under the existing arrangements. No proposed easements, restrictions or covenants are required to be proposed on title.  The existing services arrangements will be retained which provide for independent functioning for all utilities including stormwater systems.
<b>1.6 Efficient Use of Resources</b>		
<b>Energy Efficiency</b>	YES	The applicant has submitted a valid BASIX Certificates to satisfy the requirements of the Sustainable Buildings SEPP.

### Cammeray Planning Area (Cammeray Neighbourhood)

Consideration has been given to the Character Statement for the Cammeray Planning Area in Part C of NSDCP 2013, particularly Section 4.2 (Cammeray Neighbourhood) where this site is located. The proposal is acceptable as the proposed works are sympathetic in form, massing and scale and built form character of the existing building on site and as visible from the street. The development is compatible with existing development in the neighbourhood, and therefore conforms to the relevant provisions in Part B in NSDCP 2013.

### LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposed development would not increase the number of residents within the locality as the number of dwellings on the site would not increase and therefore a contribution levied under section 7.11 of the Act is not required.

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contributions payable has been calculated in accordance with Council's Contributions Plan as follows:

#### Contribution amounts payable

<b>Applicable contribution type</b>		
<b>s7.12 contribution details</b>	Development cost:	\$2,018,720
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$20,018.72

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

### HOUSING PRODUCTIVITY CONTRIBUTION

The Ministerial Order for Housing Productivity Contribution came to effect on 1 July 2024.

The order applies to land in that includes the Greater Sydney Region in which North Sydney Council is located.

Part 2 Division 1 Clause 5 outlines that Residential Development triggers a contribution if development consent is granted.

(2) States that Residential Development means any of the following –

- (a) *subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*
- (b) *medium or high-density residential development,*
- (c) *development for the purposes of a manufactured home estate.*

Schedule 1 defines residential subdivision as –

Refer to clause 5 (2)(a)

(2) *In this Order, residential development means any of the following-*

- (a) *subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*

Schedule 2 outlines exemptions for this contribution, of which does not include the development as proposed.

Division 2 clause 7 sets out the base contribution amounts as follows:

<b>Region</b>	<b>HPC class of development</b>	<b>Amount</b>	<b>HPC unit</b>
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Medium or high-density residential development	\$10,000	new dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA
Central Coast Illawarra-Shoalhaven	Residential subdivision	\$8,000	new dwelling lot
	Medium or high-density residential development	\$6,000	new dwelling
Lower Hunter	Manufactured home estate	\$6,000	new dwelling site
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

Division 2 also sets out the following:

## **12 Calculation of HPC units for residential subdivision**

- (1) *The number of new dwelling lots for residential subdivision is the number of lots authorised by the development consent, less-*
- (a) the number of existing potential dwelling lots, and*
  - (b) the number of excluded lots.*

*Note. Residential subdivision does not include strata subdivision of residential accommodation.*

- (2) *An existing potential dwelling lot is a lot-*
- (a) that exists when the development application for the HPC development is made, and*
  - (b) on which residential accommodation is permitted with development consent by an environmental planning instrument applying to the land when the development consent is granted.*
- (3) *A proposed lot is an excluded lot if-*
- (a) it is shown on the proposed plan of subdivision as intended to be dedicated for a public purpose such as a public road, public reserve or drainage reserve, or*
  - (b) the development consent authorises only the carrying out of development for a purpose other than residential accommodation on the proposed lot, or*
  - (c) the development consent authorises medium or high-density residential development on the proposed lot, or*
  - (d) there is medium or high-density residential accommodation on the proposed lot when the development application is made and the development consent does not authorise its demolition, or*
  - (e) there is an existing building on the proposed lot that-*
    - (i) is used for a purpose other than residential accommodation, and*
    - (ii) is not authorised to be demolished by the development consent, or*
  - (f) it is association property within the meaning of the Community Land Development Act 2021, or*
  - (g) it is only created for the purpose of rectifying an encroachment on an existing lot.*

As the proposal involves the creation of a new lot, and does not trigger any consideration of 12 103, the proposal is subject to a contribution of \$8,000.00 in accordance with Clause 7 of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

Further details on the base contribution calculations are imposed within **Condition C23**.

## **ALL LIKELY IMPACTS OF THE DEVELOPMENT**

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

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
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	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	N/A
9. All relevant S4.15 considerations of <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

### **SUBMITTERS CONCERNS**

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Bay Precinct notified between 31 May and 14 June 2024. In response to the notification Council received a total of one (1) submission.

A summary of the concerns are as follows:

#### ***Solar Access and Overshadowing***

- *The development will lead to increased overshadowing of the neighbouring property at 32 Cammeray Road*

#### ***Privacy***

- *Concern is raised about privacy issues towards 32 Cammeray Road, and it was suggested that adding louvers to windows would assist in mitigating views into the property*

Amended Plans were submitted on 18 September 2024 in response to Council's RFI, dated 18 August 2024. The plans revised the bulk and scale of the First Floor Level by reducing the overall length of the semi-detached building envelope by 1m at the western rear elevation. The reduction in bulk results the retention of a majority of neighbouring solar access to the rear private open space at 34 Cammeray Road. Furthermore, the amended plans increase the length of the privacy screens along the side boundaries to the north and south to ensure that neighbouring privacy is not compromised.

## **PUBLIC INTEREST**

The proposal would not result in any unreasonable impacts to the streetscape and Cammeray Neighbourhood area. The proposal maintains the existing low-density character of the locality and the construction of the garage is appropriate considering the context of Cammeray Road and the adjoining properties. The proposal is acceptable in its impacts to neighbouring properties and therefore, would not be contrary to the public interest.

## **SUITABILITY OF THE SITE**

The proposal involves residential development in a residential zone. The proposed works are wholly contained within the rear of the site and will not be readily visible from the public domain. The proposal does not pose any significant impacts to neighbouring dwellings and the streetscape. The proposal is considered to be suitable for the subject site.

## **HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?**

The subject application was notified to adjoining properties and the Bays Precinct for 14 days where the issue of privacy and solar access were raised. The concerns in this regard have been addressed in this report and by the amended plans.

## **CONCLUSION**

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed subdivision is permissible and would result in a change of use from a dual occupancy (attached) to a pair of semi-detached dwellings which are also a permitted use in the R2 Low Density zone.

The proposed subdivision does not comply with the minimum subdivision lot size development standard in clause 4.1 in *NSLEP 2013* for either lot, and is supported by a written request to contravene the development standard pursuant to clause 4.6 in *NSLEP 2013*. The written request demonstrates that strict compliance with the development standard is both unreasonable and unnecessary because the proposed development would be consistent with the objectives of the minimum subdivision lot size development standard.

The proposed demolition and construction of a new building would also give effect to the proposed subdivision as each dwelling would be located on a separate lot and would no longer fit the definition of a dual occupancy. Semi-detached dwellings are a permitted use within the R2 Low Density Residential zone and the form of the building would appear consistent with the symmetrical side by side form of a traditional pair of semi-detached dwellings.

The proposed subdivision would reinforce the existing development pattern on the site and the prevailing subdivision pattern along this section of Cammeray Road. The application is considered reasonable and is recommended for approval.

## 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, as the consent authority, assume the concurrence of the Secretary, Department of Planning and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliances with Clause 4.1 of *NSLEP 2013* and grant consent to Development Application DA93/2024 for subdivision of one lot into two lots, demolition of the existing dual occupancy (attached), and construction of a new building to create a pair of semi-detached dwellings on land at 34-36 Cammeray Road, Cammeray, subject to the following site specific and attached standard conditions of consent:

### Surrender Consent

A4 Development Consent (**D299/21**) must be surrendered within 30 days from the date of this consent.

(Reason: To ensure certainty and clarity on approved development for the subject site)

### Housing and Productivity Contribution

C23 The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance as shown under item (i) of this condition, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$8,000.00
Transport project component	\$0
<b>Total housing and productivity contribution</b>	<b>\$8,000.00</b>

The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

***highest PPI number***  
***consent PPI number***

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

The HPC must be paid before the issue of any Construction Certificate.

The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with item (i) in this condition at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with item (i) in this condition at the time its payment.

Despite the requirement of this condition, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

(Reason: To provide contribution as required by the *Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023*)

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**JACK VARKA**  
**A/SENIOR ASSESSMENT OFFICER**  
**Date: 21.10.2024**

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**ISOBELLA LUCIC**  
**TEAM LEADER ASSESSMENTS**

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**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**  
**Date:**

**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**34-36 CAMMERAY ROAD, CAMMERAY**  
**DEVELOPMENT APPLICATION NO. 93/24**

**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 endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No	Rev	Description	Prepared by	Dated
DA01	B	Site Plan	Studio Panetta	29/08/24
DA03	A	Existing Lower Ground Floor Plan – Demolition	Studio Panetta	08/02/24
DA04	A	Existing Gound Floor Plan – Demolition	Studio Panetta	08/02/24
DA05	A	Existing Roof Plan – Demolition	Studio Panetta	08/02/24
DA06	A	Existing Elevations – Demolition	Studio Panetta	08/02/24
DA07	A	Existing Elevations – Demolition	Studio Panetta	08/02/24
DA08	A	Existing Sections - Demolition	Studio Panetta	08/02/24
DA09	A	Proposed Lower Ground Floor Plan	Studio Panetta	08/02/24
DA10	B	Proposed Ground Floor Plan	Studio Panetta	29/08/24
DA11	B	Proposed Level 1 Plan	Studio Panetta	29/08/24
DA12	B	Proposed Roof Plan	Studio Panetta	29/08/24
DA13	B	Proposed Elevations	Studio Panetta	29/08/24
DA14	B	Proposed Elevations	Studio Panetta	29/08/24
DA15	B	Proposed Long Section 1	Studio Panetta	29/08/24
DA16	B	Proposed Sections	Studio Panetta	29/08/24
DA19	B	Site Calculations	Studio Panetta	29/08/24
DA20	B	Landscape Calculations	Studio Panetta	29/08/24
DA21	A	Materials and Finishes	Studio Panetta	08/02/24
DA-01	B	Landscape Plan	Space Landscape Design	03/09/24
Sheet 1	-	Plan of Subdivision	Vaughan Wady	22/04/24

(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 plans endorsed with Council's approval stamp, 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 Certifier.



**34-36 CAMMERAY ROAD, CAMMERAY  
DEVELOPMENT APPLICATION NO. 93/24**

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All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier 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)

**External Finishes and Materials**

A3. External finishes and materials must be in accordance with the submitted schedule dated 08/02/2024, prepared by Studio Panetta unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

**Surrender Consent**

A4. Development Consent (**D299/21**) must be surrendered within 30 days from the date of this consent.

(Reason: To ensure certainty and clarity on approved development for the subject site)

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

**Dilapidation Report Damage to Public Infrastructure**

C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped 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 Principal Certifier 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.

**34-36 CAMMERAY ROAD, CAMMERAY  
DEVELOPMENT APPLICATION NO. 93/24**

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

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

**Geotechnical Report**

- C2. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
  - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
  - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
  - d) the existing groundwater levels in relation to the basement structure, where influenced;
  - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
  - f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

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

**Sediment Control**

- C3. 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.

An Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Erosion and 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.
- 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 Principal Certifier 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**

- C4. A Waste Management Plan is to be submitted for approval by the Principal Certifier 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.

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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)

**Skylight(s)**

- C5. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier 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)

**Reflectivity Index of Glazing**

- C6. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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**

- C7. 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 Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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)

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**Work Zone**

- C8. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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. Works 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 Works 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 Principal Certifier 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**

- C9. 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 (INSERT) metres (including the wings);
- c) the vehicular layback must be set square to the kerb;

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- d) The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
- e) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorized works at the cost of the property owner.
- f) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- g) The gutter levels and road shoulder levels on Cammeray Road must stay unchanged.
- h) The kerb gutter, and 600mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Cammeray Road must be reconstructed, to ensure uniformity in the road reserve.
- i) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- j) The design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed.
- k) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed.
- l) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- m) Any footpath panel on Cammeray Road that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

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

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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 Principal Certifier 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 Management and Disposal Design Plan - Construction Issue Detail**

C10. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA);
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to [INSERT];
- c) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification". Engineering plans and specifications, prepared by a qualified civil drainage design engineer must be approved, in writing, by Council's Development Engineer prior to issue of any Construction Certificate. The required documentation must provide engineering construction detail for public infrastructure works that must be completed as part of the approved development.
- d) A digital video inspection recording of completed drainage work within the public domain must be carried out by a suitably qualified person and the recording submitted to Council for review by Council's Development Engineer or Drainage to support the certification. Bonds held by Council will be returned after receipt of satisfactory information.
- e) The stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years.
- f) All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated.
- g) pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.



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- h) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system;
- i) any proposed fence/building structure is to be constructed so as not to impede the natural overland flow ; and
- j) provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works.
- k) surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow.
- l) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate.
- m) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- n) provide subsoil drainage to all necessary areas with pump out facilities as required.

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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 controlled stormwater management and disposal without nuisance)

**On-Site Stormwater Detention**

- C11. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5- year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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For small areas up to 0.5 hectares, determination of the require cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the *Australian Rainfall and Runoff*, Volume 1, 1987 Edition.

Engineering calculations, design and certification complying with this condition must be provided by an appropriately qualified and practising Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded)

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

C12. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$10,000.00 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 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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 Development Engineers or Manager of Development Services.

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:

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- 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
- the Principal Certifier 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**

- C13. Prior to the issue of any construction certificate, security in the sum of \$6,500.00 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 Species	Location	Bond
1 x <i>Pyrus calleryana</i> (2m)	Council verge in front of 36 Cammeray Rd	\$2,500
1 x <i>Syzigium sp.</i> (4.5m)	Council verge in front of 32 Cammeray Rd	\$4,000

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

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**Protection of Trees**

- C14. 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
1 x <i>Pyrus calleryana</i>	Council verge in front of 36 Cammeray Rd	2m
1 x <i>Syzigium sp.</i>	Council verge in front of 32 Cammeray Rd	4.5m

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

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)

**Pool Access**

- C15. 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 barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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 safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

**Swimming Pool Water to Sewer**

- C16. 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 the relevant Construction Certificate. Plans and specifications complying with this condition and any conditions/ requirements of Sydney Water must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)

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**Pool Filter**

- C17. 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 Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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 Development Contributions**

- C18. 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 \$20,018.00.

**Indexation**

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

**Timing of Payment**

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution 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](http://www.northsydney.nsw.gov.au).

(Reason: to provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

**Security Deposit/Guarantee Schedule**

- C19. 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:

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<b>Security Deposit/Guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$6,500.00
Stormwater, kerb, gutter, etc	\$10,000.00
<b>TOTAL BONDS</b>	<b>\$16,500.00</b>

Note: The following fees applicable

<b>Fees</b>	
Section 7.12 Development Contributions:	\$20,018.00
<b>TOTAL FEES</b>	<b>\$20,018.00</b>

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**

C20. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1740546S\_02 and 1740564S for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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**

C21. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- SW connection to the street shall be via existing pipework. No new SW shall be directed through TPZ of protected street trees
- 2 x canopy trees (45l) capable of attaining a mature height of 7m (min) shall be planted within the rear setback of 34-36 Cammeray Rd

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 residential amenity)

**Construction and Traffic Management Plan (Major DAs and sites with difficult access)**

C22. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
  - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
  - ii. Signage type and location to manage pedestrians in the vicinity;
  - iii. The locations of any proposed Work Zones in the frontage roadways;
  - iv. Locations and type of any hoardings proposed;
  - v. Area of site sheds and the like;
  - vi. Location of any proposed crane standing areas;
  - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
  - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  
- b) A Traffic Control Plan(s) for the site incorporating the following:
  - ii. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
  - iii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all times.  
  
**A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.**
  
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;

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- (e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- (g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

**A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.**

Notes:

- 1) To apply for certification under this condition, an '*Application to satisfy development consent*' must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.



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- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

**Housing and Productivity Contribution**

- C23. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance as shown under item (i) of this condition, is required to be made:

<b>Housing and productivity contribution</b>	<b>Amount</b>
Housing and productivity contribution (base component)	\$8,000.00
Transport project component	\$0
<b>Total housing and productivity contribution</b>	<b>\$8,000.00</b>

The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

***highest PPI number***  
***consent PPI number***

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

The HPC must be paid before the issue of any Construction Certificate.

The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

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If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with item (i) in this condition at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with item (i) in this condition at the time its payment.

Despite the requirement of this condition, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

(Reason: To provide contribution as required by the *Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023*)

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

**Protection of Trees**

- D1. 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	Protection
1 x <i>Pyrus calleryana</i> (2m)	Council verge in front of 36 Cammeray Rd	1.8m high steel mesh tree protection fencing,
1 x <i>Syzigium sp.</i> (4.5m)	Council verge in front of 32 Cammeray Rd	1.8m high steel mesh tree protection fencing,

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

1.8m high steel mesh tree protection fencing shall be erected such that any unprotected section of council verge within TPZ of protected trees shall be completely enclosed.

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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: Protection of existing environmental and community assets)

**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 builder's 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 Principal Certifier 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****Reuse of Sandstone**

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**Parking Restrictions**

- E2. 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**

- E3. 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)

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**Temporary Disposal of Stormwater Runoff**

- E4. 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 Principal Certifier.

(Reason: Stormwater control during construction)

**Council Inspection of Public Infrastructure Works**

- E5. 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) Vehicular access; and associated road civil works.

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)

**No Work on Public Open Space**

- E6. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

**No Removal of Trees on Public Property**

- E7. 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)

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**Protection of Trees**

- E8. 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.

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:

- a. 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.
- b. 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)

**Special Permits**

- E9. 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)

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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**

E10. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

<b>Standard Construction Hours</b>		
<b>Location</b>	<b>Day</b>	<b>Hours</b>
<b>All zones</b>	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, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

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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)

**Out-of-hours' Work Permits**

E11. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of *the Environmental Planning and Assessment Act 1979*.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and
  - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
  - extended concrete pours
  - works which are solely to convenience the developer or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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



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**Site Amenities and Facilities**

- E12. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

(Reason: To ensure the health and safety of the community and workers on the site)

**Archaeological Discovery During Works**

- E13. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of *the Heritage Act 1977* and/or *National Parks and Wildlife Act, 1974*. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

**Prohibition on Use of Pavements**

- E14. 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)

**Plant and Equipment Kept Within Site**

- E15. 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](http://www.northsydney.nsw.gov.au).

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

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**Service Adjustments**

- E16. Where required, the adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

**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 Certifier 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.

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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 condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier 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 Principal Certifier (PC)**

- F3. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier 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 Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

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**Critical Stage Inspections**

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

(Reason: Statutory)

**Commencement of Works' Notice**

- F7. 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 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 Certifier 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;

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to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

**Certification - Civil Works**

- G2. A) An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier 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 Principal Certifier) 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 Principal Certifier 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 Principal Certifier), 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

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- (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.

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)

**Utility Services**

- G5. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

**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 34-36 Cammeray Road requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
  - 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:
    - (a) the Construction plans; and
    - (b) the “Work-as-Executed” (as built) plans;

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council 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. Typical wording for the Instrument can be sourced from Council’s “Specification for the Management of Stormwater”.

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.

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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)

**Certification of Tree Condition**

- G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
1 x <i>Pyrus calleryana</i>	Council verge in front of 36 Cammeray Rd	2m
1 x <i>Syzigium sp.</i>	Council verge in front of 32 Cammeray Rd	4.5m
2 x canopy trees capable of attaining a mature height of 7m (min)	rear setback of 34-36 Cammeray Rd	45l

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

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

**Sydney Water**

- G8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Principal Certifier prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index), or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)



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**BASIX Completion Certificate**

- G9. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion certificate.

(Reason: To ensure compliance with the Regulations)

**House Numbering (Dwellings)**

- G10. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

**Landscaping**

- G11. The landscaping shown in the amended landscape plan as detailed under Condition C21 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

***I. Ongoing/Operational Conditions*****Pool Filter**

- I1. 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);
    - (i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
    - (ii) before 7.00am or after 8.00pm 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 Noise Policy for Industry 2017 shall be applied.

**34-36 CAMMERAY ROAD, CAMMERAY  
DEVELOPMENT APPLICATION NO. 93/24**

Page 35 of 37

“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 Noise Policy for Industry published by the NSW Environment Protection Authority.

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

**Maintenance of Approved Landscaping**

12. The owner of the premises at 34-36 Cammeray Road is to maintain the landscaping approved by this consent generally in accordance with approved plans as modified by Conditions C14 and C21.

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.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

**J. Prior To the Issue of Any Subdivision Certificate (Land/ Torrens/ Stratum)**

**Registered Plans (Torrens)**

- J1. The applicant must submit to Council’s documentary evidence that the subdivision has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

(Reason: To ensure that the allotments of land are created prior to the commencement of the approved use.)

**Subdivision Certificate**

- J2. A subdivision certificate that authorises the registration of a plan of subdivision at the NSW Land Registry Services must be obtained. The following must be submitted to Council with any application for a Subdivision Certificate:

- a) the original plans of subdivision and administration sheets plus two (2) copies of each, and any original 88B instrument to be endorsed, all **enclosed in a protective cardboard tube** (to prevent damage during transfer);
- b) two additional copies of both the plans and any 88B instrument for submission to Customer Services and records for electronic database scanning and copying;

**34-36 CAMMERAY ROAD, CAMMERAY  
DEVELOPMENT APPLICATION NO. 93/24**

Page 36 of 37

- c) Application for Subdivision Certificate form duly completed with payment of fee current at lodgement;
- d) Written evidence that all applicable conditions of consent to be satisfied, prior to issue of the Subdivision Certificate, have been satisfied (including submission of all required certificates and the like); and
- e) All other information required by *the Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

Notes:

- 1) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees.

**2) Plans of subdivision and copies must not be folded.**

**3) Council will not accept bonds in lieu of completing subdivision works.**

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up-to-date Council records)

**Sydney Water Compliance Certificate**

- J3. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the release of a subdivision certificate.

The Section 73 Certificate must be submitted to the Principal Certifier or North Sydney Council with the documentation to enable the issue of the Strata Certificate.

Notes:

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index), or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with Sydney Water requirements)

**34-36 CAMMERAY ROAD, CAMMERAY  
DEVELOPMENT APPLICATION NO. 93/24**Page 37 of 37

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**Services within Lots**

- J4. A report must be provided by a Registered Surveyor certifying that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services. The report must be submitted to the Principal Certifier for approval prior to the issue of any Subdivision Certificate.

(Reason: To ensure adequate servicing of the development)

**Release of Subdivision Certificate**

- J5. A Subdivision Certificate must not be issued until all conditions of this consent have been satisfied and the Final Occupation Certificate has been issued for the building.

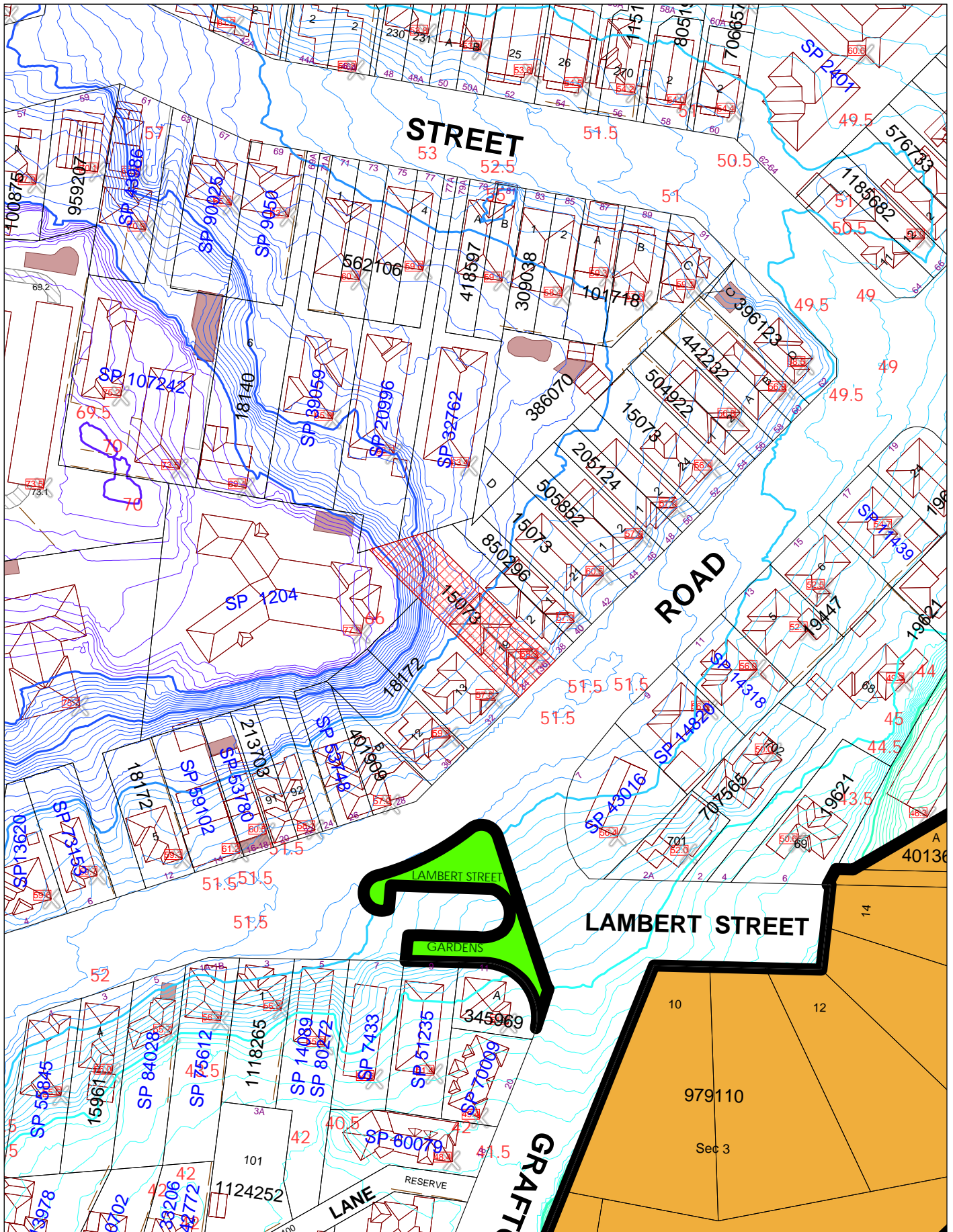
(Reason: To ensure that the development is completed to an acceptable standard prior to registration)

**Building and Unit Numbering**

- J6. Prior to issue any Subdivision Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address (house number) and unit numbers for the building. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

To assist Council a draft proposal for numbering should be submitted for concurrence to Council, as these numbers will be used to maintain Council's property and mapping database.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's Property Addressing Policy. Proper building and unit numbering also assists emergency services in readily locating properties)



**North Sydney Council**

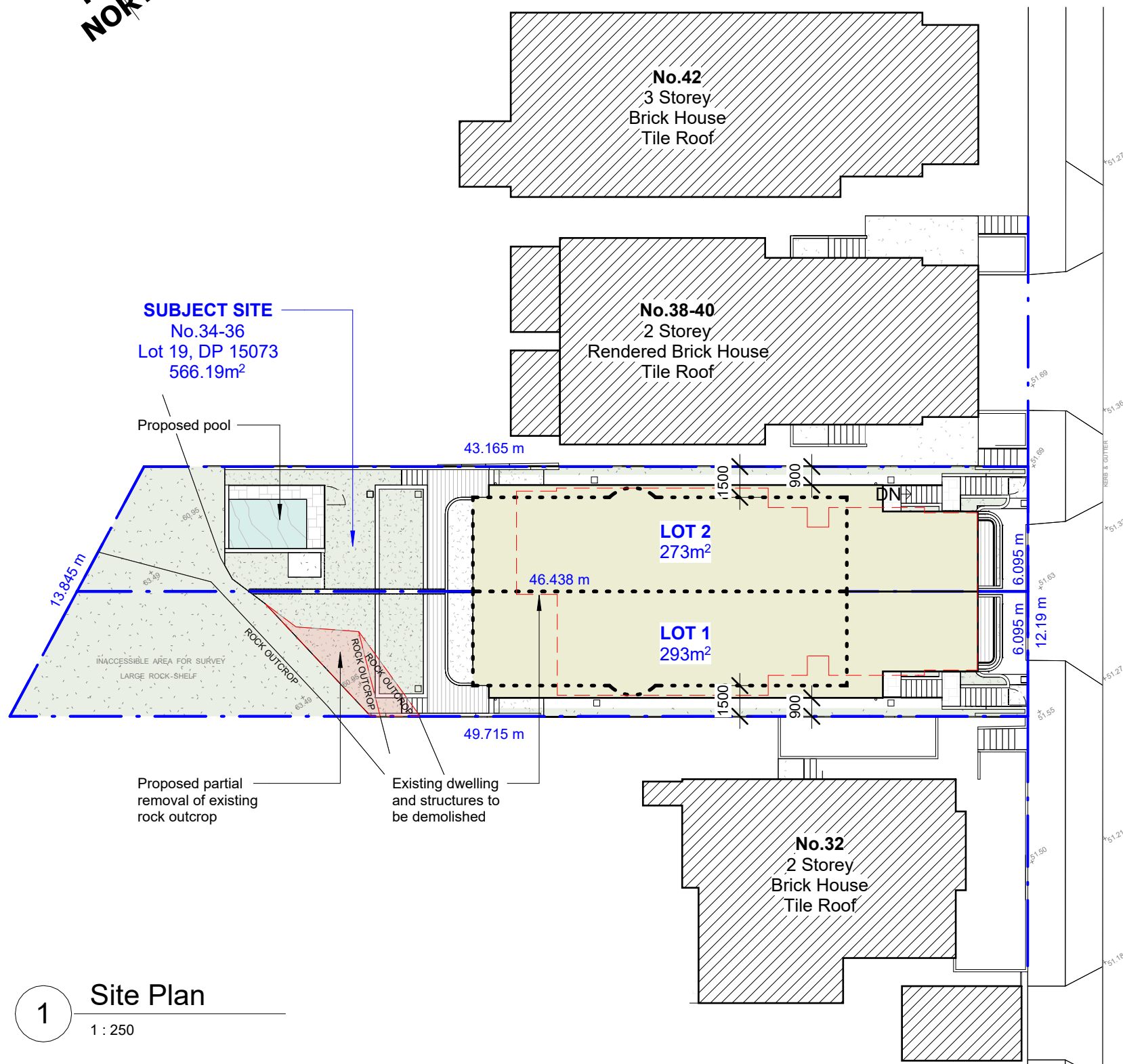
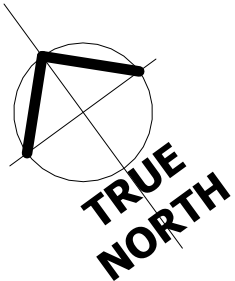
Copyright © North Sydney Council - No part of this map may be reproduced without permission. Commercial decisions should not be made based on information contained in this map without first checking details held by the responsible Government authority.

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

Scale: 1:1200 approx.







