

NOTICE

Bayside Local Planning Panel
will meet
on **Tuesday 25 March 2025 at 6:00 PM**
in the Committee Room, Botany Town Hall
to consider items outside the public meeting
in accordance with the Operational Procedures

Members of the public do not have the opportunity to speak on these items.

ON-SITE INSPECTIONS

On-site inspections are undertaken beforehand.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

Nil

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1	MDA-2024/163 - 43 Monterey Street, Monterey - Section 4.55 Modification	2
6.2	DA-2024/291 - 50 Gordon Street ROSEBERY - Development Application	58

Meredith Wallace
General Manager

Bayside Local Planning Panel - Other Applications

25/03/2025

Item No	6.1
Application No	MDA-2024/163
Property	43 Monterey Street, Monterey
Application Type	Section 4.55 Modification
Proposal	Modification to DA-2007/377 including new lift access, enclosure of first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level
Owner	Mr M Khaled & Mrs L Gaetani
Applicant	Sam Alawie
Ward	Ward 5
Lodgement Date	4/11/2024
No. of Submissions	0
Cost of Development	\$Nil
Reason Criteria	Departure from standards
Report by	Peter Barber, Director City Futures

Officer Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979* be satisfied that the proposed modification:
 - a) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - b) the relevant Minister, public authority or approval body has been consulted;
 - c) has been notified and the submissions made have been considered;
 - d) is acceptable after considering reasons for the consent sought to be modified; and
 - e) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application MDA-2024/163 for Modification to DA-2007/377 including new lift access, enclosure of first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level at 43 Monterey Street, MONTEREY NSW 2217 by GRANTING CONSENT to modify the original consent in the following manner:
 - A. By amending condition 2;
 - B. By amending condition 5; and

C. By adding the following conditions:

- (i) 72A relating to additional Section 7.12 Development Contributions.
- (ii) 72AA requiring a new Building Information Certificate be submitted.

Location Plan



Attachments

- 1 [↓](#) Modification Planning Assessment Report
- 2 [↓](#) Draft Modification Conditions
- 3 [↓](#) Site Survey Plan
- 4 [↓](#) Architectural Plans

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	MDA-2024/163
Date of Receipt:	4 November 2024
Property:	43 Monterey Street, Monterey NSW 2217 Lot 120 DP 10707
Owner:	Mr M Khaled & Mrs L Gaetani
Applicant:	Zane Carter Architects
Architect:	Zane Carter Architects
Town Planner:	Rockeman Town Planning Pty Ltd.
Proposal:	Modification to DA-2007/377 for the use of new lift, use of the first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level
Recommendation:	Approval
No. of submissions:	No submissions
Author:	Nitin Thomas
Date of Report:	25 February 2025

Key Issues

The development site at 43 Monterey Street, Monterey has been subject to multiple applications associated with the existing two storey dwelling. The key concerns regarding this application relate to the fact that following the granting of consent to the original development under DA-2007/377, no Occupation Certificate was issued by the Principal Certifier prior to occupation of the dwelling.

The key issues identified in the assessment of the Modification Application relate to:

- Unauthorised building works associated with the approved two storey dwelling.

- No Occupation Certificate obtained following DA approval.
- Subject to S4.6 under the Bayside LEP 2021 in relation to a breach in height of building.
- Subject to S4.6 under the Bayside LEP 2021 in relation to a breach in the floor space ratio.

The Modification Application (“the proposal”) has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* (“the Act”) and *Environmental Planning and Assessment Regulation 2021* (“the Regulation”) and is recommended for approval, subject to conditions of consent.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979* be satisfied that the proposed modification:
 - a) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - b) the relevant Minister, public authority or approval body has been consulted;
 - c) has been notified and the submissions made have been considered;
 - d) is acceptable after considering reasons for the consent sought to be modified; and
 - e) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application MDA-2024/163 for Modification to DA-2007/377 for the use of new lift, use of the first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level at 43 Monterey Street, MONTEREY NSW 2217 by GRANTING CONSENT to modify the original consent in the following manner:
 - A. By amending condition 2;
 - B. By amending condition 5; and
 - C. By adding the following conditions:
 - (i) 72A requiring payment of Section 7.12 Development Contributions.
 - (ii) 72AA requiring a new Building Information Certificate be submitted.

Background

History

The following applications have previously been considered by Council in relation to the subject site:

43 Monterey Street, Monterey

- BA-1998/281 – Construction of an outbuilding Class 10, approved on 19 May 1998.
- DA-2003/832 – New two storey dwelling with basement on 29 July 2004.
- DA-2003/832/A – 4.55 (1A) modification to change plans for new two storey dwelling with basement, approved on 8 August 2003.
- DA-2007/377– Construction of a two storey dwelling was approved on 24 April 2007.
- DA-2007/377/A – Modification to change roof form from pitched to flat, approved on 12 August 2008.
- DA-2007/377/B –Modification to amend condition 70 of consent to change parapet height from 500mm to 1270mm, approved on 24 March 2009.
- BC-2023/16 – Unapproved development inclusive of swimming pool fencing height extension along western boundary. Withdrawn on 5 October 2023.
- BC-2024/20 – Unapproved development inclusive of unauthorised alterations and additions to the existing dwelling. Refused on 24 October 2024.

Further to the above, the following Orders by Council were issued to the owners as a result of multiple non-compliances with the development approval:

- Orders 1 & 15 issued 13 May 2009 with failing to comply with condition 53 of the development consent and with no railings provided to balconies and with internal access to flat roof.
- NOI to issue order sent 13 January 2013 regarding the obstruction of the sliding gate onto Council's footpath.
- Order 15 issued 7 March 2013 in which the following outstanding issues were identified in relation to the following:
 - (i) Stormwater System;
 - (ii) Sydney Water notification of rainwater tank installation;
 - (iii) Sunscreen installation as per BASIX Certificate requirements;
 - (iv) Installation of a 5000L rainwater tank;
 - (v) Parapet wall height non-compliances;
 - (vi) Obtaining Occupation Certificate.

Note: It is uncertain as to whether or not all of the above matters had been adequately resolved at the time.

The history of the subject application is summarised as follows:

- 24/04/2007 – The subject DA which is sought to be modified was approved by former Rockdale City Council.
- There have been two (2) prior modifications approved related to this DA, summarised below:
 - DA-2007/377/A – Modification to change roof form from pitched to flat.
 - DA-2007/377/B - Modification to amend condition 70 of consent to change parapet

height from 500mm to 1270mm.

- 04/11/2024 - The subject modification application was lodged with Council.
- 14/02/2025 – Site inspection carried out by assessing officer.
- 18/02/2025 – Amended documentation submitted by applicant.
- 24/02/2025 – Amended S4.6 Statement for FSR submitted by applicant.
- 25/02/2025– Draft BLPP assessment report completed.
- 25/02/2025 – Draft BLPP conditions completed.

Proposal

The application seeks consent to modify development consent DA-2007/377 for the use of new lift, use of the first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level.

In particular, the proposal seeks consent for the following unauthorised works to the dwelling house:

Additional Unauthorised Construction

- Ground Floor:
 - (i) Selected windows deleted/ removed on side and front elevations.
 - (ii) New window replacements with changes to sill heights as noted on floor plan.
 - (iii) New lift access.
 - (iv) Deletion of sliding door on rear façade.
 - (v) Increase of door opening on rear façade.
 - (vi) Window converted to door on rear façade.
- First Floor:
 - (i) Selected windows deleted/ removed on side and front elevations as shown.
 - (ii) New window replacements with changes to sill heights as noted on floor plan.
 - (iii) New lift access.
 - (iv) Rear first floor balcony enclosed and converted to master bedroom with walk-in-robe and ensuite bathroom and two new rear façade windows.
 - (v) Use of existing balcony as habitable floor space.
 - (vi) Increase in balcony width by 0.7m from 2.5m to 3.2m.
 - (vii) New walls on side elevations to enclose existing balcony.
- Roof/ Terrace:
 - (i) New metal skillion roof form to enclose balcony to create habitable space.
 - (ii) New lift overrun protruding 1.060m above 8.5m maximum building height plane.
 - (iii) New AC room.

Car Parking/ Basement Level

- Minor extension of basement car park footprint.
- Addition of new internal lift access.

The figures below are extracts of the original DA approval and current Modification proposal related to key aspects being sought to be amended:

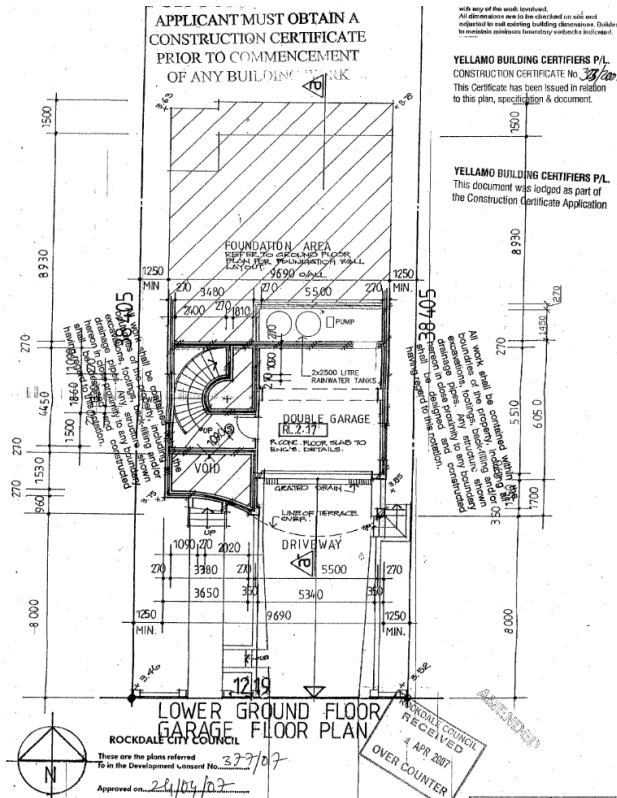


Figure 1: Approved Ground Floor Plan under DA-2007/377

Site Location and Context

The subject site is legally identified as Lot 120 in DP 10707 and is known as 43 Monterey Street, Monterey NSW 2217. The site is a rectangular shape with front and rear boundary widths of 12.19 metres. The side boundaries are 38.405 metres deep. The site has sole frontage to Monterey Street. The total site area is 468.20m². The topography of the site is such that it is moderately flat, however, has a slight crossfall from east to west.



Figure 2: Cadastre map of subject site at 43 Monterey Street, Monterey

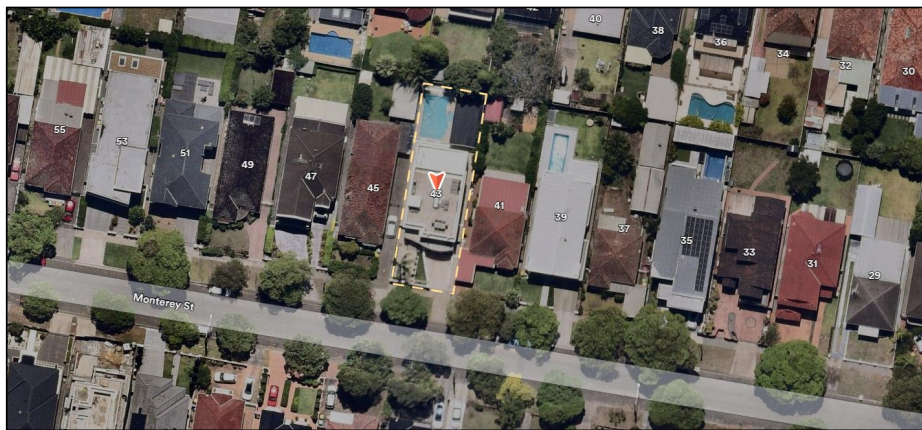


Figure 3: Aerial view of subject site (Source: Nearmaps 2024)



Figure 4: Constructed highlight window to northern wall of enclosed balcony within Master bedroom (first floor level) at 43 Monterey Street, Monterey

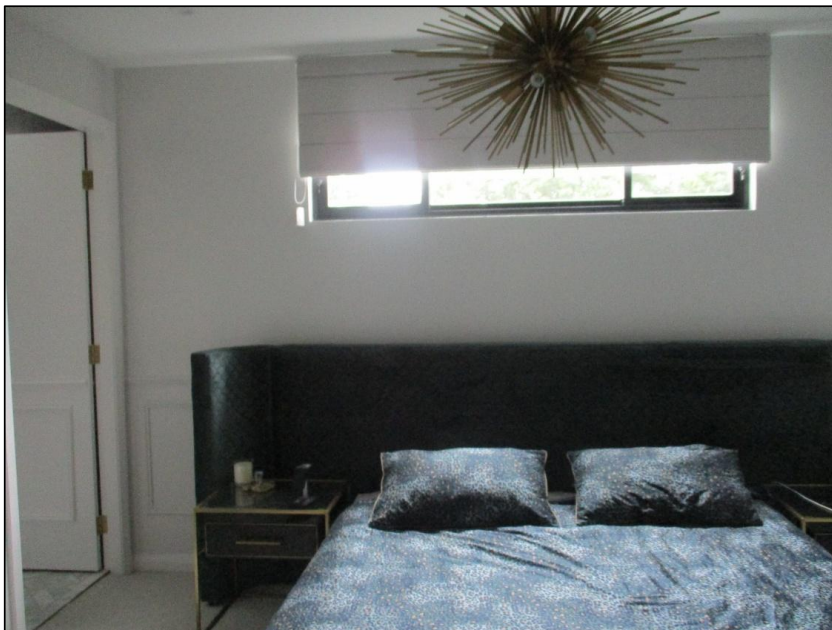


Figure 5: Extent of balcony enclosure to Master bedroom at first floor level

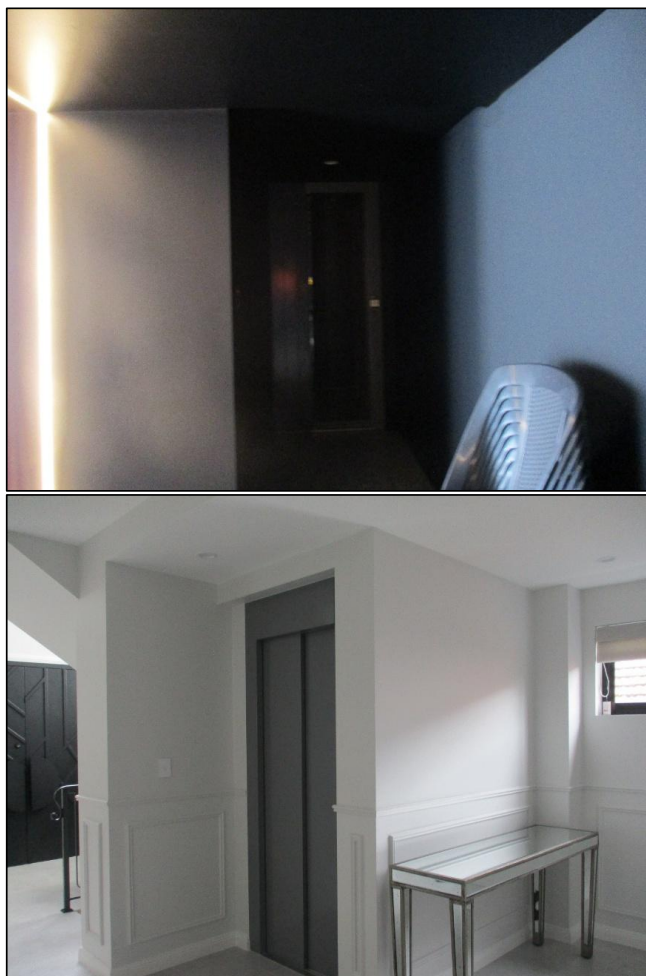


Figure 6: Constructed internal lift access from basement car park (top) and ground floor level (bottom) at 43 Monterey Street, Monterey

The subject site contains a detached two storey dwelling with basement car parking, concrete driveway, a swimming pool and outbuilding at the rear and a rooftop terrace, which was originally approved under DA-2007/377.

The site is located on the northern side of Monterey Street between The Grand Parade to the east and Chuter Avenue to the west. Adjoining development to the sides includes two storey detached dwellings at No. 41 and 45 Monterey Street, Monterey. A two storey detached dwelling is situated on the rear adjoining property to the north at No. 44 Scarborough Street, Monterey. There is a mix of single storey and two storey residential dwellings within proximity to the subject property.

There are no trees of significance on the site. There is one (1) Brushbox tree located in the public domain in front of the site which will be retained under this modification application.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

S4.55 – Modifications Generally

S4.55(2) – Other Modifications

The following quotes the provisions of this Section of the Act, including a response to each:

The Section 4.55(2) of the Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent if:

- a) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposal remains as previously approved, namely a dwelling house. The proposed modifications will not change the land use or substantially alter the nature of the development. Having regard to both the qualitative and quantitative changes proposed, it is considered the proposed Modification application remains substantially the same development as that originally approved.

- b) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: Consultation was with a Minister, public authority or approval body was not required in this instance.

- c) *It has notified the application in accordance with:*
 (i) *the regulations, if the regulations so require, or*
 (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The proposal was notified in accordance with the applicable Development Control Plan.

- d) *It has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: No submissions were received.

S4.55(3) of the Act (Matters for Consideration and Reasons for the Consent or conditions sought to be varied)

S4.55(3) of the Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

Response: An assessment and consideration of matters within Section 4.15(1) of the Act is contained in the following Section of this report.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Response: The relevant consent which is sought to be varied (being DA-2007/377) included the following reasons for the granting of consent:

- *The proposal aligned with the general objectives under the Rockdale Local Environmental Plan 2000.*

S4.15 (1) - Matters for Consideration - General

As outlined in Section 4.55(3) of the Act above, the provisions of S4.15(1) of the Act must be considered for this Modification Application. This consideration is outlined below.

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments**State Environmental Planning Policies****State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The applicant has submitted an amended BASIX Certificate for the proposed development, being certificate number A1784024 and dated 18 February 2025.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been imposed on the consent to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Resilience and Hazards) 2021**Chapter 4 – Remediation of Land**

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the proposal. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is, or can be made, suitable for its intended use at the time of determination of an application.

Residential

The site appears to have been continuously used for residential purposes. The adjoining and adjacent properties are currently used for residential purposes. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guideline, in particular industrial, agricultural or defence uses. There is no significant excavation proposed.

On the above basis, the site is considered suitable in its present state for the proposed dwelling house development. No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the SEPP.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Sections of Bayside Local Environmental Plan 2021 (“the LEP”) applicable to the proposal, while aspects warranting further discussion follows:

Relevant Sections	Compliance with Objectives	Compliance with Standard / Provision
2.3 Zone and Zone Objectives R2 Low Density Residential	Yes - see discussion	Yes – see discussion
4.3 Height of buildings	Yes - see discussion	No - see discussion
4.4 Floor space ratio (“FSR”)	Yes - see discussion	No - see discussion
5.21 Flood planning	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil Class 5	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.7 Airspace operations	Yes - see discussion	Yes - see discussion
6.8 Development in areas subject to aircraft noise	Yes - see discussion	Yes - see discussion
6.11 Essential services	Yes - see discussion	Yes - see discussion

2.3 -R2 Low Density Residential Zone

The subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposal remains defined as a dwelling house which constitutes a permissible development only with development consent. The objectives of the zone are:

- 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 ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.
- To enable residential development in accessible locations to maximise public

transport patronage and encourage walking and cycling.

The proposed development satisfies the objectives of the zone.

4.3 - Height of Buildings

A maximum height standard of 8.5 metres applies to the subject site.

The proposed modifications involve a change of the approved height from 8.5m to 9.56m, which does not comply with the provisions of this section. This is a height exceedance of 1.060 metres and results in a contravention of 12.47%.

As the proposal is a Modification Application and not a Development Application, the provisions of Section 4.6 – Exceptions to Development Standards do not apply.

Notwithstanding, the following commentary below adopts a similar approach and consideration to the proposal as would apply to a contravention request under Section 4.6 of the LEP, including commentary regarding whether requiring compliance is unnecessary and unreasonable and environmental planning grounds to justify the proposed contravention.

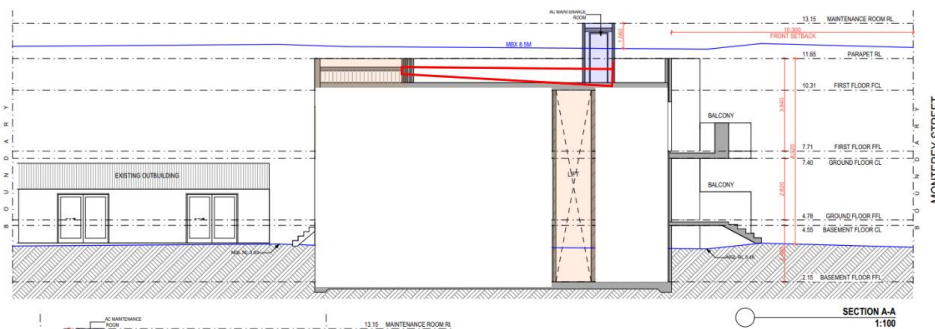


Figure 7: Extent of height of building non-compliance with lift overrun at rooftop level

As the proposal is a Modification Application and not a Development Application, the provisions of Section 4.6 – Exceptions to Development Standards do not apply.