- Neighbours
- Existing to remain
- Proposed Demolition
- Proposed Ground Floor
- Proposed Level 1
- Proposed Pool
- Boundary Line

COUNCIL CONTROLS	
Total Site Area:	566.19m <sup>2</sup>
LEP allowable FSR:	N/A
Existing Lower Ground Area:	0.0m <sup>2</sup>
Existing Ground Floor Area:	174.0m <sup>2</sup>
<b>Existing Total Floor Area:</b>	<b>174.0m<sup>2</sup></b>
<b>Existing FSR:</b>	<b>0.3:1</b>
DCP max. Site Coverage:	
Lot size 230 - 499 m <sup>2</sup> :	50%
DCP min. Landscaped Area:	
Lot size 230 - 499 m <sup>2</sup> :	30%
DCP min. Unbuilt Area:	
Lot size 230 - 499 m <sup>2</sup> :	20%
DCP min. Private Open Space:	
Lot size 230 - 499 m <sup>2</sup> :	40m <sup>2</sup>
Ground level :	min. dimension 4m
Above ground level :	min. dimension 2m
Land Zone:	(R2) Low Density Residential
Heritage:	n/a
Height of Building:	8.5m

COUNCIL CONTROLS			
<b>LOT 1</b>		<b>LOT 2</b>	
Total Site Area:	293.0m <sup>2</sup>	Total Site Area:	273.0m <sup>2</sup>
LEP allowable FSR:	N/A	LEP allowable FSR:	N/A
Proposed Ground Floor Area:	105.7m <sup>2</sup>	Proposed Ground Floor :	105.7m <sup>2</sup>
Proposed Level 1 Area:	72.3m <sup>2</sup>	Proposed Level 1 Area:	72.3m <sup>2</sup>
<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>	<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>
<b>Proposed FSR:</b>	<b>0.61:1</b>	<b>Proposed FSR:</b>	<b>0.65:1</b>
Max. Site Coverage:	146.5m <sup>2</sup> (50%)	Max. Site Coverage:	136.5m <sup>2</sup> (50%)
<b>Proposed Site Coverage:</b>	<b>118.0m<sup>2</sup> (40%)</b>	<b>Proposed Site Coverage:</b>	<b>127.0m<sup>2</sup> (47%)</b>
Min. Landscaping:	87.9m <sup>2</sup> (30%)	Min. Landscaping:	81.9m <sup>2</sup> (30%)
<b>Proposed Landscaping:</b>	<b>120.0m<sup>2</sup> (40%)</b>	<b>Proposed Landscaping:</b>	<b>81.9m<sup>2</sup> (30%)</b>
Max. Unbuilt Area:	58.6m <sup>2</sup> (20%)	Max. Unbuilt Area:	54.6m <sup>2</sup> (20%)
<b>Proposed Unbuilt Area:</b>	<b>50.0m<sup>2</sup> (17%)</b>	<b>Proposed Unbuilt Area:</b>	<b>57.0m<sup>2</sup> (20%)</b>
Min. Private Open Space:	40m <sup>2</sup>	Min. Private Open Space:	40m <sup>2</sup>
<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>	<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>

1 Site Plan  
1 : 250

**Development Application**

*Studio Panetta*

ABN: 33 618 126 757  
Nominated Architect: Raymond Panetta  
NSW Registration No. 7466  
Suite 2/11 Fred St Lilyfield, NSW, 2040  
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studiopanetta.com.au

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/ Builder is to check all dimensions onsite prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

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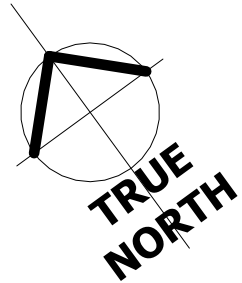
**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 SITE PLAN

Scale: As indicated | Drawn by: HY | Project no.: 23-579 | Sheet no.: DA01 | Issue: B

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VISUAL SCALE 1:200 @ A3

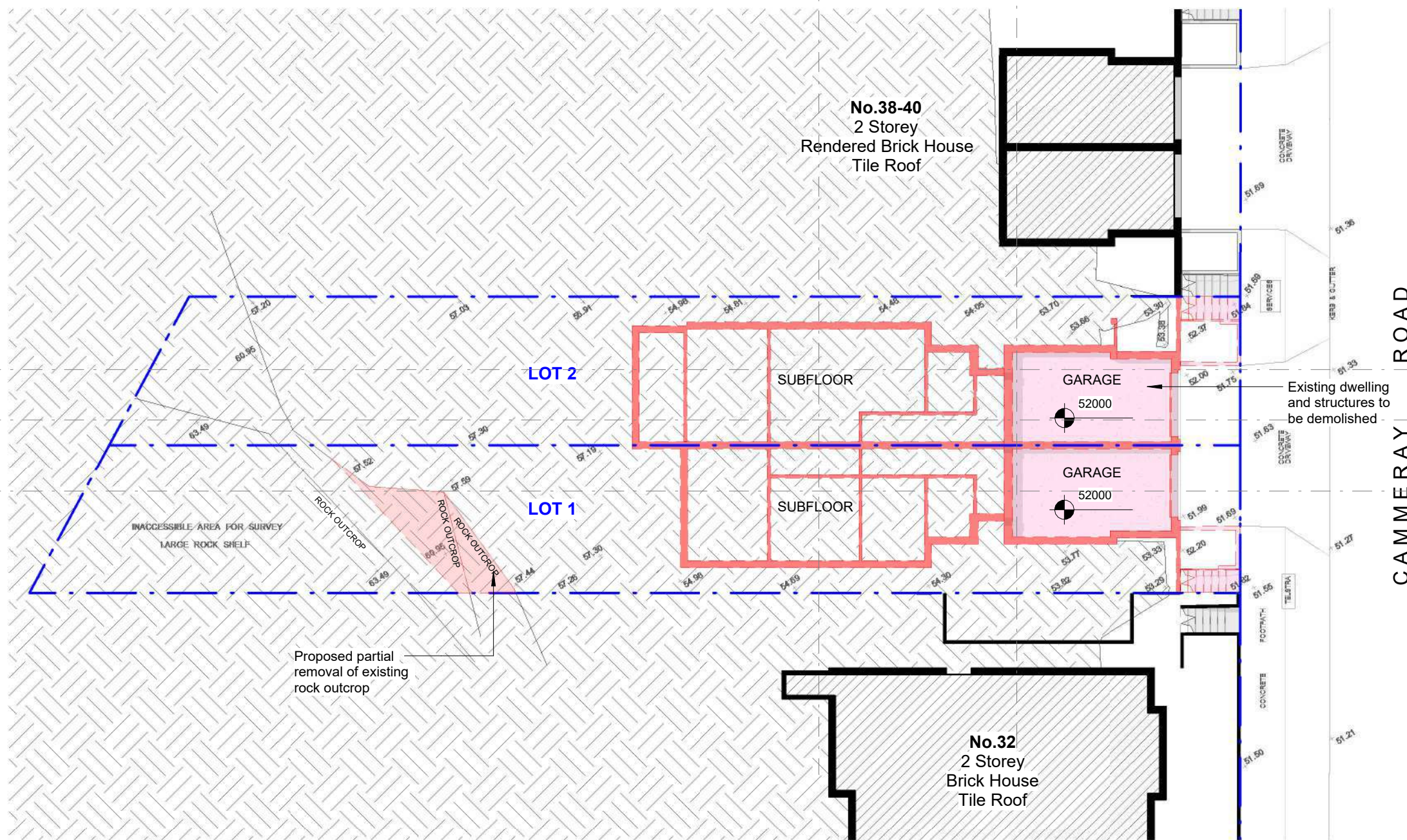
Existing to be Demolished

Existing to Remain

1 DA15

2 DA08

2 DA16



CAMMERAY ROAD

- TYPE OF BUILDING TO BE DEMOLISHED:** As described on the demolition plans.
- DEMOLITION CONTRACTORS:** Demolition contractors and asbestos removal details must be provided to the council and certifier before the demolition starts. Details must include: contractors names, addresses, contact telephone numbers, qualifications and experience.
- DEMOLITION METHODS:** The strip out and removal of non-structural elements will be undertaken utilising manual labour. The removal of structural elements including bearers, joists & timber flooring, timber roof structure & roof tiles will also be undertaken using manual labour. The masonry structure will be demolished by small machinery. The materials will be removed from site using small to medium size d trucks. All demolition work must be undertaken in accordance with AS 2601—2001, *Demolition of structures*. During the demolition process erosion control measures will be established. These will include treatment of dust and potential discharge into stormwater systems.
- MATERIALS HANDLING:** Materials handling will be by manual labour & small machinery loaded into trucks. The debris will be carted offsite to an approved waste facility or recycling centre. Demolition objectives:
  - maximisation, reuse and recycling of demolition material
  - minimisation of waste disposal
  - On-site storage of reusable materials will occur at the rear of the property.

If there are any hazardous materials uncovered during demolition they will be treated separately. A hazardous materials inspection will be undertaken by an accredited consultant and a report issued. Hazardous materials will be handled in accordance with:

  - Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-Liquid Wastes (NSW, EPA 2004),
  - Work Health and Safety Act 2011,
  - The Work Health and Safety Regulation 2011,
  - Worksafe Code of Practice and Guidance Notes on Asbestos;
  - Protection of the Environment Operations Act 1997,
  - Waste Avoidance and Resource Recovery Act 2001,
  - The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
  - Lead Safe A renovator's guide to the dangers of lead (NSW EPA, 1998),
  - The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.;
  - The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au>;
  - Any other requirements of the NSW WorkCover Authority, Department of Environment & Conservation (DEC) and any other relevant authority, legislation, guidelines or DA consent conditions.
- PROPOSED SEQUENCE & HOURS OF OPERATION:** In principle, the demolition process is undertaken in the reverse sequence as construction. Essentially, internal finishes will be stripped out. Services will then be removed including pipework and conduit. The facades will be removed where necessary and the structure will then be demolished using manual labour & small machinery. Demolition is to commence immediately after the approval of the development application and construction certificate.
 

Works shall be limited to the following hours:

  - Monday to Friday: 7am to 6pm
  - Saturday: 8am to 4pm
  - Sundays and public holidays: No demolition work permitted.
- PROTECTIVE MEASURES:** Temporary fencing will be installed along the front boundary of the property. Shade cloth will be erected where needed to enclose debris and dust onto the site.
 

During the demolition, dust control measures will be used to minimise the spread of dust from site. The Contractor will have a senior representative on site at all times to ensure compliance with the safety guidelines and agreed work methods. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg: ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries.
- NOISE**
  - Vibration levels induced by the demolition activities shall not exceed 1 mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
  - Vibration levels induced by the demolition activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
  - The upper noise level from the demolition operations measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).
- DISPOSAL:** If hazardous materials are found on site, they will be disposed in accordance with *Environmental Protection (Controlled Waste) Regulation 2001*.
- OH&S POLICY:** All demolition work will be in compliance with AS4801.

1 Existing Lower Ground Floor  
1 : 200

**Development Application**

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ISSUE	DESCRIPTION	DATE
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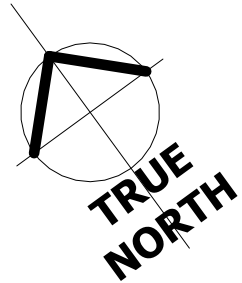
**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 FLOOR PLANS - DEMOLITION

Scale 1 : 200 Drawn by HY Project no. 23-579 Sheet no. DA03 Issue A

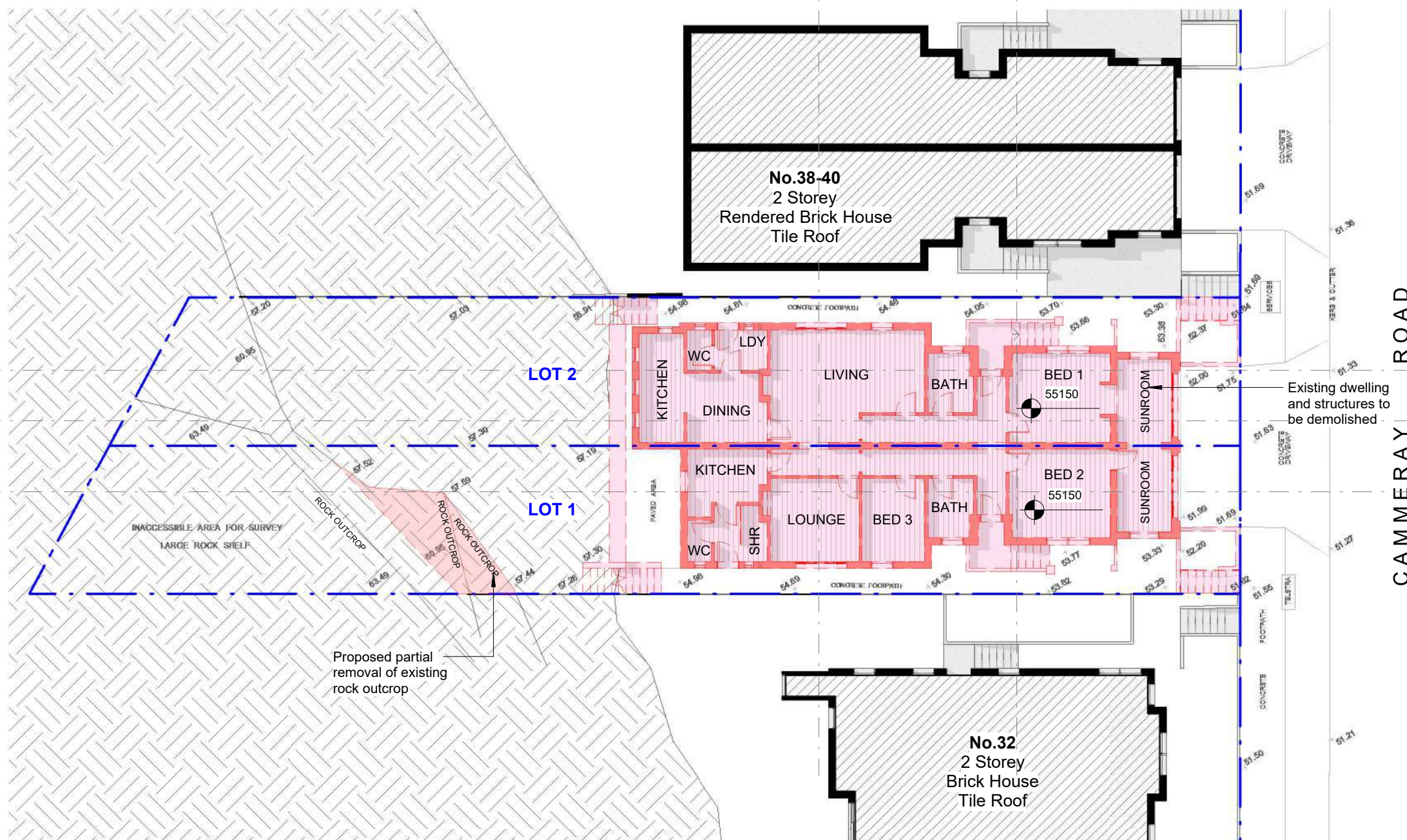
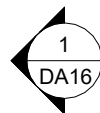
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VISUAL SCALE 1:200 @ A3

Existing to be Demolished  
Existing to Remain



Proposed partial removal of existing rock outcrop

CAMMERAY ROAD

Existing dwelling and structures to be demolished

1 Existing Ground Floor  
1 : 200

- 1. TYPE OF BUILDING TO BE DEMOLISHED:** As described on the demolition plans.
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**Development Application**

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*Studio Panetta*

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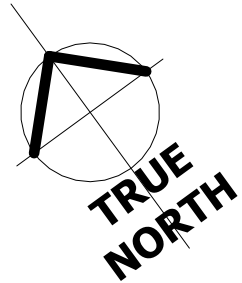
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 FLOOR PLANS - DEMOLITION

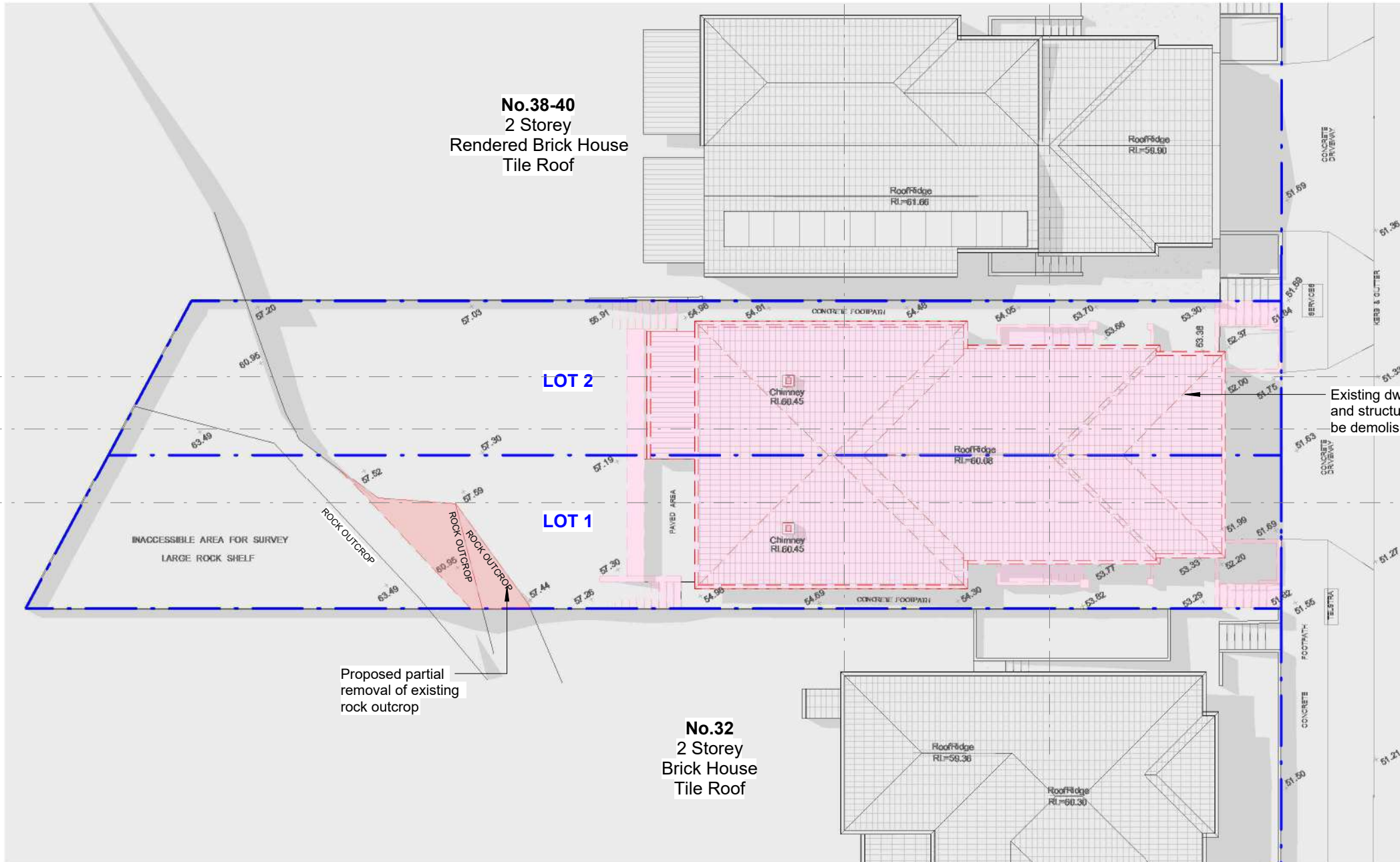
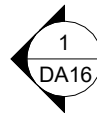
Scale 1 : 200 Drawn by HY Project no. 23-579 Sheet no. DA04 Issue A





VISUAL SCALE 1:200 @ A3

Existing to be Demolished  
Existing to Remain



CAMMERAY ROAD

1 Existing Roof Plan  
1 : 200

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  - OH&S POLICY:** All demolition work will be in compliance with AS4801.

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*Studio Panetta*

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24

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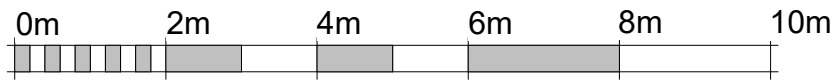
**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023  
Scale: 1 : 200  
Drawn by: HY  
Project no.: 23-579  
Sheet no.: DA05  
Issue: A

ROOF PLAN - DEMOLITION

15/03/2024 5:53:15 PM





VISUAL SCALE 1:100 @ A3

SUBJECT SITE  
NO. 34-36

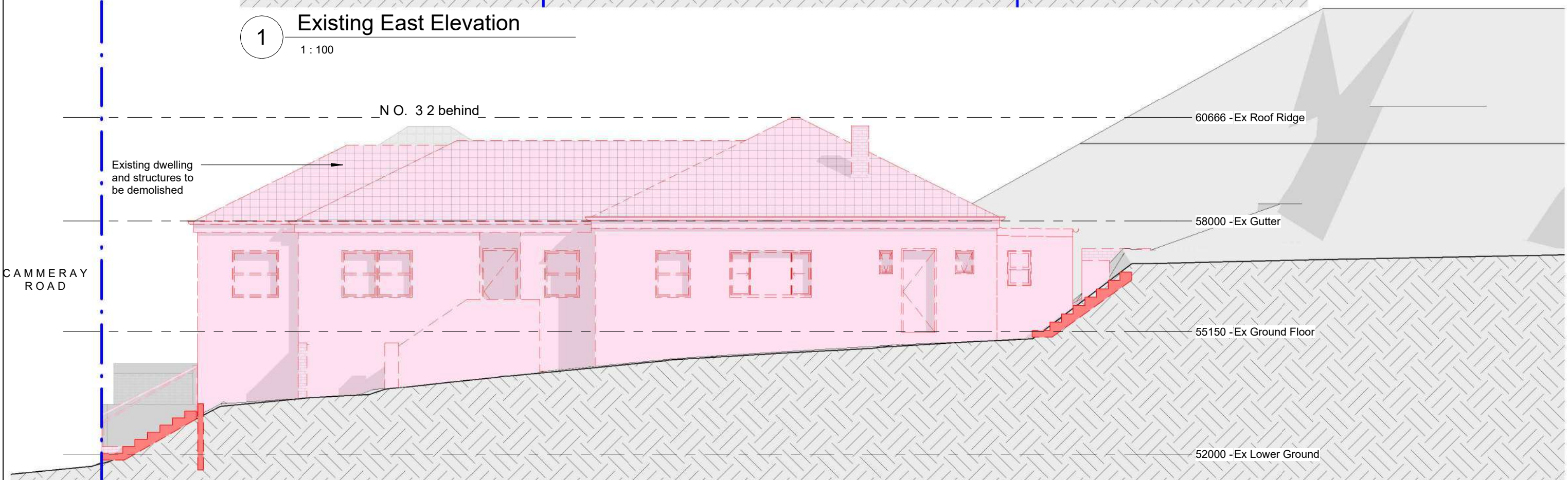
N O. 3 8 - 40

Existing to be Demolished

Existing to Remain



1 Existing East Elevation  
1 : 100



2 Existing North Elevation  
1 : 100

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
Nominated Architect: Raymond Panetta  
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studiopanetta.com.au

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24

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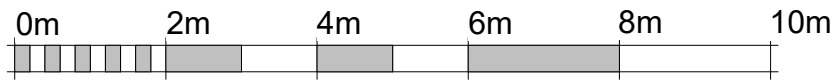
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date	DEC 2023	ELEVATIONS - DEMOLITION			
Scale	1 : 100	Drawn by	HY	Project no.	23-579
		Sheet no.	DA06	Issue	A

15/03/2024 5:53:17 PM

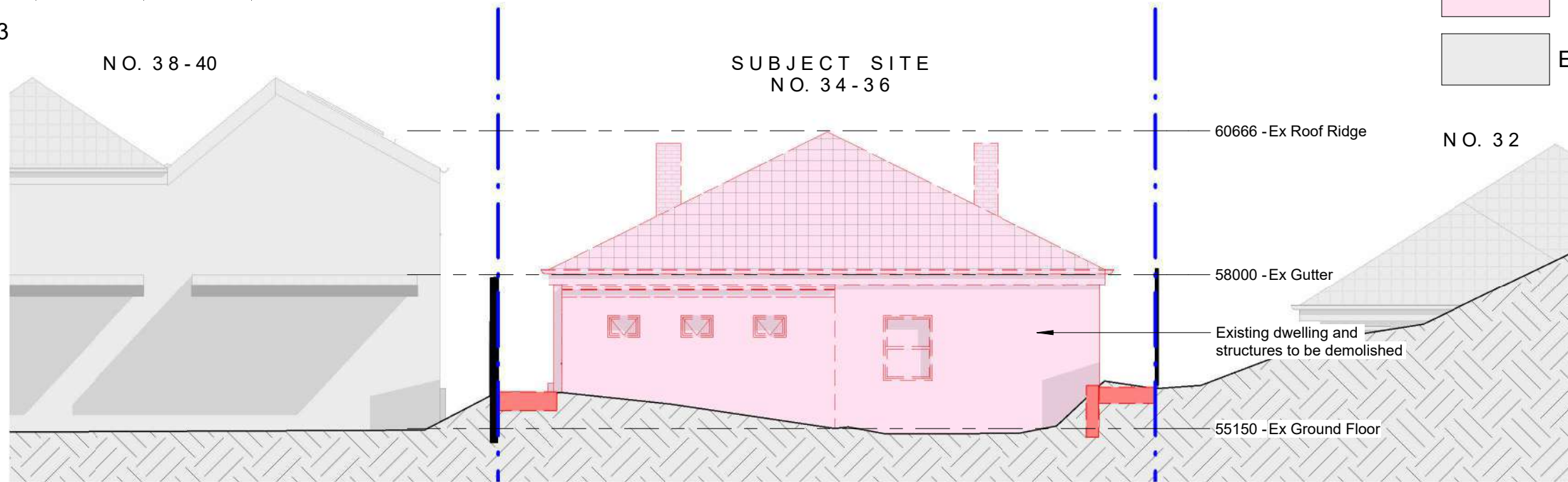




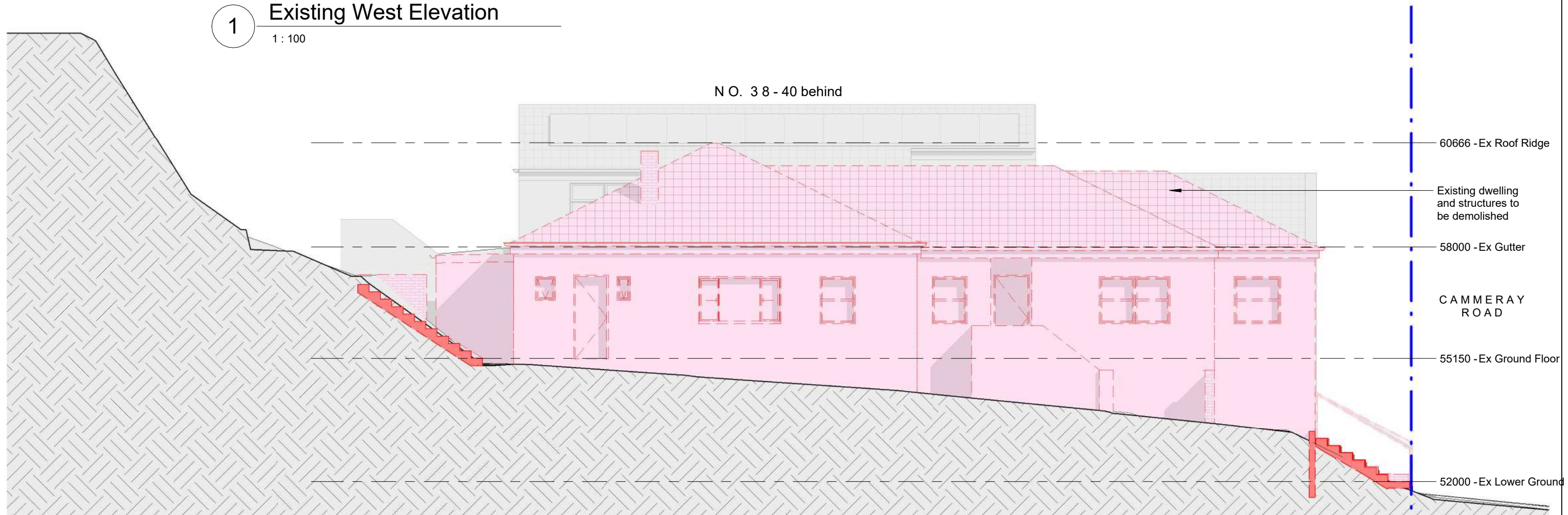
VISUAL SCALE 1:100 @ A3

Existing to be Demolished

Existing to Remain



1 Existing West Elevation  
1:100



2 Existing South Elevation  
1:100

Development Application

*Studio Panetta*

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

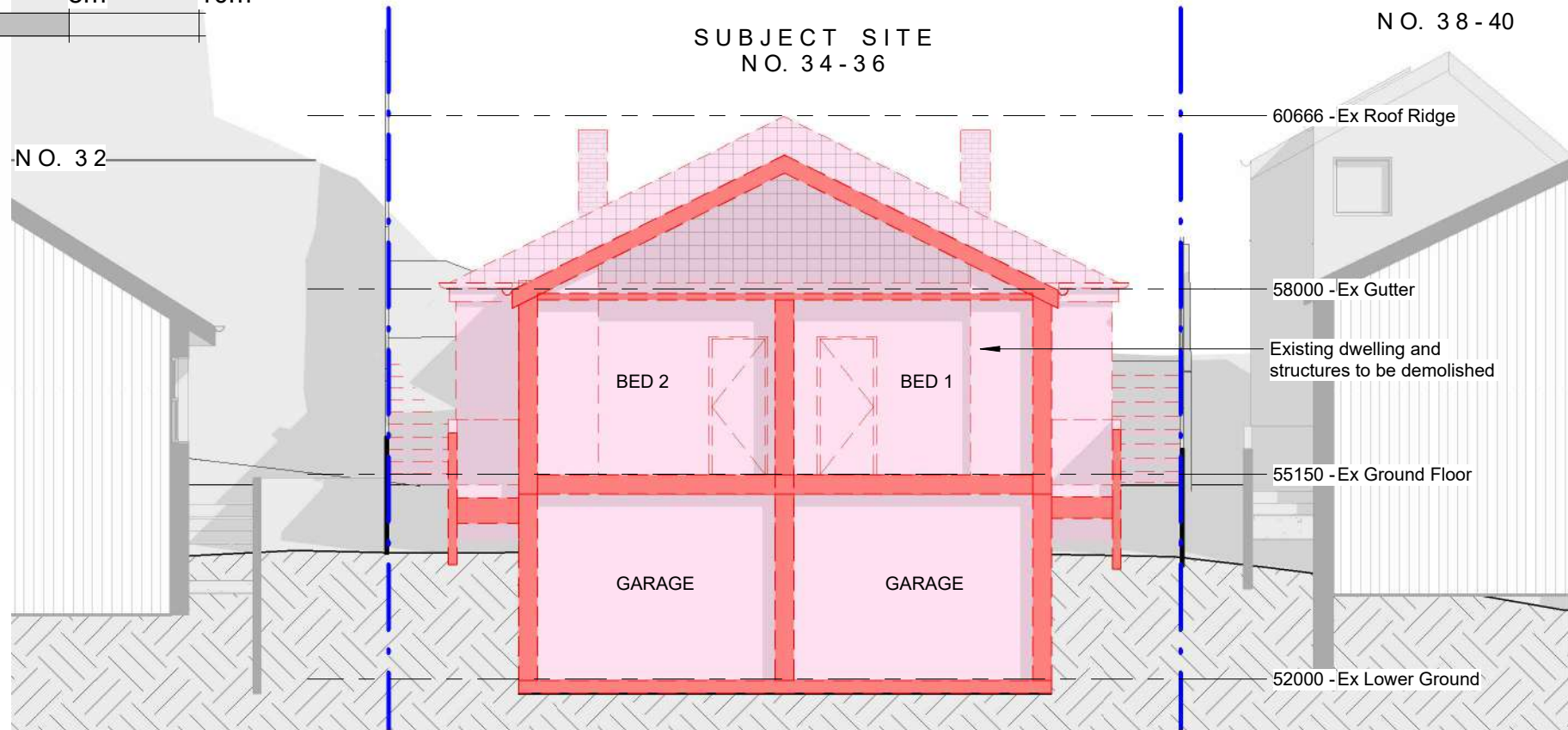
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Scale	1:100	Drawn by	HY	Project no.	23-579
Sheet no.	DA07	Issue	A		

15/03/2024 5:53:18 PM



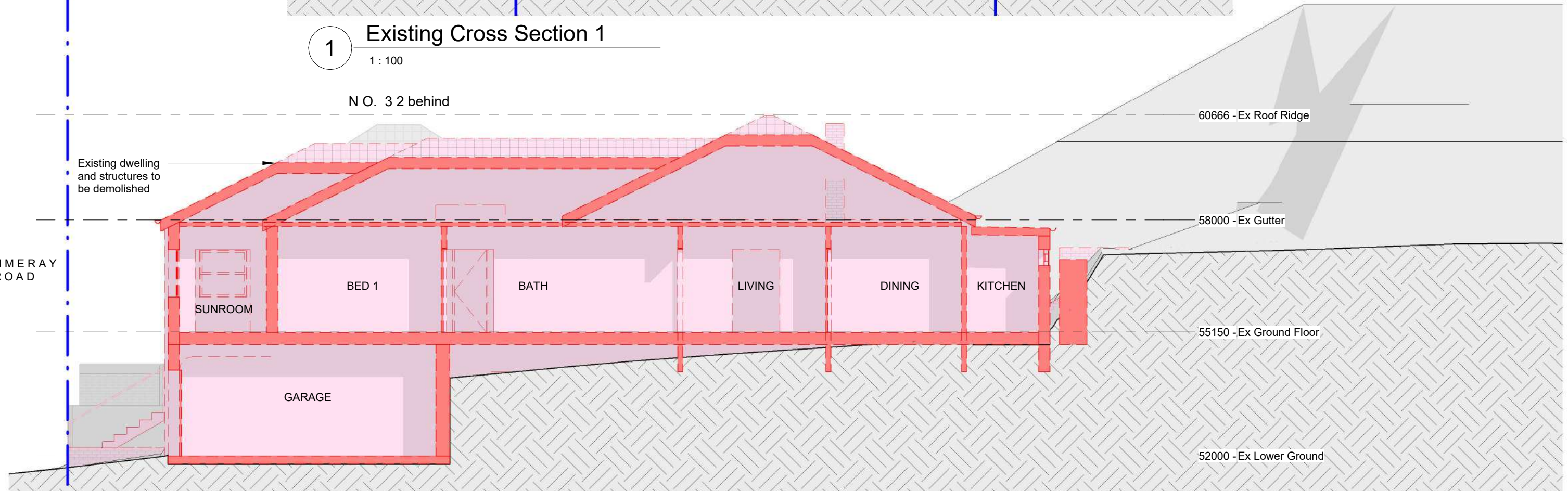
0m 2m 4m 6m 8m 10m

VISUAL SCALE 1:100 @ A3



Existing to be Demolished  
Existing to Remain

1 Existing Cross Section 1  
1:100



2 Existing Long Section 1  
1:100

Development Application

*Studio Panetta*

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

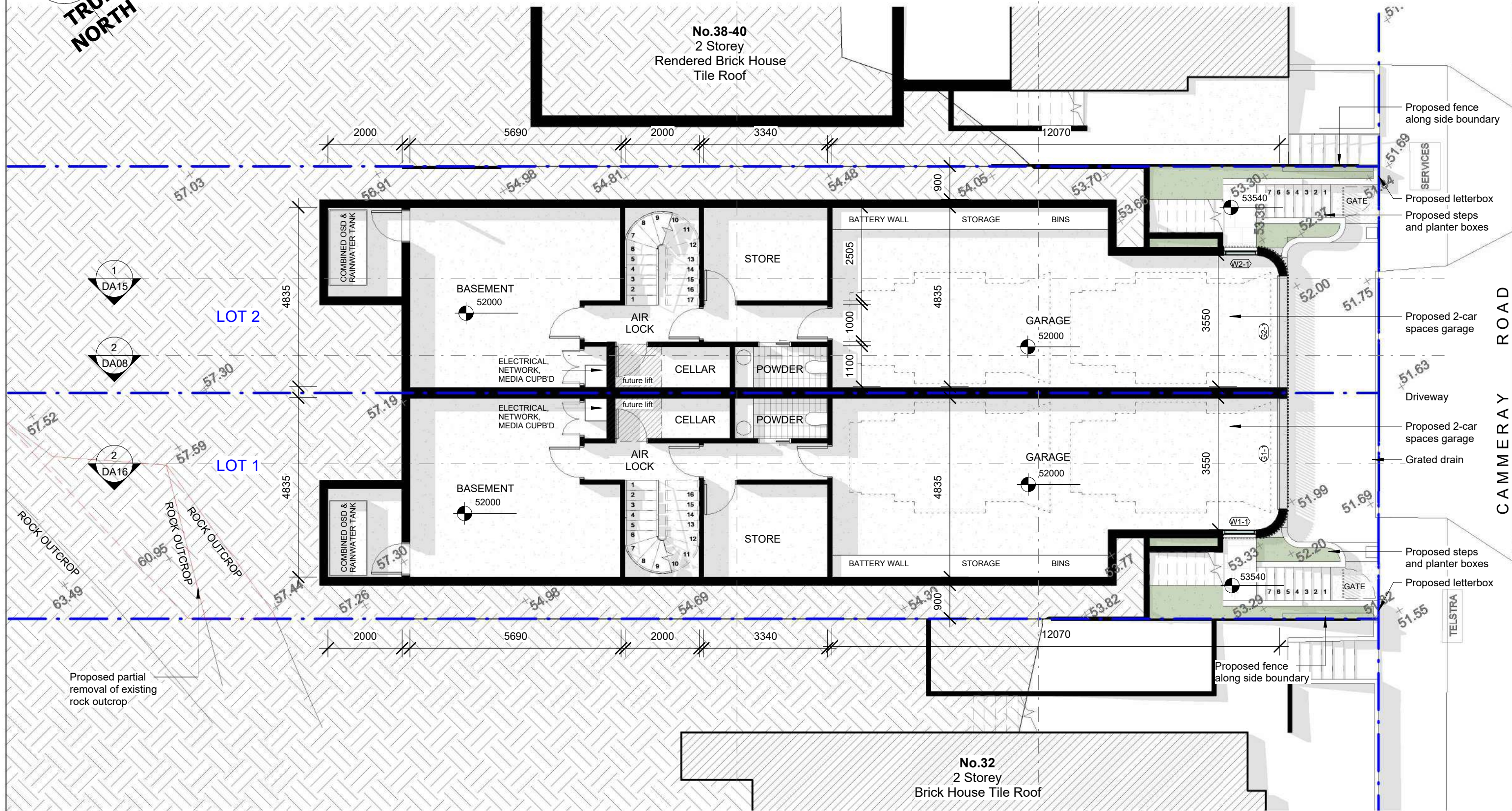
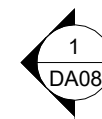
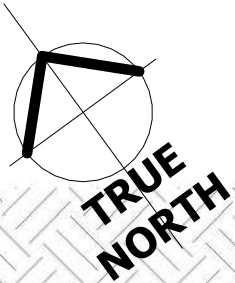
Date	DEC 2023	SECTION - DEMOLITION			
Scale	1:100	Drawn by	HY	Project no.	23-579
		Sheet no.	DA08	Issue	A

15/03/2024 5:53:20 PM



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

VISUAL SCALE 1:100 @ A3



1 Proposed Lower Ground Floor  
1 : 100

**Development Application**

ABN: 33 618 126 757  
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 FLOOR PLANS - PROPOSED

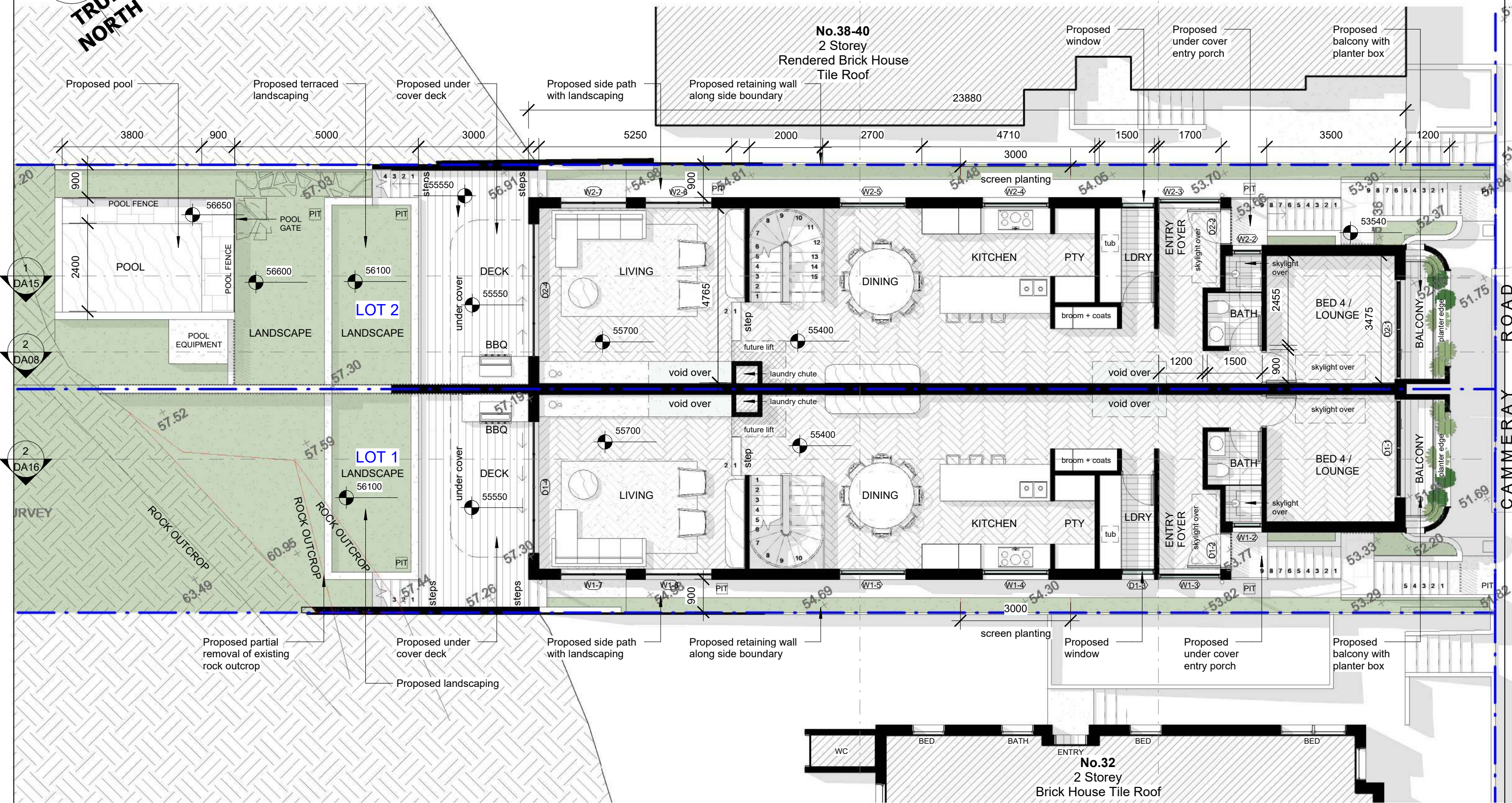
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15/03/2024 5:53:22 PM



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

VISUAL SCALE 1:100 @ A3



1 Proposed Ground Floor  
1 : 100

**Development Application**

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 Nominated Architect: Raymond Panetta  
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ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 FLOOR PLANS - PROPOSED

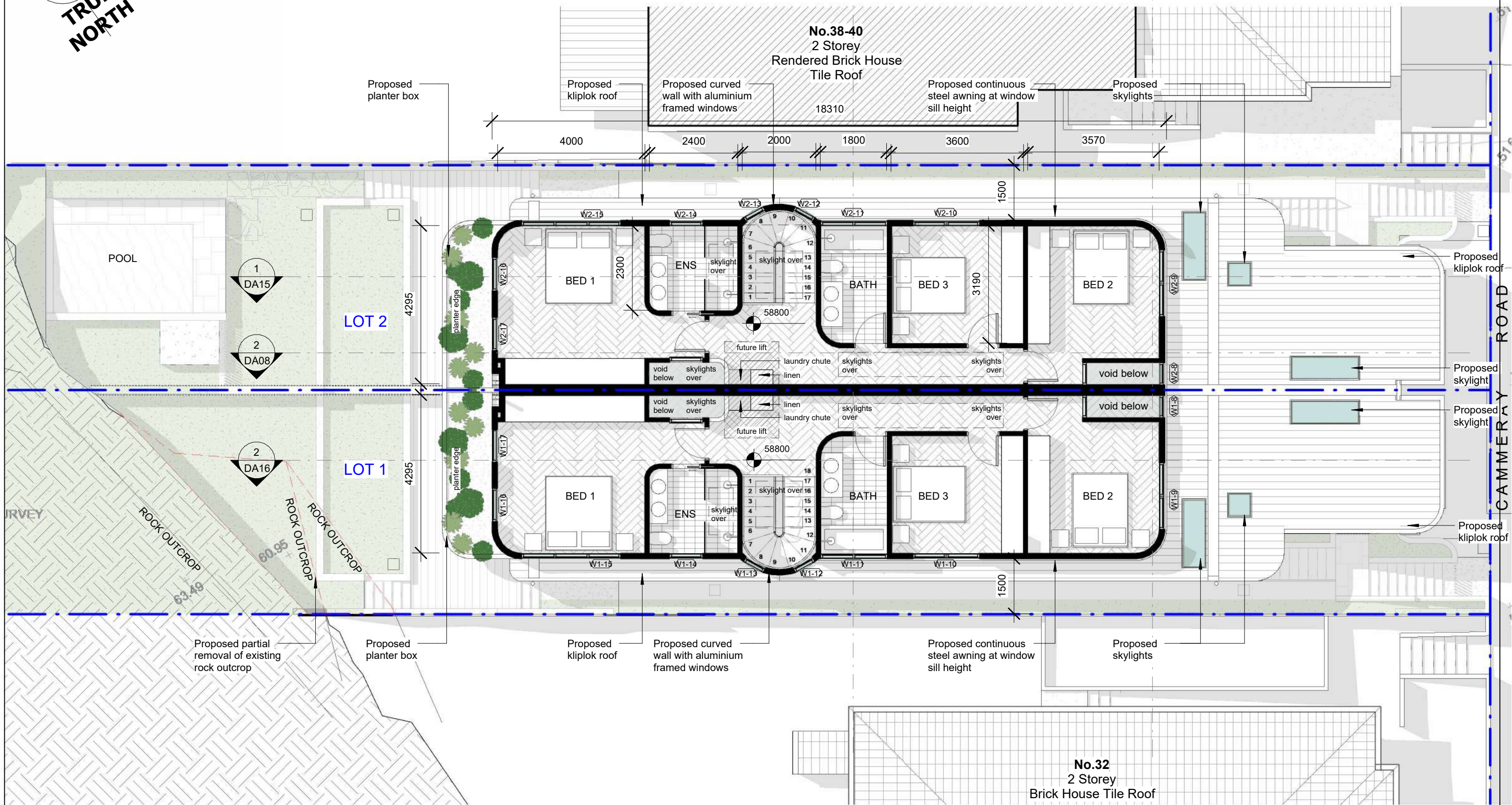
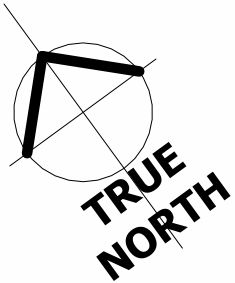
Scale 1 : 100 Drawn by HY Project no. 23-579 Sheet no. DA10 Issue B

16/09/2024 11:09:39 AM



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

VISUAL SCALE 1:100 @ A3



1 Proposed Level 1  
1 : 100

Development Application

*Studio Panetta*

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**SALERNO RESIDENCE  
NEW BUILD - RESIDENTIAL DWELLING  
34-36 CAMMERAY ROAD, CAMMERAY**

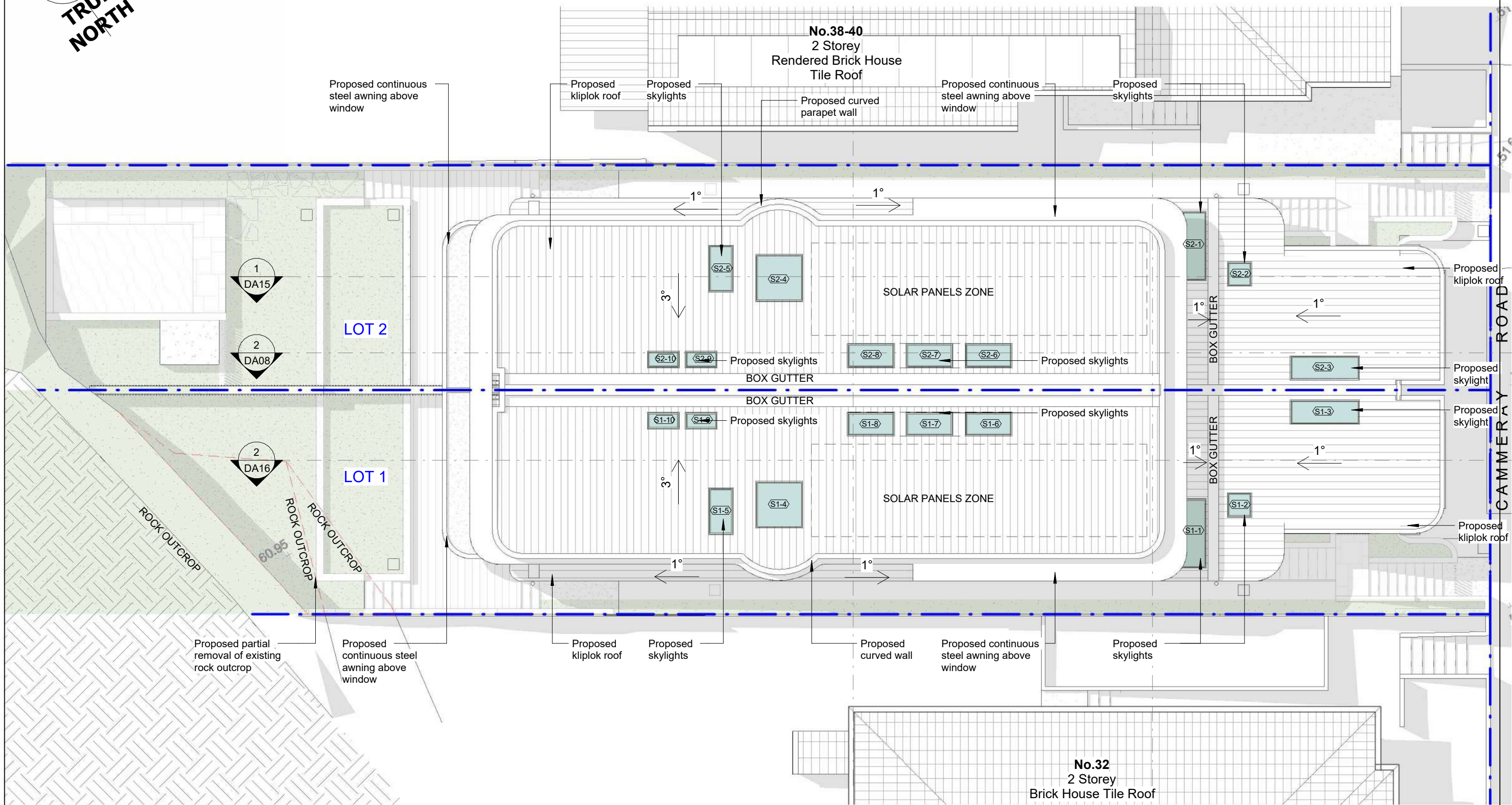
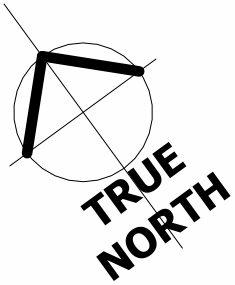
Date	DEC 2023	FLOOR PLANS - PROPOSED			
Scale	1 : 100	Drawn by	HY	Project no.	23-579
		Sheet no.	DA11	Issue	B

16/09/2024 11:09:42 AM



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

VISUAL SCALE 1:100 @ A3



**1** Proposed Roof Plan  
1 : 100

**Development Application**  
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**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023  
 ROOF PLAN - PROPOSED

Scale 1 : 100  
 Drawn by HY  
 Project no. 23-579  
 Sheet no. DA12  
 Issue B

16/09/2024 11:09:46 AM

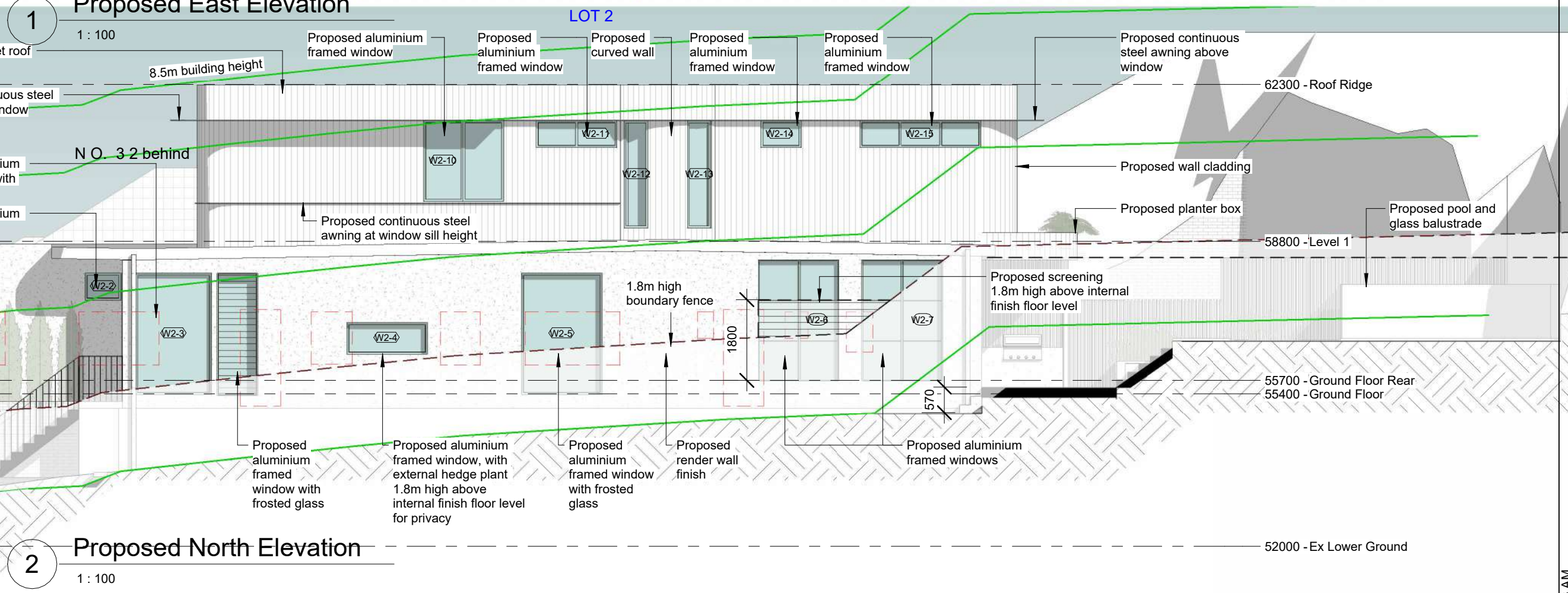




VISUAL SCALE 1:100 @ A3



1 Proposed East Elevation



2 Proposed North Elevation

Development Application

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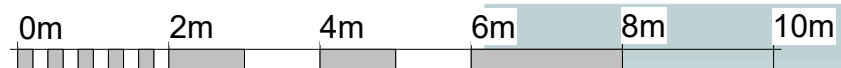
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**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date	DEC 2023	ELEVATIONS - PROPOSED			
Scale	1 : 100	Drawn by	HY	Project no.	23-579
		Sheet no.	DA13	Issue	B

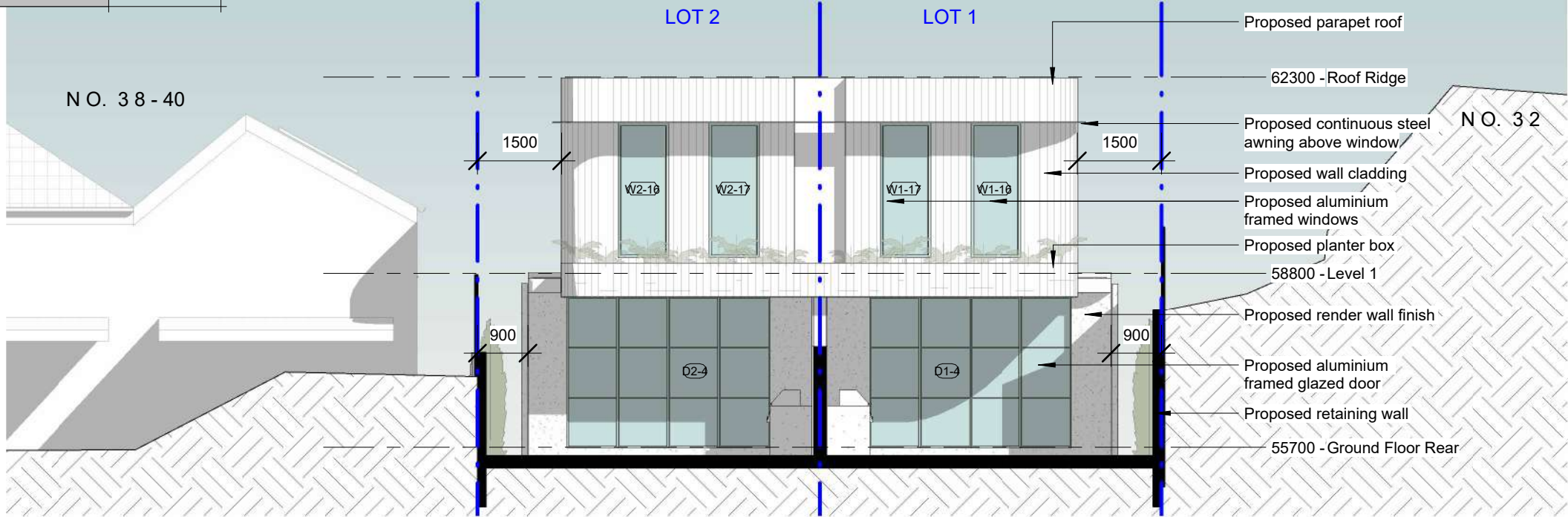
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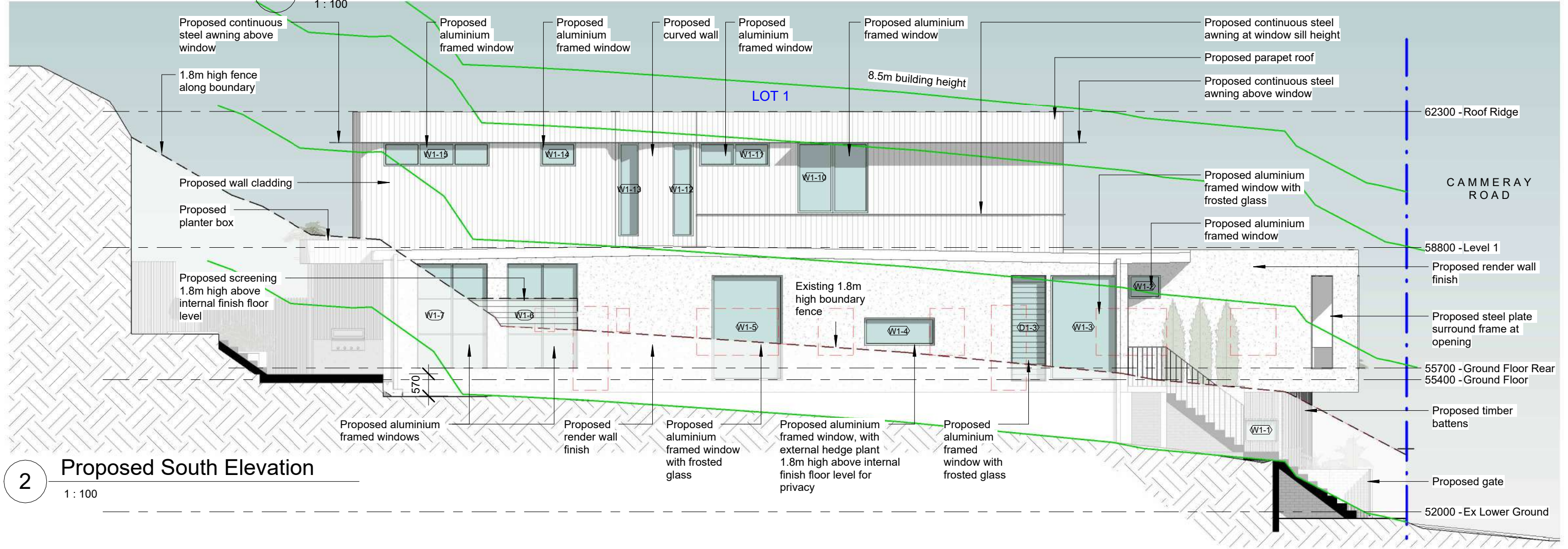


VISUAL SCALE 1:100 @ A3

ATTACHMENT TO LPP01 - 06/11/2024  
SUBJECT SITE  
NO. 34 - 36



1 Proposed West Elevation  
1 : 100



2 Proposed South Elevation  
1 : 100

**Development Application**

ABN: 33 618 126 757  
Nominated Architect: Raymond Panetta  
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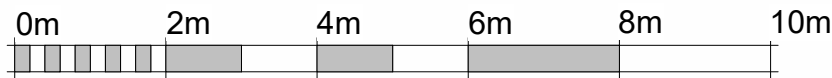
**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: 1 DEC 2023  
ELEVATIONS - PROPOSED