However, the following commentary below adopts a similar approach and consideration to the proposal as would apply to a contravention request under Section 4.6 of the LEP, including commentary regarding whether requiring compliance is unnecessary and unreasonable and environmental planning grounds to justify the proposed contravention.

In this respect, the applicant has provided the following written justification (in the form of a Section 4.6 contravention statement) to substantiate the height of building non-compliance.

Applicant’s Response:

The matter of Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007) sets out 5 ways in which compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case. The 5 ways are:

- *if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).*

- *the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- *the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- *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.*
- *the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

'The subject application relies on the first and fourth of the Wehbe Tests being, the objectives of the standard are achieved notwithstanding non-compliance with the development standard is considered unreasonable or unnecessary as the proposed variation stems from the incorporation of a roof lift overrun within the dwelling design to allow provision for the lift shaft overrun within the approved roof form. The variation to the 8.5m Height of Building standard of a maximum of 1.06m is measured centrally within the building footprint nearest the western boundary from natural ground level (RL3.40). The proposed 1.06m variation extends across the mid-section of the western portion to make provision for the lift overrun protrusion. The subject variation is sought based on similar cases in the immediate proximity, the development achieves the objectives of the zone and the development standard without having an unreasonable impact on to adjoining properties and maintaining a compatible development with the transitioning character of the locality. The proposed development maintains the required setbacks and complies with overshadowing requirements. The roof shaft overrun is designed to be of an adequate size and provision for the dwelling development without impacting the adjoining properties'.

Moreover, the following additional considerations regarding the height of building contravention as noted by the applicant are as follows:

- **Bulk and Scale** – *the proposed variation to the height of buildings is common characteristic of dwellings in the locality and can only be viewed mostly from the western elevation. The variation does not contribute to an excessive bulk and scale of the dwellings and the proposed flat roof form and boxed facades aims to alleviate potential massing at that point.*
- **Privacy** – *the dwelling has been designed to maximise visual and acoustic privacy with the incorporation of an enclosed first floor balcony to reduce impacts on to the adjoining neighbours rear yard and the lift overrun will not impact privacy issues as the variation stems from a lift shaft not habitable space.*
- **Solar Access** – *The proposed dwelling within the development site and adjoining properties receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm within the winter solstice. The lift overrun will not impact solar access for the adjoining properties living areas and private open space.*
- **Compliance with Numerical Standards** – *The proposed development achieves a numerically compliant setbacks and private open space, landscaping and provides adequate parking spaces on site. The proposed design maintains the residential*

suburban character of the locality and is compatible and consistent with other developments in the locality. The proposed development is considered to achieve the objectives of the development standard.

- **Views and Vistas** – *The development does not impact views obtained by adjoining properties.*

Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

'Strict compliance with the development standard is considered unreasonable and unnecessary as the non-compliance has been virtually abandoned by Councils previous consents granted to other newly constructed dwellings in the street and dual occupancies in the locality. The proposal is compatible with the design and massing of other new dwellings with lift access. The variation maintains a development that is sympathetic with the character and amenity of the locality and built form along the streetscape'.

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

'The matter of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015) provides some supportive guidance on the principal of "environmental planning grounds" and in accordance with Commissioner Pearson's comments, we therefore acknowledge that "environmental planning grounds" must be specific to the proposed development on the subject site and would be matters arising from S.4.15 Evaluation Criteria in the EPA Act, 1979'.

- *The development application responds to the objective of Clause 4.3 of the BLEP 2021 and has been designed to ensure the proposal does not pose any adverse impacts on to the adjoining neighbours and streetscape;*
- *The bulk, scale and massing of the proposal is not impacted by the variation as the design includes a flat/skillion roof form and boxed façade at the streetscape to conceal additional massing;*
- *The site is permissible and suitable for the proposed development;*
- *The variation will not impact local heritage items;*
- *The variation will not impact views or view corridors;*
- *Strict compliance with the standard would not result in any unreasonable environmental planning impacts, or would constitute a disorderly and uneconomic development outcome creating a development that remains within the public interest;*
- *The proposal achieves the objectives and the key provisions of the DCP including setbacks, landscaped area, private open space and car parking;*
- *The character of the area remains unaffected as the resultant development;*
- *The proposal maintains a two (2) story from the street;*
- *The design maintains a low-density character consistent with the desired outcome of the locality;*

- *The design incorporates a dispersed building mass along the site to alleviate adverse impacts on to the neighbouring dwellings through compliant setbacks which responds to the sites topography and context through the use of horizontal and vertical building elements, articulated facades and recesses, compliant floor to floor ceiling heights, an attentive and sympathetic window design and compliant solar access. The proposed building mass is balanced and proportionate that is suitable to the sites context and locality; and*
- *The proposed overall building envelope and scale ensures adjoining properties receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm within the winter solstice to remain compliant with solar access controls within the DCP.*

Assessing Officer Comments:

As noted above, the proposal results in an overall built form containing a two storey detached dwelling house with the breach in height resulting primarily from the newly constructed lift overrun stemming from the rooftop/ terrace.

The overall extent of the height breach is warranted with respect to the justification provided by the applicant in that the bulk of the built form is subservient to detached two storey dwellings within the immediate vicinity, with additional impacts associated with visual privacy, overshadowing being negligible.

In this regard, there is evidence to suggest that compliance with the maximum height of building development standard is unreasonable and unnecessary in the circumstance as the element of the overall building that exceeds the maximum height is the lift overrun and AC storage unit. It is noted that the existing dwelling (as measured to the flat roof) remains compliant with the 8.5m maximum building height under S4.3 of the Bayside LEP 2021.

Further, it is agreed that with respect to justifiable environmental planning grounds, the contravention to the height of building development standard does not pose any additional adverse environmental impacts to neighbouring properties with the built form complying with the required building setbacks, having minimal overshadowing impacts and as well as minimising direct line of sight concerns to neighbouring and adjoining properties. In this respect, the proposal remains within the public interest and aligns with the objectives of the height of building under S4.3 of the BLEP 2021. As such, the contravention to the height of building development standard is acceptable in this instance.

4.4 – Floor Space Ratio / 4.4A – Exceptions to Development Standards

A maximum FSR standard of 0.50:1 (GFA of 234.1m²) applies to the subject site and proposal.

It is noted that the original development application under DA-2007/377 was approved with an FSR of 0.54:1 (253.0m²) which was non-compliant under the Rockdale LEP 2000.

In the context of the proposed modification, the proposal seeks to retain the approved FSR of 0.54:1, as a result of the additional unauthorised works, which in turn, remains non-compliant with the numerical provisions of Section 4.4. The resultant gross floor area (as built) equates to approximately 253.0m².

This is an FSR exceedance of approximately 18.90m² and results in a contravention of approximately 8.0%.

Therefore, as the proposal is a modification application and not a development application, the provisions of Section 4.6 – Exceptions to Development Standards do not strictly apply.

However, the following commentary below adopts a similar approach and consideration to the proposal as would apply to a contravention request under Section 4.6 of the LEP, including commentary regarding whether requiring compliance is unnecessary and unreasonable and environmental planning grounds to justify the proposed contravention.

Applicant's Justification:

'The variation would have a negligible impact as the approved development would maintain the same bulk and scale when viewed from the streetscape. The proposal would allow for an additional staircase to access the rooftop terrace (which is excluded from gross floor area calculations) without impacting the building envelope'.

(3) Development 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

Response: The compliance with the floor space ratio is considered unreasonable or unnecessary in this particular case as the approved development currently exceeds the allowable FSR and the proposed development does not aim to change the building envelope and will not impact the amenity of the adjoining dwellings. Considering the developments ability to achieve full compliance with all required and prescribed controls, with the exception to floor space ratio, strict compliance would be unreasonable or unnecessary as the application remains within the public interest and reflects the existing development pattern.

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

Response: The application for the variation to Floor Space Ratio can be supported under the following environmental planning grounds:

- The application for alterations and additions is a permissible form of development and achieves the objectives of the R2 Low Density Residential zone;
- The approved dwelling exceeds the permissible FSR;
- The application achieves the objectives of Clause 4.4 Floor Space Ratio and is discussed below:

(a) *to establish standards for the maximum development density and intensity of land use,*

Response – the proposal is consistent with the approved building envelope and provides for an adequate bulk and scale for the lot;

(c) to ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

Response – *the proposal is consistent with the approved building envelope and provides for an adequate bulk and scale for the lot;*

(d) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

Response – *The proposal maintains the same development as the existing building with the exception of an enclosed first-floor balcony and designed to meet the controls of the Bayside DCP. The proposal ensures that the development provides appropriate built form transition between new portions of the building and adjoining properties.*

(e) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,

Response - The proposal maintains the same development as the existing building with the exception of an enclosed first-floor balcony and designed to meet the controls of the Bayside DCP which is a permissible form of development.

(e) to ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.

Response – *The proposal maintains compliance with the 8.5m height limit.*

In addition to the above, the applicant has also noted the following:

The matter of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (21 December 2007) sets out 5 ways in which compliance with a development standard can be demonstrated to be unreasonable or unnecessary in the circumstances of the case. The 5 ways are:

- if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).
- the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary
- the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable
- 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
- the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that "compliance with the standard in that case would also be unreasonable or unnecessary.

' The proposal relies on adhering to the 'first test' in that the exceedance in the FSR is considered unreasonable or unnecessary as:

- *The proposal is a permissible form of development in the R2 Low Residential zone and complies with the objectives of the development standard and zone;*
- *The variation of the proposed additional gross floor area is due to the additional gross floor area created by the enclosure of the first-floor balcony. The conversion of the first-floor balcony in to a master bedroom/ensuite and WIC creating a more useable space for the occupants of the site and removes the privacy impact on to the adjoining neighbours from the large balcony protruding off the rear of the building looking in to their rear yards;*
- *Solar access is maintained for adjoining neighbours as north is located towards the rear boundary;*
- *The existing approved dwelling has an FSR that exceeds the permissible FSR prescribed to the site;*
- *The bulk and scale of the development remains reflective of the approved dwelling and consistent within the streetscape;*
- *The development maintains a density reflective of a single dwelling house;*
- *The proposal is compatible with the established front building alignment and the side and rear setback controls, ensuring that the proposed additional floor space maintains adequate building separation, access, privacy, natural lighting and ventilation;*
- *The bulk, scale and massing of the proposal maintain the characteristics of the streetscape;*
- *The proposed design complies with the required development standards and controls, with the exception to FSR, and responds to the sites context and positioning providing a functional and proportionate development;*
- *The proposal remains within the public interest because it includes an articulated development design that works to alleviate impacts on to the adjoining neighbours and provides for a compatible design and harmonious balance between the current streetscape and the transitioning desired residential accommodation.*

Furthermore, the applicant also outlines the matters related to supporting the contravention by means of the following applicable environmental planning grounds:

'...the matter of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015) provides some supportive guidance on the principal of "environmental planning grounds" and in accordance with Commissioner Pearson's comments, we therefore acknowledge that "environmental planning grounds" must be specific to the proposed development on the subject site and would be matters arising from S.4.15 Evaluation Criteria in the EPA Act, 1979.'

- *The development application responds to the objectives of Clause 4.4 of the BLEP 2021 and has been designed to ensure the proposal does not pose any adverse impacts on to the adjoining neighbours and streetscape;*
- *The variation of the proposed additional gross floor area is due to the additional gross floor area created by the enclosure of the first-floor balcony. The conversion of the first-floor balcony in to a master bedroom/ensuite and WIC creating a more useable space for the occupants of the site and removes the privacy impact on to the adjoining neighbours from the large balcony protruding off the rear of the building looking in to their rear yards;*
- *Solar access is maintained for adjoining neighbours as north is located towards the rear boundary;*
- *The bulk, scale and massing of the proposal is not impacted by the variation and would provide a density that is reflective within the locality;*
- *The site is permissible and suitable for the proposed development;*
- *The variation will not impact any local heritage, environmental significance or view corridor;*
- *Strict compliance with the standard would be unreasonable considering the proposed development remains within the approved development envelope and would constitute a development outcome creating a development that remains within the public interest;*
- *The proposal achieves the objectives and the key provisions of the DCP;*
- *The character of the area remains unaffected as the resultant development;*
- *The design maintains a low-density character consistent with the existing, desired and transitioning outcome of the planned locality;*
- *The design incorporates a compatible building mass, compliant setbacks which responds to the sites context;*
- *the proposal has a negligible impact on solar access;*
- *The site demonstrates potential for an increase in FSR without impacting the building envelope; and*
- *The proposal remains within the public interest due to the lack of impact and overall compliance with the remaining development standards and controls.'*

Planning Officer Comments:

As highlighted by the applicant, the proposal seeks to contravene the FSR development standard by approximately 8.0% (18.90m²) as noted under S4.4 of the BLEP 2021. Primarily, the additional gross floor area pertains to the enclosed rear first floor balcony which has been converted into a bedroom and the addition of stair access to the rooftop terrace.

The resultant additional gross floor area to the dwelling does not constitute unreasonableness in the fact that although the maximum FSR has been exceeded, the resultant bulk and scale of the development does not adversely impact neighbouring properties and that the proposal aligns with the FSR objectives under S4.4 of the Bayside LEP 2021.

In this instance, there is clear evidence provided by the applicant to demonstrate that the proposal FSR contravention is reasonable and provides sufficient environmental planning grounds for which to support the 8% variation.

5.21 – Flood Planning

Council's records indicate that the lot is subject to flooding in a PMF event. The proposal alters aspects of the approved first floor level.

The proposal was reviewed by Council's Development Engineer who advised that no objections were raised regarding flooding matters.

The proposal is satisfactory with respect of the provisions of this LEP Section.

6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 5 affect the property by the LEP mapping. The proposal involves additional excavation.

The proposal does not involve any excavation below natural ground level other than for footings. As excavation is less than 2 metres in depth, an Acid Sulfate Soils Management Plan is not warranted in this instance and the proposal is acceptable in the context of the LEP Section.

The proposal is consistent with the objectives and requirements of Section 6.1.

6.3 – Stormwater and WSUD

The proposal does not include modifications to the approved stormwater management on the site. Stormwater plans were submitted with the application. The application was reviewed by Council's Development Engineer who had no objections to the proposal subject to conditions which have been included in the recommended conditions.

6.11 – Essential Services

Services are generally available on site to facilitate the proposed development, as proposed to be modified. Appropriate conditions have been recommended requiring approval or consultation with relevant utility providers with regard to any specific requirements for the provision of services on the site.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 ("the DCP"). This is the comprehensive DCP relevant to the proposal. The following table outlines the relevant Parts of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Parts	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1 Site Analysis and Locality	Yes - see discussion	Yes - see discussion
3.3 Energy and Environmental Sustainability	Yes - see discussion	Yes - see discussion
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes - see discussion	Yes - see discussion
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.9 Stormwater Management and WSUD	Yes - see discussion	Yes - see discussion
3.10 Flood Prone Land	Yes - see discussion	Yes - see discussion
3.11 Contamination	Yes - see discussion	Yes - see discussion
3.12 Waste Minimisation and Site Facilities	Yes - see discussion	Yes - see discussion
3.13 Areas subject to Aircraft Noise and Airport airspace	Yes - see discussion	Yes - see discussion
3.14 Noise, Wind, Vibration and Air Quality	Yes - see discussion	Yes - see discussion
PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS		
5.1.3 Pools and Spas	Yes - see discussion	Yes - see discussion
5.1.4 Quality of Design, Choice and Diversity	Yes - see discussion	Yes - see discussion
5.2.1 Low Density Residential	Yes - see discussion	Yes - see discussion
PART 8 – MANAGING RISK AND ENVIRONMENTAL CONSIDERATIONS		
8.2 Soil Management	Yes - see discussion	Yes - see discussion

The following sections elaborate on key matters from the above table.

PART 3 – GENERAL DEVELOPMENT CONTROLS

Part 3.1 – Site Analysis

The proposal was accompanied by a Site Plan which provides a general overview of the surrounding urban context which contains predominately detached dwelling houses. In this respect, the proposal aligns with the general objectives under Part 3.1 of the BDCP 2022 and is acceptable.

Part 3.3 – Sustainable Development**3.3.2 – Natural Lighting and Ventilation**

The proposal seeks to provide floor to ceiling heights for the existing dwelling as follows:

- Ground floor: 2.6m.
- First Floor: 2.6m.

Although the provisions under the BDCP 2022 requires minimum ceiling heights of 2.6m for habitable spaces, the minor non-compliance with respect to the existing dwelling is acceptable as it allows for sufficient natural ventilation and sunlight. In this respect, the proposal is acceptable under Part 3.3.2 of the BDCP 2022.

Part 3.5 – Traffic, Parking and Access

The proposed modification does not adversely change the parking and transport considerations for the approved development, however, results in minor footprint changes to the basement carpark. However, the changes made are negligible with respect to the overall number of off-street car parking spaces required for the dwelling house.

Table 3 of the DCP stipulates the parking required, based on the proposed use. This proposed modification does not change the parking requirement of two car spaces. Two car spaces are retained within the basement, therefore complying with the DCP control. The spaces are compliant with the relevant Australian Standard.

The application was referred to Council's Development Engineer who raised no objections to the proposal, subject to conditions which have been included in the recommended conditions.

The proposal satisfies the transport, access and parking requirements of the DCP and is acceptable in the circumstance.

Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management

The proposal does not result in any changes to the existing landscape area or areas of private open space, inclusive of the removal of any trees within the site or on Council's nature strip.

The proposal is satisfactory in regard to the objectives and provisions of Parts 3.7 and 3.8 of the BDCP 2022.

Part 3.9 – Stormwater Management and WSUD

An assessment against stormwater management has been discussed in response to Section 6.3 of the LEP, in the previous section of this report.

Part 3.10 – Flood Prone Land

An assessment against flood management has been discussed in response to Sections 5.21 and 5.22 of the LEP, in the previous section of this report.

Part 3.11 – Contamination

An assessment of contamination has been discussed in response to *SEPP (Resilience and Hazards) 2021* in a previous section of this report.

Part 3.12 – Waste Minimisation and Management

A Waste Minimisation and Management Plan prepared by Zane Carter Architects (N.D.) was submitted with the application listing methods for minimising and managing construction and ongoing waste on site.

As the works to the dwelling house have already been completed, there is minimal additional on-going construction waste as a result.

Nevertheless, an appropriate condition will be imposed in the draft notice of determination requiring compliance with the submitted waste management plan. In this respect, the proposal is acceptable with respect to waste management.

3.13 – Development in areas subject to Aircraft Noise and Sydney Airport Operations

The proposal does not change the height and intrusion into the Sydney Airport OLS and PANS-OPS. This has been discussed in response to Section 6.8 of the LEP previously.

PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENT

5.1.1 Fences and Walls

The proposal retains all existing boundary fences, as well as the existing pool fencing. Therefore, the proposal is acceptable under Part 5.1.1 of the BDCP 2022.

5.1.3 Pools and Spas

The proposal seeks to retain the existing swimming pool located at the rear of the site.

It is noted that a Building Information Certificate (BIC) had been submitted and approved by Council for the pool fencing.

In this respect, the proposal complies with the requirements and objectives under Part 5.1.3 of the BDCP 2022 for swimming pools and spas and is acceptable.

5.1.4 Quality of Design, Choice and Diversity

The proposal results in high quality finishes and therefore, aligns with the general objectives under Part 5.1.4 of the BDCP 2022.

5.2.1 Low Density Residential

5.2.1.1 Streetscape, Local Character and Quality of Design



Figure 8: Existing two storey dwelling (No.43) as viewed from Monterey Street

The existing streetscape along Monterey Street comprises predominately of a mix of single and two storey detached dwelling houses with landscape front setbacks and driveways. It is noted that there are a few properties along Monterey Street which also contain basement car parks.

The proposal is consistent with the local streetscape, noting the setbacks, form and materials incorporated into the design are contextually appropriate. The new semi-detached dwellings incorporate a range of materials and colours which are sympathetic and reinforce existing development in the locality and enhances the existing streetscape. The materials proposed on the exterior walls add interest and articulate the façade.

5.2.1.2 - Built Form Controls

The building is two storeys high and therefore complies with the requirements of this Part.

The DCP includes a provision stating:

Two or three storey developments are only permitted towards the front of an allotment and may only extend to a maximum of 70% of the depth of the site measured from the front property boundary

The maximum building length is compatible with that of adjoining sites.

To ensure building height is compatible with the existing and envisaged built form of the site's surrounds, having regard to natural landform (topography), amenity and local character. (Note: Preferred future local character for specific localities is identified in Chapter 7 – Location Specific Controls of this DCP.)

To ensure building length is broken up to reflect the low-density character of adjoining sites.

To ensure roof form, pitch, materials, and colours are compatible with those prevailing in the surrounding area.

To ensure that void spaces in dwelling houses are designed to increase the amenity of a dwelling, and that the provision of such spaces does not lead to diminution in the amenity of adjacent properties.

5.2.1.3 – Setbacks

The DCP control requires a minimum front setback of the average of dwellings on adjoining lots or 6 metres, side setbacks of 900mm at ground floor and 1.5m at first and a rear setback of 5 metres.