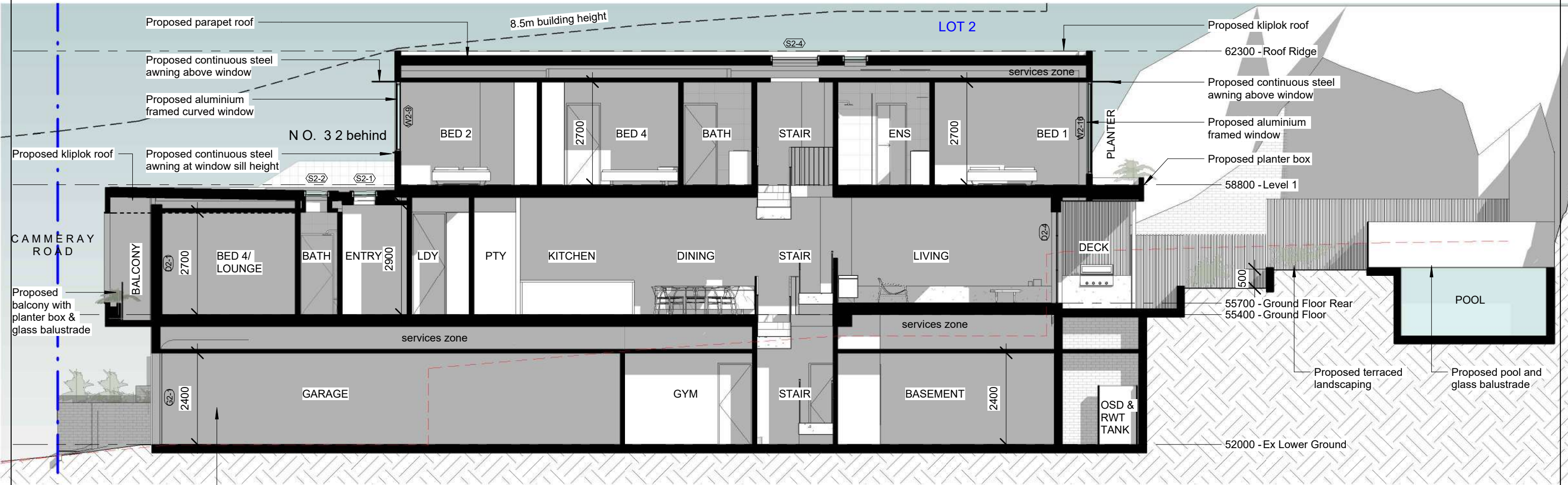
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Drawn by HY  
Project no. 23-579  
Sheet no. DA14  
Issue B

16/09/2024 11:09:59 AM





VISUAL SCALE 1:100 @ A3



1 Proposed Long Section 1  
1 : 100

**Development Application**

*Studio Panetta*

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 SECTIONS - PROPOSED

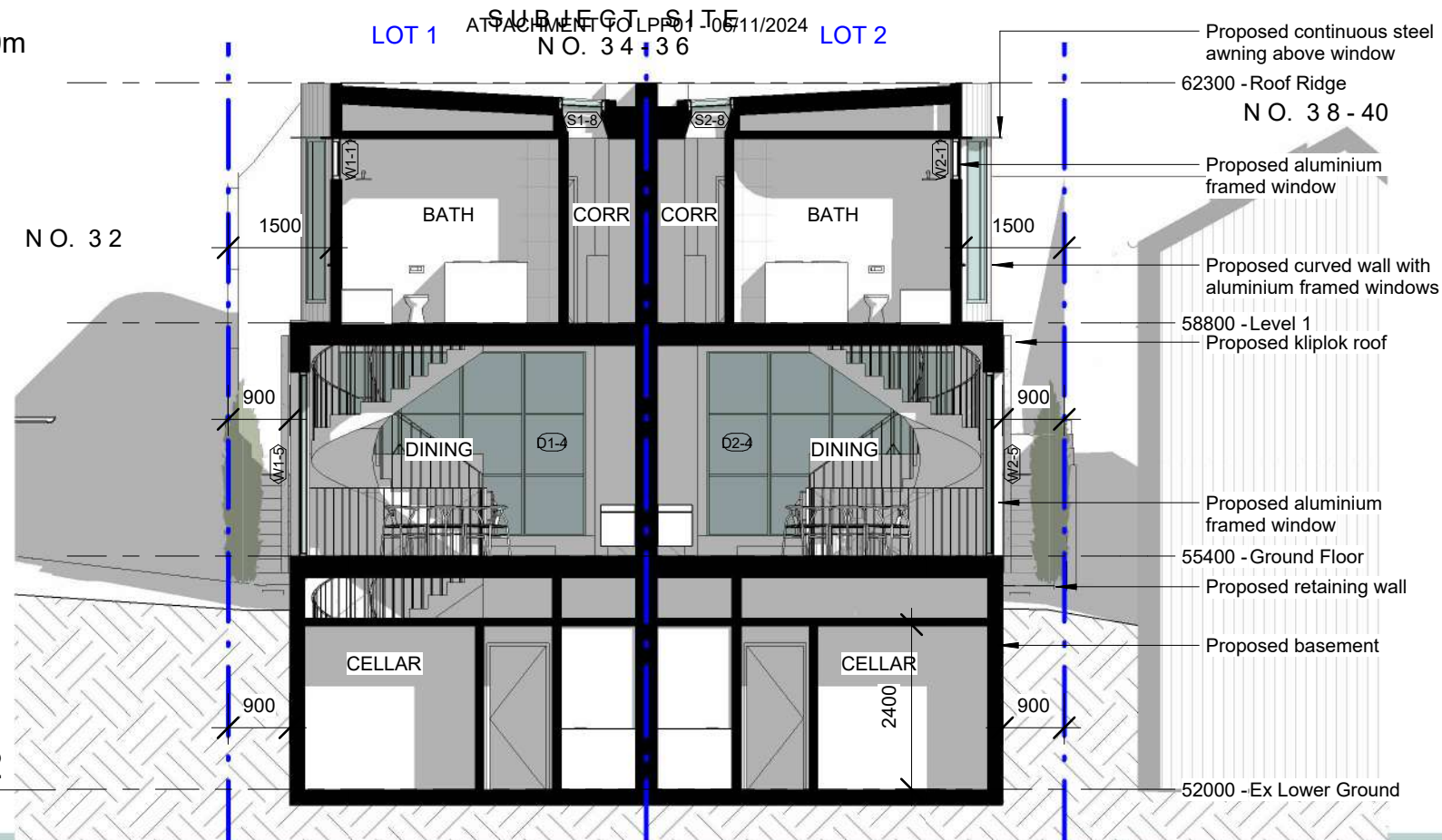
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16/09/2024 11:10:02 AM

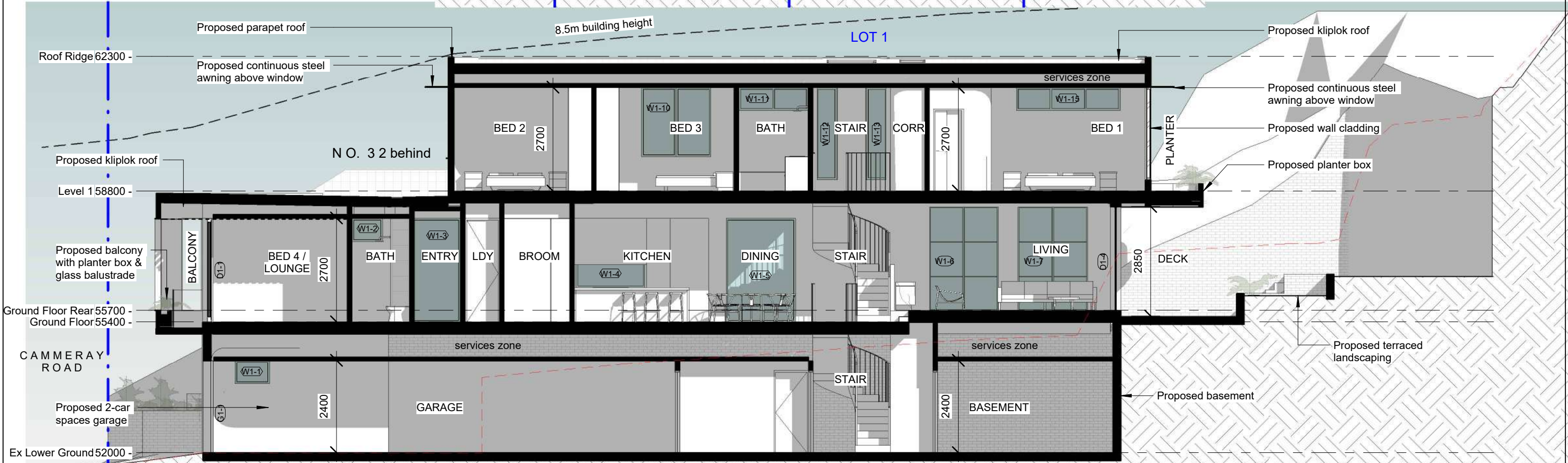




VISUAL SCALE 1:100 @ A3



**1** Proposed Cross Section 2  
1 : 100



**2** Proposed Long Section 2  
1 : 100

Development Application

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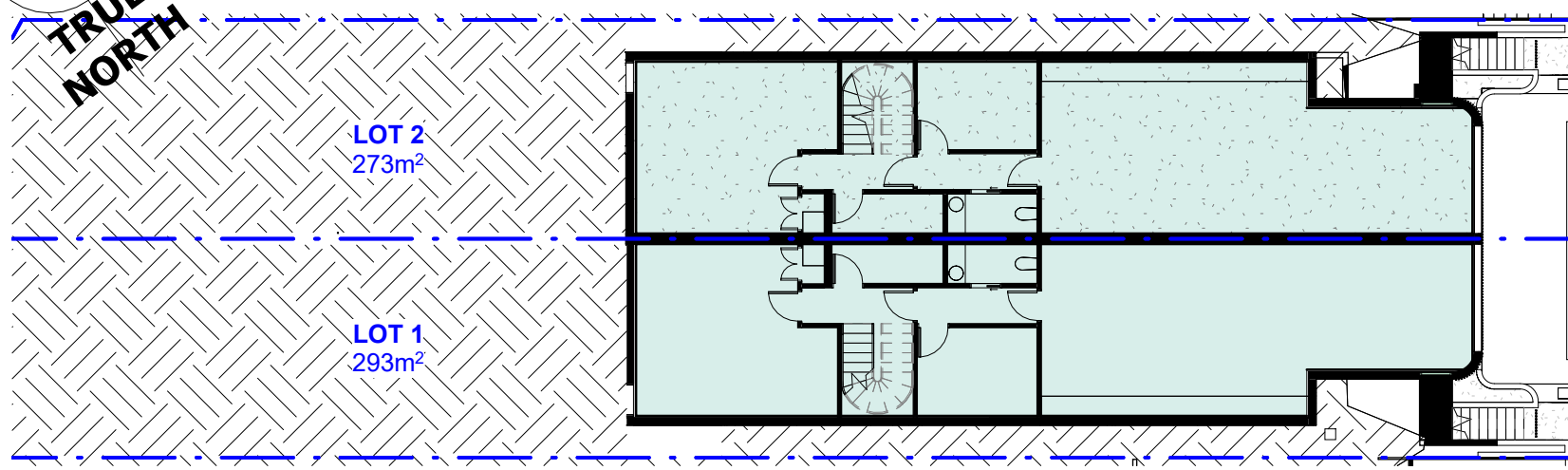
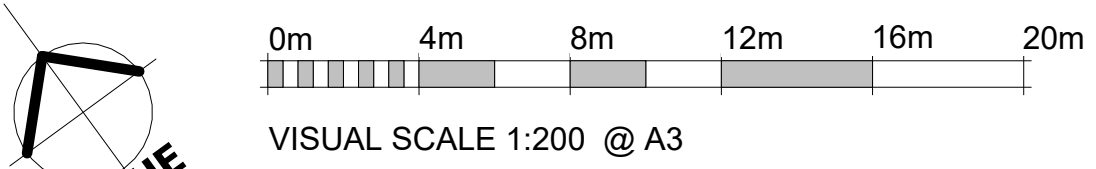
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**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

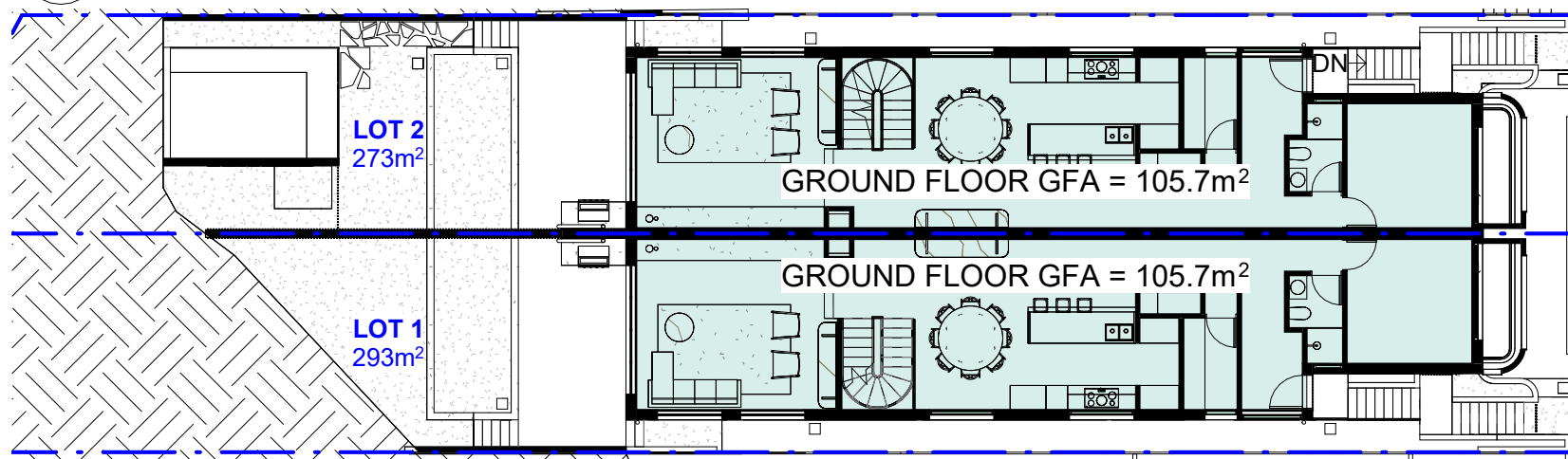
Date	1 DEC 2023	SECTIONS - PROPOSED			
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Sheet no.	DA16	Issue	B		

16/09/2024 11:10:05 AM



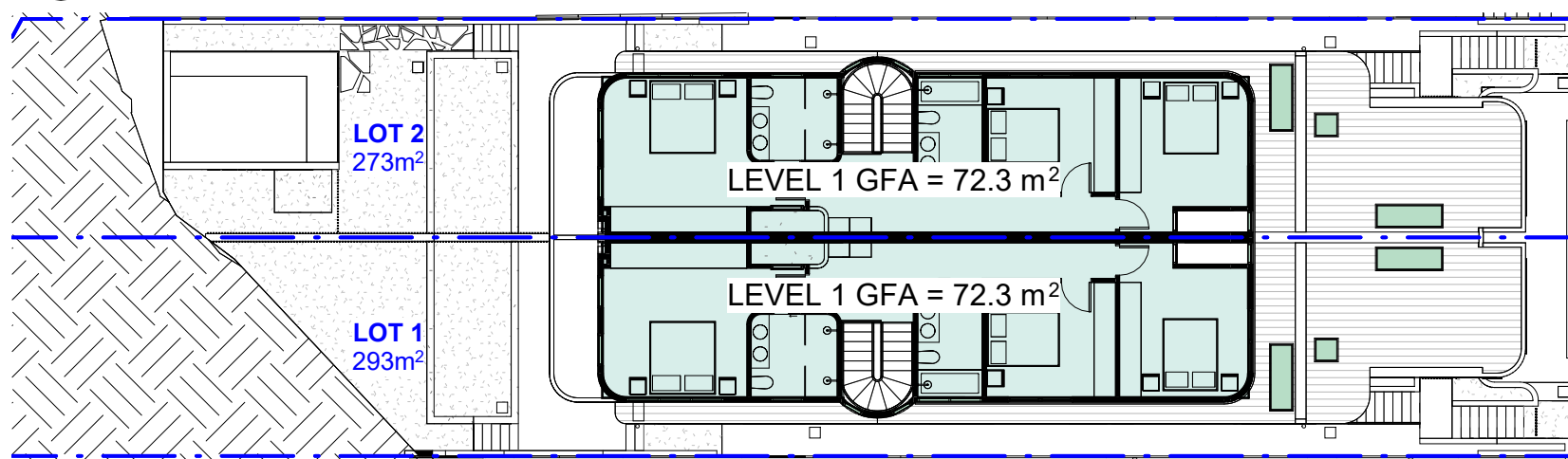
1 FSR - Proposed Lower Ground Floor

1 : 200



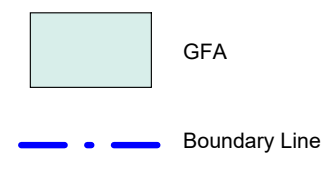
2 FSR - Proposed Ground Floor

1 : 200



3 FSR - Proposed Level 1

1 : 200



COUNCIL CONTROLS	
Total Site Area:	566.19m <sup>2</sup>
LEP allowable FSR:	N/A
Existing Lower Ground Area:	0.0m <sup>2</sup>
Existing Ground Floor Area:	174.0m <sup>2</sup>
<b>Existing Total Floor Area:</b>	<b>174.0m<sup>2</sup></b>
<b>Existing FSR:</b>	<b>0.3:1</b>
DCP max. Site Coverage:	
Lot size 230 - 499 m <sup>2</sup> :	50%
DCP min. Landscaped Area:	
Lot size 230 - 499 m <sup>2</sup> :	30%
DCP min. Unbuilt Area:	
Lot size 230 - 499 m <sup>2</sup> :	20%
DCP min. Private Open Space:	
Lot size 230 - 499 m <sup>2</sup> :	40m <sup>2</sup>
Ground level :	min. dimension 4m
Above ground level :	min. dimension 2m
Land Zone:	(R2) Low Density Residential
Heritage:	n/a
Height of Building:	8.5m

COUNCIL CONTROLS			
LOT 1		LOT 2	
Total Site Area:	293.0m <sup>2</sup>	Total Site Area:	273.0m <sup>2</sup>
LEP allowable FSR:	N/A	LEP allowable FSR:	N/A
Proposed Ground Floor Area:	105.7m <sup>2</sup>	Proposed Ground Floor :	105.7m <sup>2</sup>
Proposed Level 1 Area:	72.3m <sup>2</sup>	Proposed Level 1 Area:	72.3m <sup>2</sup>
<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>	<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>
<b>Proposed FSR:</b>	<b>0.61:1</b>	<b>Proposed FSR:</b>	<b>0.65:1</b>
Max. Site Coverage:	146.5m <sup>2</sup> (50%)	Max. Site Coverage:	136.5m <sup>2</sup> (50%)
<b>Proposed Site Coverage:</b>	<b>118.0m<sup>2</sup> (40%)</b>	<b>Proposed Site Coverage:</b>	<b>127.0m<sup>2</sup> (47%)</b>
Min. Landscaping:	87.9m <sup>2</sup> (30%)	Min. Landscaping:	81.9m <sup>2</sup> (30%)
<b>Proposed Landscaping:</b>	<b>120.0m<sup>2</sup> (40%)</b>	<b>Proposed Landscaping:</b>	<b>81.9m<sup>2</sup> (30%)</b>
Max. Unbuilt Area:	58.6m <sup>2</sup> (20%)	Max. Unbuilt Area:	54.6m <sup>2</sup> (20%)
<b>Proposed Unbuilt Area:</b>	<b>50.0m<sup>2</sup> (17%)</b>	<b>Proposed Unbuilt Area:</b>	<b>57.0m<sup>2</sup> (20%)</b>
Min. Private Open Space:	40m <sup>2</sup>	Min. Private Open Space:	40m <sup>2</sup>
<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>	<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>

**Development Application**

ABN: 33 618 126 757  
 Nominated Architect: Raymond Panetta  
 NSW Registration No. 7466  
 Suite 2/11 Fred St Lilyfield, NSW, 2040  
 E: admin@studiopanetta.com.au  
 P: 02 9810 4239  
 studiopanetta.com.au

*Studio Panetta*

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023  
 Calculations: CALCULATIONS

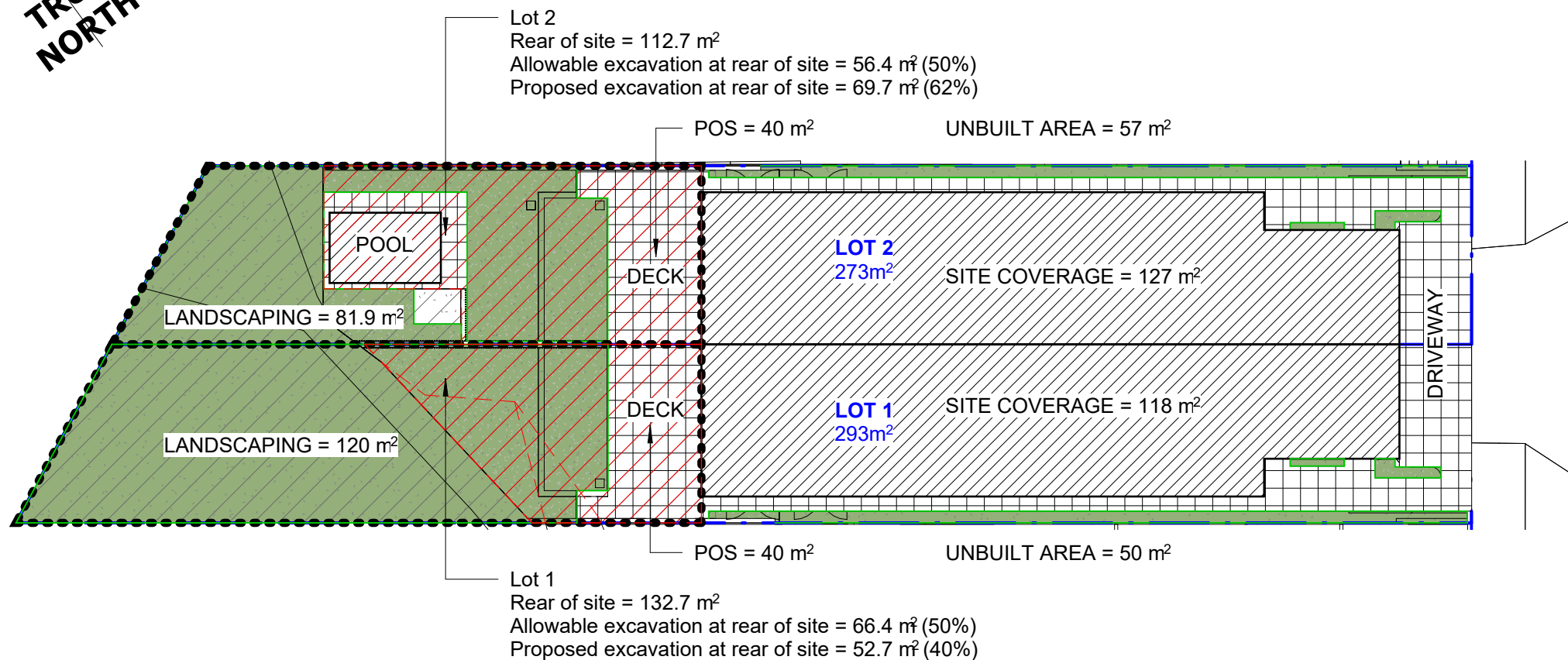
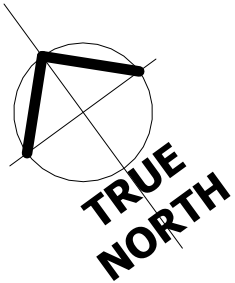
Scale: As indicated  
 Drawn by: HY  
 Project no.: 23-579  
 Sheet no.: DA19  
 Issue: B

16/09/2024 11:10:11 AM





VISUAL SCALE 1:200 @ A3



COUNCIL CONTROLS	
Total Site Area:	566.19m <sup>2</sup>
LEP allowable FSR:	N/A
Existing Lower Ground Area:	0.0m <sup>2</sup>
Existing Ground Floor Area:	174.0m <sup>2</sup>
<b>Existing Total Floor Area:</b>	<b>174.0m<sup>2</sup></b>
<b>Existing FSR:</b>	<b>0.3:1</b>
DCP max. Site Coverage:	
Lot size 230 - 499 m <sup>2</sup> :	50%
DCP min. Landscaped Area:	
Lot size 230 - 499 m <sup>2</sup> :	30%
DCP min. Unbuilt Area:	
Lot size 230 - 499 m <sup>2</sup> :	20%
DCP min. Private Open Space:	
Lot size 230 - 499 m <sup>2</sup> :	40m <sup>2</sup>
Ground level :	min. dimension 4m
Above ground level :	min. dimension 2m
Land Zone:	(R2) Low Density Residential
Heritage:	n/a
Height of Building:	8.5m

# 1 Proposed Landscape Plan

1 : 200

### LANDSCAPE NOTES

All landscaped area to have only indigenous or low water use species of vegetation

### TURF

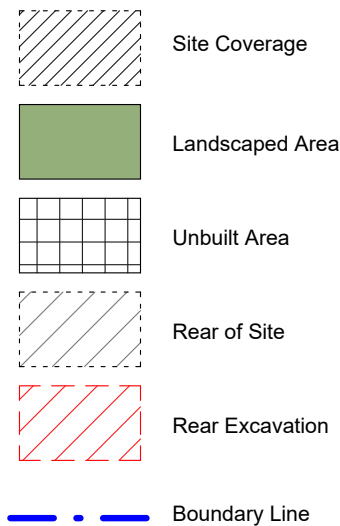
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc.. and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil. Just prior to spreading the turf, spread "Shirley's No. 17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill and small gaps with topsoil. Water thoroughly.

### PLANTING AREAS

Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie: No clay). Install 75mm depth of selected mulch.

### MAINTENANCE

All landscaped works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas to turf which fail during this period are to be replaced at no additional cost.



COUNCIL CONTROLS			
LOT 1		LOT 2	
Total Site Area:	293.0m <sup>2</sup>	Total Site Area:	273.0m <sup>2</sup>
LEP allowable FSR:	N/A	LEP allowable FSR:	N/A
Proposed Ground Floor Area:	105.7m <sup>2</sup>	Proposed Ground Floor :	105.7m <sup>2</sup>
Proposed Level 1 Area:	72.3m <sup>2</sup>	Proposed Level 1 Area:	72.3m <sup>2</sup>
<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>	<b>Proposed Total Floor Area:</b>	<b>178m<sup>2</sup></b>
<b>Proposed FSR:</b>	<b>0.61:1</b>	<b>Proposed FSR:</b>	<b>0.65:1</b>
Max. Site Coverage:	146.5m <sup>2</sup> (50%)	Max. Site Coverage:	136.5m <sup>2</sup> (50%)
<b>Proposed Site Coverage:</b>	<b>118.0m<sup>2</sup> (40%)</b>	<b>Proposed Site Coverage:</b>	<b>127.0m<sup>2</sup> (47%)</b>
Min. Landscaping:	87.9m <sup>2</sup> (30%)	Min. Landscaping:	81.9m <sup>2</sup> (30%)
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Max. Unbuilt Area:	58.6m <sup>2</sup> (20%)	Max. Unbuilt Area:	54.6m <sup>2</sup> (20%)
<b>Proposed Unbuilt Area:</b>	<b>50.0m<sup>2</sup> (17%)</b>	<b>Proposed Unbuilt Area:</b>	<b>57.0m<sup>2</sup> (20%)</b>
Min. Private Open Space:	40m <sup>2</sup>	Min. Private Open Space:	40m <sup>2</sup>
<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>	<b>Proposed Private Open Space:</b>	<b>40m<sup>2</sup></b>

## Development Application



ABN: 33 618 126 757  
Nominated Architect: Raymond Panetta  
NSW Registration No. 7466  
Suite 2/11 Fred St Lilyfield, NSW, 2046  
E: admin@studiopanetta.com.au  
P: 02 9810 4239  
studiopanetta.com.au

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

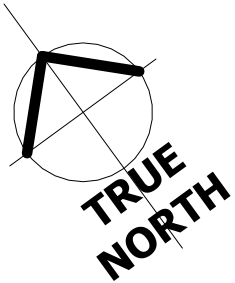
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date	DEC 2023	LANDSCAPE PLAN		
Scale	As indicated	Drawn by	HY	Project no. 23-579
Sheet no.	DA20	Issue	B	

16/09/2024 11:10:13 AM



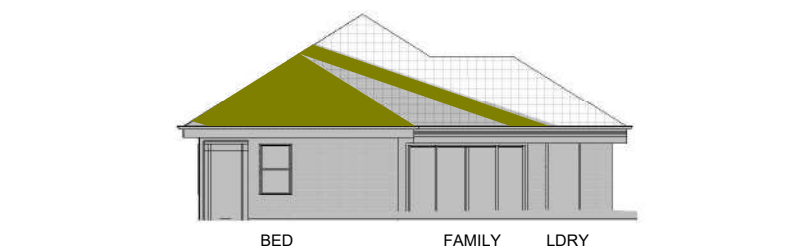
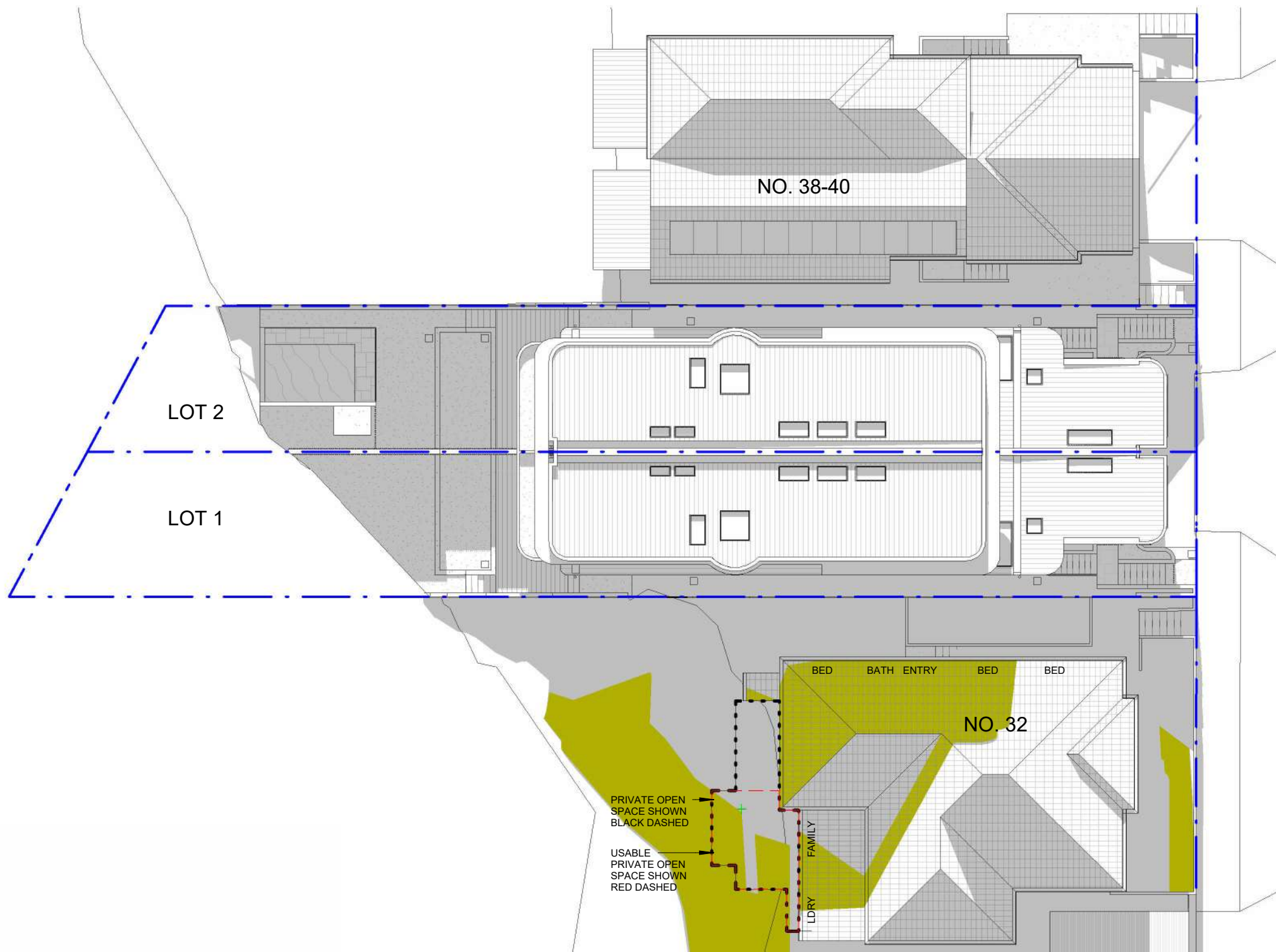
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VISUAL SCALE 1:200 @ A3

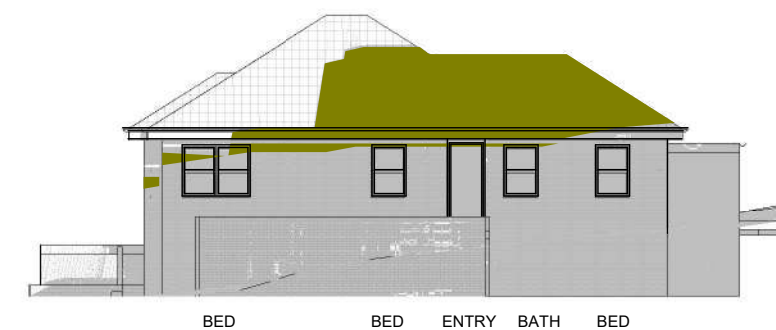
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



(No.32) West Elevation - 21st June - 9am



(No.32) North Elevation - 21st June - 9am

Shadow Study Plan - 21st June - 9am

Development Application

*Studio Panetta*

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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 9AM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD01	Issue B





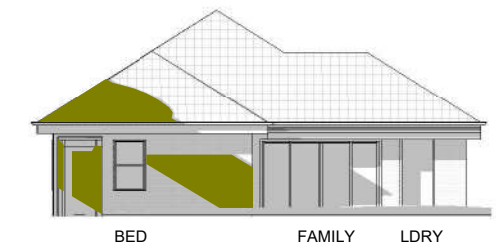
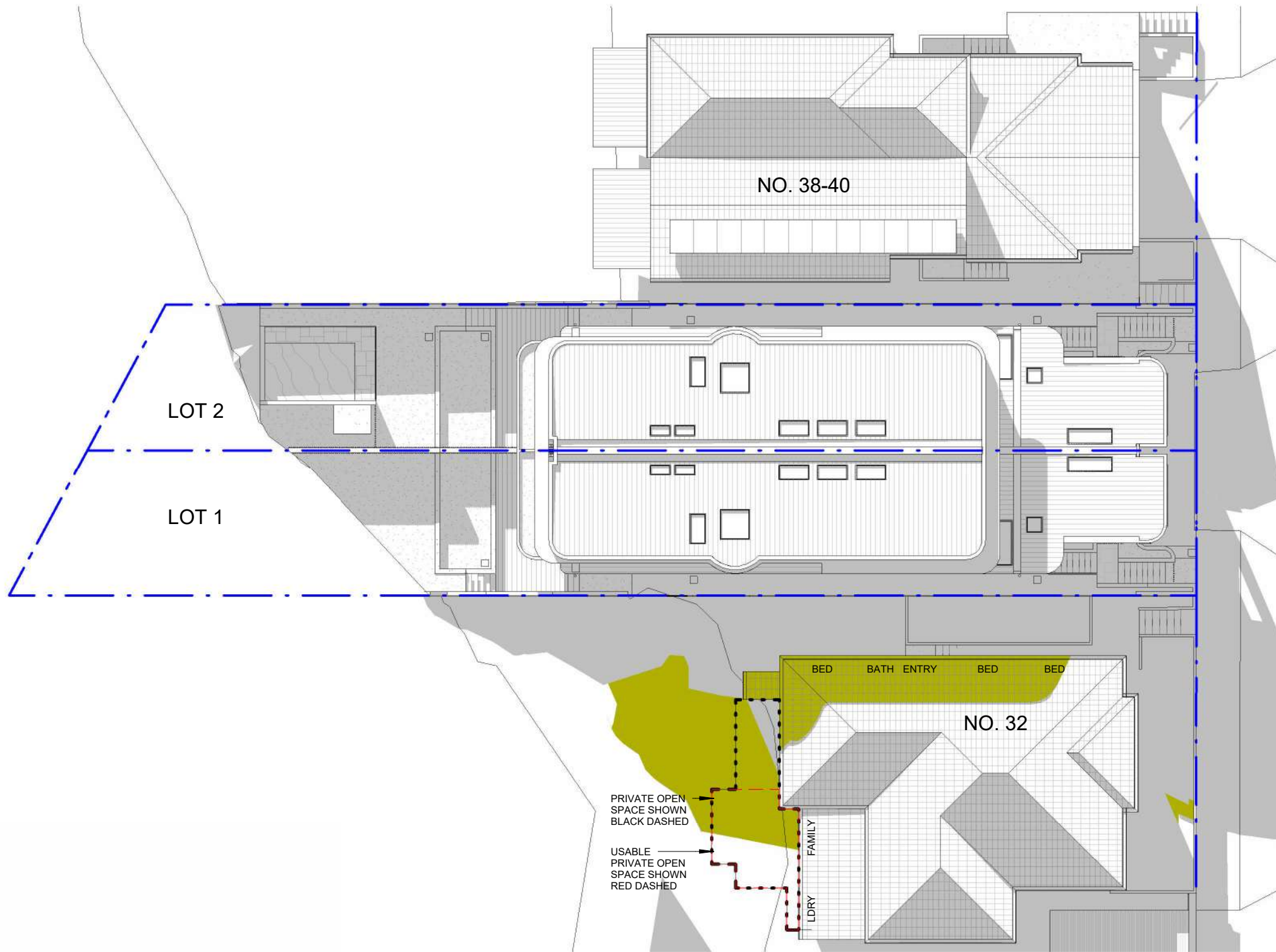
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VISUAL SCALE 1:200 @ A3

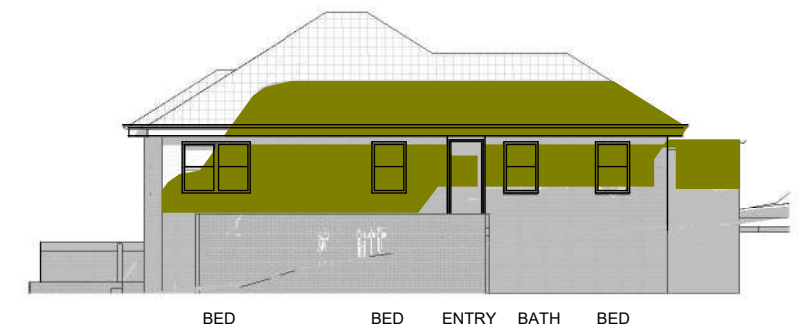
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



(No.32) West Elevation - 21st June - 10am



(No.32) North Elevation - 21st June - 10am

Shadow Study Plan - 21st June - 10am

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
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ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

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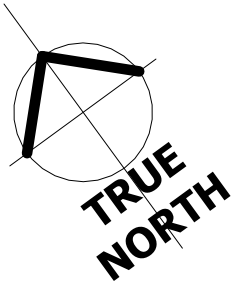
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 10AM			
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16/09/2024 11:10:20 AM





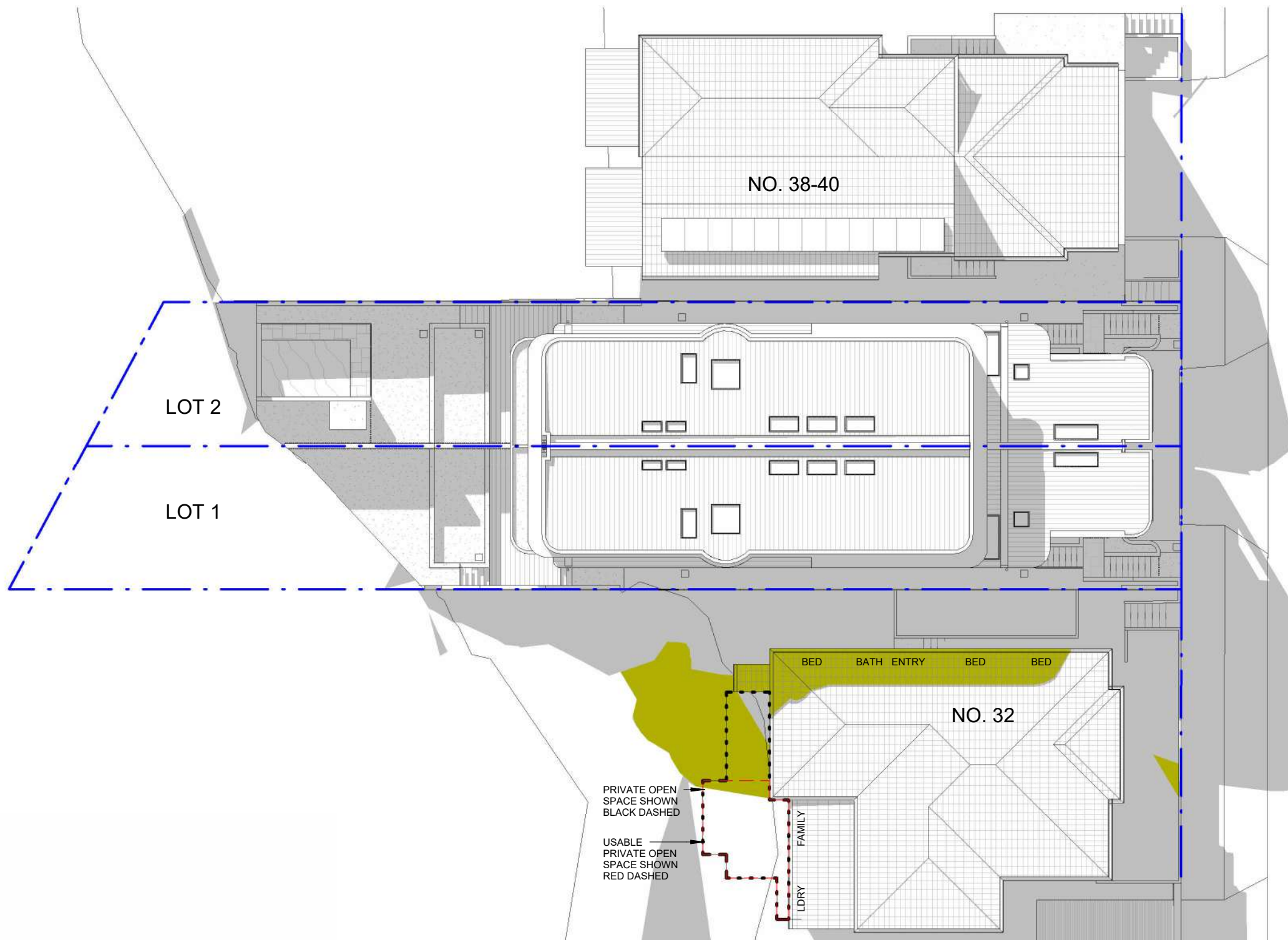
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VISUAL SCALE 1:200 @ A3

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



Shadow Study Plan - 21st June - 11am

Development Application

*Studio Panetta*

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 Nominated Architect: Raymond Panetta  
 NSW Registration No. 7466  
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 P: 02 9810 4239  
 studiopanetta.com.au

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

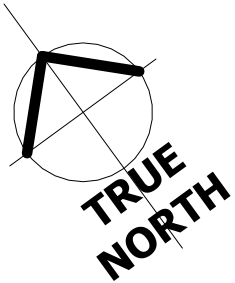
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 11AM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD03	Issue B

16/09/2024 11:10:24 AM



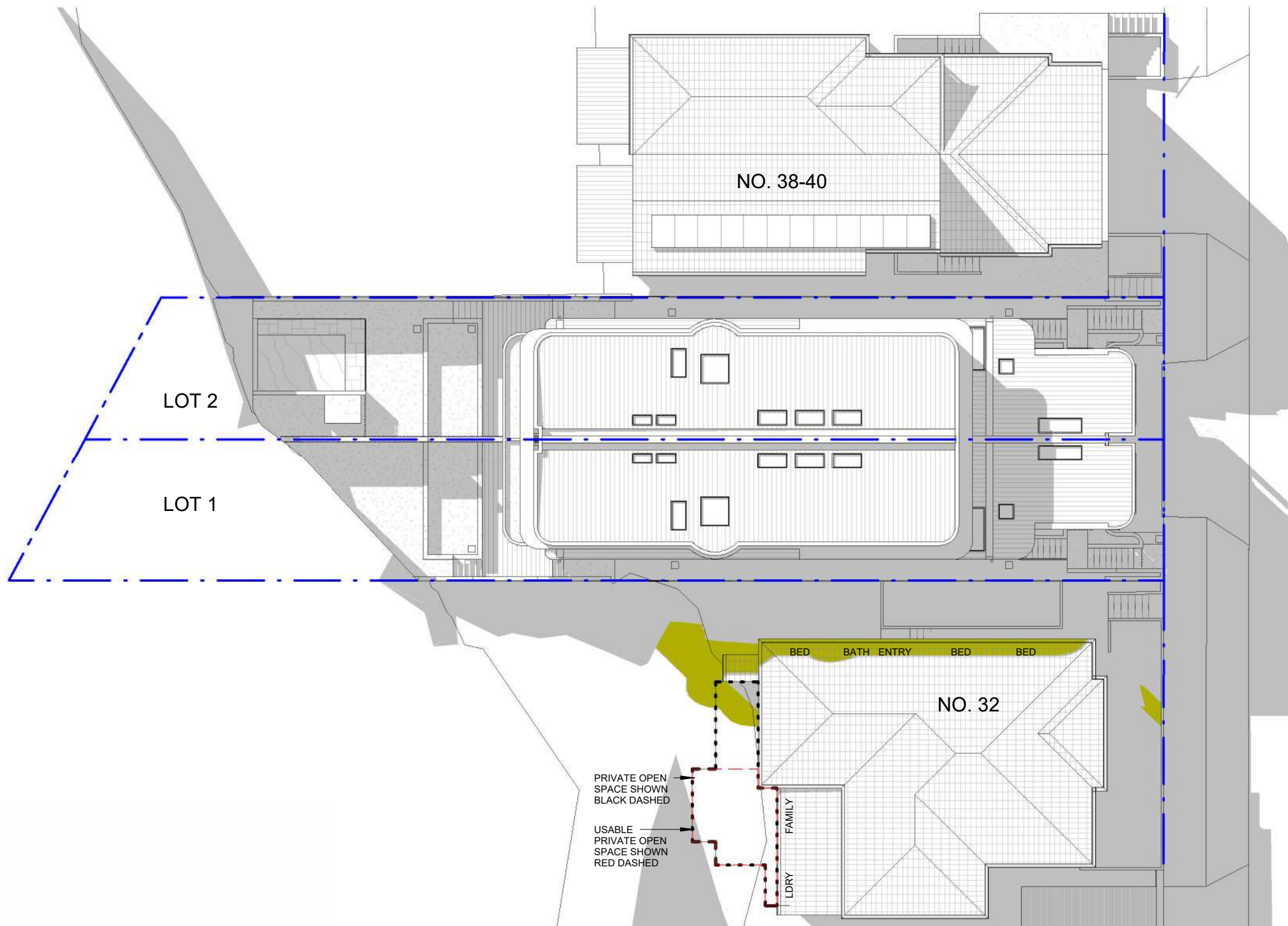
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VISUAL SCALE 1:200 @ A3

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



(No.32) West Elevation - 21st June - 12pm



(No.32) North Elevation - 21st June - 12pm

Shadow Study Plan - 21st June - 12pm

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
 Nominated Architect: Raymond Panetta  
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 Suite 2/11 Fred St Lilyfield, NSW, 2040  
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 P: 02 9810 4239  
 studiopanetta.com.au

ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
B	DA RFI Submission	29.08.24

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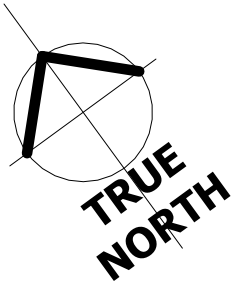
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 12PM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD04	Issue B

16/09/2024 11:10:28 AM





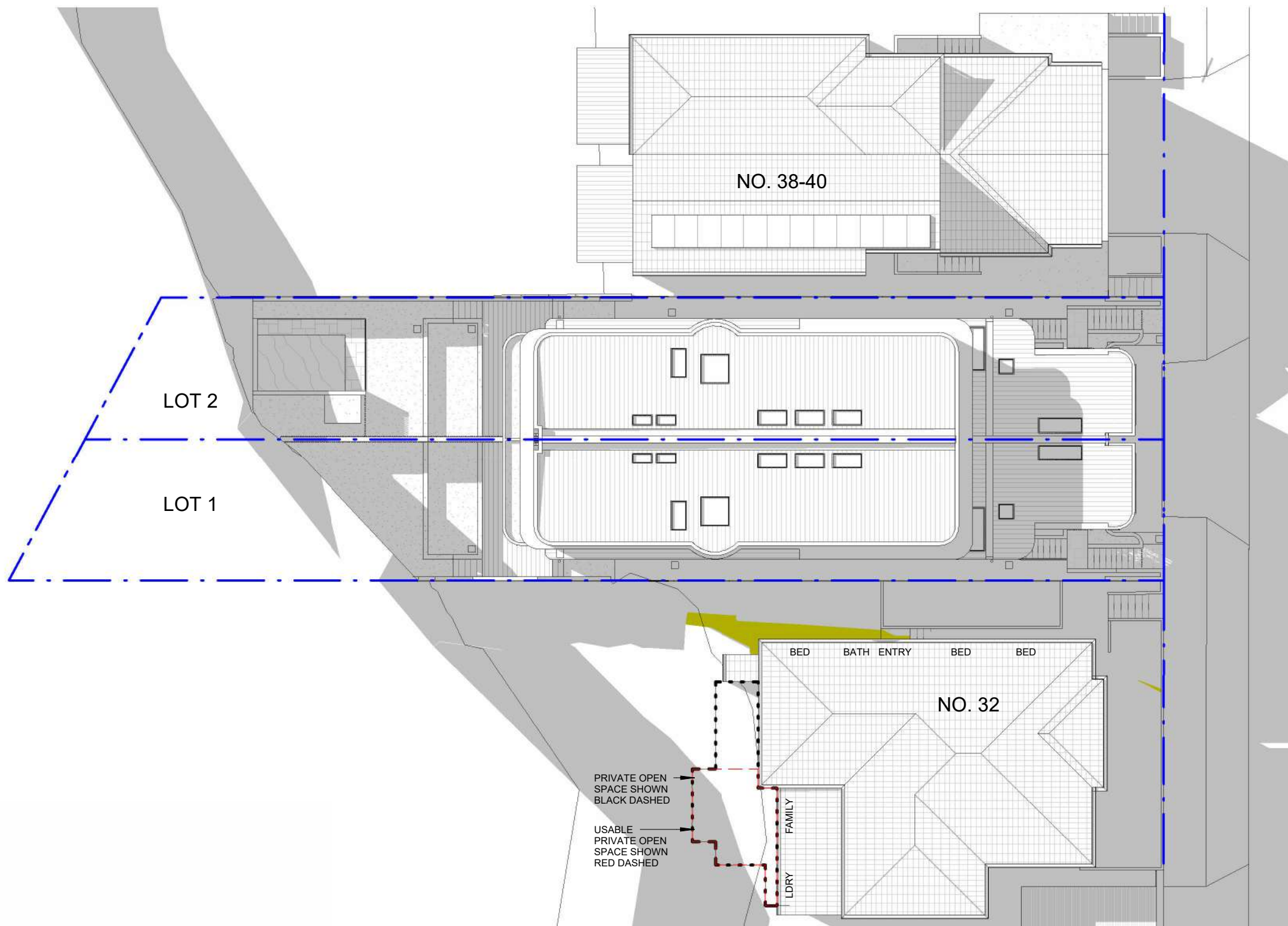
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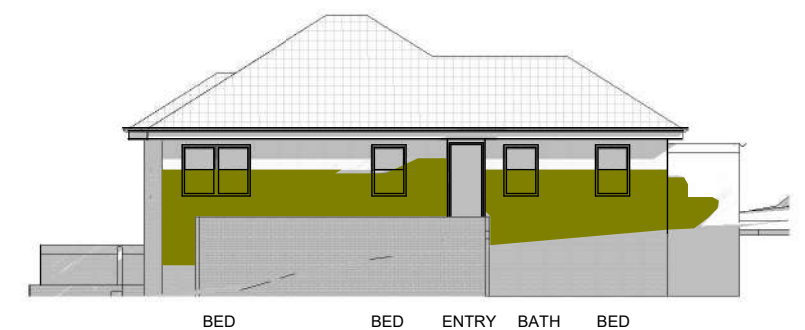
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



(No.32) West Elevation - 21st June - 1pm



(No.32) North Elevation - 21st June - 1pm

Shadow Study Plan - 21st June - 1pm

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
 Nominated Architect: Raymond Panetta  
 NSW Registration No. 7466  
 Suite 2/11 Fred St Lilyfield, NSW, 2040  
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 P: 02 9810 4239  
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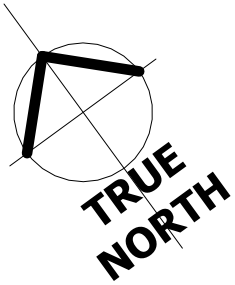
ISSUE	DESCRIPTION	DATE
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B	DA RFI Submission	29.08.24

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SALERNO RESIDENCE				
NEW BUILD - RESIDENTIAL DWELLING				
34-36 CAMMERAY ROAD, CAMMERAY				
Date	DEC 2023	SHADOWS STUDY 21 JUNE 1PM		
Scale	1 : 200	Drawn by	HY	Project no. 23-579
Sheet no.	SD05	Issue	B	

16/09/2024 11:10:31 AM



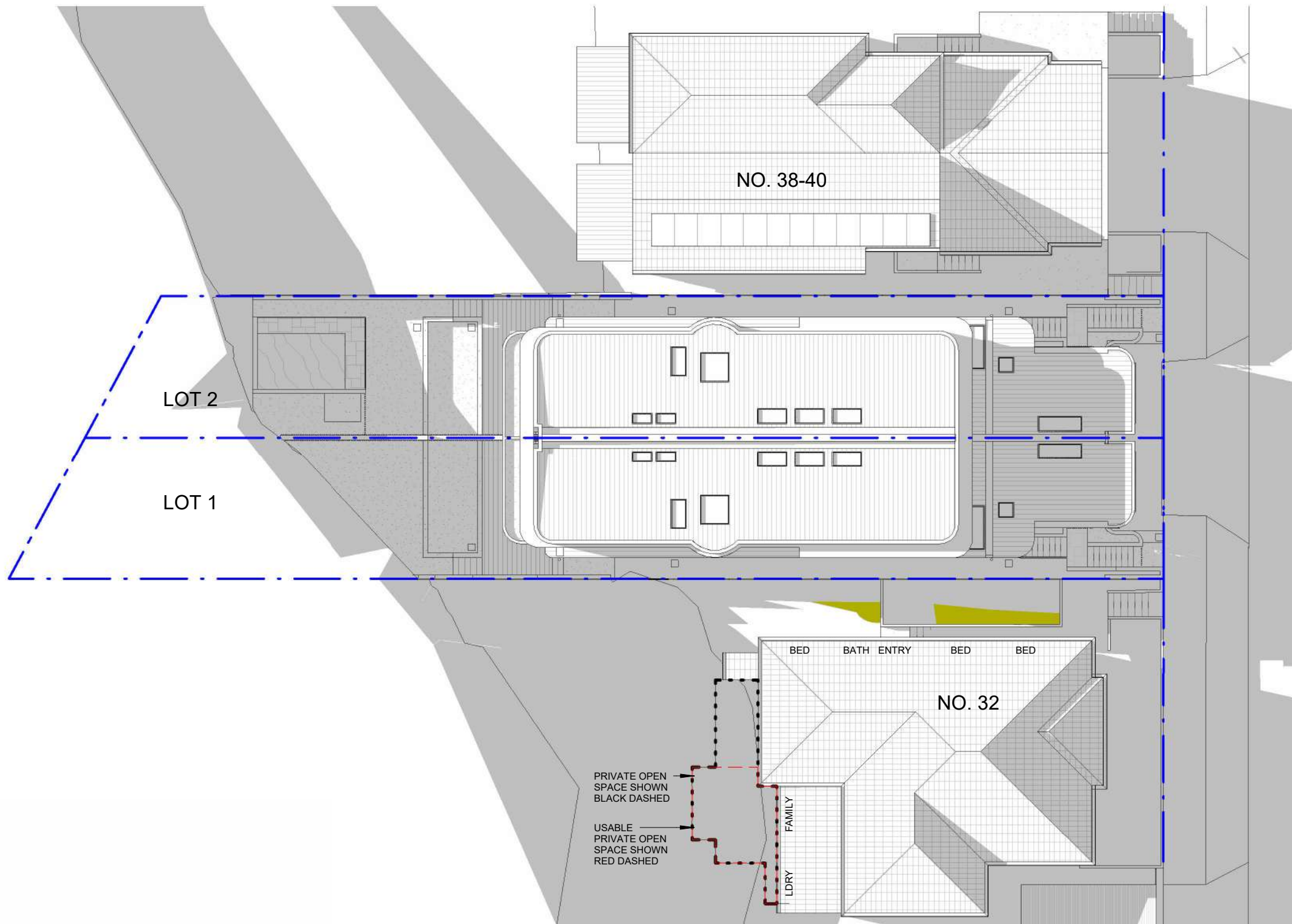
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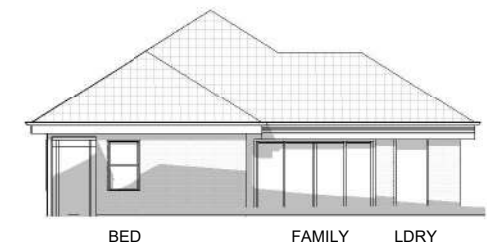
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows

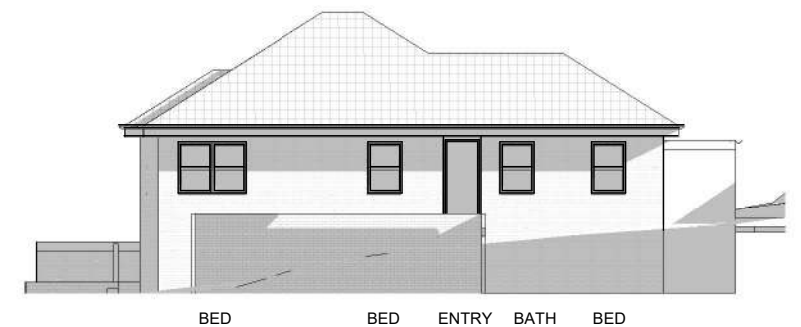


NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) West Elevation - 21st June - 2pm

NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) North Elevation - 21st June - 2pm

Shadow Study Plan - 21st June - 2pm

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
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NSW Registration No. 7466  
Suite 2/11 Fred St Lilyfield, NSW, 2040  
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ISSUE	DESCRIPTION	DATE
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 2PM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD06	Issue B

16/09/2024 11:10:35 AM





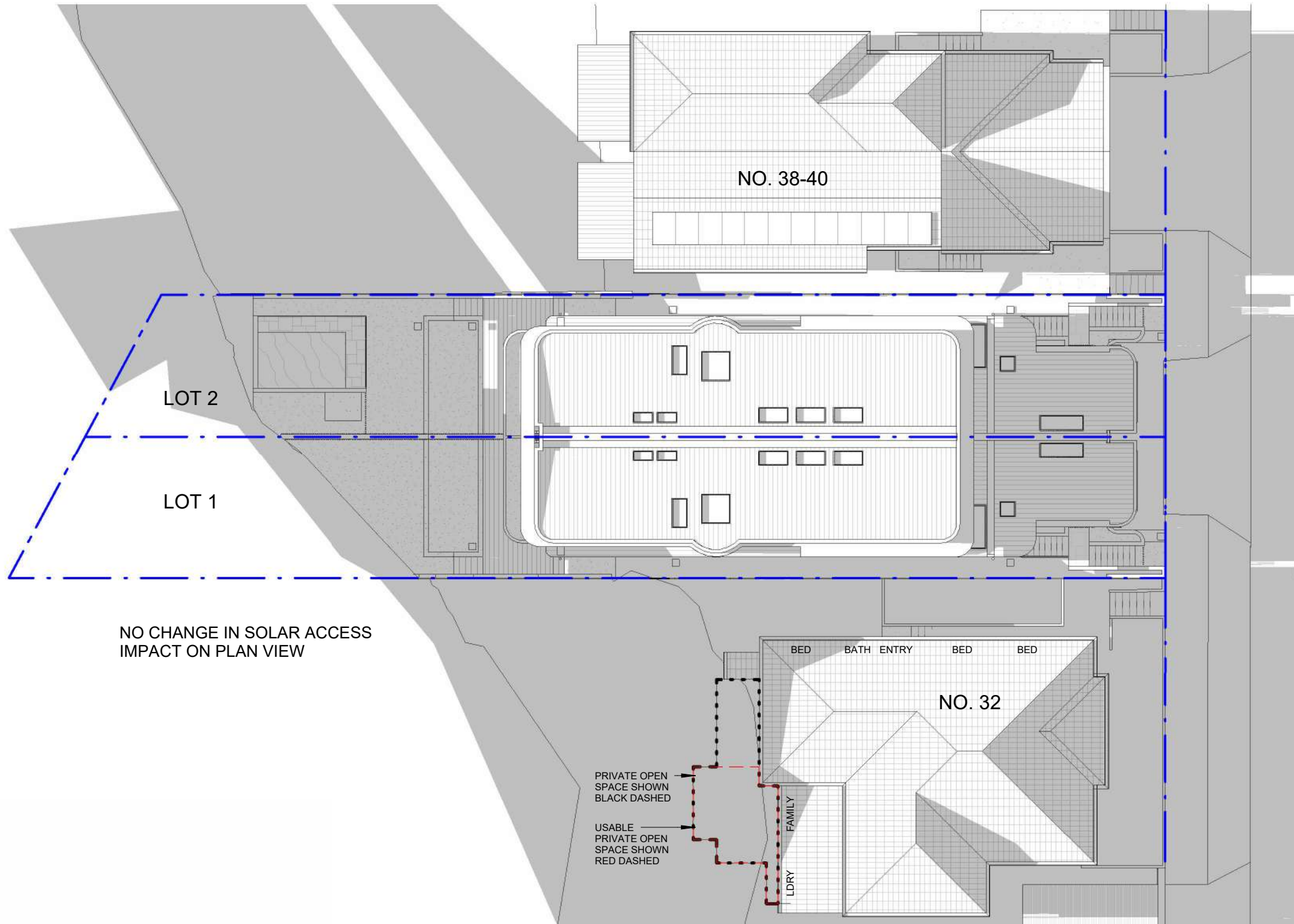
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VISUAL SCALE 1:200 @ A3