Floor Level	Proposed Building Setback	Compliance
Ground Floor	Eastern (side): 1.2m	Yes
	Western (side): 1.3m	Yes
	Southern (front): Min 7.m – 9.1m	Yes
	Northern (rear): 14.1m	Yes
First Floor	Eastern (side): 1.2m	Yes
	Western (side): 1.3m	Yes
	Southern (front): Min 7.7m – 9.2m	Yes
	Northern (rear): 13.1m	Yes

The objectives of the setback controls are:

To ensure building setbacks are compatible with the envisaged streetscape and provide a reasonable level of amenity based on the adjacent road environment.

To ensure an appropriate level of visual and acoustic privacy between a development and its adjoining sites, as well as providing sufficient space for access, landscaping and private open space.

To positively contribute to the streetscape through building articulation and building elements that encourage engagement between the development and public domain.

To ensure an appropriate level of visual and acoustic privacy between a development and its adjoining sites as well as providing sufficient space for access, landscaping and private open space.

The proposal is consistent with the prevailing street setback and contributes to the public domain by enhancing streetscape character and continuity of street facades through the differentiation of ground and first floor setbacks, providing a cohesive landscaped setting and direct front entry access.

The development has a staggered building design with side setbacks exceeding the minimum requirement to most parts. This allows for appropriate spatial relief between the

subject site and adjoining dwellings. The proposal is not considered to unreasonably impact upon the adjoining dwellings by way of overshadowing and overlooking, and will not significantly reduce the solar access, light or air received by the adjoining dwellings. Therefore, the proposed setbacks can be considered consistent with the objectives and controls for building setbacks.

5.2.1.4 - Landscaping and Private Open Space

The landscaping controls in Part 3.7 of the DCP have been addressed previously.

5.2.1.5 - Solar Access and Overshadowing

Dwellings within the development site and adjoining properties are required to receive a minimum of 2 hours direct sunlight to habitable living rooms (family rooms, rumpus, lounge and kitchen areas) and to at least 50% of the primary open space between 9am and 3pm in mid-winter (June 21).

The subject site is orientated north to south with the frontage of the site facing south and the rear of the site facing north. The lot pattern of the street is such that each adjoining site also has the same orientation.

The applicant has provided existing and proposed aerial shadow diagrams at hourly intervals between 9am to 3pm for mid-winter (June 21) and spring-equinox (September/March 21).

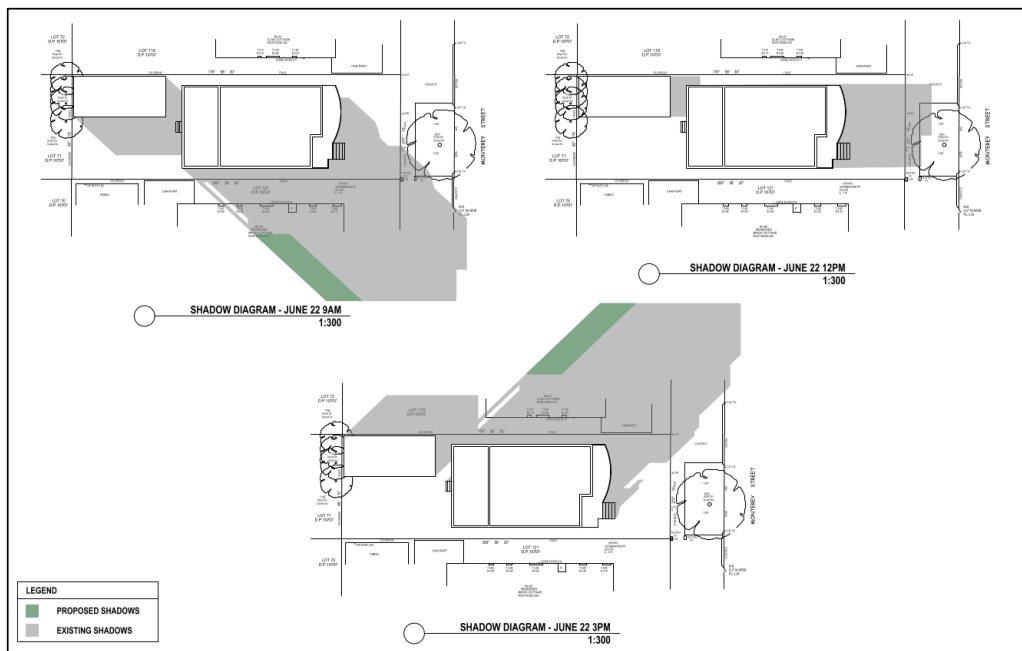


Figure 9: Proposed mid-winter shadows (as constructed) at 43 Monterey Street, Monterey

As demonstrated within the shadow diagrams, at mid-winter, the proposal will achieve the minimum 2 hours of direct sunlight to its own areas of private open space and habitable windows and as well as the neighbouring properties.

Given the above assessment regarding the solar access and overshadowing objectives and controls, it is reasonable to conclude the proposal is acceptable in this instance.

5.2.1.6 - Parking and Access

This has been addressed previously in accordance with Part 3.5 of the DCP.

5.2.1.7 - Visual and Acoustic Privacy

An assessment of potential privacy impacts upon neighbours has been undertaken having regard to the controls and objectives of this Part of the DCP.

The original application resulted in the two storey dwelling containing a large rear first floor balcony. However under this application, the first floor rear balcony has been enclosed to accommodate a new master bedroom. In this regard, the enclosure of this rear first floor balcony aids in minimising direct lines of sight to habitable windows and primary areas of private open space to adjoining properties. The proposal results in additional changes to ground and first floor windows by means of removing and adding new windows that are offset and also increasing the sill heights of windows to a minimum of 1.5m above finished floor level.

As such, the proposal has been designed and sited to reasonably minimise overlooking to and from adjoining properties, by incorporating:

- Highlight windows with a minimum sill height of 1.5 metres;
- Obscure or translucent glazing to windows;
- Screening opposing windows, balconies and courtyards;
- Retain existing 1.8m high boundary fencing; and
- Windows that are offset from windows at adjacent dwellings.

The objectives of this Part of the DCP are:

To site and design development to ensure a reasonable level of acoustic and visual privacy for residents within a development and between a development and adjoining sites.

To ensure attics do not result in excessive bulk or adverse impacts to the visual privacy of adjoining sites.

In this respect, the proposal generally aligns with the objectives under Part 5.1.7 of the BDCP 2022 and is acceptable as it does not result in any additional adverse visual privacy impacts.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation, the Modification submission has included sufficient information to enable environmental assessment of the application (Part 5, Division 1 of the Regulation).

All relevant provisions of the Regulations have been taken into account in the assessment of

this proposal.

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed or warrant some elaboration are as follows:

Built Environmental Impacts

Streetscape

Refer to BDCP 2022 Part 5.2.1.1 section of the modification assessment report for information regarding streetscape.

Social Impacts

The social impacts of the proposal are expected to be positive or neutral, with a development of high-quality design and amenity to meet the needs of future residents, within a form compatible with the character of the area and with impacts which are not significantly adverse, and commensurate with impacts to be expected from development of the site, given the planning controls.

Economic Impacts

In terms of economic impacts, the proposal will cause no anticipated negative economic impacts and will result in positive economic impacts from the materials and labour needed for construction of the proposal.

Additional Conditions

- a) Section 7.12 contributions: The works completed for the dwelling without consent resulted in an overall cost of works of \$224,000.00 and is therefore subject to S7.12 development contributions.
- b) Building Information Certificate: As the proposal (as modified) is a result of unauthorised construction works, a new condition will be imposed requiring the lodgement of a new Building Information Certificate.

S4.15(1)(c) - Suitability of the Site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment. Subject to the recommended conditions, the proposal is suitable for the site.

S4.15(1)(d) - Public Submissions

The submissions made, and consideration of matters raised within those submission, has been previously outlined in response to the relevant subsection in Section 4.55(3) of the Act.

S4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the modification application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposal will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11/S7.12 - Development Contributions

It is noted that the Rockdale Section 94A Development Contributions Plan 2008 was not in effect at the time as to which the original DA application (being DA-2007/377) was approved.

However, in the circumstance of the case, the above additional unauthorised construction works results in an overall cost of approximately \$224,000.000.

The application was referred to Council's Development Contributions Planner who advised that the following Section 7.12 contributions will be required:

- \$2007.00.

In this respect, a suitable new condition will be imposed requiring the payment of the above stated amount for the new works prior to the Issue of a Building Information Certificate.

Conclusion and Reasons for Decision

The proposed development at 43 Monterey Street, MONTEREY NSW 2217 has been assessed in accordance with Sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposal is a Modification Application under Section 4.55(2) of the Act. The modification proposed seeks to modify Development Consent No. DA-2007/377, which approved the construction of a two storey dwelling, originally approved on 24 April 2007. The proposed modifications essentially involves the use of the first floor balcony as a bedroom, use of the internal lift and AC unit to the rooftop.

In response to the public notification, no submissions were received.

The proposal is supported for the following main reasons:

- The proposal remains substantially the same development as originally approved.
- The proposed contravention to the Height of Building and FSR are acceptable, as the modified proposal is consistent with the objectives of the standard being breached and consistent with the objectives of the zone.

- The proposal, subject to conditions, is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The proposal is consistent with the objectives of Bayside Development Control Plan 2022 and generally consistent with the relevant requirements of Bayside Development Control Plan 2022.
- The site is suitable for the proposed development.
- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Schedule 1 – Draft Conditions of Consent

Refer to draft conditions attached separately.

GENERAL CONDITIONS

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of **three** (3) years from the date of approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions **as noted in the table below**:

<i>Plan No.</i>	<i>Revision No.</i>	<i>Plan Description</i>	<i>Prepared By</i>	<i>Date of Plan</i>
<i>MDA 01</i>	<i>Revision A</i>	<i>Site Plan</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 02</i>	<i>Revision A</i>	<i>Proposed Ground Floor Plan</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 03</i>	<i>Revision A</i>	<i>Proposed First Floor Plan</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 04</i>	<i>Revision A</i>	<i>Proposed Basement Floor Plan</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 05</i>	<i>Revision A</i>	<i>Proposed South and East Elevations</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 06</i>	<i>Revision A</i>	<i>Proposed North and West Elevations</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>
<i>MDA 07</i>	<i>Revision A</i>	<i>Section A-A and Section B-B Plan</i>	<i>Zane Carter Architects</i>	<i>27.09.2024</i>

Reference Documents

<i>Document Title</i>	<i>Revision No.</i>	<i>Prepared By</i>	<i>Date</i>
------------------------------	----------------------------	---------------------------	--------------------

Modification Statement of Environmental Effects	A	Rockeman Town Planning	27.09.2024
Waste Management Plan	-	Zane Carter Architects	N.D.
Site Survey Plan (Sheet 1 of 1)	-	J.P. Bates & Inwood	13.05.2024
BASIX Certificate No. A1784024	-	Mr Sam Alawie	18.02.2025
Section 4.6 Statement (Height of Building)	Revision A	Rockeman Town Planning	27.09.2024
Section 4.6 Statement (FSR)	Revision A	Rockeman Town Planning	24.02.2025

[MDA-2024/163 – Section 4.55(2) – Amended on 25 March 2025]

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number **A1784024** other than superseded by any further amended consent and BASIX certificate.

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters:

- (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>.

[MDA-2024/163 – Section 4.55(2) – Amended on 25 March 2025]

6. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.

7. The proposed outbuilding shall not be used for any habitable, commercial, industrial or business purposes without prior development consent.
8. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
9. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

DEVELOPMENT SPECIFIC CONDITIONS

The following conditions are specific to the Development Application proposal:

10. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the retention system. The registered proprietor will:
 - i) permit stormwater to be retained by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
 - vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
11. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

 - i) permit stormwater to be temporarily detained and pumped by the system;
 - ii) keep the system clean and free of silt, rubbish and debris;
 - iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - v) not make alterations to the system or elements thereof without prior consent in writing of the Council.

- vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (Dul al any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
12. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed - solids to the waste disposal and de-sludged liquid to the sewer.
 13. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2000 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
 14. External paths and ground surface adjoining the walls of the building shall be graded and drained away from the dwelling in such a manner as to not cause a nuisance to adjoining properties.
 15. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be completed prior to the issue of the Construction Certificate.

16. A Footpath Reserve Restoration Deposit of \$2,000 shall be paid to Council prior to the issue of a construction certificate. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. Where the Deposit is in the form of a Bank Guarantee, this shall be provided on Council's Bank Guarantee Form. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
17. A fee is payable to Council for a Soil and Water Management Sign (811) of \$11.50. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
18. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
19. An application for Boundary levels shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary works, egress paths, driveways and fences shall comply with this level.

A fee of \$75 is payable to Council for the determination of boundary levels. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

20. If Council is appointed as the Principal Certifying Authority (PCA) then structural engineer's details shall be submitted prior to the issue of the Construction Certificate; such structural drawings shall be certified by the Structural Engineer that the design complies with the relevant S.A.A. Codes for the following:
- i) the footings of the proposed structure;
 - ii) all reinforced concrete floor slabs;
 - iii) all reinforced concrete stairs
 - iv) the work required to stabilise the excavation;
 - v) the work required to stabilise the footpath area;
 - vi) the design of each roof truss type showing the layout of each truss on a marking plan and the method of connecting each truss to its supporting members of the method of bracing
 - vii) all structural steel work.
21. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
22. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.
- The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate
23. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
24. The stormwater plan being amended by the Hydraulic Engineer to include the rainwater tanks prior to the issue of the Construction Certificate

PRIOR TO COMMENCEMENT OF WORKS

The following conditions must be completed prior to the commencement of works.

25. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.
26. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available

from Council.

27. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Sediment control devices shall not be located beneath the driplines of trees, which are to be retained.

28. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
29. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This condition does not apply to:

- i) building work carried out inside an existing building or
 - ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
30. The site shall be secured by a 1500 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
31. Toilet facilities are to be provided, at or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be designed and installed in accordance with the provisions of clause 781 of the Environmental Planning and Assessment Regulation 1994, and be installed before any other work is commenced

DURING DEMOLITION / EXCAVATION / CONSTRUCTION

The following conditions must be complied with during demolition, excavation and or construction.

32. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
33. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.

34. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
- i) at the commencement of the building work, and
 - ii) after excavation for, and prior to the placement of, any footings,
 - a) Trench and steel for footings, and
 - iii) prior to pouring any in-situ reinforced concrete building element,
 - a) Ground floor steel
 - b) First floor steel, and
 - iv) prior to covering the framework for any floor, wall, roof or other building element,
 - a) Bearers and joists
 - b) First floor joists
 - c) Framework
 - d) Damp proof course, and
 - v) prior to covering waterproofing in any wet areas, and
 - vi) prior to covering any stormwater drainage connections, and
 - vii) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

If Council is appointed as the Principal Certifying Authority, 48 hours notice is to be given that the above works is ready for inspection.

35. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
36. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
37. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.

38. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- i) After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii) Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii) Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv) On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.
 - v) On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
39. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and guarded and protected to prevent them from being dangerous to life or property.
40. When excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building or an adjoining allotment of land, you shall:
- i) preserve and protect the building from damage and
 - ii) underpin and support the building in an approved manner, if necessary and
 - iii) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.
- Note:** The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- In this conditions **allotment of land** includes a public road and any other public place.
41. When soil conditions require it:
- i) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii) adequate provision shall be made for drainage.

42. Works shall not encroach onto or over adjoining properties, including retaining walls, fill material or other similar works. Soil shall not be lost from adjoining sites due to construction techniques employed on the subject site.
43. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
44. The existing dwelling/structure shall be demolished and removed from the site prior to works commencing. All demolition work shall be carried out in accordance with Council's Demolition and Erection of Buildings Code, with AS2601 -- 1993: The Demolition of Structures and with the requirements of the WorkCover Authority of **NSW**.
45. The new building work shall be protected in accordance with the provisions of AS 3660.1-2000 "Termite Management - Part 1: New Building Work", as required by Part 3.1.3 of the Building Code of Australia. Certification is required to be submitted to the Principal Certifying Authority (PCA), prior to the next stage of works to ensure that the selected method of treatment is in compliance with the relevant provisions of the standard. Such certification is to be prepared by a suitably qualified person.
46. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
47. Building and demolition operations such as brickculling, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
48. All disturbed areas shall be stabilised against erosion within 14 days of

completion, and prior to removal of sediment controls.

49. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area
50. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub- contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub- contractors understand and maintain sediment control measures.

51. Builders and demolishers are required to confine access to building and demolition sites to no more than two 3m driveways, and provide a footpath protection pad over Council's footpath at these points (see attached detail). Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders/ demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

52. All other trees located within the site, adjoining properties or Council's nature strip shall not be removed or pruned without the written consent of Council in the form of a Permit issued under Council's Tree Preservation Order.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

53. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
54. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
55. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.

Note: Burning on site is prohibited.
56. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
57. The internal driveway is to be a maximum of 4.5m at the boundary.
58. A certificate is to be provided to Council that all wet areas have been effectively waterproofed (prior to tiling) in accordance with AS3740 and the product manufacturer's recommendations.
59. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Council's DCP 78 - Stormwater Management. The certificate shall be in the form specified in DCP 78 and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
60. All absorption trenches must be inspected, and a compliance certificate under Part 4A of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the principal certifying authority and be made available to Council officers upon request.
61. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes to ensure the effective performance of the system during construction and the long term viability of the system.
62. A sump and twin pumps shall be provided for draining the basement/carpark area. The pump system is to be designed and constructed in accordance with Council's Stormwater Design Manual.
63. The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.

64. A silt/litter arrestor pit as detailed in Council's Stormwater Design Code shall be provided prior to discharge of stormwater from the site.
65. The owner of the premises shall inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water
66. The overflow from the rainwater tank shall be directed to the storm water system.
67. All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
68. A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.

ROADS ACT

69. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (**not kikuyu**) or landscaped. If landscaping is proposed rather than turting, details shall be submitted to the Property and Community Services Department for approval.

Miscellaneous

70. The height of the parapet wall shall not exceed 1270mm from the first floor ceiling.

[DA-2007/377/A – Section 4.55 (1A) – Amended on 12 August 2008]

71. "No direct internal or external access shall be provided to the roof. In the case that such access is required, a separate application shall be made to Council for consideration."

[DA-2007/377/B – Section 4.55 (1A) – Amended on 24 March 2009]

PRIOR TO THE ISSUE OF THE BUILDING INFORMATION CERTIFICATE

72A. Section 7.12 Development Contributions

Before the issue of a Building Information Certificate, the applicant must pay a total contribution of \$ 2,007.00 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Rockdale Section 94A Development Contributions Plan 2008. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Rockdale Section 94A Development Contributions Plan 2008.

A copy of the development contributions plan is available for inspection on Council's website.

REASON

To address the increased demand for regional infrastructure resulting from the approved development.

[MDA-2024/163 – Section 4.55 (2) – Inserted on 25 March 2025]

72AA. Building Information Certificate

The development consent does not grant approval to the building works as carried out. Certification of these works is dependent upon the lodgement of a Building Information Certificate from Council within 6 months of the date of determination, pursuant to Sections 6.22-6.26 of the Environmental Planning and Assessment Act 1979.

REASON

To ensure compliance with relevant legislation.

[MDA-2024/163 – Section 4.55 (2) – Inserted on 25 March 2025]

DEVELOPMENT CONSENT ADVICE

- a) You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand **their** requirements **before** commencement of any work.
- b) If Council is appointed as the Principal Certifying Authority (PCA), a fee of \$833 shall be paid before a Construction Certificate is issued. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass **all** matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- c) If Council is the Principal Certifying Authority for the development, a drainage inspection fee of \$75 shall be paid prior to the issue of the Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.