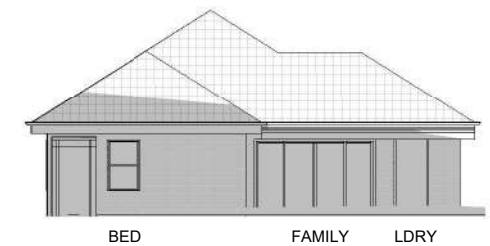
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows

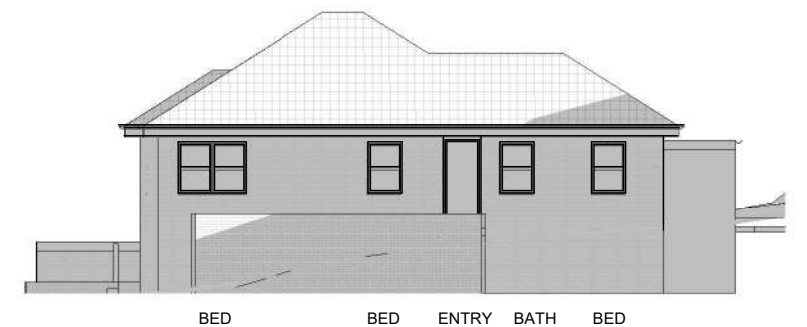


NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) West Elevation - 21st June - 3pm

NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) North Elevation - 21st June - 3pm

Shadow Study Plan - 21st June - 3pm

Development Application

*Studio Panetta*

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ISSUE	DESCRIPTION	DATE
A	DA Submission	08.02.24
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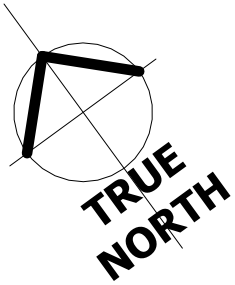
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 JUNE 3PM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD07	Issue B

16/09/2024 11:10:37 AM



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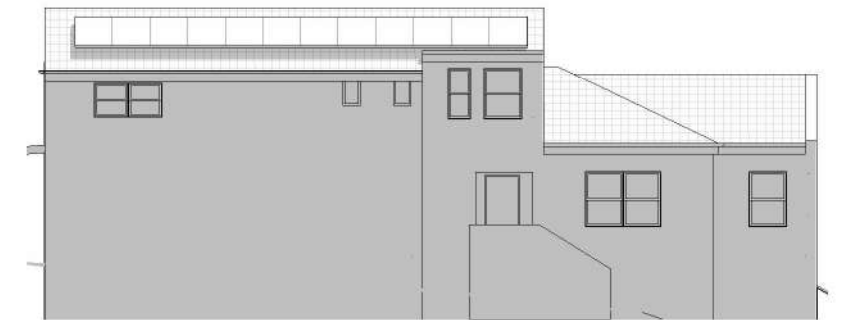
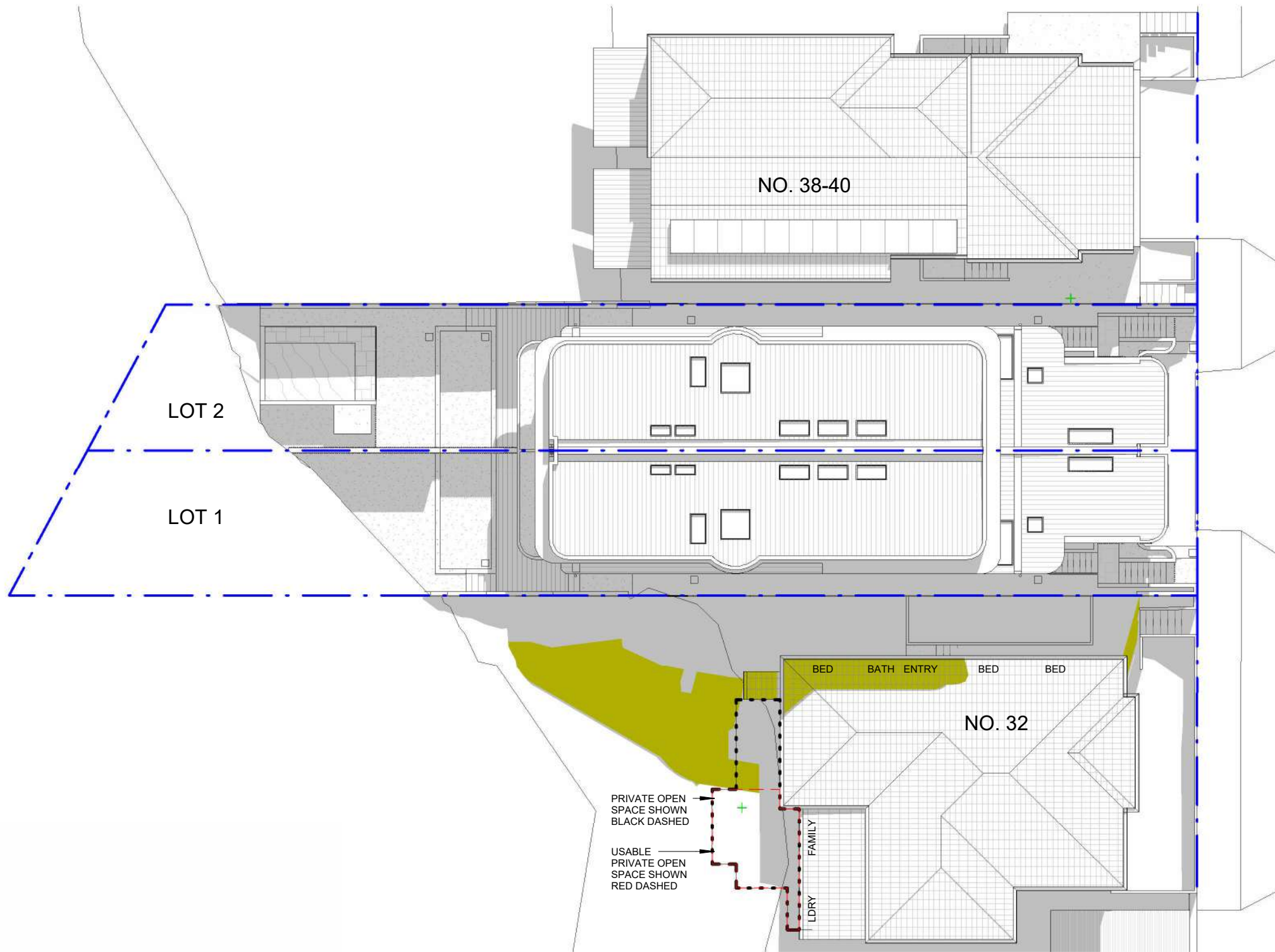
VISUAL SCALE 1:200 @ A3

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows

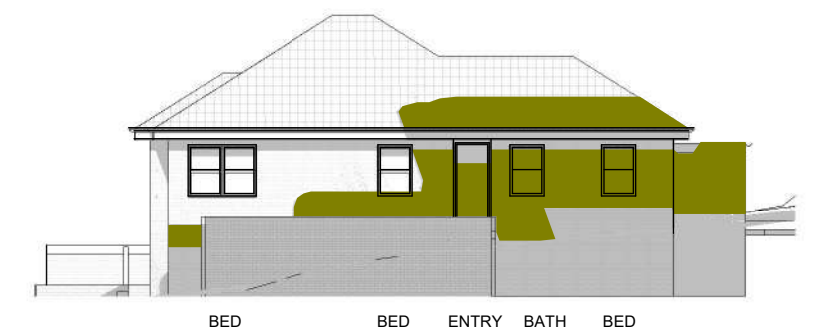
NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.38) South Elevation - 21st March-9am



(No.32) West Elevation - 21st March - 9am



(No.32) North Elevation - 21st March - 9am

Shadow Study Plan - 21st March - 9am

Development Application

*Studio Panetta*

ABN: 33 618 126 757  
Nominated Architect: Raymond Panetta  
NSW Registration No.7466  
Suite 2/11 Fred St Lilyfield, NSW, 2040  
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B	DA RFI Submission	29.08.24

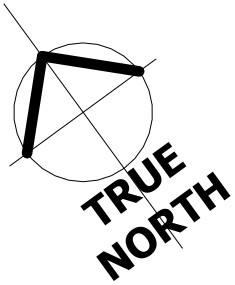
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**SALERNO RESIDENCE**  
**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 MARCH 9AM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD08	Issue B





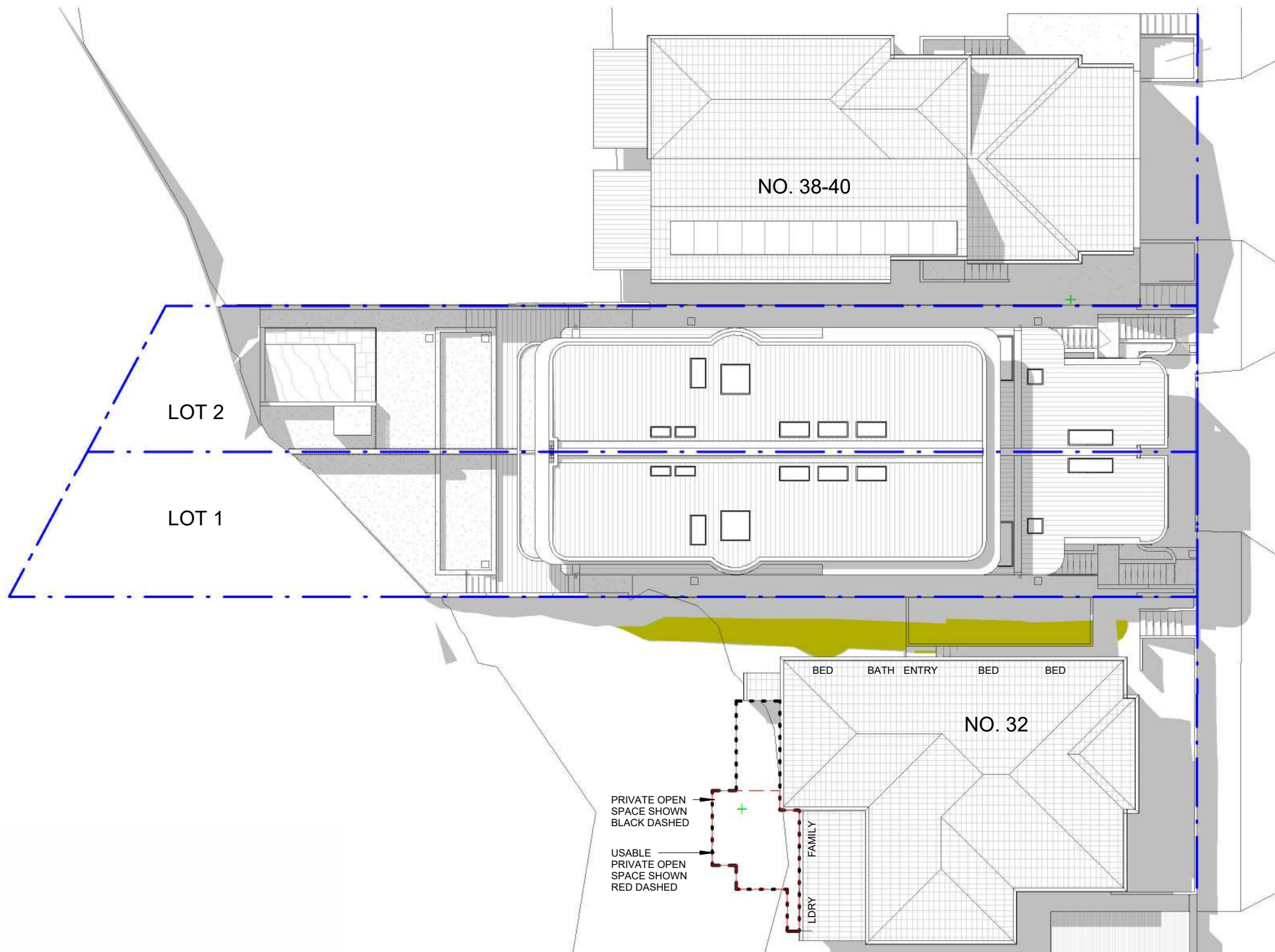
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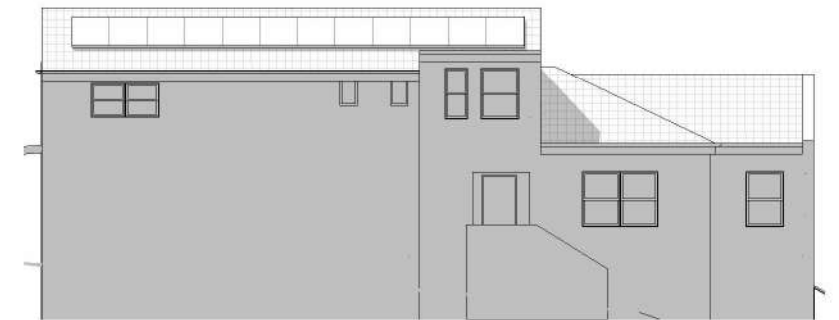
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



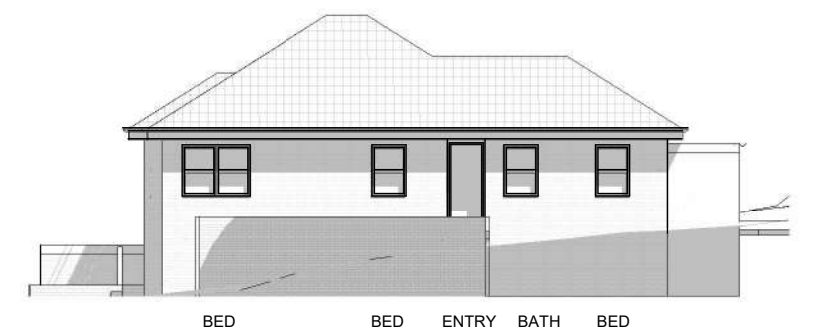
(No.38) South Elevation-21st March-12pm

NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) West Elevation - 21st March-12pm

NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.32) North Elevation - 21st March-12pm

Shadow Study Plan - 21st March - 12pm

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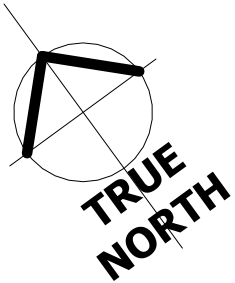
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**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023	SHADOWS STUDY 21 MARCH 12PM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD09	Issue B



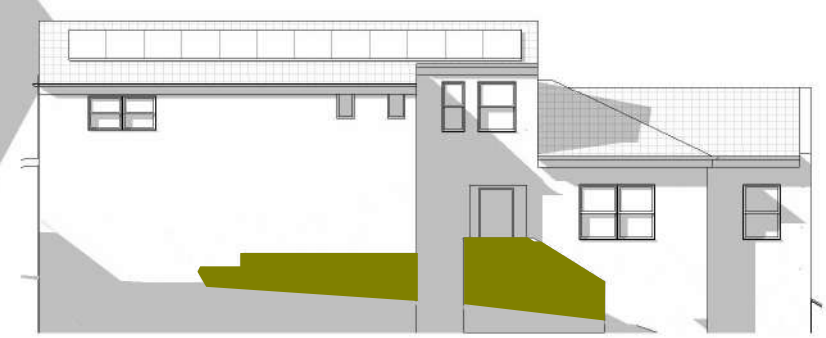
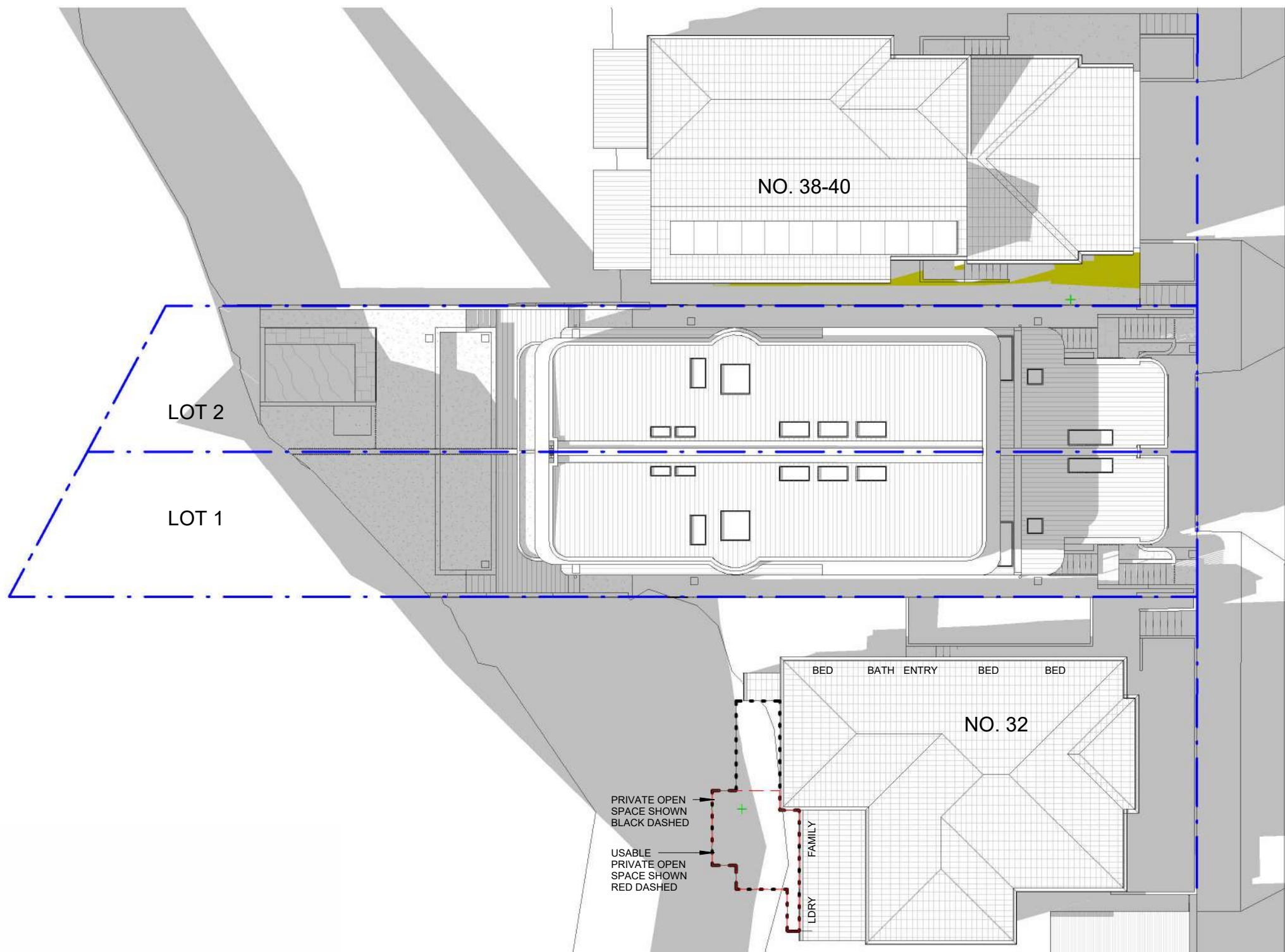
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VISUAL SCALE 1:200 @ A3

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



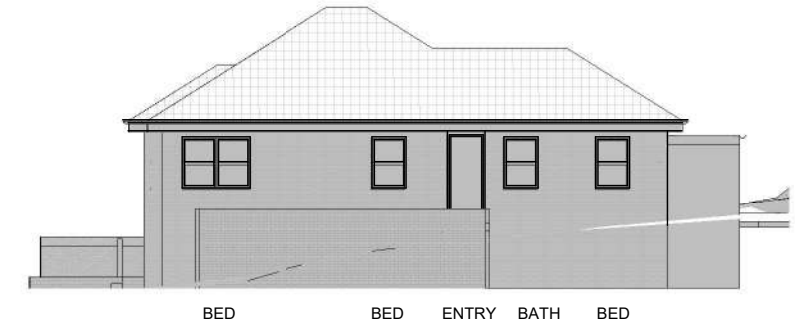
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IMPACT ON ELEVATIONAL VIEW



(No.32) West Elevation - 21st March - 3pm

NO CHANGE IN SOLAR ACCESS  
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(No.32) North Elevation - 21st March - 3pm

Shadow Study Plan - 21st March - 3pm

**Development Application**

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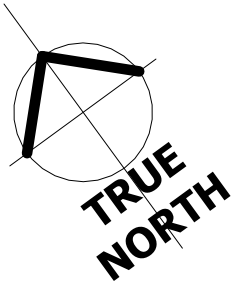
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**NEW BUILD - RESIDENTIAL DWELLING**  
**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 SHADOWS STUDY 21 MARCH 3PM

Scale 1 : 200 Drawn by HY Project no. 23-579 Sheet no. SD10 Issue B

16/09/2024 11:10:48 AM





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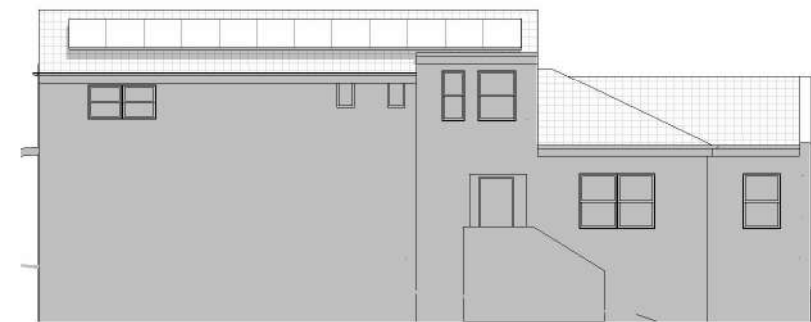
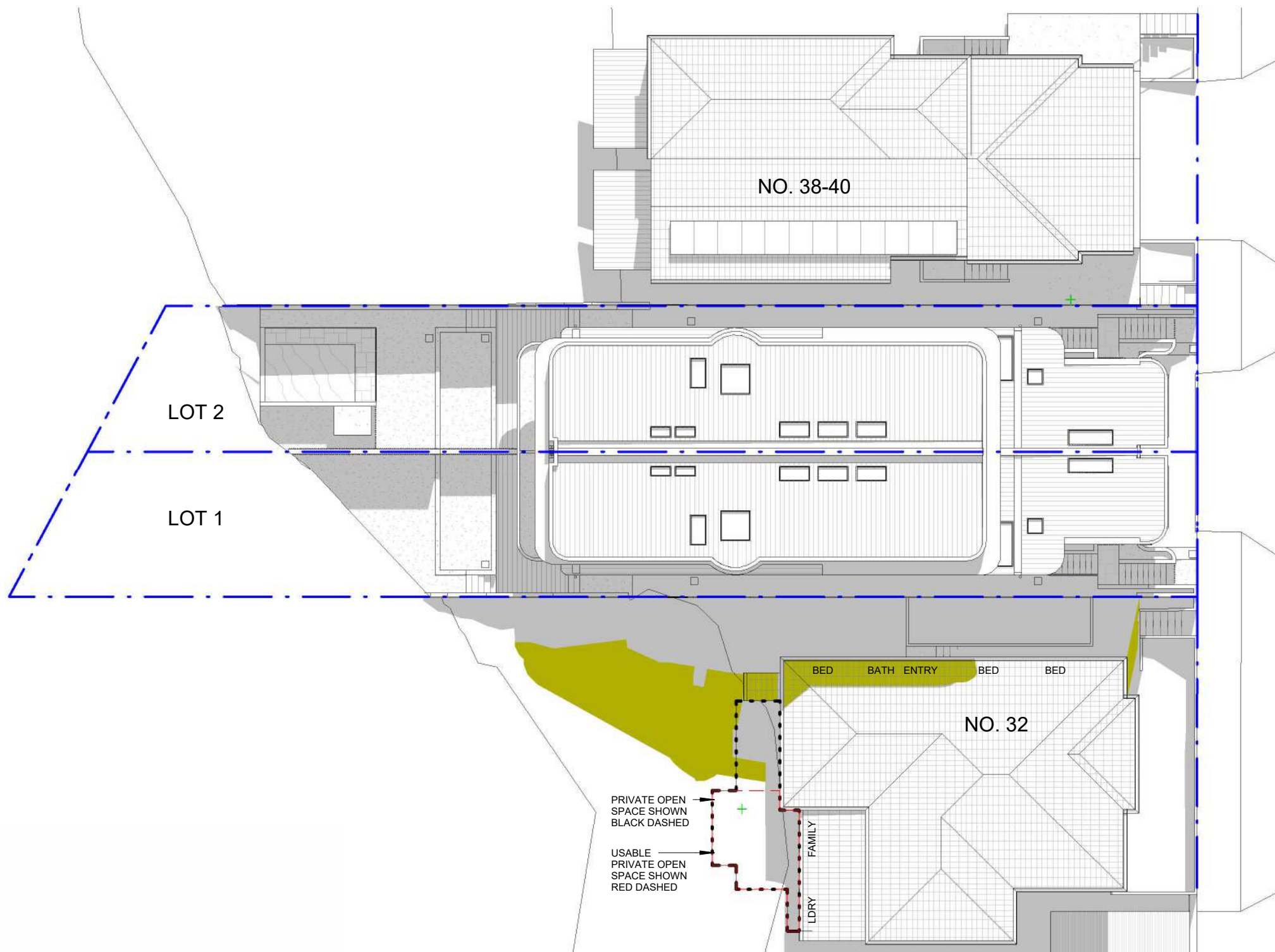
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Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows

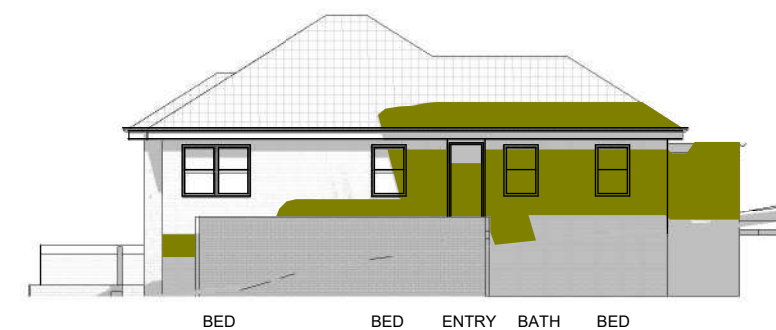
NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



(No.38) South Elevation - 21st Sep - 9am



(No.32) West Elevation - 21st Sep - 9am



(No.32) North Elevation - 21st Sep - 9am

Shadow Study Plan - 21st Sep - 9am

Development Application

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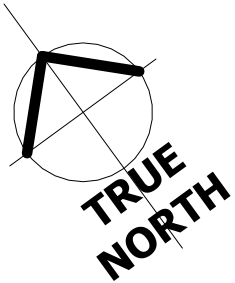
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Date: DEC 2023	SHADOWS STUDY 21 SEP 9AM			
Scale 1 : 200	Drawn by HY	Project no. 23-579	Sheet no. SD11	Issue B



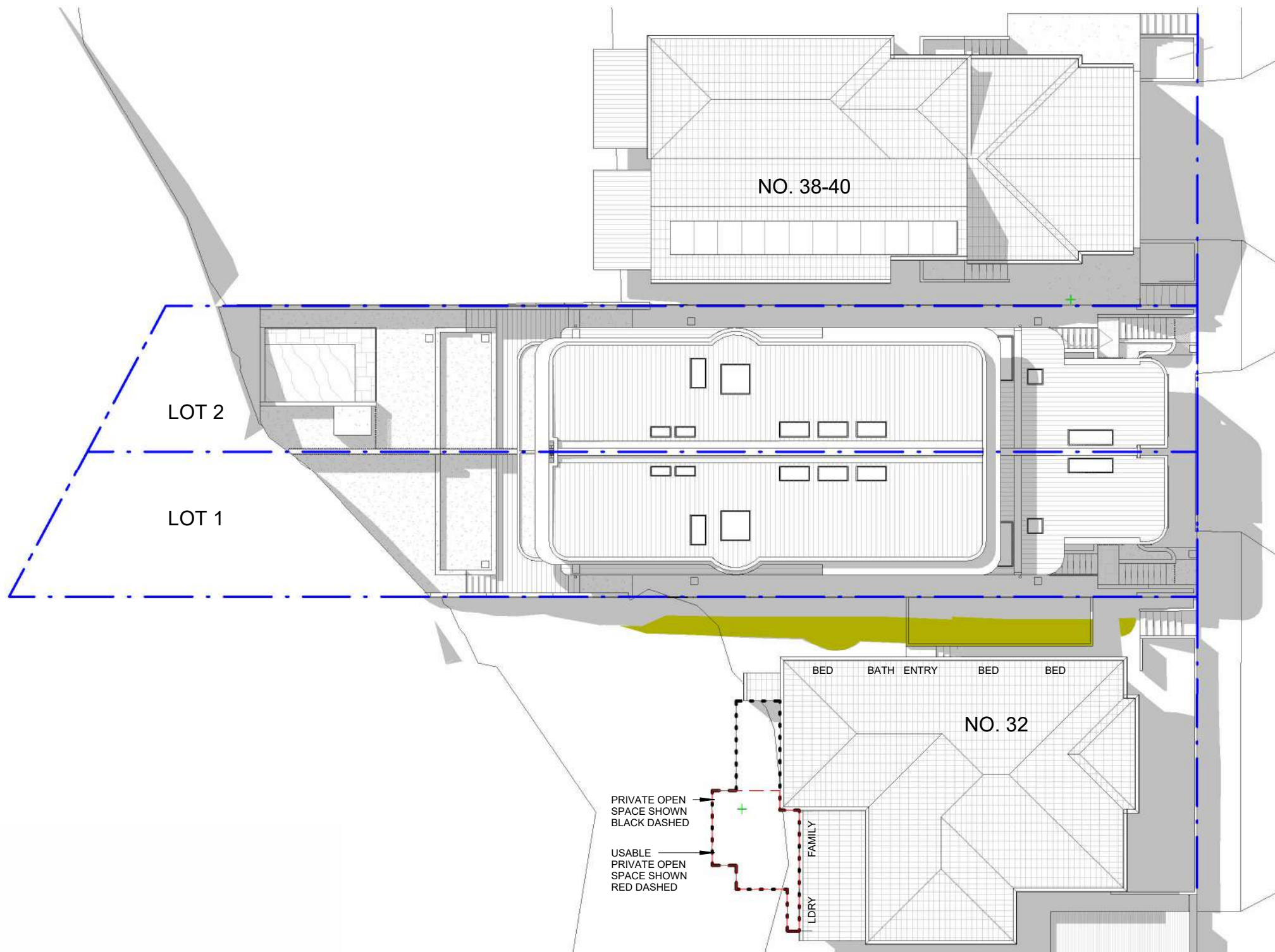
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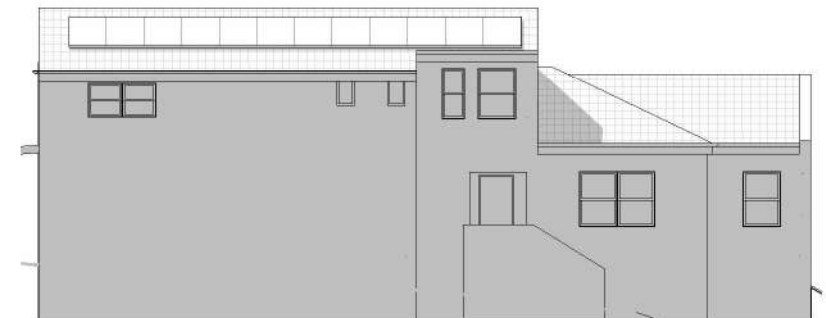
Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