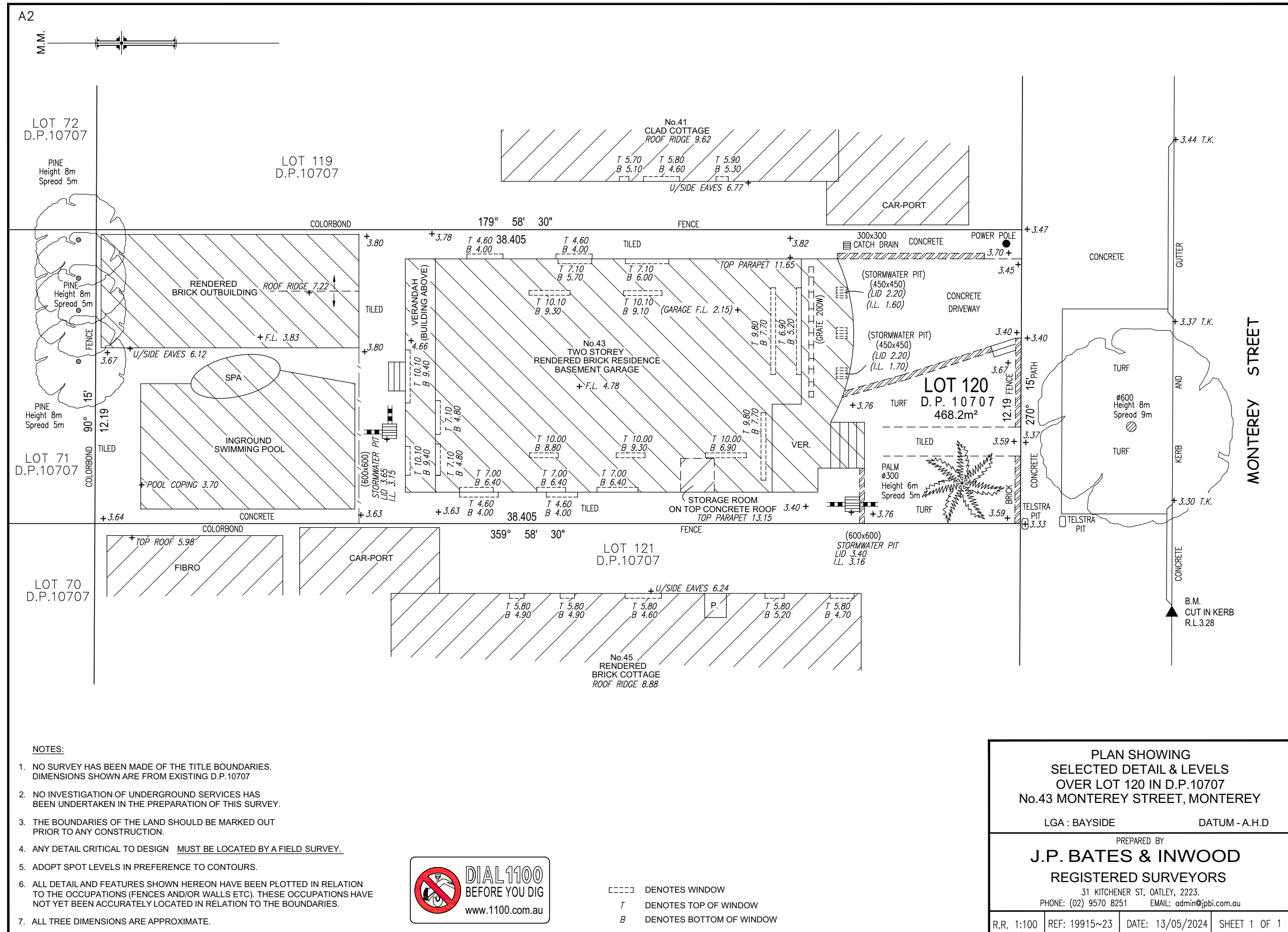
NB: This fee does not include a confined space entry into the on-site detention tank. Where a confined space entry is required, an additional fee of \$75 is payable. A confined space entry will be required where:

- a) Information provided in the works-as-executed drawing and engineering certification is inconclusive as to the compliance of the system with the approved plans; and/or
- b) Visual inspection from outside the tank is inconclusive as to the compliance of the system with the approved plans
- d) All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Occupational Health and Safety Act 2000
 - Occupational Health and Safety Regulation 2001
 - Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]

- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
- Protection of the Environment Operations (Waste) Regulation 1996

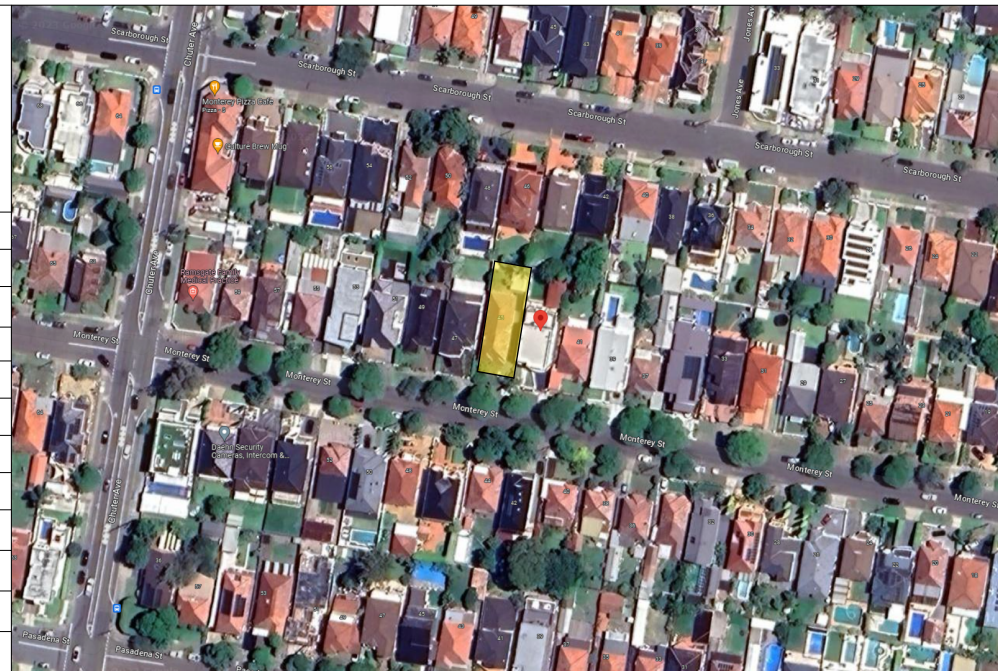
All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 1996.

- e) Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities (NSW WorkCover Authority and the NSW Environment Protection Authority), together with the relevant regulations, namely:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety Regulation 2001
- f) Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
- choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- g) The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.
- h) Fluctuations in the level water table may impact upon the subsurface structure. Specialist engineering advice should be sought regarding the design of the subsurface structure and the effects of the fluctuating water table. It is the responsibility of the designer and builder to identify and accommodate effects of water table fluctuation, and Council is not liable for any failure of the designer and builder to design in the subsurface structure to accommodate the effects of the water table.



**SECTION 4.55(2) APPLICATION -
ENCLOSED BALCONY**
43 MONTEREY STREET, MONTEREY N.S.W 2217
TWO STOREY DWELLING + BASEMENT GARAGE

MDA 00	LOCATION PLAN	A
MDA 01	PROPOSED SITE PLAN	A
MDA 02	PROPOSED GROUND FLOOR PLAN	A
MDA 03	PROPOSED FIRST FLOOR PLAN	A
MDA 04	PROPOSED BASEMENT FLOOR PLAN	A
MDA 05	PROPOSED ELEVATIONS - SOUTH & EAST	A
MDA 06	PROPOSED ELEVATIONS - NORTH & WEST	A
MDA 07	PROPOSED SECTIONS	A
MDA 08	SITE SURVEY	A
MDA 09	SHADOW DIAGRAMS - JUNE 22	A
MDA 10	SHADOW DIAGRAMS - MARCH 22	A
MDA 11	BASIX COMMITMENTS	A



GENERAL NOTES
 1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
 2. DO NOT SCALE FROM THIS DRAWING.
 3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
 4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
 5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
 6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS



SAM ALAWIE
 Registered Architect 11721
 e: info@zanecarterarchitects.com
 w: zanecarterarchitects.com.au
 i: @zanecarterarchitects
 ACN: 654 769 936

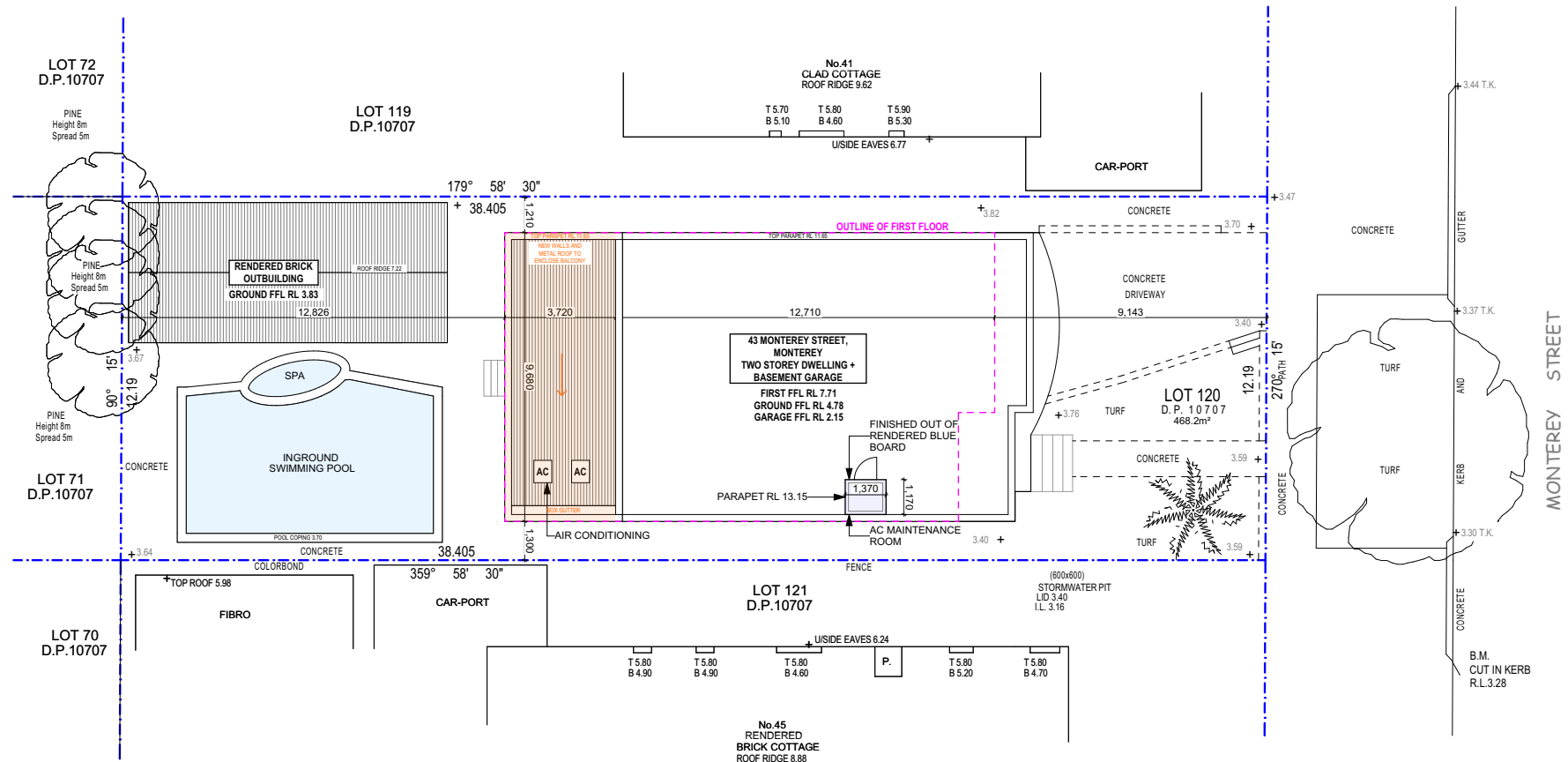
REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

Client	CONFIDENTIAL
---------------	--------------

Project	Two Storey Dwelling + Basement Garage	Scale	NOTED @A3	Date	18/02/2025
Location	43 Monterey Street, Monterey	Job no.	1485	Approved	
Drawing Title	LOCATION PLAN	Drawing no.	MDA 00	Revision	A

SITE CALCULATIONS

Site area	468.2 SQM
Total Site Allowable FSR	234.10 SQM
Proposed first floor area	123.55 SQM
Proposed ground floor area	121.66 SQM
Total proposed GFA	245.11 SQM



SITE PLAN
1:200

GENERAL NOTES
 1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
 2. DO NOT SCALE FROM THIS DRAWING.
 3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
 4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
 5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
 6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS



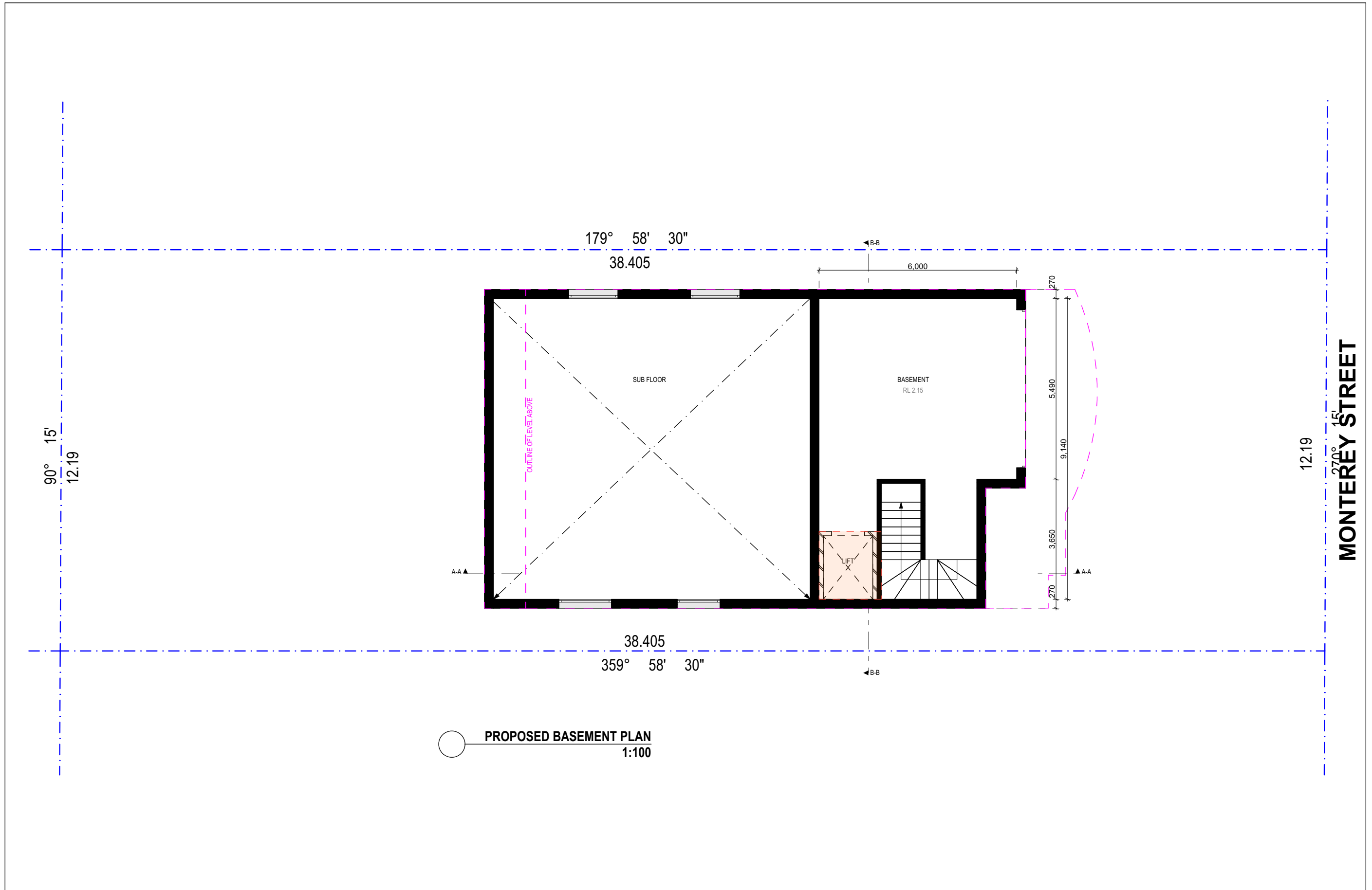
SAM ALAWIE
 Registered Architect 11721
 e: info@zane Carterarchitects.com
 w: zane Carterarchitects.com.au
 l: @zane Carterarchitects
 ACN: 654 769 936



REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

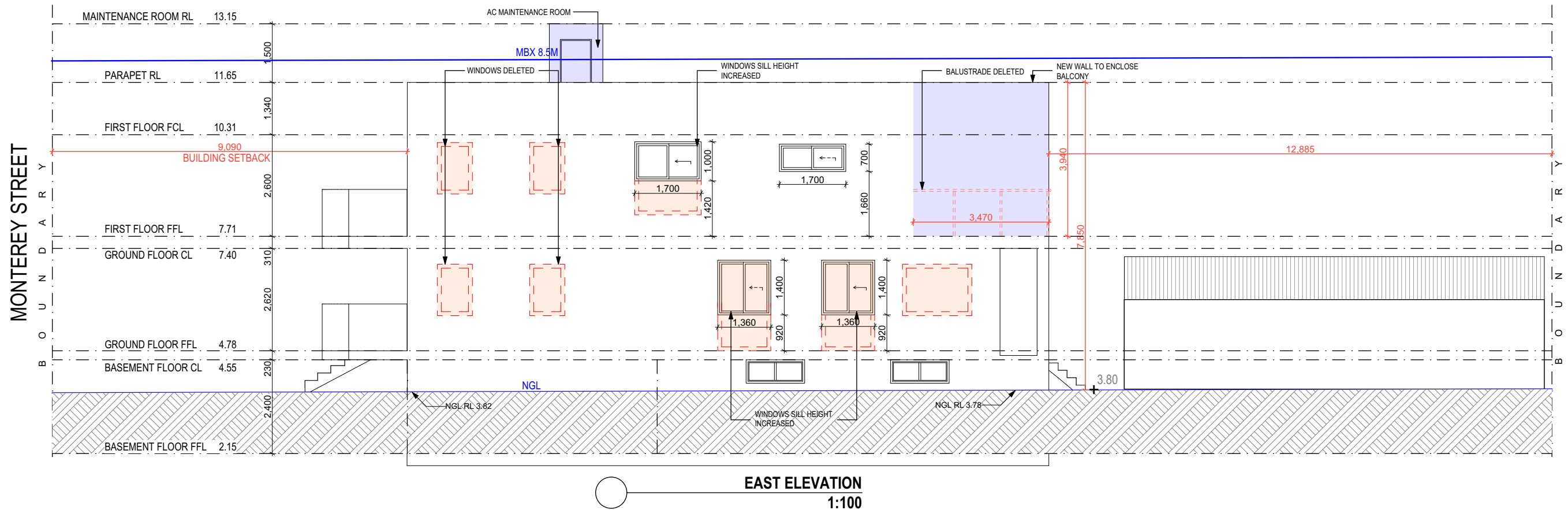
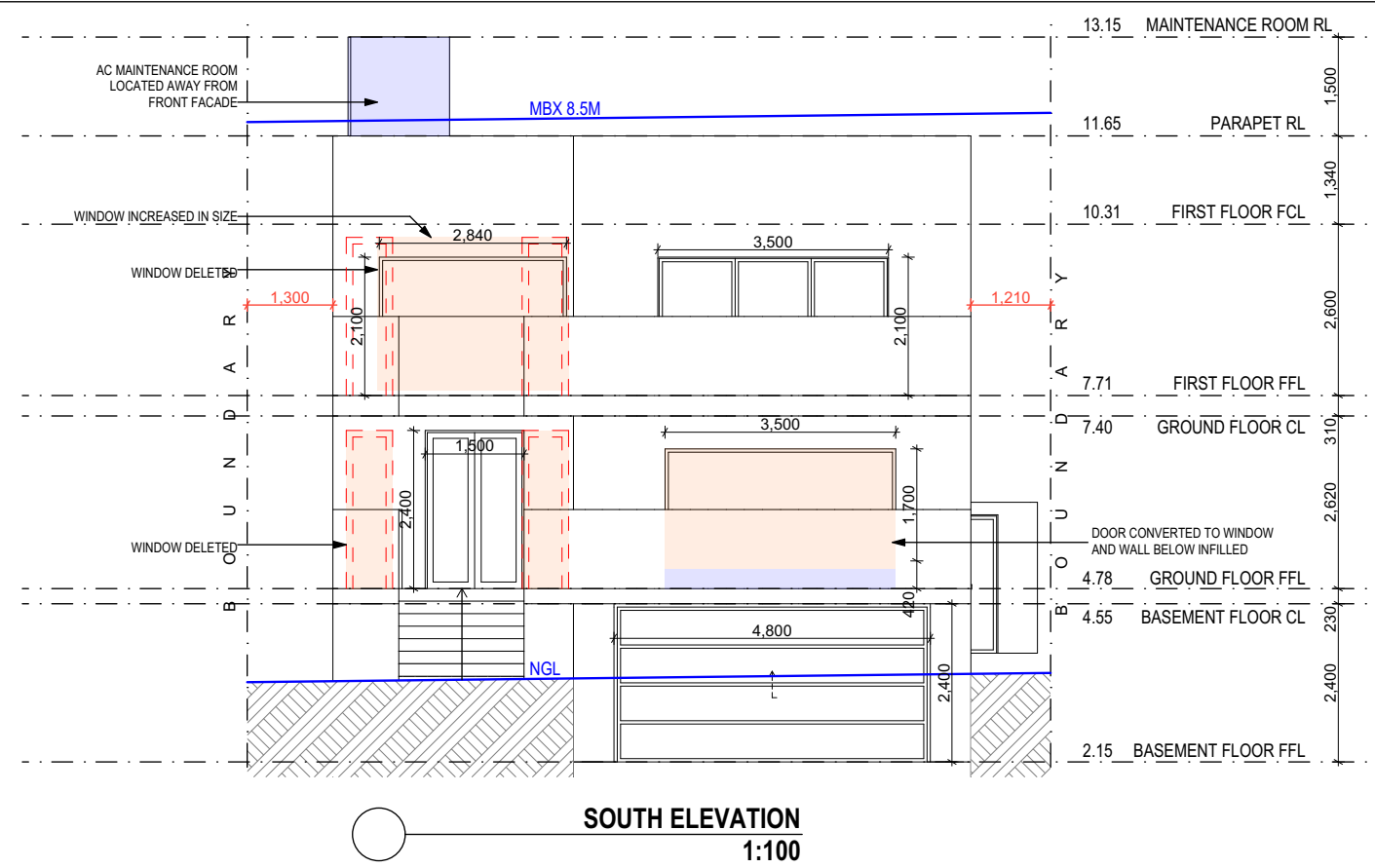
Client
CONFIDENTIAL

Project Two Storey Dwelling + Basement Garage	Scale NOTED @A3	Date 18/02/2025
Location 43 Monterey Street, Monterey	Job no. 1485	Approved
Drawing Title PROPOSED SITE PLAN	Drawing no. MDA 01	Revision A

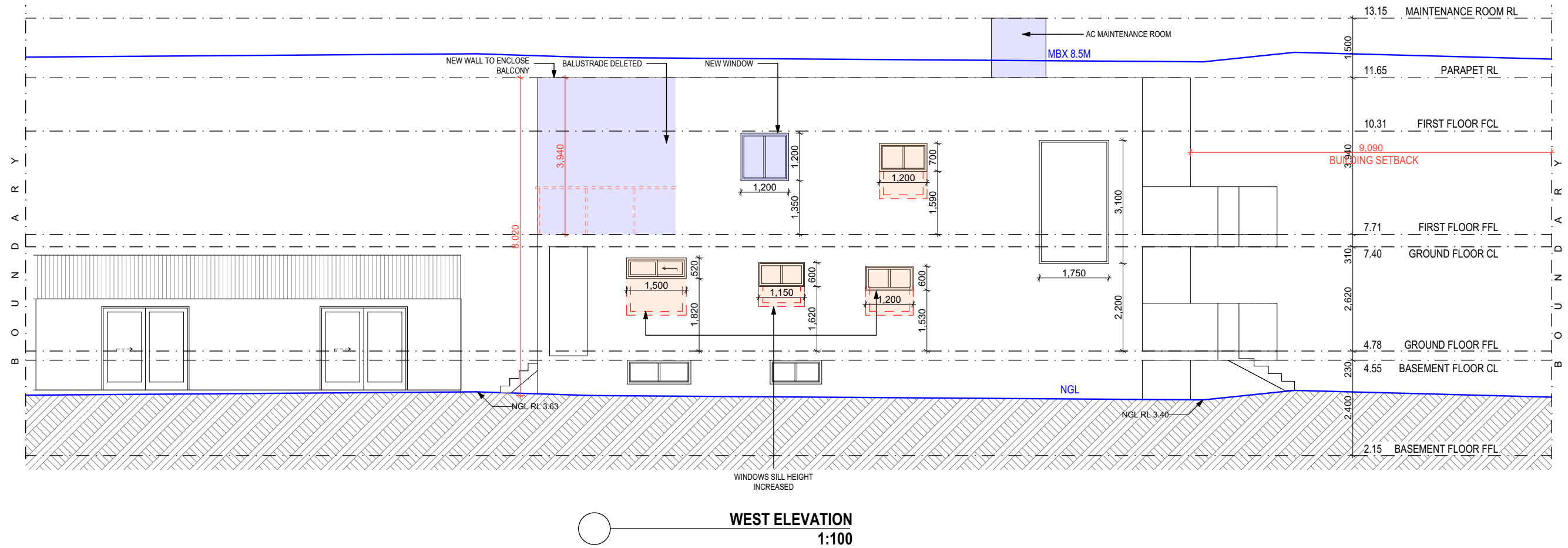
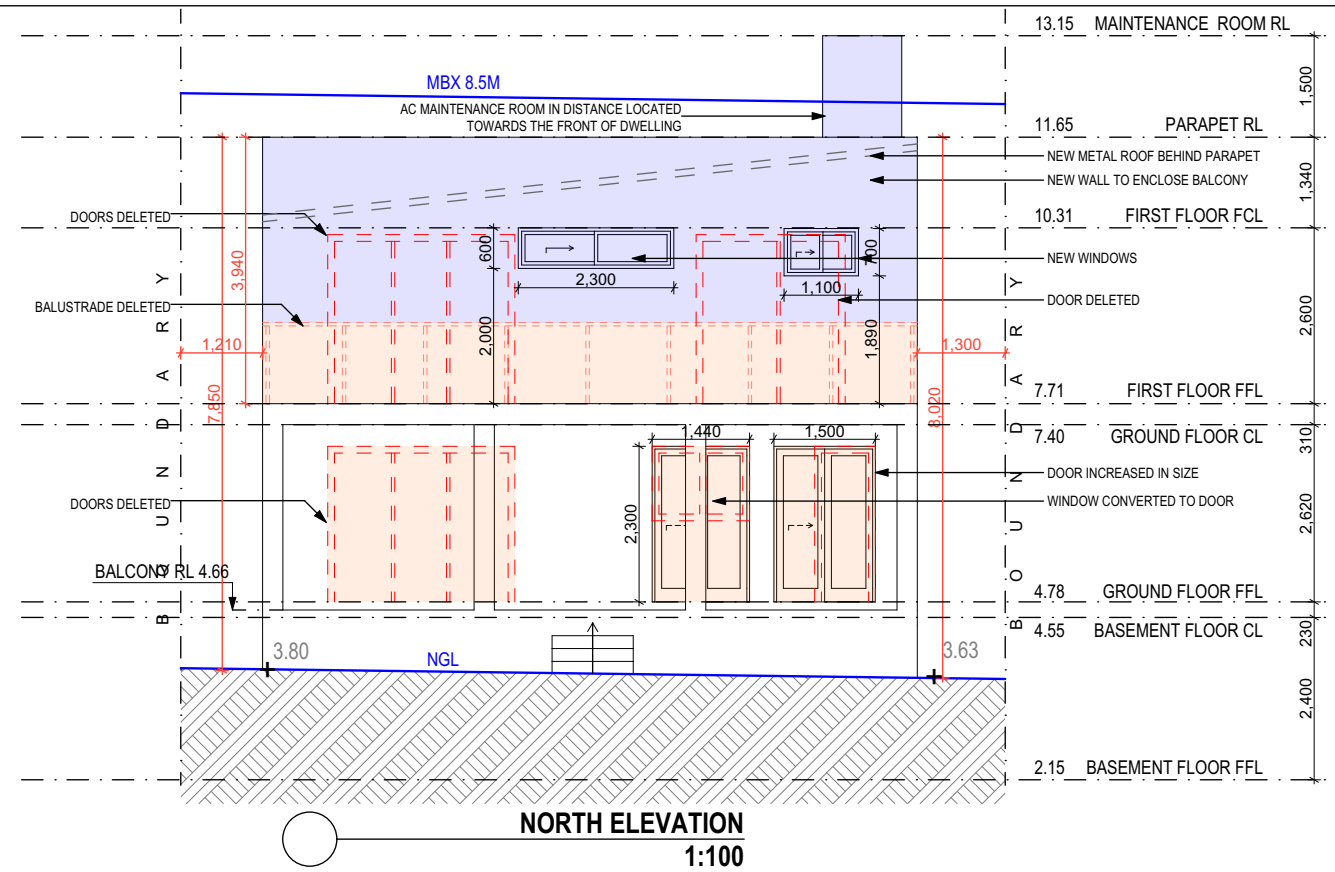


PROPOSED BASEMENT PLAN
1:100

<p>GENERAL NOTES</p> <p>1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.</p> <p>2. DO NOT SCALE FROM THIS DRAWING.</p> <p>3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.</p> <p>4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.</p> <p>5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.</p> <p>6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS</p>	<p>ZANE CARTER ARCHITECTS</p>	<p>SAM ALAWIE Registered Architect 11721 e: info@zaneccarterarchitects.com w: zaneccarterarchitects.com.au i: @zaneccarterarchitects ACN: 654 769 936</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>MDA</td> <td>27.09.24</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Issue	Revision	Date	A	MDA	27.09.24													<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Issue	Revision	Date																<p>Client CONFIDENTIAL</p>	<p>Project Two Storey Dwelling + Basement Garage</p>	<p>Scale NOTED @A3</p>	<p>Date 18/02/2025</p>
				Issue	Revision	Date																																									
				A	MDA	27.09.24																																									
Issue	Revision	Date																																													
								<p>Location 43 Monterey Street, Monterey</p>	<p>Job no. 1485</p>	<p>Approved</p>																																					
								<p>Drawing Title BASEMENT FLOOR PLAN</p>	<p>Drawing no. MDA 04</p>	<p>Revision A</p>																																					



<p>GENERAL NOTES</p> <p>1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.</p> <p>2. DO NOT SCALE FROM THIS DRAWING.</p> <p>3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.</p> <p>4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.</p> <p>5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.</p> <p>6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS</p>	<p>ZANE CARTER ARCHITECTS</p>	<p>SAM ALAWIE Registered Architect 11721 e: info@zaneccarterarchitects.com w: zaneccarterarchitects.com.au l: @zaneccarterarchitects ACN: 654 769 936</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>MDA</td> <td>27.09.24</td> </tr> </tbody> </table>	Issue	Revision	Date	A	MDA	27.09.24	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> </tbody> </table>	Issue	Revision	Date	<p>Client CONFIDENTIAL</p>	<p>Project Two Storey Dwelling + Basement Garage</p>	<p>Scale NOTED @A3</p>	<p>Date 18/02/2025</p>
			Issue	Revision	Date												
A	MDA	27.09.24															
Issue	Revision	Date															
<p>Location 43 Monterey Street, Monterey</p>	<p>Job no. 1485</p>	<p>Approved</p>	<p>Drawing Title SOUTH & EAST ELEVATION</p>	<p>Drawing no. MDA 05</p>	<p>Revision A</p>												



MONTEREY STREET

GENERAL NOTES
 1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
 2. DO NOT SCALE FROM THIS DRAWING.
 3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
 4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
 5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
 6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS

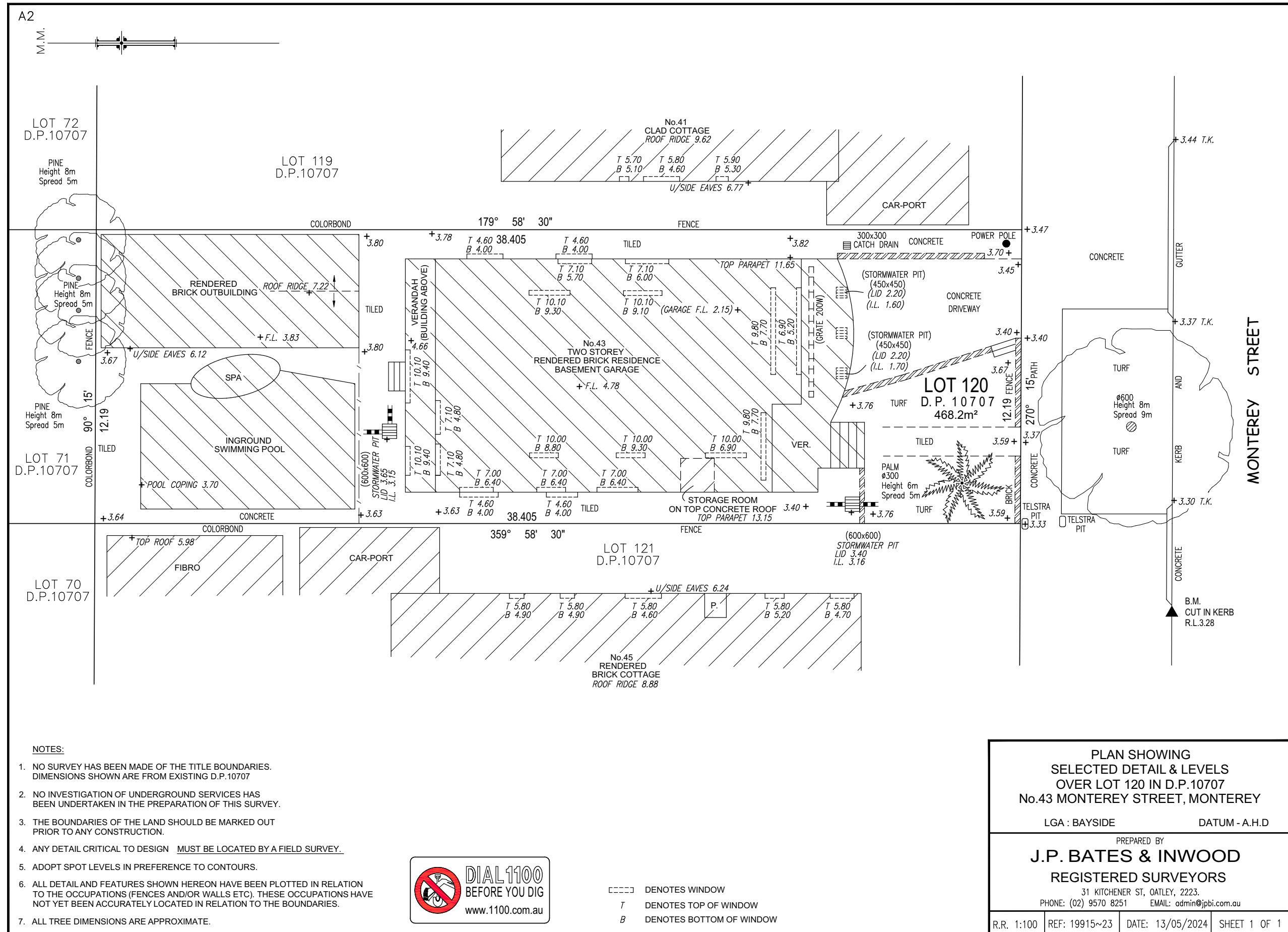
ZANE CARTER ARCHITECTS

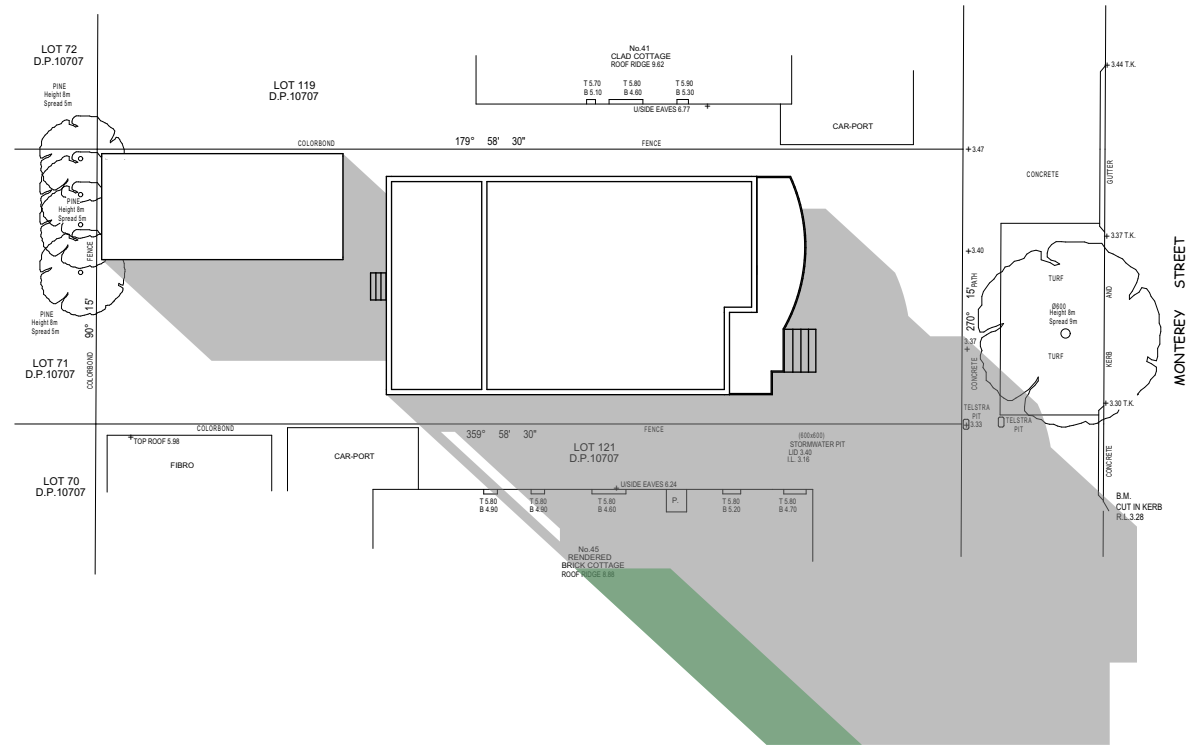
SAM ALAWIE
 Registered Architect 11721
 e: info@zane Carterarchitects.com
 w: zane Carterarchitects.com.au
 l: @zane Carterarchitects
 ACN: 654 769 936

REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

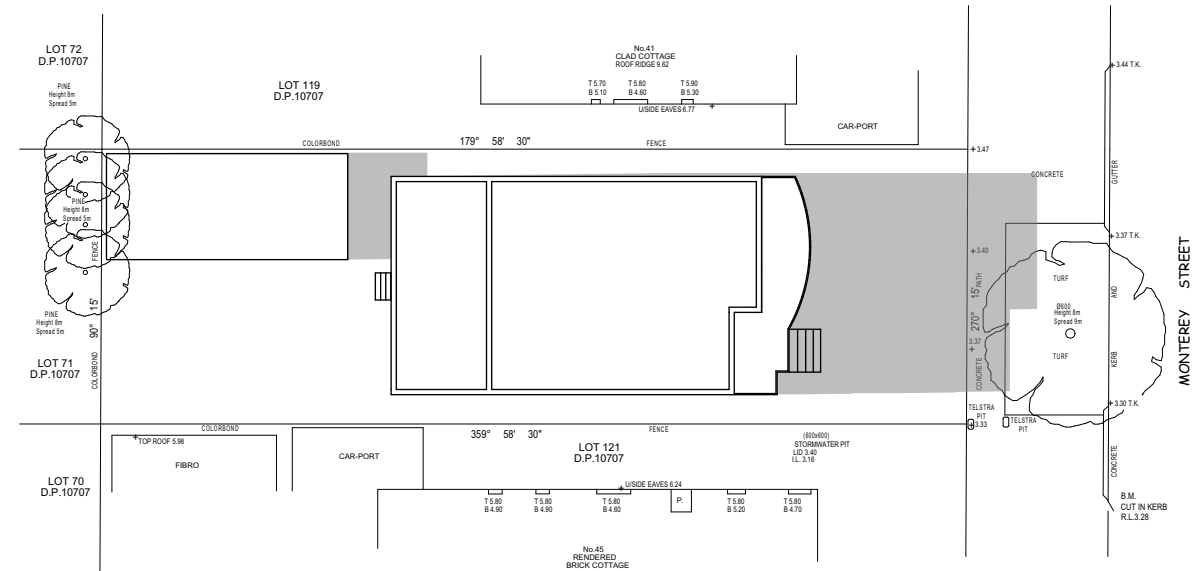
Client
 CONFIDENTIAL

Project Two Storey Dwelling + Basement Garage	Scale NOTED @A3	Date 18/02/2025
Location 43 Monterey Street, Monterey	Job no. 1485	Approved
Drawing Title NORTH & WEST ELEVATION	Drawing no. MDA 06	Revision A

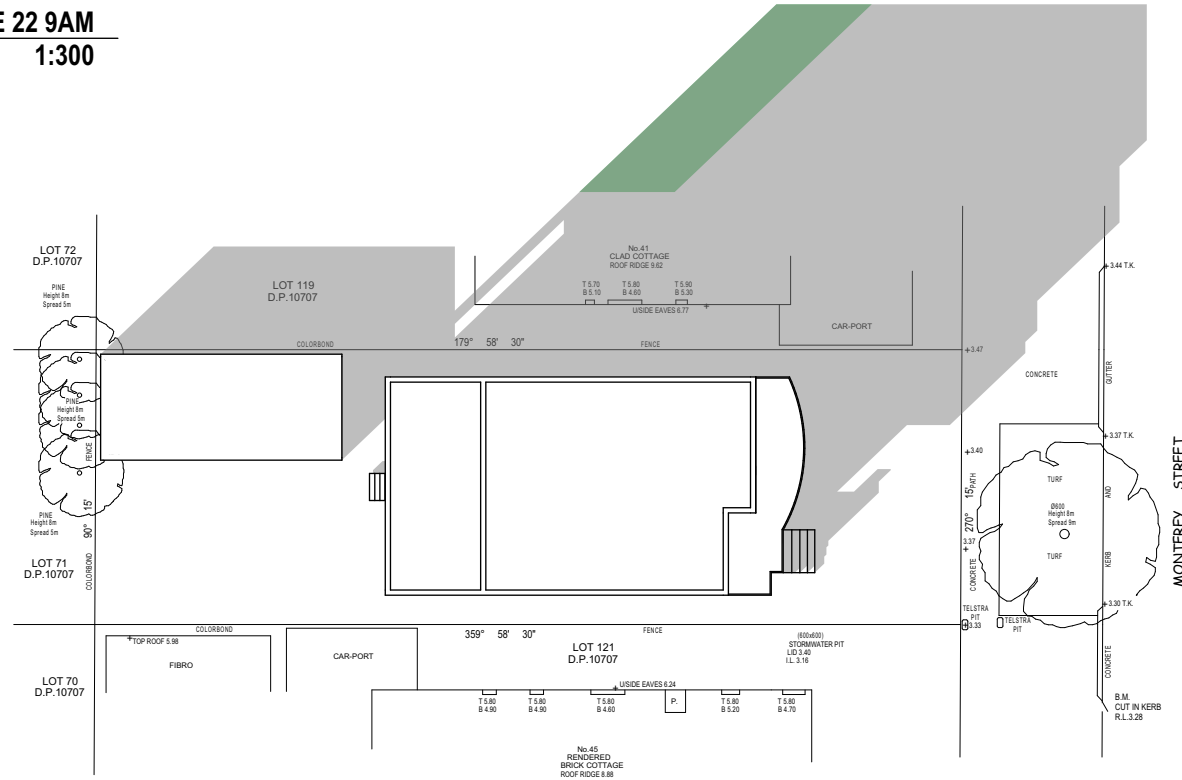




SHADOW DIAGRAM - JUNE 22 9AM
1:300



SHADOW DIAGRAM - JUNE 22 12PM
1:300



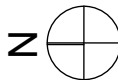
SHADOW DIAGRAM - JUNE 22 3PM
1:300

LEGEND	
	PROPOSED SHADOWS
	EXISTING SHADOWS

GENERAL NOTES
 1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
 2. DO NOT SCALE FROM THIS DRAWING.
 3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
 4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
 5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
 6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS