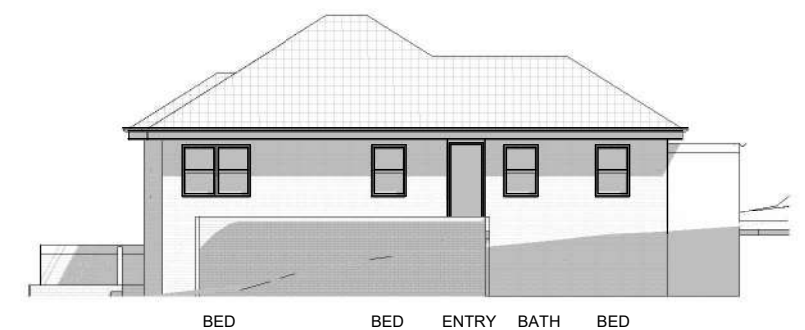
(No.38) South Elevation - 21st Sep - 12pm

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(No.32) North Elevation - 21st Sep - 12pm

Shadow Study Plan - 21st Sep - 12pm

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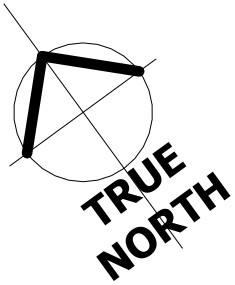
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**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 SHADOWS STUDY 21 SEP 12PM

Scale 1 : 200 Drawn by HY Project no. 23-579 Sheet no. SD12 Issue B

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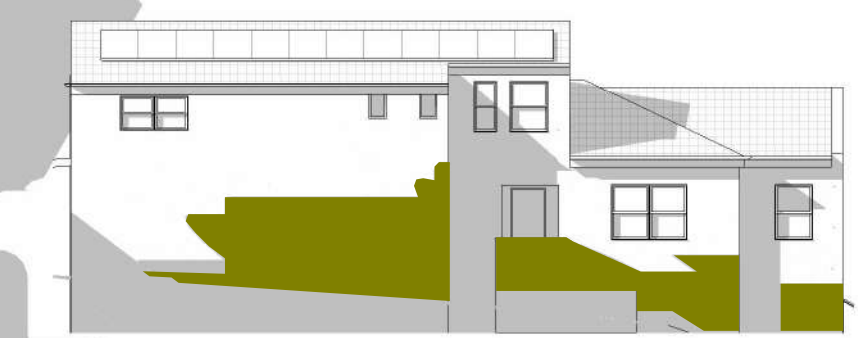
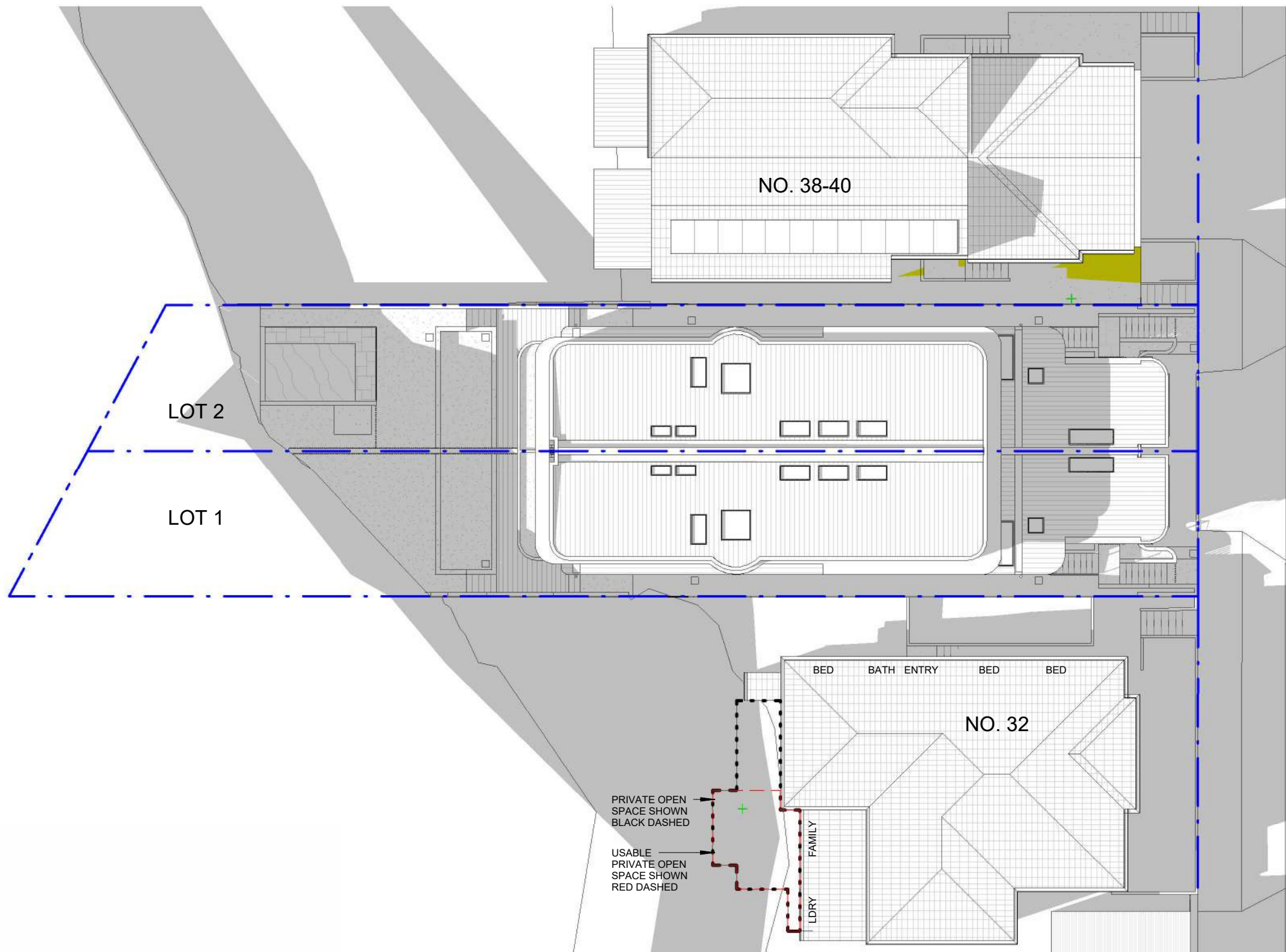
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VISUAL SCALE 1:200 @ A3

Existing Shadow

Proposed Additional Shadow

Proposed Reduced Shadows



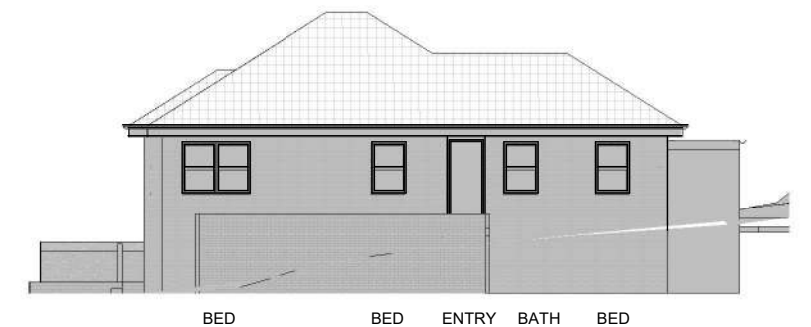
(No.38) South Elevation - 21st Sep - 3pm

NO CHANGE IN SOLAR ACCESS  
IMPACT ON ELEVATIONAL VIEW



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NO CHANGE IN SOLAR ACCESS  
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(No.32) North Elevation - 21st Sep - 3pm

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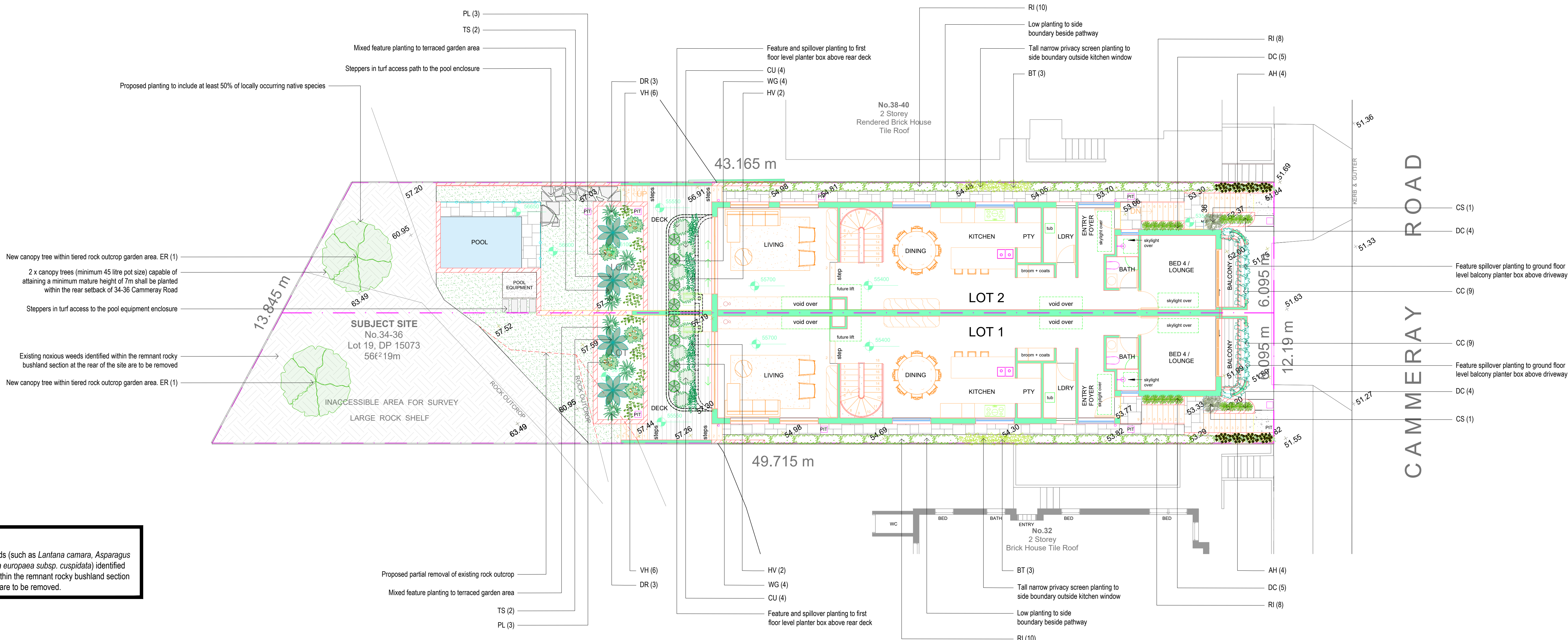
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**34-36 CAMMERAY ROAD, CAMMERAY**

Date: DEC 2023 SHADOWS STUDY 21 SEP 3PM

Scale 1 : 200 Drawn by HY Project no. 23-579 Sheet no. SD13 Issue B





**NOTE:**  
Existing noxious weeds (such as *Lantana camara*, *Asparagus aethiopicus*, and *Olea europaea subsp. cuspidata*) identified during the site visit within the remnant rocky bushland section of the site at the rear are to be removed.

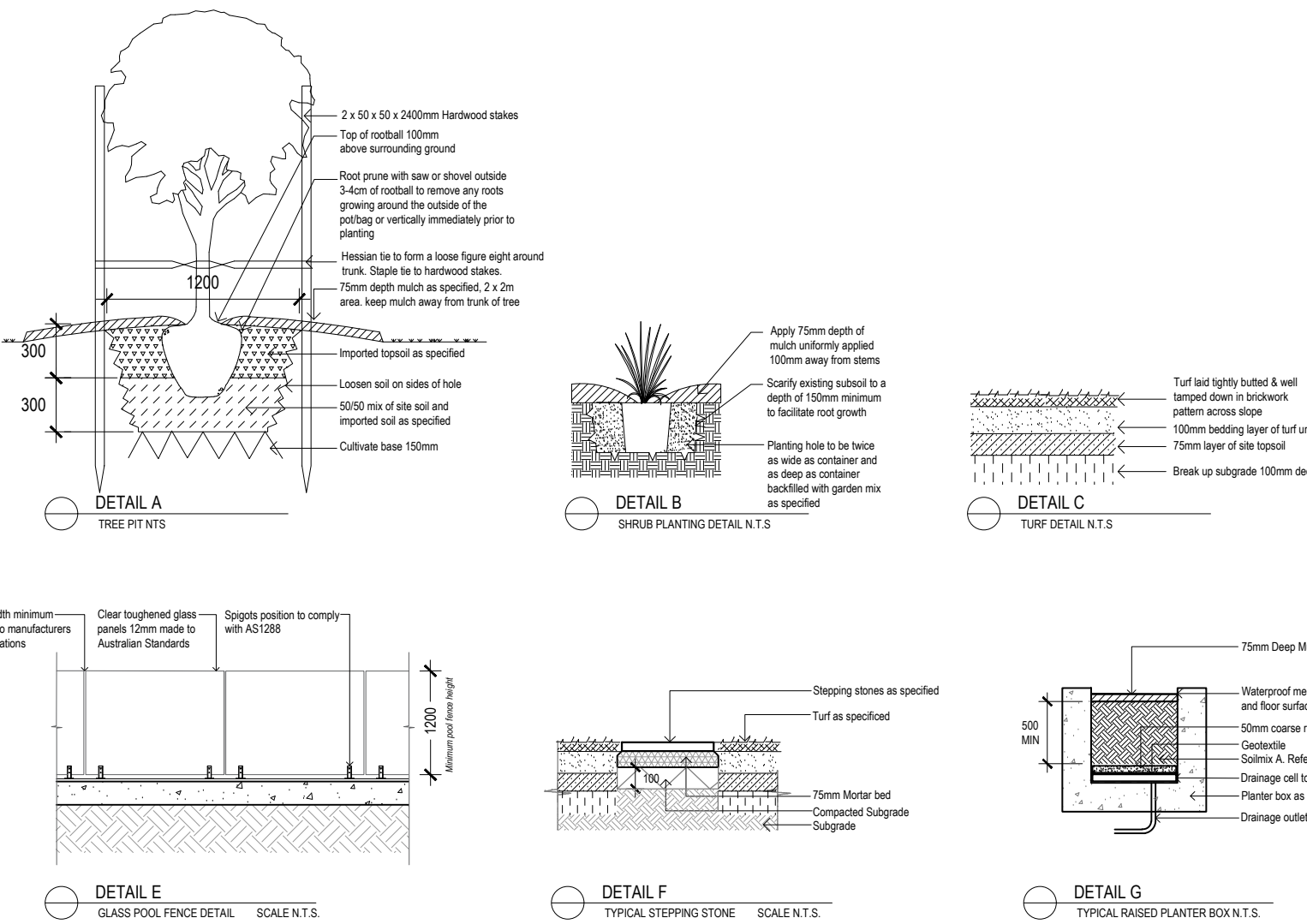
**LEGEND**

- BOUNDARY
- SEWER
- EXISTING CONTOURS
- BOUNDARY FENCE
- POOL FENCE
- TO BE REMOVED
- RETAINING WALL
- ALUMINIUM EDGE
- CONCRETE
- PROPOSED PAVING
- STEPPERS IN GRAVEL
- DECKING
- TURF
- PROPOSED LEVELS

**PROPOSED PLANT SCHEDULE**

KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HT	POT SIZE
<b>TREES</b>					
BT	BAMBUSA TEXTILIS GRACILIS	SLENDER WEAVERS BAMBOO	6	2m	200mm
ER	ELEOCHARPUS RETICULATUS	BLUEBERRY ASH	2	8m	45Ltr
<b>SHRUBS</b>					
CS	CROWEA SALIGNA	WILLOW LEAVED CROWEA	2	0.8m	200mm
DR	DILLWYNIA RETORTA	EGGS AND BACON	6	1m	140mm
PL	PIWELIA LINIFOLIA	SLENDER RICE FLOWER	6	0.8m	140mm
RI	RHAPHAELIS INDICA 'SNOW MAIDEN'	SNOW MAIDEN	36	0.7m	200mm
TS	TELOPEA SPECIOSISSIMA	WARATAH	4	3m	200mm
WG	WESTRINGIA FRUTICOSA 'GREY BOX'	GREY BOX WESTRINGIA	8	4m	250mm
<b>GRASSES / GROUND COVERS</b>					
AH	ACTINOTUS HELIANTHI	FLANNEL FLOWER	8	0.5m	140mm
CC	CASUARINA GLAUCOA 'COUSIN IT'	COUSIN IT	18	0.3m	140mm
CU	CRASSULA UNDLATIFOLIA 'MAX COOK'	RIPPLE JADE PLANT	8	0.6m	200mm
DC	DIANELLA CAERULEA 'CASSA BLUE'	CASSA BLUE	18	0.5m	140mm
HV	HARGENBERGIA VOLUCEA	PURPLE CORAL PEA	4	0.2m	200mm
VH	VIOLA HEDERACEA	NATIVE VIOLET	12	0.1m	140mm

\* North Sydney Council locally occurring native species  
 ^ Australian native species



**LANDSCAPE SPECIFICATION NOTES**

**SITE PREPARATION**  
 Locate any underground and overground services & ensure no damage occurs. Levels on plan are nominal only & all dimensions to be checked on site prior to commencement. Final structural integrity of all items shall be the sole responsibility of landscape contractor.

**WORKMANSHIP AND MATERIAL QUALITY**  
 Materials and workmanship are to conform to the current applicable Australian Standard Specifications and Codes. Any work or materials, which, in the opinion of the Site Manager do not meet appropriate industry standards should be rejected. Where works are adjacent to existing works, make proper junction between new and existing works and make good any damage caused by adjoining existing and retained works.

**ELIMINATE WEEDS**  
 Remove all existing weeds by hand, waging or spraying with a glyphosate based herbicide. Weed control shall never be performed by mechanical cultivation or by spraying. Herbicide spraying is to be used to eliminate all existing weeds 30 days prior to planting.

**IMPORTED TOPSOIL**  
 All construction must comply with AS 4419:2018 Soils for Landscaping and Garden Use. Spread the topsoil on the prepared subsoil and grade evenly, making allowances, if appropriate, for the following:  
 - Required finished levels and contours after light compaction.  
 - Compact topsoil and uniformly in 100mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:  
 - Finished to design levels, smooth and free from lumps or clumps of soil. Graded to drain freely, without ponding, at catchment points. Grade evenly into adjoining ground surfaces ready for planting.

**PLANTING AREA**  
 Remove weeds, rubbish, mulch and other debris. Do not disturb tree roots or services and if necessary cultivate these areas by hand. Spread topsoil on the prepared subsoil and grade evenly, making the necessary allowance to permit the required finished levels and contours after a light compaction. Spread topsoil to the typical depth of 300mm. Feather edges into adjoining undisturbed ground.

**PLANT STOCK**  
 Plant stock to be supplied by production nurseries in accordance with AS 2303:2018 Tree Stock for Landscape Use.

**HEALTH & VIGOUR**  
 Supply plants with adequate size, features & colour consistent with that shown in healthy specimens of the species. Balance of Crown: Supply plants with max. variation in crown bulk on opposite sides of stem axis, in 20%.

**TREE PLACEMENT AND ALIGNMENT**  
 When the tree pit is excavated and the hole is the correct size, place the rootball in its final position. Ensure the trees are centred and plumb and the top of the rootball level with the finished surface of the surrounding soil. Do not use the trunk of the tree as a lever in positioning or moving the tree in the planting hole. Position the tree at the set out distances as indicated in the details. Ensure trunks are set vertically and aligned with other trees or existing trees. Orientate the tree trunk upright where indicated by applied markings where applicable.

**ROOT TRIMMING**  
 All trees shall have the outer 10-25mm of the external root balls pruned or sliced away using secateurs or a chain and clean spade. Avoid excessive disturbance to the remaining root ball during the trimming and discontinue if excessive root ball begins to fall away. Do not leave the root ball exposed for extended periods. Cover the root ball with mesh if backfilling cannot occur immediately.

**STAKING**  
 Install 1 x 2 x 200mm (H) x 50mm x 150mm hardwood timber stakes with hessian ties to all trees. Provide appropriate support considering exposure to prevailing winds. Stakes and hessian ties to be removed as soon as the tree is self supporting.

**BACKFILLING**  
 Backfill with soil mix as specified in soil mixes and in accordance with the details and specification. Lightly compact the soil to ensure all voids around root balls are filled and that no air pockets are retained. Ensure that the backfill soil is not placed over the top of the potter root ball. The top of the root ball and plant stem must be kept level with the top of the backfill.

**FERTILISING**  
 Fertiliser to be applied at time of planting. Slow release landscape fertiliser suitable for trees and shrubs, 9 to 12 months release time. Osmocote or approved equivalent applied according to manufacturers directions.

**TRIMMED DECK, STAIRS & BENCH SEATS**  
 Supply and install timber deck, stairs and bench seats to BSA requirements and to Australian Standards. All framing timber posts to be treated pine. All decking to be fixed using stainless steel counter-sink nails or screws. Decking boards up to 90mm space with 3mm gaps. Boards over 90mm space with 5mm gaps. Stagger joints and ensure all joints in decking boards sit over a joist. Pre-drill nail holes into decking boards to avoid splitting. Nail to be 12mm from edges and 150mm from corners. Nails driven flush with surface and not overdriven. Each deckboard should be nailed to each joist with two nails as per AS 1684 or in accordance with manufacturers instructions.

**ALUMINIUM GARDEN EDGING**  
 Supply and install Link Edge 75mm x 75mm per Landscape Plan. Compact and level the base in the required area as indicated on Landscape Plan. Half hammer spikes into pre-punched holes (approx 4 spikes every 3m length) starting from the first hole in the end of the Link Edge. Use spike washers supplied by manufacturer. Half hammer subsequent spikes to provide areas along the length. (Especially at points where a curve is required). Connect lengths together by using 90-degree connectors supplied by manufacturer. Check position of Link Edge is correct before hammering spikes firmly into ground.

**STEPPERS**  
 All landscaping must comply with AS 4545:2012 Compact, soil, conditions and mulches. All planting areas to receive 50-75mm of garden Mulch, Droughtmaster, ANL, p. 02 9403 1444 or approved alternative. Keep mulch 100mm away from plant stem & form a well to stop excessive water runoff. Finish flush with adjacent surfaces.

**TURFING**  
 New turf: Sir Walter Softleaf Lushleaf Buffalo. Excavate / grade all areas to be turfed to 100mm below finished levels. Ensure that all surface runoff is directed away from buildings. Ensure that no ponding or pooling will occur. Further to the subgrade to 150mm. Install 100mm of imported turf underlay. Roll to be closely butted and laid in a brickwork pattern. Fill any small gaps with topsoil and water thoroughly.

**WATERING**  
 Water in immediately after plant installation during establishment. Watering program: Minimum 3 complete waterings, soaking to a depth of 100mm at fortnightly intervals for the first 6 weeks of plant establishment irrespective of natural rainfall. Manually water all lawn and planting areas in absence of an irrigation system or until the proposed irrigation system is fully operational. Avoid frequent deep watering of the surface. Above the surface of the soil to partially dry out between waterings.

**PAVING ON SLAB**  
 Pavers to be laid over a suitably constructed reinforced concrete base to engineer specifications. Provide movement joints over any expansion joints in the subgrade, changes in background substrate or at a minimum of 5m intervals when in large areas. Joints shall go through the paver and mortar bed to the subgrade. Seal all movement joints with a highly quality flexible sealant. Mortar bedding: use clean washed sand and compacted at a rate of 10mm per 50mm of bedding. Mortar to be applied to a depth of approximately 25mm. The surface of the mortar bed shall be dry and cement allowing the moisture from the mortar to wet the next course. Do not spread more mortar than can be covered by the paving before it commences to set. Adhesive bedding: use a good quality flexible adhesive such as the adhesive to be used in accordance with the instructions, with the adhesive set with a 20mm x 12mm notch (do not spread more adhesive than is covered before it commences to skin over) approximately 1m<sup>2</sup> at a time. Place the pavers in the required pattern, being care to keep the lines straight by checking each row with a string line and filling the cut pieces as you go, until the area is paved. Ensure any excess cement, mortar or dust from cutting is removed from the surface of the paver before it commences to set. Grouting can commence after 24 hours. Pavers to comply with slip resistance AS 4586:2013.

**STEPPING STONES**  
 Install each stepping stone on a 75mm thick mortar bed and space according to plan. Stones to finish 10mm above adjacent surface. Fill gaps as specified.

**RETAINING WALLS & PLANTER BOXES**  
 All retaining walls & planter boxes must be 100mm high to be constructed to Engineer's details. Ensure all internal surfaces are waterproofed. Constructed on compacted subgrade backfilled with aggregate to be installed behind all retaining walls & connected to stormwater in accordance with Sydney Water regulations. All planter boxes are to have Axiom drainage coil (or approved alternative) installed & connected to stormwater in accordance with Sydney Water regulations.

**ESTABLISHMENT MAINTENANCE**  
 The Contractor shall monitor and maintain all planting and associated landscaping works for the duration of the maintenance period. This shall generally include lawn mowing, watering, fertiliser applications, pest and disease control, weed control and mulching. Maintenance to be carried out to all areas where new planting is installed. Weeding shall be carried out on a regular basis to remove individual plants and to go to garden, lawn or other defined areas. Carry out all maintenance activities for all new garden and lawn areas and ensure that the plants and turf become established within the maintenance period and are kept in a healthy and tidy state in accordance with best horticultural practices.

**NOTES**

Rev.	Date	Issue	Checked
A	26/08/24	Preliminary Issue	AE
B	03/09/24	DA Issue	AE

**Clause 4.6 Variation**

Proposed Subdivision and two Torrens Title lots, demolition of existing dual occupancy and construction of semi-detached dwellings

34 & 36 Cammeray Road, Cammeray (Lot 19 DP 15073)

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**Objection pursuant to Clause 4.6 of the North Sydney Local Environmental Plan 2013**

**The proposed subdivision into two Torrens Title lots, demolition of existing dual occupancy and construction of semi-detached dwellings**

**Variation of a development standard regarding the minimum subdivision lot size as detailed in Clause 4.1 of the North Sydney Local Environmental Plan 2013**

**1.0 INTRODUCTION**

The Clause 4.6 Exception to Development Standards request has been prepared in support of the proposed subdivision into two Torrens Title lots, demolition of existing dual occupancy and construction of semi-detached dwellings to property at 34 & 36 Cammeray Road, Cammeray as Lot 19 in Deposited Plan 15073.

The objection is made pursuant to the provisions of Clause 4.6 of the *North Sydney Local Environmental Plan 2013*. In regard it is requested Council support a variation with respect to compliance with the minimum subdivision lot size as described in Clause 4.1 of the *North Sydney Local Environmental Plan 2013* (hereafter NSLEP 2013).

Clause 4.3 prescribes a numerical minimum lot size of 450m<sup>2</sup> on the subject site. The proposed lot sizes depart from this standard as demonstrated in **Part 2** of this variation request.

Clause 4.6 of the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) enables consent for development to be granted even though it contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

As the following request demonstrates, flexibility may be afforded by Clause 4.6 because compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard. This request also demonstrates that the proposal will be in the public interest, as the proposed development will be consistent with the objectives of the development standard and the zoning of the site.

The following sections of the report provide an assessment of the request to vary the development standards relating to 'minimum lot size' in accordance with Clause 4.6 of the NSLEP.

Consideration has been given to the following matters within this assessment:

- *Varying a development standard*: A Guide, prepared by the Department of Planning & Infrastructure dated August 2011.
- Relevant planning principals and judgements issued by the Land and Environment Court (hereafter L&E Court). The *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 2018* court judgement is the most relevant of recent case law.

His Honour of the L&E C in the above judgement:

The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable or unnecessary' and 'sufficient environmental planning grounds' tests:

*"that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there*



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*are sufficient environmental planning grounds to justify contravening the development standard ...”*  
[15]

On the ‘Five Part Test’ established under *Wehbe v Pittwater Council* [2007] NSWLEC 827:

*“The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way...”* [22]

That, in establishing ‘sufficient environmental planning grounds’, the focus must be on the contravention and not the development as a whole:

*“The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole”*  
[26]

That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

*“Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard will have a better environmental planning outcome than a development that complies with the development standard.”* [88]

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

In accordance with the NSLEP 2013 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Part 2**);
- identifies the variation sought (**Part 2**);
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (**Part 3**);
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Part 3**);
- demonstrates that the proposed variation is in 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 (**Part 3**);
- provides an assessment of the matters the secretary is required to consider before providing concurrence (**Part 3**); and
- Provides a conclusion summarising the preceding parts (**Part 4**).