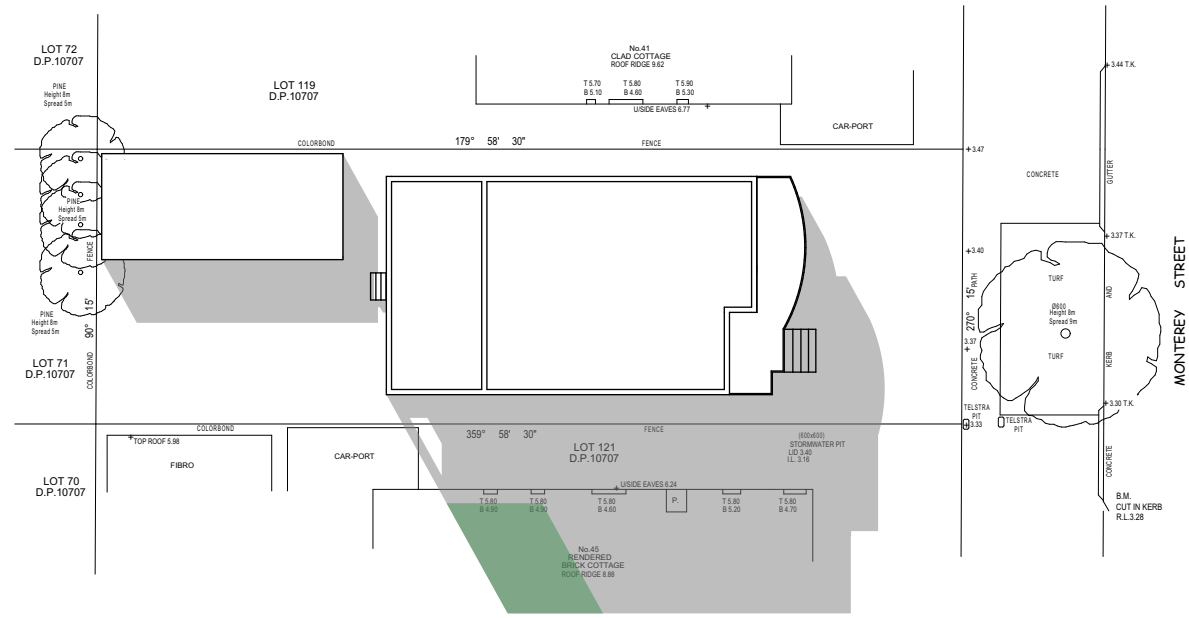
SAM ALAWIE
 Registered Architect 11721
 e: info@zane Carterarchitects.com.au
 w: zane Carterarchitects.com.au
 l: @zane Carterarchitects
 ACN: 654 769 936



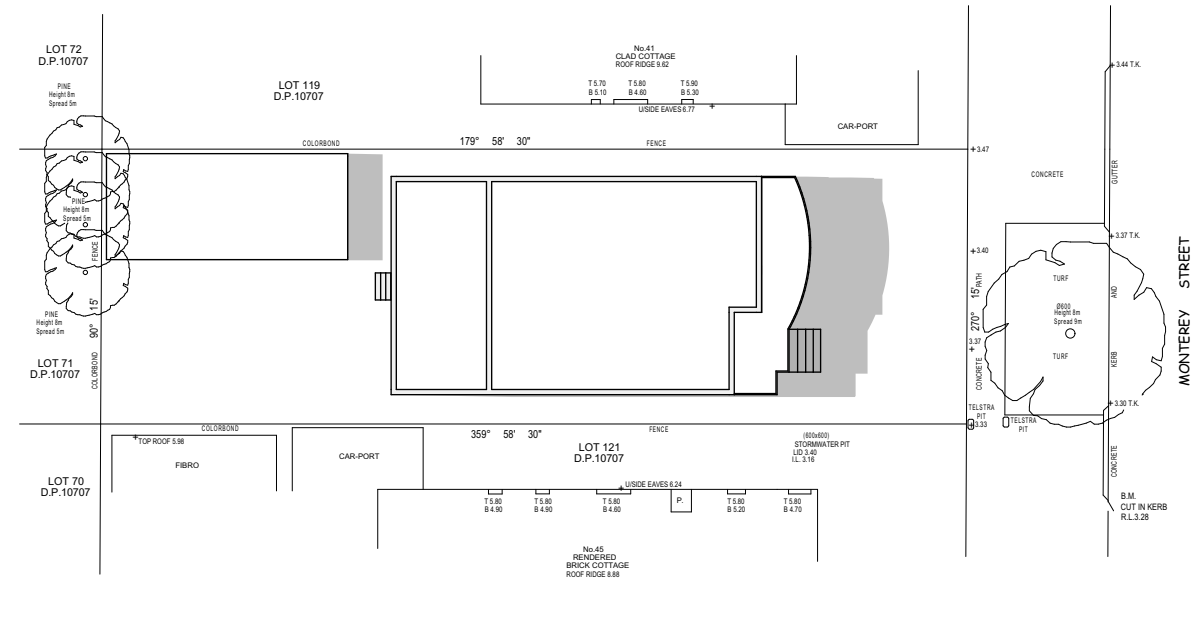
REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

Client
CONFIDENTIAL

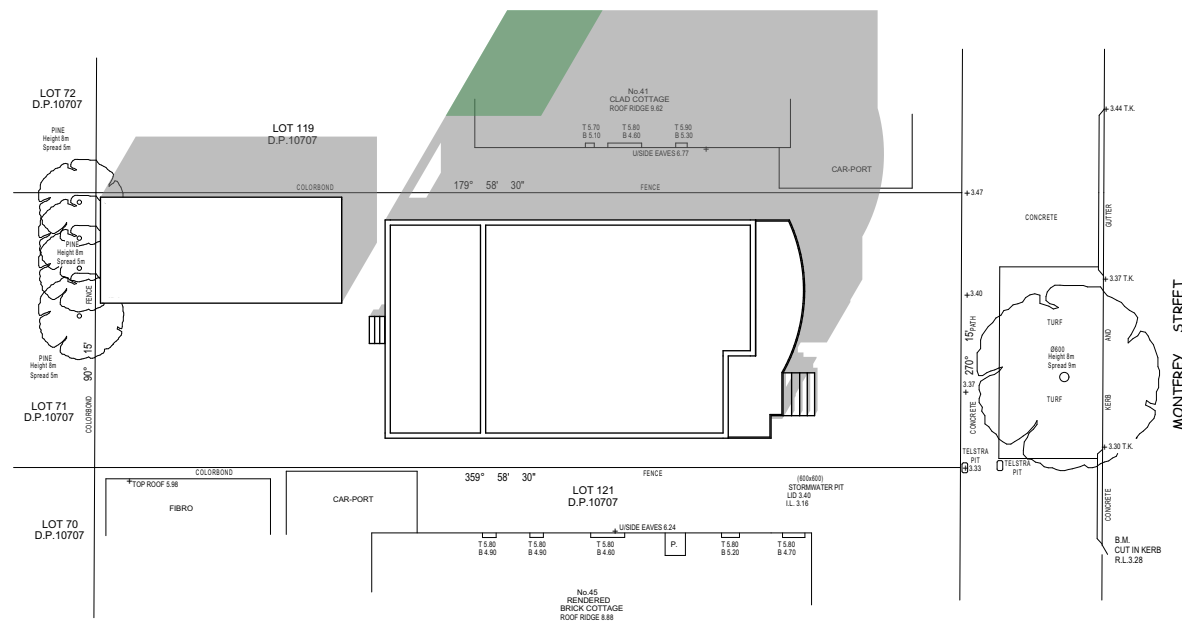
Project	Two Storey Dwelling + Basement Garage	Scale	NOTED @A3	Date	18/02/2025
Location	43 Monterey Street, Monterey	Job no.	1485	Approved	
Drawing Title	SHADOW DIAGRAMS - JUNE	Drawing no.	MDA 09	Revision	A





SHADOW DIAGRAM - MARCH 22 9AM
1:300



SHADOW DIAGRAM - MARCH 22 12PM
1:300



SHADOW DIAGRAM - MARCH 22 3PM
1:300

LEGEND	
	PROPOSED SHADOWS
	EXISTING SHADOWS

GENERAL NOTES

1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
2. DO NOT SCALE FROM THIS DRAWING.
3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS



SAM ALAWIE
Registered Architect 11721
e: info@zane Carter architects.com
w: zane Carter architects.com.au
l: @zane Carter architects
ACN: 654 769 936



REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

Client	CONFIDENTIAL
---------------	--------------

Project	Two Storey Dwelling + Basement Garage	Scale	NOTED @A3	Date	18/02/2025
Location	43 Monterey Street, Monterey	Job no.	1485	Approved	
Drawing Title	SHADOW DIAGRAMS - MARCH	Drawing no.	MDA 10	Revision	A

BASIX COMMITMENTS

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil	N/A	
external wall: other/undecided	R1.70 (including construction)		
flat ceiling, pitched roof	ceiling: R1.45 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.	✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check						
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W10	N	0.77	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W11	N	1.32	0	0	projection/ height above sill ratio >=0.36	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)			
SD01	N	3.45	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
SD02	N	3.22	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W02	W	0.72	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check						
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W10	N	0.77	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W11	N	1.32	0	0	projection/ height above sill ratio >=0.36	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)			
SD01	N	3.45	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
SD02	N	3.22	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W02	W	0.72	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check						
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W03	W	0.72	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W04	W	0.75	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W08	W	0.84	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W09	W	1.44	0	0	projection/ height above sill ratio >=0.36	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)			
W01	S	5.95	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check						
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W11	S	5.88	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W05	E	1.82	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W06	E	1.82	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W12	E	1.7	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

GENERAL NOTES
 1. CONFIRM SETOUTS, LEVELS, AND CRITICAL DIMENSIONS PRIOR TO COMMENCEMENT OF AND DURING WORKS. ANY DISCREPANCIES MUST BE REPORTED TO ARCHITECT BEFORE PROCEEDING.
 2. DO NOT SCALE FROM THIS DRAWING.
 3. DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT ARCHITECT & ENGINEERS DETAILS AND SPECIFICATIONS.
 4. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA & APPLICABLE AUSTRALIAN STANDARDS.
 5. ALL MATERIAL TO BE APPROVED IN WRITING BY ARCHITECT OR CLIENT.
 6. THESE DRAWINGS ARE THE COPYRIGHT OF ZANE CARTER ARCHITECTS



SAM ALAWIE
 Registered Architect 11721
 e: info@zane Carter architects.com
 w: zane Carter architects.com.au
 i: @zane Carter architects
 ACN: 654 769 936

REVISIONS			REVISIONS		
Issue	Revision	Date	Issue	Revision	Date
A	MDA	27.09.24			

Client
 CONFIDENTIAL

Project Two Storey Dwelling + Basement Garage	Scale NOTED @A3	Date 18/02/2025
Location 43 Monterey Street, Monterey	Job no. 1485	Approved
Drawing Title BASIX COMMITMENTS	Drawing no. MDA 11	Revision A

Bayside Local Planning Panel - Other Applications

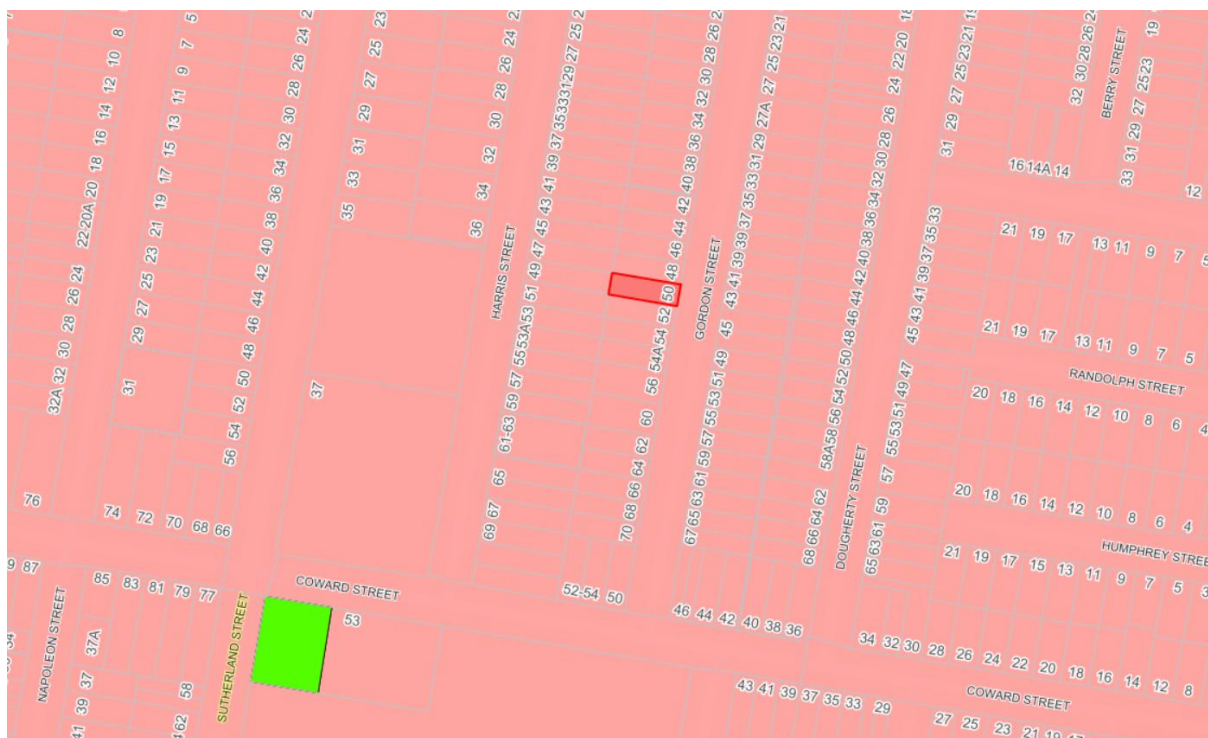
25/03/2025

Item No	6.2
Application No	DA-2024/291
Property	50 Gordon Street ROSEBERY
Application Type	Development Application
Proposal	Alterations and first floor attic addition to existing heritage item
Owner	R J Chalmers and E Khadbaatar
Applicant	MSOM Pty Limited
Ward	Ward 2
Lodgement Date	28/10/2024
No. of Submissions	One (1)
Cost of Development	\$322,225
Reason Criteria	Sensitive development
Report by	Peter Barber, Director City Futures

Officer Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/291 for alterations and first floor attic addition to existing heritage item at 50 Gordon Street, ROSEBERY NSW 2018 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
 2. That the submitter be advised of the Bayside Local Planning Panel's decision.
-

Location Plan



Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Draft Conditions
- 3 [↓](#) Architectural Drawings
- 4 [↓](#) Heritage Impact Statement

BAYSIDE COUNCIL

Planning Assessment Report



Application Details

Application Number:	DA-2024/291 – PAN 478421
Date of Receipt:	28 October 2024
Property:	50 Gordon Street, ROSEBERY NSW 2018 Lot 15 Sec1 DP 3986
Owner:	R J Chalmers and E Khadbaatar
Applicant:	MSOM Pty Limited
Proposal:	Alterations and first floor attic addition to existing heritage item
Recommendation:	Approval
No. of submissions:	One (1)
Author:	Ivy Zhang
Date of Report:	25 February 2025

Key Issues

The key issues identified in the assessment of the development application relate to:

- Non-compliant landscaped area

The development application (“DA”) has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* (“the Act”) and is recommended for approval, subject to conditions of consent.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/291 for Alterations and first floor attic addition to existing heritage item at 50 Gordon Street, ROSEBERY NSW 2018 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

Background

History

There is no record for development application on the subject site.

Note: The site is flood affected and flood advice letter FA-2024/216 dated 19 September 2024 was submitted with the application.

The following applications have previously been considered for the adjoining sites:

No.48 Gordon Street

- DA-2017/11199 for alterations including a first floor addition to the existing dwelling. Alterations including a first floor addition to the existing dwelling was withdrawn on 9 April 2018.

No.52 Gordon Street

- CD-2024/442 for demolition of existing structures and construction of a two (2) storey dwelling was approved by a private certifier on 23 October 2024.

The history of the subject application is summarised as follows:

- 28 October 2024 - The DA was lodged with Council.
- 1 November 2024 – The application was placed on public notification until 15 November 2024.
- 19 November 2024 – Site inspection was carried out.
- 8 January 2025 – A letter was sent to the applicant requesting additional information to be submitted regarding landscaped area, visual privacy and plans.
- 24 January 2025 – Additional information was submitted by the applicant and all the issues previously raised by Council have been adequately addressed.

Proposal

The proposed development is summarised as follows:

Demolition

- Partial demolition of the existing dwelling including interior and exterior walls, doors, kitchen window and a skylight
- Partial roof demolition at the rear to accommodate the proposed attic addition

Construction

- Reconfiguration of the ground floor to incorporate a new ensuite to Bedroom 1,

- bathroom, a new staircase leading to the proposed attic, new pivot sliders with new bench / storage and a new linen cupboard
- Attic addition including a master bedroom with ensuite and a study
- Renovation works to the existing bathroom / laundry and kitchen
- Replacement of the existing kitchen window and sliding door at the rear
- Six new skylights to the rear roof plane

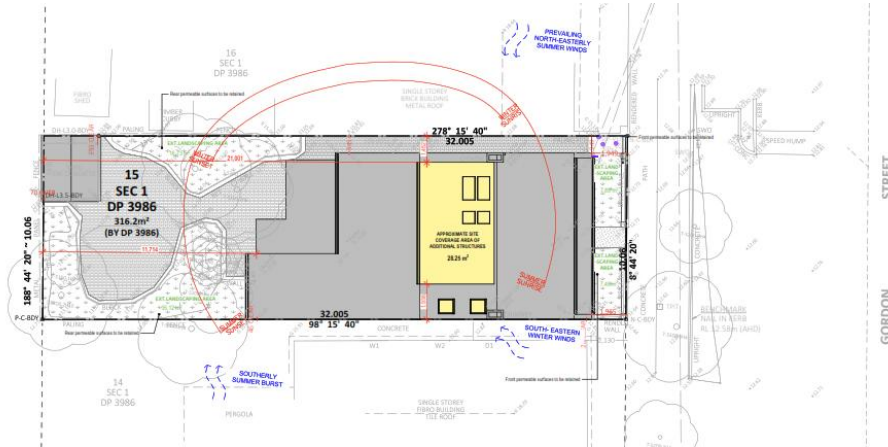


Figure 1. Proposed Site Plan

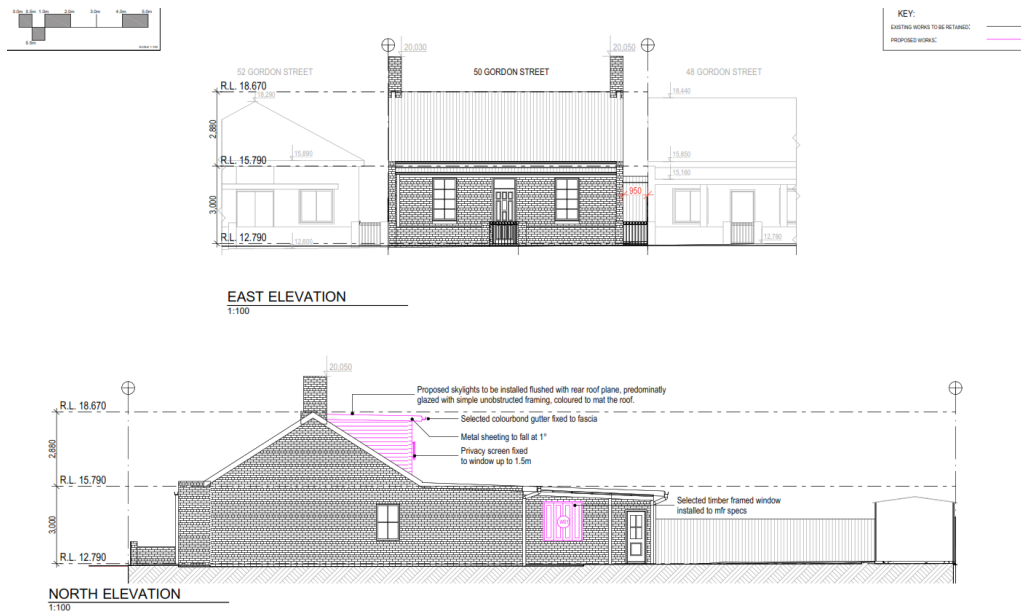


Figure 2. Proposed East and North Elevations

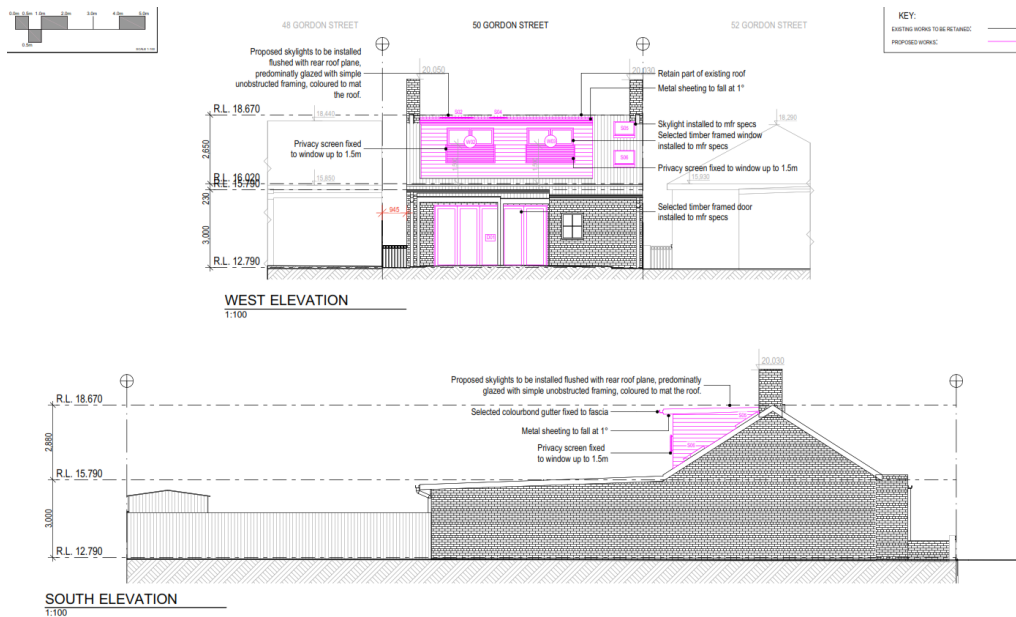


Figure 3. Proposed West and South Elevations

Site Location and Context

The subject site is legally identified as Lot 15 Sec1 DP 3986 and is known as 50 Gordon Street Rosebery. The site is a rectangular shape with front and rear boundary widths of 10.06 metres. The side boundaries are 32.005 metres deep. The site has sole frontage to Gordon Street. The total site area is 316.2sqm. The topography of the site is relatively flat, slopes to the front approximately 0.46 metres (RL13.15 – 12.69).

The subject site contains a single storey dwelling and detached shed at the rear of the dwelling. The existing dwelling is currently under heritage exemption renovation works. The site is located on the north-western side of Gordon Street between Coward Street to the south and Gardeners Road to the north. Adjoining development to the sides includes a single storey dwelling on each of the properties. A single storey dwelling is situated on the rear adjoining property. There is a mix of single and two storey residential buildings within close proximity to the subject property.



Figure 4. Aerial view of the subject site and surroundings

The site contains trees within the rear yard. There is a tree on the public domain in front of the site.

The site is a heritage item and is impacted by aircraft noise contours 20 and 25. The site is affected by PMF Flood event.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant has submitted a BASIX Certificate for the proposed development, being Certificate number A1768574.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the proposal. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is, or can be made, suitable for its intended use at the time of determination of an application.

The site appears to have been continuously used for residential purposes. The adjoining and adjacent properties are currently used for residential purposes. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses. There is no significant excavation proposed.

On the above basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

This Chapter applies to non-rural areas of the State, including the Bayside local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposed works do not involve the removal of vegetation requiring approval.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Clauses of Bayside Local Environmental Plan 2021 (“the LEP”) applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
1.2 Aims of the Plan	Yes - see discussion	Yes - see discussion
2.3 Zone and Zone Objectives - R2 Low Density Residential	Yes - see discussion	Yes - see discussion
2.7 Demolition requires consent	Yes - see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	Yes - see discussion

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
4.4 Floor space ratio (“FSR”)	Yes - see discussion	Yes - see discussion
4.4A Exceptions to FSR for residential accommodation	Yes - see discussion	Yes - see discussion
5.10 Heritage conservation	Yes - see discussion	Yes - see discussion
5.21 Flood planning	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes - see discussion	Yes - see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.7 Airspace operations	Yes - see discussion	Yes - see discussion
6.8 Development in areas subject to aircraft noise	Yes - see discussion	Yes - see discussion
6.11 Essential services	Yes - see discussion	Yes - see discussion

1.2 – Aims of the Plan

While not a mandatory consideration for DAs, Clause 1.2 of the LEP does illustrate the strategic intent of the LEP and its provisions, and is considered relevant to the assessment of this application. Clause 1.2 of the LEP Plan includes a range of aims, namely:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to protect, conserve and enhance Aboriginal cultural heritage and the environmental, cultural, scenic, built and landscape heritage of Bayside,*
- (b) *to provide high quality open space areas and recreational facilities,*
- (c) *to reduce community risk and improve resilience to, and from, urban and natural hazards,*
- (d) *to encourage sustainable economic growth and development in Bayside,*
- (e) *to create a liveable urban place through the application of design excellence in all elements of the built environment and public domain,*
- (f) *to encourage diversity in housing to meet the needs of, and enhance amenity for, Bayside residents,*
- (g) *to encourage walking, cycling and use of public transport through appropriate intensification of development densities surrounding transport nodes,*
- (h) *to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles,*
- (i) *to enhance and protect the functions and roles of the international trade gateways of Sydney Airport and Port Botany,*
- (j) *to increase urban tree canopy cover and enable the protection and enhancement of green corridor connections,*

- (k) *to promote and enhance the amenity of Botany Bay's foreshores and Bayside's waterways.*

The proposal is consistent with these general aims.

2.3 - Zone - R2 Low Density Residential

The subject site is zoned R2 Low Density Residential under the provisions of LEP. The proposal is defined as dwelling house which constitutes a permissible development only with development consent. The objectives of the zone are:

- *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 ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.*
- *To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

The proposed development satisfies the objectives of the zone.

2.7 - Demolition

The proposal seeks consent for partial demolition of the existing dwelling house including internal and external walls, windows and doors. In this regard, the proposal satisfies the provisions of this Section.

4.3 - Height of Buildings

A maximum height standard of 9 metres applies to the subject site.

The proposal has a maximum height of 7.1 metres (RL 20.05 AHD) which complies with the provisions and objectives of this Clause.

4.4 – Floor Space Ratio

A maximum FSR standard of 0.65:1 (GFA of 205.53 sqm) applies to the subject site and proposal.

The proposal has a maximum GFA of 148.44 sqm and equates to an FSR of 0.47:1 which complies with the provisions and objectives of this clause.

4.4A - Exceptions to FSR for residential accommodation

This section applies to development for the purposes of dwelling houses, semi-detached dwellings, attached dwellings and dual occupancies on land identified as Area 2 on the FSR Map.

The site is located within Area 2 and the proposed development is for a dwelling house. Calculation of FSR is dependent on a sliding scale based on the size of the land. The site has a total area of 316.2sqm therefore a maximum FSR of 0.65:1 applies on the site. An assessment of compliance has been carried out in Section 4.4 above.

5.10 – Heritage Conservation

The subject site is identified as Heritage Item I370 House, which is an item of local significance identified in Schedule 5 of the LEP. Additionally, the subject site is within close proximity to

Heritage Item I369 House at 45 Gordon Street, which is located directly opposite to the site.

Heritage Item I372 House at 51 Harris Street is located close to the subject site at the rear, however is not directly related to the subject site.

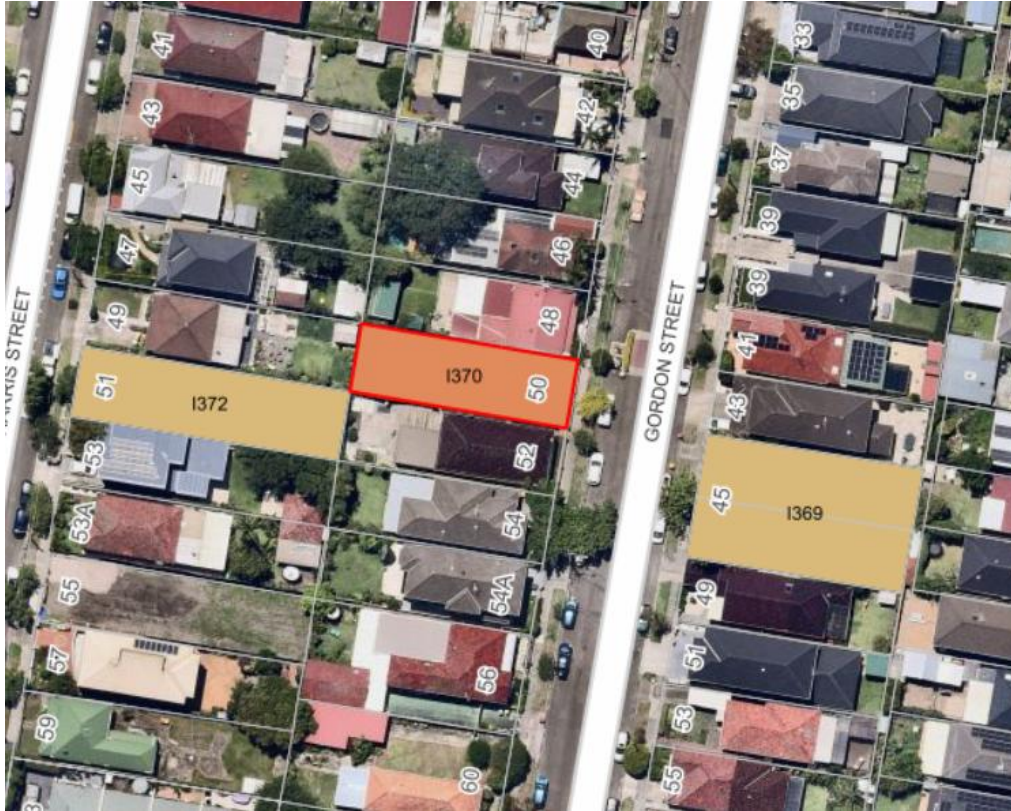


Figure 5. Heritage Map

Statement of Significance

The property 50 Gordon Street, Rosebery (house and curtilage) is of local heritage significance to the Bayside area as a substantially intact example of a late Victorian/early Federation period gabled cottage. It is historically and aesthetically significant for the evidence that it provides of the pattern of development in the area during the period of transition from agricultural to suburban cultural landscape following subdivision and series of “Estates” being offered in the 1880s by at least two auctioneers.

Its built form is significant for the evidence it provides of the community's rapidly changing tastes in housing in the area during the late 19th and early 20th century, and appreciation of this evidence is facilitated when the Item is compared against the Art Deco form and styling of the property at 45 Gordon Street (situated opposite), which was built within 40 years of 50 Gordon Street.

The house has undergone some alteration and addition, but its original form remains substantially intact and clearly legible and the property continues to provide readily interpretable evidence of the traditional pattern of the first phase of residential development in the local area. It is aesthetically significant for the traditional terrace house form and detailing of the property including the Victorian Italianate style brackets applied to the fin walls to the veranda. The later

layers of alterations and additions do not impact on the legibility of the property or its contribution to the local streetscape.

The proposed development involves alterations and first floor attic addition to existing heritage item, including changes to the interior configuration, construction of new staircase, replacement of certain windows and door openings, new pop-out roof extension in the attic and new skylights to the rear roof plane.

Statement of Heritage Impact (HIS) prepared by Three + One Heritage and dated 8 October 2024 was submitted with the application, which recommended mitigation measures including the re-use of the existing doorway and matching details in the hallway. With the mitigation measures adopted, the HIS concluded that the proposal will have an overall moderate impact on the significance of the heritage item.

The proposal, together with the submitted HIS, have been reviewed by Council's Heritage Advisor, who provided the following comments:

Exterior works

Alterations at the rear of ground level, including changes to the kitchen, bathroom, and external door and windows, are located within a later addition to the heritage item with lesser significance. The changes are not discernible from Gordon Street and does not impact its heritage significance or association with the listed item on the opposite.

The pop-out attic extension requires partial demolition of the main gable roof of the significant item, but is projected towards the rear. The form of the addition is pulled back from the existing ridge line and chimney, and is largely obscured from the streetscape elevation to the east. Clarification is required for the materiality of the existing roof facing the rear and the attic roof – photos show the existing roof in off-white but rendering shows as dark grey. Note that the new attic addition should utilize recessive and sympathetic colours to the existing.

Interior works

While portions of the original interior fabric will be altered, the key architectural elements such as the fireplaces, hallway arch and detailing will be retained, and the overall configuration of the ground floor layout remains generally discernible. There is minimum impact to the heritage significance of the dwelling's interior. Paint colour scheme and finishes schedule for the interior works should be provided.

In this regard, the significance of the heritage item and items in the vicinity of the proposed development will be conserved. Conditions have been imposed within the draft Notice of Determination regarding roof colours, interior materials / paint colour scheme. Subject to conditions of consent, the proposal is considered acceptable in terms of heritage impacts.

5.21 – Flood Planning

Council records indicate that the lot is subject to flooding in a PMF event. The proposed development is a dwelling house and is not identified as a critical and sensitive facility. In this regard, the floor level was not required to be raised.

The proposal was reviewed by Council's Development Engineer who did not object to the proposal. Appropriate conditions have been imposed within the recommended conditions.

The proposal has been designed to adhere to the relevant minimum flood levels and is satisfactory with respect of the provisions of this LEP Clause.

6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 5 affects the property by the LEP mapping.

The proposal does not involve any excavation below natural ground level other than for footings. As excavation is less than 2 metres in depth, an Acid Sulfate Soils Management Plan is not warranted in this instance and the proposal is acceptable in the context of the LEP Clause.

6.3 – Stormwater and WSUD

The development proposes to connect to the existing stormwater system. Concept stormwater plans were submitted with the application and were prepared by Gardner Design & Drafting and dated 1 October 2024. The application was reviewed by Councils Development Engineer who had no objections to the proposal subject to conditions which have been included in the recommended conditions.

6.7 – Airspace Operations

The site is subject to a maximum of Obstacle Limitation Surface (OLS) of 51m AHD.

The application seeks approval for the redevelopment of the site to a maximum overall building height of 20.05 metres Australian Height Datum (AHD) or 7.1 metres above the existing ground level.

The proposal is satisfactory with respect of the objectives and requirements of this section.

6.8 – Development in Areas subject to Aircraft Noise

The subject site is located within the 20 to 25 ANEF Contour, thus subject to potential adverse aircraft noise. Given this, appropriate noise attenuation measures are required for the proposed development.

The proposal was accompanied by an Acoustic Report prepared by Acoustic Logic and dated 10 October 2024 which recommended appropriate noise attenuation measures.

The proposal is satisfactory with respect of the requirements and objectives of this clause, subject to the recommended conditions of consent.

6.11 – Essential Services

Services are generally available on site to facilitate to the proposed development. Appropriate conditions have been recommended requiring approval or consultation with relevant utility providers with regard to any specific requirements for the provision of services on the site.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 (“the DCP”). This is the comprehensive DCP relevant to the proposal. The DCP was adopted by the elected Council on 22 March 2022 and came into effect on 10 April 2023, and supports the provisions of the LEP.

The following table outlines the relevant Clauses of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.3 Energy and Environmental Sustainability	Yes - see discussion	Yes - see discussion
3.4 Heritage	Yes - see discussion	Yes - see discussion
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes - see discussion	Yes - see discussion
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.9 Stormwater Management and WSUD	Yes - see discussion	Yes - see discussion
3.10 Flood Prone Land	Yes - see discussion	Yes - see discussion
3.11 Contamination	Yes - see discussion	Yes - see discussion
3.12 Waste Minimisation and Site Facilities	Yes - see discussion	Yes - see discussion
3.13 Areas subject to Aircraft Noise and Airport airspace	Yes - see discussion	Yes - see discussion
PART 5 – RESIDENTIAL AND MIXED USE DEVELOPMENTS		
5.2.1 Low Density Residential	Yes - see discussion	Yes - see discussion
PART 7 – SPECIFIC PLACES		
7.9 Rosebery Character Precinct	Yes - see discussion	Yes - see discussion

The following Sections elaborate on Key matters from the above table.

Part 7 is dealt with first, as the DCP states: *“Provisions in the chapter [7] prevail over any similar provisions in other sections of the DCP”*.

Part 7.9 – Rosebery Character Precinct

This section of the DCP provides controls and guidelines for 17 areas within the Local Government Area. Not all areas are included. The areas chosen are either unique or have been subject to detailed master planning controls, with more specific controls to guide

development.

As stated, the provisions of this Section prevail over other sections of the DCP, including where there is any inconsistency.

The site is located within the Rosebery Character Precinct between Gardeners Road to the north and Coward Street to the south. The proposal involves alterations and attic addition to the existing dwelling house, which caters for the needs of the local community and is consistent with the existing and desired future character of the area.

PART 3 – GENERAL DEVELOPMENT CONTROLS

Part 3.3 – Energy and Environmental Sustainability

The proposal is consistent with the principles of 'green building design' as outlined in this clause. The BASIX certificate submitted with the application confirms the proposal meets the targets specified by the Certificate. The proposal meets the requirements in Part 3.3 of the DCP.

Part 3.4 – Heritage

Heritage issues and considerations have been addressed in response to the heritage provisions of the LEP previously. The DCP provisions and considerations have been addressed and considered in the comments from Council's heritage adviser, who supports the proposal.

Part 3.5 – Transport, Parking and Access

Table 3 of the DCP stipulates the parking required, based on the proposed use. The proposed dwelling house generates a requirement for two (2) car spaces.

Nil car space is provided, not complying with the DCP control. The existing dwelling does not have any car spaces and hence a historical shortfall of two spaces applies. In this regard, the proposal is acceptable.

Part 3.7 – Landscaping, Private Open Space and Biodiversity

3.7.1 Landscaping

A minimum of 25% (79.05sqm) of the overall site is required to be provided as landscaped area. The proposed landscaped area is 69.4sqm (22%), which does not comply.

The proposal complies with all other requirements of this clause as follows:

- By locating the main landscaped areas at the front and rear of the site;
- By achieving more than 20% of the front of the site as landscaped area;
- By not relying on gravel/pavement for the provision of landscaped areas;
- By not relying on the side setbacks for the provision of landscaped areas;
- By abiding to Sydney Airport guidelines regarding planting species to ensure the safety operation of Sydney Airport.

The space included in the landscaped area constitutes fully permeable deep soil zones with a minimum 1m width and does not include any planter boxes, hard paving area and rainwater tanks.

Although the proposal does not strictly comply with the numerical standard, it consists of alterations and additions to the existing house that do not increase the existing building footprint. The proposed works are limited in scope and do not result in any significant visual, environmental, or amenity impacts on the site or surrounding properties. Given the minor

nature of the works and the absence of adverse impacts, the non-compliance is considered acceptable in this instance.

3.7.3 Communal and Private Open Space

For single dwellings, this Part requires a minimum private open space (POS) of 50sq.m. and a width of 5 metres.

The proposed dwelling provides a POS of approximately 139sq.m. with a minimum width of 6.5m located at the rear. The private open space is on the ground floor, and is usable, accessible, clearly defined and will meet occupants' requirements of privacy, solar access, outdoor activities and landscaping.

Considering the above, the proposal satisfies the objectives of the DCP.

Part 3.8 – Tree Preservation and Vegetation Management

An assessment against tree preservation has been discussed in response to Biodiversity and Conservation SEPP 2021, in the previous section of this report. Conditions have been imposed within the draft Notice of Determination regarding tree planting within the subject site.

Part 3.9 – Stormwater Management and WSUD

An assessment against stormwater management has been discussed in response to Section 6.3 of the LEP, in the previous Section of this report.

Part 3.10 – Flood Prone Land

An assessment against flood management has been discussed in response to Section 5.21 and 5.22 of the LEP, in the previous Section of this report.

Part 3.11 – Contamination

An assessment of contamination has been discussed in response to *SEPP (Resilience and Hazards) 2021* in a previous Section of this report.

Part 3.12 – Waste Minimisation and Management

A Waste Minimisation and Management Plan prepared by Gardner Design and Drafting was submitted with the application listing methods for minimising and managing construction and ongoing waste on site.

An appropriate condition has been included in the recommended conditions.

3.13 – Development in areas subject to Aircraft Noise and Sydney Airport Operations

The proposal does not intrude into the Sydney Airport OLS and PANS-OPS.

The proposed use is sensitive to aircraft noise and is within the ANEF 20+ noise contour. This has been discussed in response to Section 6.8 of the LEP previously.

PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS

5.2.1 - Low-density residential (dwellings, dual occupancy, semi-detached dwellings)

5.2.1.1 - Streetscape, Local Character and Quality of Design

The considerations for the local area outlined in Part 7 of the DCP have been addressed previously.