## **2.0 DEVELOPMENT HISTORY**

An existing approval was granted on the 1st December 2021 from North Sydney Council for the subdivision of the subject site at 34 (&36) Cammeray Road, Cammeray, under DA299/21. The previous approval was for:

**Proposal:** *Subdivision of Lot 19 in DP 15073 into two lots and alterations and additions to an existing dual occupancy (attached) to create a pair of semi-detached dwellings.*

### **Panel Determination**

*The Council Officer’s Report, Recommendations and Conditions are supported by the Panel.*

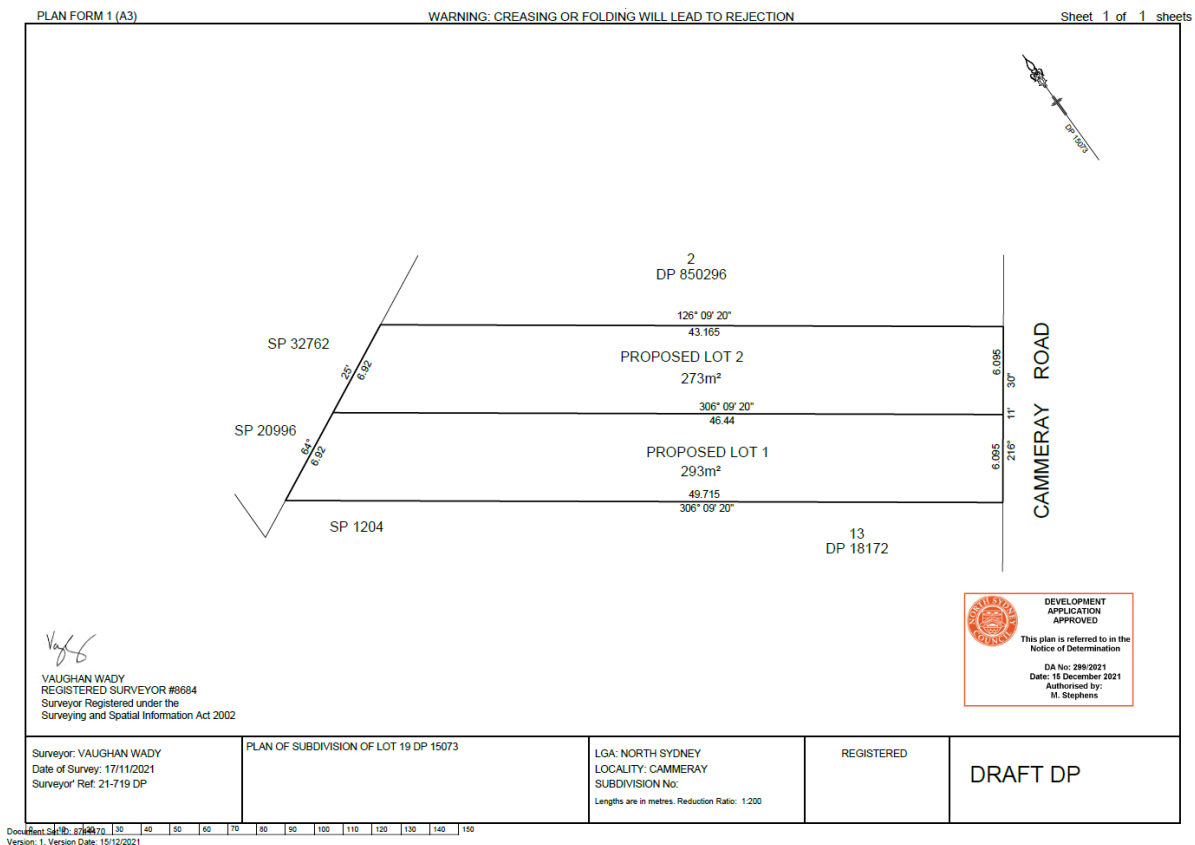
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*Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the Minimum Lot Size development standard in clause 4.3 of the LEP for each proposed lot, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrate that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.*

**Reason for approval:** *The size, dimensions and orientation of the proposed lots are consistent with the existing development on the site and the prevailing character of this section of Cammeray Road, which includes a mix of detached and semi-detached dwellings that are generally located on similar small lots*



**Figure 1:** Stamped Approved Plan of Subdivision relating to DA299/2021 (North Sydney Council, 15 December 2021)

DA299/21 is withdrawn to enable the assessment of the subject of this DA which includes the subdivision and proposed built form works consisting of the erection of new pair of semi-detached dwelling.

It is noted that this current Development Application proposes the same subdivision with demarcation down the common wall with resulting lots same size as proposed under DA299/21 including Lot 1 (273m<sup>2</sup>) and Lot 2 (293m<sup>2</sup>).

### **3.0 VARIATION OF MINIMUM LOT SIZE STANDARD**

The existing use as a dual occupancy and the proposed use for semi-detached dwellings is permissible with development consent in the R2 Low Density Residential Zone, pursuant to the NSLEP 2013.

Clause 4.1 restricts the minimum subdivision lot size of the Cammeray low density residential area and refers to the minimum lot size noted within the "Lot Size Map."

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The relevant minimum lot size for this locality is 450m<sup>2</sup> and is considered to be a development standard as defined by Section 4 of the *Environmental Planning and Assessment Act 1979*.



**Figure 2:** Minimum lot size for subdivision map pursuant to NSLEP 2013 (NSW Legislation, 2024)

The proposed development seeks to subdivide the existing allotment (566.2m<sup>2</sup> by calculation and 566.8m<sup>2</sup> by DP) down the centre of the site, with the demarcation aligning with the shared wall which divides the existing dual occupancy into semi-detached dwellings. The outcome is a Torrens Title subdivision of the existing lot into two separate lots.

The proposal creates a new allotment, proposing:

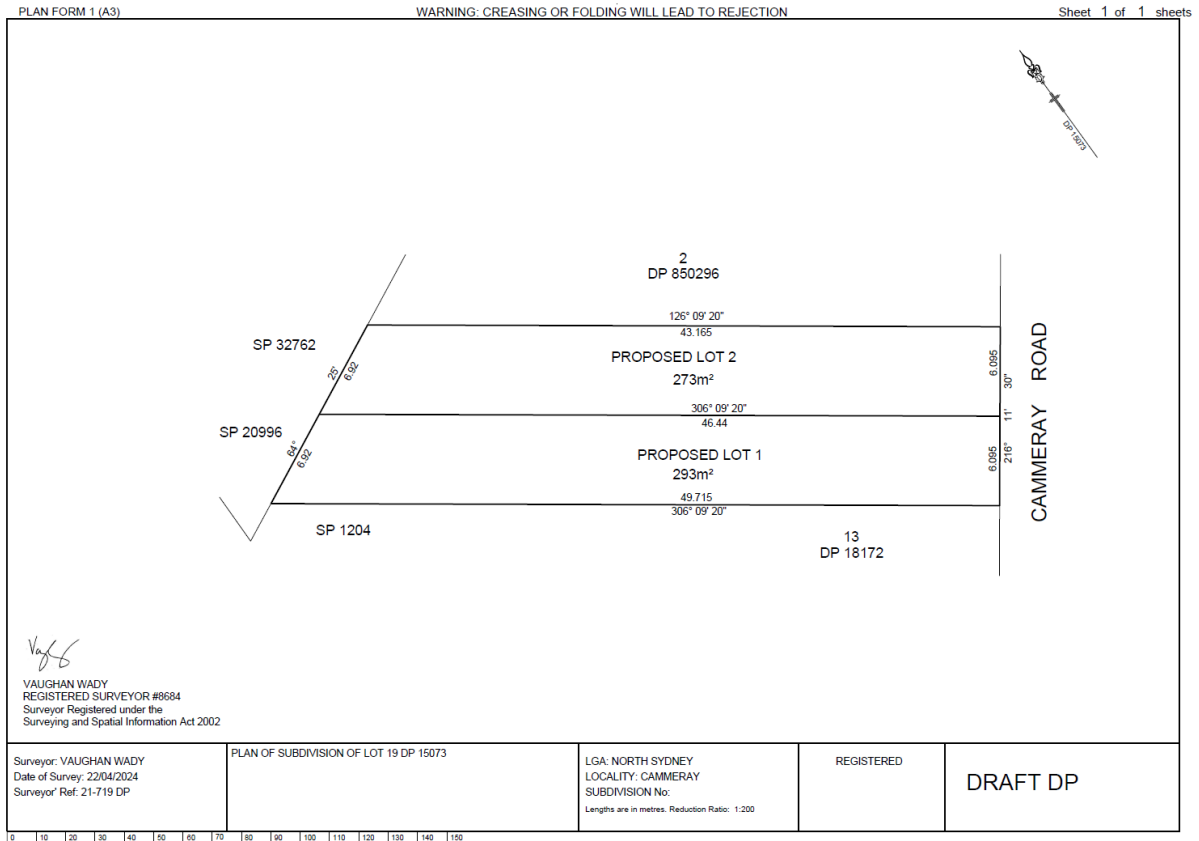
- 1) 34 Cammeray Road, Cammeray (Lot A) – 273m<sup>2</sup>
- 2) 32 Cammeray Road, Cammeray (Lot B) – 293m<sup>2</sup>



**Clause 4.6 Variation**

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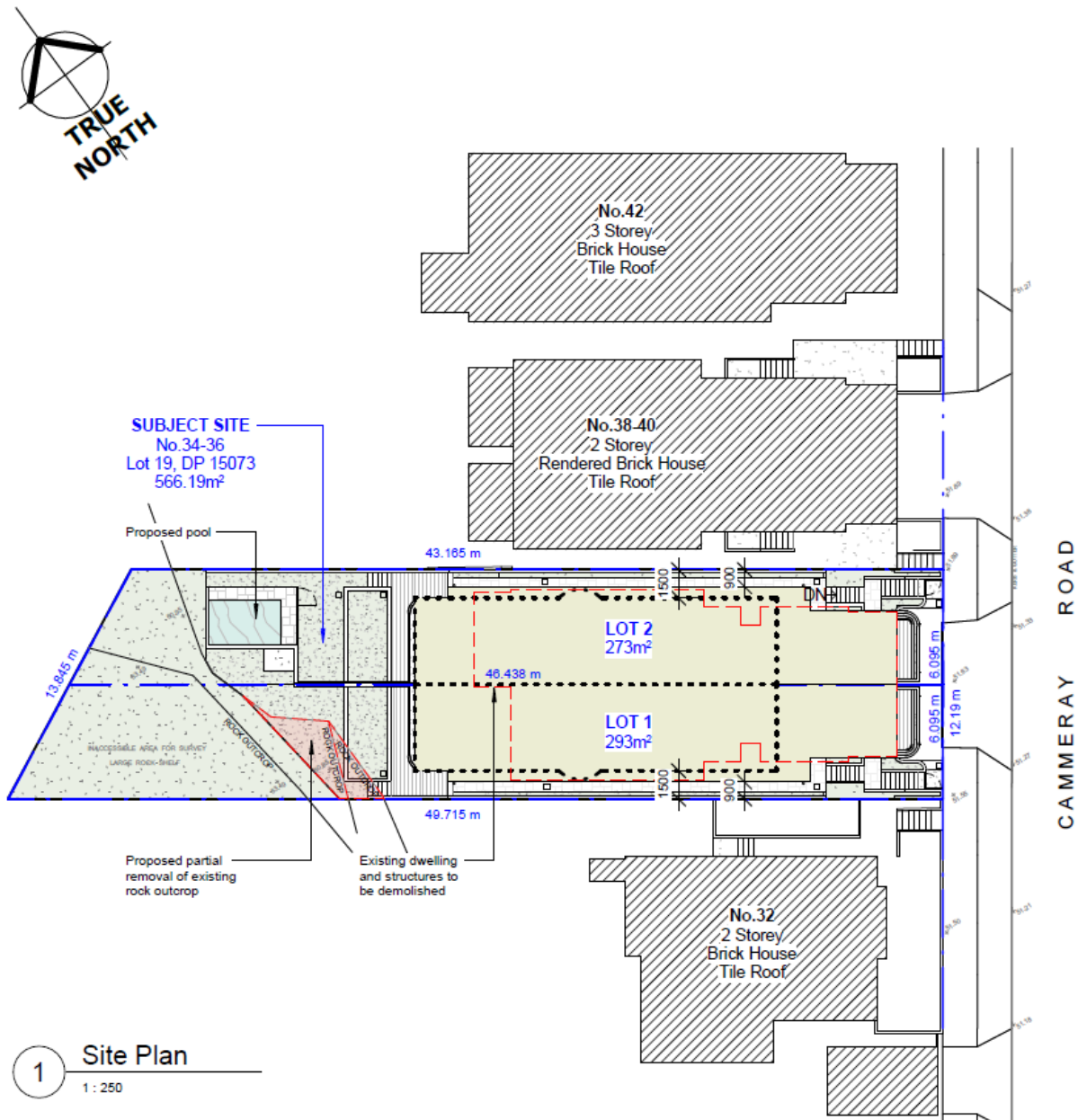


**Figure 2: Plan of Subdivision (NJB Surveying 2024)**

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**Figure 3:** The line of subdivision is demarcated by the common wall which separates the dwellings.

The proposed development subdivides the existing dual occupancy of Lot 19 in Deposited Plan 15073 to enable and create the proposed semi-detached dwellings on separate lots (Torrens Title). The proposal creates two allotments, both of which breach the minimum lot size for subdivision and therefore are two breaches to Clause 4.1.

For the purpose of the submission, we have taken the view that the two departures may be administered under the one Clause 4.6 variation request.

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<b>Table 1. Minimum subdivision lot size variation</b>				
<b>Lot No (Address)</b>	<b>NSLEP 2013 Clause</b>	<b>NSLEP 2013 Development Standard requirement</b>	<b>Proposed Lot Size</b>	<b>Complies (Percentage of Variation)</b>
Lot 1 (34 Cammeray Road, Cammeray)	Clause 4.1 Minimum Subdivision Lot Size	450m <sup>2</sup>	293m <sup>2</sup>	157m <sup>2</sup> (34.88%)
Lot 2 (36 Cammeray Road, Cammeray)	Clause 4.1 Minimum Subdivision Lot Size	450m <sup>2</sup>	273m <sup>2</sup>	177m <sup>2</sup> (39.33%)

The controls of Clause 4.1 are considered to be a development standard as defined in the *Environmental Planning and Assessment Act, 1979*.

**4.0 CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARD – MINIMUM LOT SIZE**

The objectives of Clause 4.6 of the NSLEP 2013 are as follows:

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The proposal will achieve an outcome which reinforces the existing development pattern within the surrounding locality.

The proposed subdivision to the existing dual occupancy dwellings is consistent with the stated Objectives of the R2 Low Density Residential Zone, which is justified at Part 4.1.4.

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.

Clause 4.6(3) provides that:

*Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) That there are sufficient environmental planning grounds to justify contravening the 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

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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 4.1 Minimum Subdivision Lot Size 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.

## **5.0 ASSESSMENT OF THE CLAUSE 4.6 VARIATION**

The following sections of the Report provide a comprehensive assessment of the request to vary the development standards to minimum lot size in accordance with Clause 4.1 of the NSLEP 2013. Detailed consideration has been given to the following matters within this assessment:

- *Varying development standard*: A guide, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the L&E Court. The following sections of the report provides detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of the NSLEP 2013.

### **4.1 CONSIDERATION**

#### **4.1.1 Clause 4.6(3)(a) – Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?**

It is unreasonable and unnecessary to require strict compliance with the development standard as the proposal provides for the subdivision of the existing dual occupancy which generally has a building form of a semi-detached dwelling.

Compliance with this standard would be unreasonable given the established grid pattern commensurate of the predominant semi-dwelling use, specifically along the northern side of Cammeray Road. The subject site is the last remaining dual occupancy more than 450m<sup>2</sup> in "Area G" in which the dwellings are attached to each other (side by side) on the northern side of Cammeray Road. Adjoining the site, semi-detached dwelling which presents a similar development and is consistent with the existing and future character of the area.

The dual occupancies which have not been subdivided present stacked (horizontal) duplexes, and don't meet the definition to be subdivided into semi-detached dwellings. This proposal is for side-by-side dwelling subdivision.

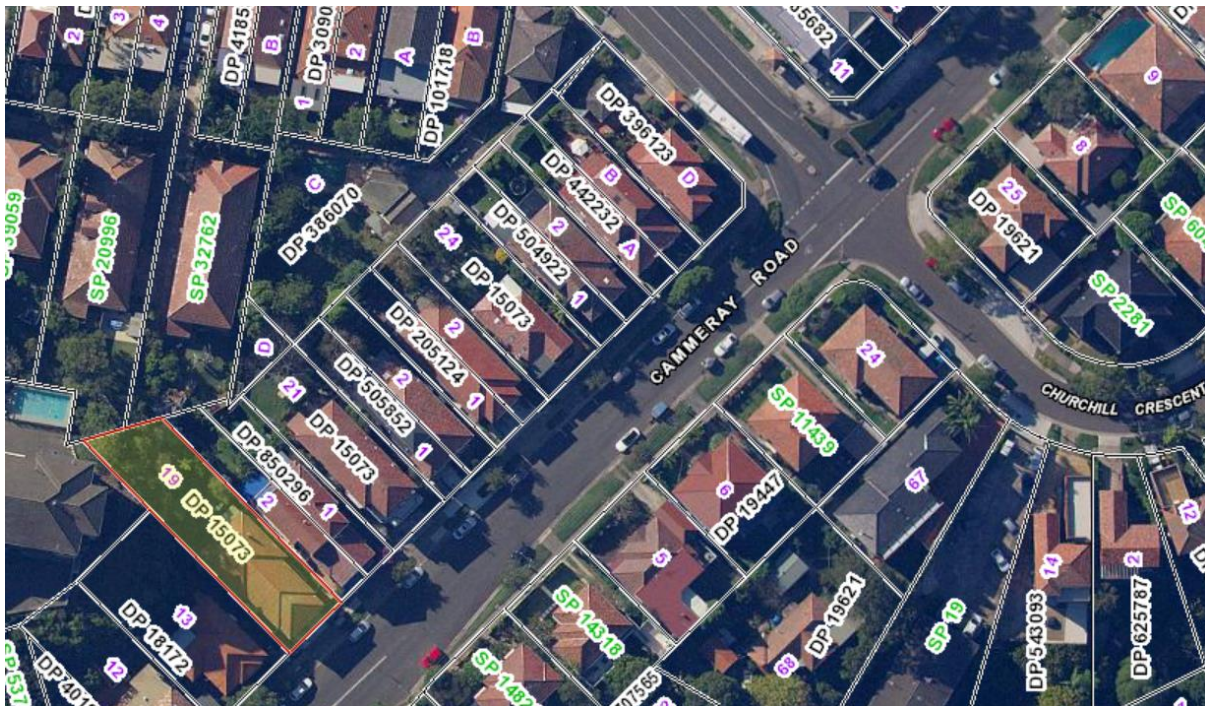
The proposal reinforces the existing development pattern on the subject site and with the surrounding area. The proposal is consistent with the objectives for development within the R2 zone, as well as maintaining that consistency within relevant components of the NSDCP 2013. The size of the lots should not encumber the opportunity of this proposal.



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**Figure 3:** Aerial map of existing lot/development pattern (SixMaps, 2024)

The proposal will result a numerical non-compliance of 34.88% and 39.33% to the minimum subdivision lot size map despite qualitative consistency with the lot pattern of the immediate and broader surrounds. Given its locality, the proposed subdivision will co-exist with its surrounds due to the proposals detailing to its existing nature.

It is considered that the proposal achieves the Objectives of Clause 4.1 and that the development is justified in this instance for the following reasons:

- The proposal will consistently align with the predominant lot pattern of the locality
- Based on the contextual analysis, the proposal will maintain the current built form corresponding with the context in terms architectural language, massing and materials
- The proposal will enable Torrens Title ownership contributing to housing mix and affordability without impacting on the residential amenity

For the above reasons it would therefore be unreasonable and unnecessary to cause strict compliance with the standard. The character will be maintained and will be consistent with the prevailing lot pattern of the locality. The objectives of the R2 Low Density Residential Amenity zone will not be undermined because of the proposal.

In addition to the qualitative analysis, the below judgement is considered to further demonstrate the explicit circumstances of the case.

In the Wehbe judgment (Wehbe v Pittwater Council [2007] NSWLEC 827), Preston CJ expressed the view that there are 5 different methods in which a SEPP 1 Objection (previously applied) may be well-founded, and that approval of the Objection may be consistent with the aims of the policy. These 5 questions may be usefully applied (does not need to establish all) to the consideration of Clause 4.6 variations:

- 1) *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*

**Comment:** Yes. Refer to justification of proposed variation above which discusses the achievement of the objectives of the standard.

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- 2) *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

**Comment:** It is considered that the purpose of the standard is relevant but the purpose is satisfied.

- 3) *the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

**Comment:** Compliance does not defeat the underlying object of the standard development; however, compliance would prevent the approval of an otherwise supportable proposal. Furthermore, it is noted that development standards are not intended to be applied in an absolute manner; which is evidenced by clause 4.6 (1)(a) and (b).

- 4) *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;*

**Comment:** Not applicable.

- 5) *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.*

**Comment:** The development standard is applicable to and appropriate to the zone.

With respect to the tests outlined above in Wehbe, we submit that it is unreasonable and unnecessary to strictly comply with Clause 4.1 for reasons related to (a) above in terms of consistency of the proposed development with the objectives of the development standard.

We further note in *NSWLEC Four2Five Pty Ltd 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 the wider reasons must be discounted. The submission is made on the basis of the circumstances of this particular site and wider environmental strategic and contextual planning grounds.

Assessed in accordance with Test 1 established in *Wehbe v Pittwater Council [2007] NSWLEC 827*, the assessment has considered to adequately demonstrate that compliance with the development standard would be both unreasonable and unnecessary as the objective of the standard have been achieved notwithstanding the non-compliance with the standard.

**The objectives of the development standard are achieved notwithstanding the non-compliance (First Method)**

The consistency with the objectives of the standard (Clause 4.1) are articulated and justified below:

- 1) *The objectives of this clause are as follows—*

*(a) to ensure that subdivision and associated development promotes the desired future character of the neighbourhood through consistent lot size, shape, orientation and housing density,*

- The subject site is located on the western side of Cammeray Road which is characterised of smaller rectilinear lots of a consistent size with similar frontages between 6-8m.
- There are 26 of the 31 lots within the identified area which contain semi-detached dwellings and average area of 260m<sup>2</sup>. The proposed lots have a lot size of 273m<sup>2</sup> and 293m<sup>2</sup>, which is larger than the lot size (average 260m<sup>2</sup>) within the identified area that contain semi-detached dwellings.

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- The proposed subdivision is commensurate with the existing building form on the site which area a pair of symmetrical semi-detached dwellings although is considered a dual occupancy as building is currently on one lot.
- The character statement provision states 'long narrow lots adjacent to the foreshores of Long Bay.' The site is not considered to be adjacent to the foreshore however is typical of the allotment size and shape when viewed from the perspective of the broader grid pattern (Refer **Figure 3** below).
- The proposed subdivision is consistent with the existing precedent of smaller lot sizes. The proposed development responds to reinforces the existing development pattern of semi-detached dwellings like the immediate neighbour at 38 & 40 Cammeray Road, and properties at 44 & 46, 48 & 50, 54 & 56 and 58 & 60 Cammeray Road. The development is one of the remaining dual occupancies (side by side) that has not been subdivided.
- The proposed subdivision does not alter the housing density on the site as the proposed development relates to reinstating pair of semi-detached dwellings which retains the dwellings currently on the site.

## 4.2 CAMMERAY NEIGHBOURHOOD



**Figure 4:** Area Character Statements – Cammeray Planning Area (NSDCP 2013)



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**Figure 5:** Existing subdivision pattern along the north-western side of Cammeray Road (NSDCP 2013)

It is noted that of the two properties within the identified area, other than the subject site, achieve the minimum lot size with one containing a dwelling house and the other a strata subdivided dual occupancy.

*(b) to maintain a mix of dwelling sizes and affordable accommodation,*

- The proposed subdivision retains the existing number of dwellings and enables Torrens Title to allow separate ownership providing additional housing stock availability, contributing to mix and increasing housing affordability.
- The proposed development will deliver a housing opportunity to the community.
- The proposed size of the dwellings corresponds with the current sizes and are comparable to surrounding development given that the character is predominantly semi-detached dwellings.

*(c) to prevent fragmentation of land, which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*

- The proposal in effect does the opposite, correcting the existing dual occupancy use to realise the general built form of the existing development, considered as semi-detached dwelling form which have unique street addresses.
- The proposed subdivision utilises the existing characteristics of the site commensurate with the form of the grid pattern of the location.

*(d) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*

- The proposed subdivision reinforces the existing development pattern on the site.
- The proposed lot size including area, width and depth are larger than most of the current semi-detached dwellings which provide compliance with the building envelope controls.
- The intensity of the site is retained and serviced by the existing separated dwelling arrangements (address, dwelling, entries, parking & dwelling).
- The proposed development maintains the current existing residential amenity and provides alternative solution to compliance where a substantial improvement is proposed to the existing



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site. This enables complete redevelopment whilst maintaining front setback, side setbacks and height and design with respect of the neighbouring properties.

*(e) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features, including heritage items, and retain special features, such as trees and views.*

- The proposal maintains the existing character and function of the local residential neighbourhood.
- The proposed development is considered to be consistent with, and would not hinder, the objectives of the Minimum Subdivision Lot Size development standard.
- The proposed subdivision would not alter the general siting of the development and will be consistent with arrangement and building characteristic of existing dwelling and neighbouring development.
- It is noted that the rocky outcrop does not impact the building footprint due to its location to the rear of the property.

Accordingly, it is considered that the proposal is consistent with the objectives of the development standard.

#### **4.1.2 Clause 4.6.(3)(b) Are there sufficient Environmental Planning Grounds to justify the contravening the development standard?**

Clause 4.6(3)(b) of the NSLEP 2013, requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating:

*"That there are sufficient environmental planning grounds to justify contravening the development standard".*

The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as summarised in *(Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118)*.

The proposed development is supportable on environmental planning grounds for the following reasons:

- The proposal (notwithstanding the LEP contravention) is consistent with the objectives of the development standard as provided in clause 4.1 of the NSLEP 2013.
- The departure to the minimum subdivision lot size standard will not introduce any significant adverse environmental or amenity related impacts on neighbouring properties.
- The proposal reinforces the existing development pattern on the subject site and within the surrounding area.
- The proposed means of subdivision, necessitating a breach to the minimum lot size standard, be more consistent with the Objects of the Act in terms of promoting the orderly development of land.
- The proposed use is consistent with the existing and desired character of the area.
- The proposed development will enable the use to correspond with the general nature of the site and building form of the existing development.

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- Will enable Torrens Title allotments commensurate with the distinct property addresses (34 & 36 Cammeray Road) and unique property characteristics including independent entryways, accessways, dwellings and entryways.
- The proposal will not result in any unreasonable privacy intrusion as the existing amenity is retained and will maintain the existing high-level of amenity of adjoining occupiers.
- The proposed development is in accordance with Council's strategic plans in providing a housing typology which offers additional housing and promotes affordable housing to the community.

Having regard to the above, it is considered there are sufficient environmental planning grounds to justify a variation of the development standard for minimum subdivision lot size.

Accordingly, in regard to the proposed development at 34 & 36 Cammeray Road, Cammeray, the following environmental planning grounds are considered to be sufficient to allow Council to be satisfied that a variation to the development standard can be supported:

- The variation to the minimum subdivision lot size is inconsequential as it is of negligible impact to the streetscape and the amenity of neighbouring properties.

The above are the environmental planning grounds which are the circumstance which are particular to the development which merit a variation to the development standard.

**4.1.3 Clause 4.6 (4)(a)(i) Has the written request adequately addressed the matters in sub-clause?**

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The written request also provides sufficient environmental planning grounds, including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

**4.1.4 Clause 4.6(4)(a)(ii) Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone in which development is proposed to be carried out?**

Clause 4.6(4)(a)(ii) provides that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in 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.

In Part 4.1.1 of this request, it was demonstrated that the proposal is consistent with the objectives of the development standard. The proposal, inclusive of the non-compliance, is also consistent with the objectives of the R4 High Density Zone:

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

The proposal provides a permissible housing typology consistent with the predominant uses within Cammeray and offers independent ownership and housing selection to the community. The proposed development supports the North District Plan and North Sydney Local Housing Strategy by providing additional housing within the existing capacity of current land use planning controls.

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

The outcome of the proposal will allow additional housing within a highly accessible location close to facilities and services that residents reasonably require. The site sits within an established residential area near retail and commercial land uses including Cammeray neighbourhood shops, Big Bear Shopping Centre and Neutral Bay Junction. The site is located approximately 800m from Military Road, serving as the main road of the locality, providing connectivity to both north and south of Sydney with easy access to North Sydney and Sydney CBD's.

- *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*

The proposed subdivision of the existing dual occupancy (considered semi-detached dwelling form) is compatible with the existing and desired character of the Cammeray Planning Area. The site is in an established residential locality, with no natural or cultural heritage associations to the area. The proposal keeps in accordance with its desired future character through its connection to its history, proposing to correct the allotment size as per the traditional types of dwellings which dominate its surrounding locality.

- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development will not introduce any significant adverse environmental or amenity related impacts on neighbouring properties. Rather, the current high level of residential amenity of the site will be maintained.

In summary, the proposed subdivision retains the existing number of dwellings on the site but provides greater housing flexibility for independent ownership. The proposed development seeks to redevelop the site to provide substantial improvement to the existing built form, supplying housing to the community. The proposed development has minimal impact on the natural or cultural heritage noting that the proposed removal of outcrop to minimum area at ground level is due to safety reasoning. This is not visible from the streetscape and poses no impact to the environment or amenity of the area. The proposed dwelling arrangement demonstrates that each dwelling is capable to be occupied with reasonable level of amenity, similar to the current level of amenity.

Accordingly, it is considered that the site may be developed with a variation to the prescribed minimum subdivision lot size standard, whilst maintaining consistency with the zone objectives. Therefore, the proposal is considered to be in the public interest.

**4.1.5. Clause 4.6(5)(a) – Would Non-Compliance Raise any Matter of Significance for State or Regional Planning?**

The proposed non-compliance with the minimum subdivision lot size development standard will not raise any matter of significance for State or regional environmental planning.

**4.1.6. Clause 4.6(5)(b) – Is There a Public Benefit of Maintaining the Planning Control Standard? The proposed development achieves the objectives of the minimum lot size development standard and the land use zoning objectives.**

It would not be in the public interest to strictly maintain the standard in the particular circumstances of this case since strict adherence to the standard would make it impossible to enable the use to correspond with the general nature of the site and the building form of the existing development.

**Clause 4.6 Variation**

Proposed Subdivision and two Torrens Title lots, demolition of existing dual occupancy and construction of semi-detached dwellings

34 & 36 Cammeray Road, Cammeray (Lot 19 DP 15073)

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The proposed development achieves the objectives of the development standard and the objectives of the land use zoning objectives and is therefore considered in the public benefit. The proposal provides additional housing stock, contributing to mix and increasing housing affordability within the existing capacity of the current land use planning controls as desired by the Council.

**4.1.7. Clause 4.6(5)(c) – Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

There are no known additional matters that need to be considered within the assessment of the clause 4.6 Request and prior to granting concurrence, should it be required.

**6.0 CONCLUSION**

This written request has been prepared in relation to the proposed variation to a development standard contained in Clause 4.1 of NSLEP 2013. The request explains that, despite the proposed variation, the development satisfies the objectives of the standard and the objectives of the Low-Density High Density R2 Zoning (Wehbe-way 1).

The request also explains that it is unreasonable or unnecessary to require strict compliance with development standard in circumstances where there are no significant/unreasonable adverse impacts from the variation and important planning goals are better achieved by allowing the variation. In addition, the request demonstrates that there are sufficient site-specific environmental planning grounds to justify the variation, and therefore the proposal is in the public interest.

Given the above justification provided above this Clause 4.6 Variation is well founded and should be favourably considered by Council.