The proposal is consistent with the local streetscape, noting the setbacks, form and materials incorporated into the design are contextually appropriate. The proposed alterations and additions incorporate a range of materials and colours which complement the existing dwelling and integrate with the overall appearance of the building within the streetscape.

Therefore, it is reasonable to conclude the proposal is consistent with the objectives and controls relating to building design, materials and finishes.

5.2.1.2 - Built Form Controls

The building is two storeys high and therefore complies with the requirements of this Clause.

The maximum building length is compatible with that of adjoining sites.

The proposal retains the existing pitched roof and involves an attic addition at the rear roof plane, which does not detract from the existing streetscape. The attic is part of the dwelling immediately below and is incapable of being used as a separate dwelling.

5.2.1.3 – Setbacks

The DCP control requires a minimum front setback of the average of dwellings on adjoining lots or 6 metres, side setbacks of 900mm at ground floor and 1.5m at first and a rear setback of 5 metres.

The proposal does not involve changes to the existing setbacks on the ground floor. The proposed attic provides side setbacks of 1.5m on the northern side and 1.936m on the southern side, and a rear setback of 21m, which complies with the controls.

The development allows for appropriate spatial relief between the subject site and adjoining dwellings. The proposal is not considered to unreasonably impact upon the adjoining dwellings by way of overshadowing and overlooking, and will not significantly reduce the solar access, light or air received by the adjoining dwellings. Therefore, the proposed setbacks can be considered consistent with the objectives and controls for building setbacks.

5.2.1.5 - Solar Access and Overshadowing

Dwellings within the development site and adjoining properties are required to receive a minimum of 2 hours direct sunlight to habitable living rooms (family rooms, rumpus, lounge and kitchen areas) and to at least 50% of the primary open space between 9am and 3pm in mid-winter (June 21).

The subject site is orientated southeast to northwest with the frontage of the site facing the southeast and the rear of the site facing the northwest. The lot pattern of the street is such that each adjoining site also has the same orientation.

The applicant has provided existing and proposed aerial shadow diagrams at 9am, 12pm and 3pm for mid-winter (June 21) and spring-equinox (September/March 21). Additionally, hourly elevation shadow diagrams between 9am and 3pm have been provided for mid-winter and spring-equinox for 52 Gordon Street.

As demonstrated within the shadow diagrams, at mid-winter, the proposal will achieve more than 3 hours direct sunlight to its rear facing living areas from midday onwards and all-day long direct sunlight to more than 50% of the private open space.

Impacts on No.52 Gordon Street

As demonstrated within the shadow diagrams, at mid-winter, No.52 will achieve all-day long direct sunlight to more than 50% of the private open space at the rear.

The submitted hourly elevational shadow diagrams for mid-winter show that the windows on the north elevation of No.52 are overshadowed and the proposal does not contribute to any further overshadowing.

On September / March 21, the rear window on the north elevation of no.52 continues to receive more than 5 hours of direct sunlight from 10am to 3pm.

Given the above assessment regarding the solar access and overshadowing objectives and controls, it is reasonable to conclude the proposal is acceptable in this instance.

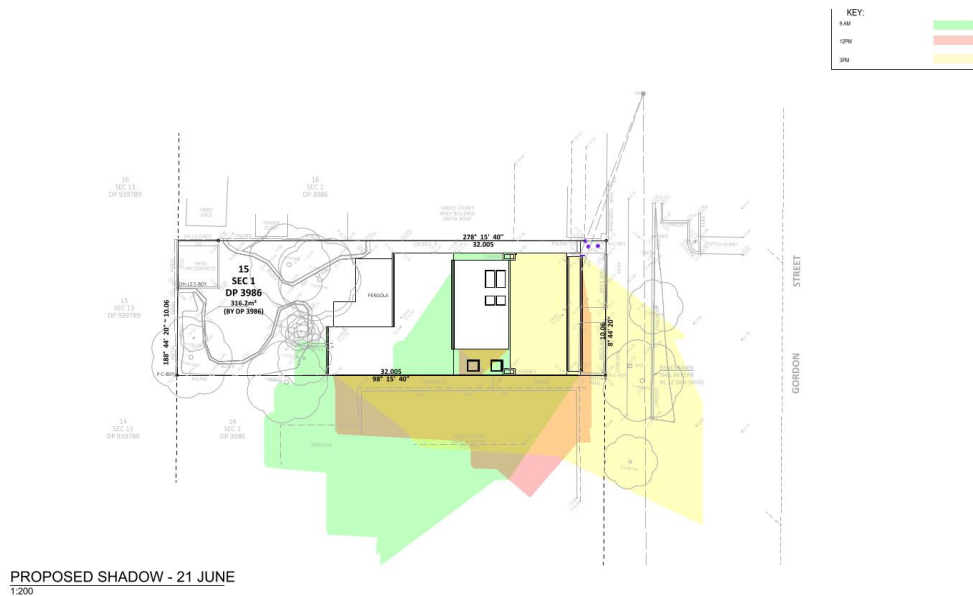


Figure 6. Proposed shadow diagrams at 9am, 12pm and 3pm on 21 June



Figure 7. Proposed hourly elevational shadow diagrams on 21 June

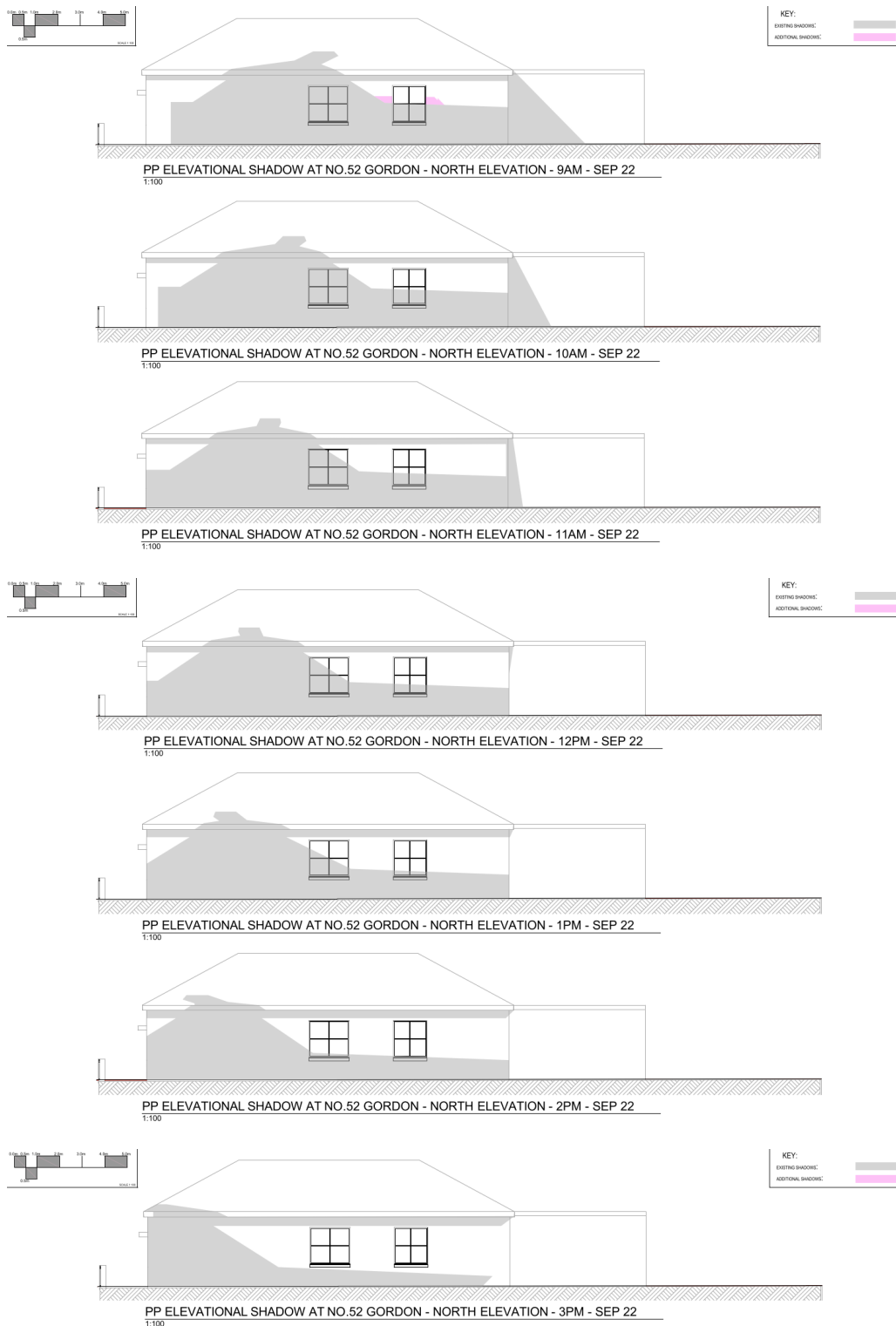


Figure 8. Proposed hourly elevational shadow diagrams on 22 Sept

5.2.1.6 - Parking and Access

This has been addressed previously in accordance with Part 3.5 of the DCP.

5.2.1.7 - Visual and Acoustic Privacy

An assessment of potential privacy impacts upon neighbours has been undertaken having regard to the controls and objectives of this Part of the DCP.

The proposal does not involve any new window openings on the ground floor. The proposed attic level does not involve any windows on the side elevations and has two windows on the rear elevation. Both windows have been amended to have fixed privacy screens up to 1.5m from the floor level to minimise overlooking.

The proposal is consistent with this objectives and controls of this part.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- No other concurrences or other approvals are proposed or required (Clause 25);
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3)); and
- Demolition works are able to meet the provisions of Australian Standard (“AS”) 2601 and this is addressed by conditions of consent (Section 61(1)).

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls.

S4.15(1)(c) - Suitability of the Site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment. Subject to the recommended conditions, the proposal is suitable for the site.

S4.15(1)(d) - Public Submissions

Public Submissions

The development has been notified in accordance with the DCP, between 1 November 2024 and 15 November 2024. One (1) submission has been received.

Issue: Visual Privacy

Comments: As previously discussed in the report, the proposed attic level does not involve any windows on the side elevations and has two windows on the rear elevation only, both of which have been amended to have fixed privacy screens up to 1.5m from the floor level to minimise overlooking. In this regard, the visual privacy impacts have been minimised and are found acceptable.

The amended plans were not required to be renotified because there was no further adverse impact.

S4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11/7.12 - Development Contributions

The proposal is not subject to development contributions under Council's Contribution Plans.

Housing and Productivity Contribution (HPC)

The proposal is not subject to Housing and Productivity Contribution.

Conclusion and Reasons for Decision

The proposed development at 50 Gordon Street, ROSEBERY NSW 2018 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being alterations and first floor attic addition to existing heritage item, is a permissible land use within the zone with development consent. In response to the public notification, one (1) submission was received.

The proposal is supported for the following main reasons:

- The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.

- The development, subject to conditions, is generally consistent with the objectives and controls of Bayside Development Control Plan 2022.
- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Schedule 1 – Draft Conditions of Consent

Refer to draft conditions attached separately.



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-2024/291 PAN-478421
Applicant	Owen Gardner Suite 406, Level 4, 152 Bunnerong Rd, Eastgardens, NSW, 2036 (Westfield Shopping Centre Office Tower)
Description of development	Alterations and first floor attic addition to existing heritage item
Property	50 GORDON STREET ROSEBERY 2018 15/1/DP3986
Determination	Approved Consent Authority - Local Planning Panel
Date of determination	25/03/25
Date from which the consent operates	25/03/25
Date on which the consent lapses	25/03/25

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

DA-2024/291

1

- The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is generally consistent with the objectives and controls of Bayside Development Control Plan 2022.
- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Luis Melim
Manager Development Services
Person on behalf of the consent authority

For further information, please contact Ivy Zhang / Development Assessment Planner

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

	<ul style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.
	<p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
3	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate.
	<p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p>Notification of Home Building Act 1989 requirements</p> <ul style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the

	<p>principal certifier has given the council written notice of the updated information.</p> <p>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>																																											
	<p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>																																											
5	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p>																																											
	<p>Approved plans</p> <table border="1"> <thead> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>Sheet 2</td> <td>C</td> <td>Roof & Site Analysis</td> <td rowspan="12">Gardner Design & Drafting</td> <td rowspan="12">24 Jan 2025</td> </tr> <tr> <td>Sheet 4</td> <td>C</td> <td>Existing Ground & Demolition Plan</td> </tr> <tr> <td>Sheet 5</td> <td>C</td> <td>Existing East and North Elevations</td> </tr> <tr> <td>Sheet 6</td> <td>C</td> <td>Existing West and South Elevations</td> </tr> <tr> <td>Sheet 7</td> <td>C</td> <td>Ground Floor Plan</td> </tr> <tr> <td>Sheet 8</td> <td>C</td> <td>First Floor Plan</td> </tr> <tr> <td>Sheet 9</td> <td>C</td> <td>Proposed East and North Elevations</td> </tr> <tr> <td>Sheet 10</td> <td>C</td> <td>Proposed West and South Elevations</td> </tr> <tr> <td>Sheet 11</td> <td>C</td> <td>Proposed Sections</td> </tr> <tr> <td>Sheet 13</td> <td>C</td> <td>Windows and Doors Schedule</td> </tr> <tr> <td>Sheet 24</td> <td>C</td> <td>Materials and Finishes</td> </tr> </tbody> </table>				Plan number	Revision number	Plan title	Drawn by	Date of plan	Sheet 2	C	Roof & Site Analysis	Gardner Design & Drafting	24 Jan 2025	Sheet 4	C	Existing Ground & Demolition Plan	Sheet 5	C	Existing East and North Elevations	Sheet 6	C	Existing West and South Elevations	Sheet 7	C	Ground Floor Plan	Sheet 8	C	First Floor Plan	Sheet 9	C	Proposed East and North Elevations	Sheet 10	C	Proposed West and South Elevations	Sheet 11	C	Proposed Sections	Sheet 13	C	Windows and Doors Schedule	Sheet 24	C	Materials and Finishes
Plan number	Revision number	Plan title	Drawn by	Date of plan																																								
Sheet 2	C	Roof & Site Analysis	Gardner Design & Drafting	24 Jan 2025																																								
Sheet 4	C	Existing Ground & Demolition Plan																																										
Sheet 5	C	Existing East and North Elevations																																										
Sheet 6	C	Existing West and South Elevations																																										
Sheet 7	C	Ground Floor Plan																																										
Sheet 8	C	First Floor Plan																																										
Sheet 9	C	Proposed East and North Elevations																																										
Sheet 10	C	Proposed West and South Elevations																																										
Sheet 11	C	Proposed Sections																																										
Sheet 13	C	Windows and Doors Schedule																																										
Sheet 24	C	Materials and Finishes																																										

Approved documents			
Document title	Version number	Prepared by	Date of document
Aircraft Noise Intrusion Assessment	0	Acoustic Logic	10 October 2024
BASIX Certificate A1768574	-	Gardner Design & Drafting	14 October 2024
<p>In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			
6	Carrying out of Works Wholly within the Site		
<p>All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council’s footpath.</p> <p>Condition reason: To avoid encroachment of the development beyond the site boundaries.</p>			
7	Construction Certificate Required		
<p>A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.</p> <p>Building work is defined under the <i>Environmental Planning and Assessment Act Part 6</i>.</p> <p>Condition reason: To ensure that a Construction Certificate is obtained at the appropriate time.</p>			
8	Tree Protection and Management.		
<p>No trees located within the site, adjoining properties or Council’s nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of Council in the form of a Permit issued under Council’s Development Control Plan and/or <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>Condition reason: To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.</p>			

Demolition Work

Before demolition work commences

9	<p>Construction Site Management Plan</p> <p>Before site work commences, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies); 3. Provisions for public safety; 4. Pedestrian and vehicular site access points and construction activity zones; 5. Details of construction traffic management including: <ol style="list-style-type: none"> a. Proposed truck movements to and from the site; b. Estimated frequency of truck movements; and c. Measures to ensure pedestrian safety near the site; 6. Details of bulk earthworks to be carried out; 7. The location of site storage areas and sheds; 8. The equipment used to carry out works; 9. The location of a garbage container with a tight-fitting lid; 10. Dust, noise and vibration control measures; 11. Details of chemical storage and management; 12. The location of temporary toilets; 13. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> a. AS 4970 – Protection of trees on development sites; b. An applicable Development Control Plan; c. An arborist’s report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
10	<p>Deliveries</p> <p>While site work is being carried out, deliveries of material and equipment must only be carried out between—</p> <p>7:00am to 5:00pm on Monday to Saturday.</p> <p>No deliveries to be carried out on Sunday and public holidays.</p>

	Condition reason: To protect the amenity of neighbouring properties.
11	<p>Demolition management plan</p> <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Bayside Development Control Plan 2022 and must include the following matters:</p> <ol style="list-style-type: none"> 1. The proposed demolition methods 2. The materials for and location of protective fencing and any hoardings to the perimeter of the site 3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones 4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles 5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicabl (including in accordance with AS 4970-2009 Protection of trees on development sites and Bayside Development Control Plan 2022) 6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways 7. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent 8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines 9. Details of any bulk earthworks to be carried out 10. Details of re-use and disposal of demolition waste material in accordance with Bayside Development Control Plan 2022 11. Location of any reusable demolition waste materials to be stored on-site (pending future use) 12. Location and type of temporary toilets onsite 13. A garbage container with a tight-fitting lid. <p>Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p>
12	<p>Erosion and sediment control plan</p> <p>Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction'

	<p>prepared by Landcom (the Blue Book) (as amended from time to time), and</p> <p>3. the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).</p>
	<p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
13	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the principal certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
14	<p>Notice of commencement for demolition</p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> 1. name 2. address, 3. contact telephone number, 4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and 5. the contact telephone number of council and 6. the contact telephone number of SafeWork NSW (4921 2900). <p>Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>
15	<p>Payment of fees</p> <p>Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the principal certifier:</p> <ol style="list-style-type: none"> 1. inspection fees as specified in Council's fees and charges at the payment date. <p>Condition reason: To ensure fees are paid for inspections carried out by Council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to Council property</p>
16	<p>Payment of security deposits</p> <p>Before demolition work commences, the applicant must:</p>

	<ol style="list-style-type: none"> 1. make payment of \$1,370.00 for a security deposit to the consent authority; and 2. if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
17	<p>Site preparation</p> <p>Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:</p> <ol style="list-style-type: none"> 1. Protective fencing and any hoardings to the perimeter on the site 2. Access to and from the site 3. Construction traffic management measures 4. Protective measures for on-site tree preservation and trees in adjoining public domain 5. Onsite temporary toilets 6. A garbage container with a tight-fitting lid
	<p>Condition reason: To protect workers, the public and the environment</p>
18	<p>Tree protection measures</p> <p>Before any site work commences, the principal certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p>
	<p>Condition reason: To protect and retain trees.</p>
19	<p>Utilities and services</p> <p>Before demolition work commences, written evidence of the following service provider requirements must be provided to the certifier:</p> <ol style="list-style-type: none"> 1. a letter from AusGrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. a response from Sydney Water as to whether the proposal would affect any Sydney Water infrastructure, and whether further requirements need to be met; 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	<p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
20	<p>Before You Dig Australia</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact <i>Before You Dig Australia</i> at www.byda.com.au or telephone on 1100 before excavating or</p>

	<p>erecting structures (This is the law in NSW).</p> <p>If alterations are required to the configuration, size, form or design of the development upon contacting the <i>Before You Dig Australia</i> service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.</p> <p>It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
21	<p>Dilapidation Report - Public Domain - Pre-Construction - Minor</p> <p>At the proposed point of construction site entry, a full photographic survey showing the existing conditions of Bayside Council's infrastructure shall be submitted to Bayside Council and the Principal Certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the Applicant being liable for any construction related damages to these assets. Any damage to Bayside Council's infrastructure during the course of this development shall be restored at the Applicant's cost.</p> <p>Condition reason: To advise Council of, and provide Council with, the required dilapidation report.</p>
22	<p>Toilet Facilities</p> <p>(a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and</p> <p>(b) Each toilet must:</p> <ul style="list-style-type: none"> i. Be a standard flushing toilet connected to a public sewer, or ii. Have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. <p>Condition reason: To ensure compliance with the Local Government Act 1993.</p>

During demolition work

23	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>For building work, demolition or vegetation removal from 7:00am to 5:00pm on Monday to Saturday. No works to be carried out on Sunday and public holidays.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
24	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work.</p>
25	<p>Noise and Vibration – an approved document of this consent</p> <p>While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction</p>
26	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at a lot boundary of the site.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
27	<p>Responsibility for changes to public infrastructure</p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
28	<p>Site maintenance</p> <p>While demolition work is being carried out, the following requirements, as specified in the</p>

	<p>approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:</p> <ol style="list-style-type: none"> 1. Protective fencing and any hoardings to the perimeter on the site 2. Access to and from the site 3. Construction traffic management measures 4. Protective measures for on-site tree preservation and trees in adjoining public domain 5. Onsite temporary toilets 6. A garbage container with a tight-fitting lid
	<p>Condition reason: To protect workers, the public and the environment</p>
<p>29</p>	<p>Tree protection during work</p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. the construction site management plan required under this consent; 2. the relevant requirements of AS 4970 Protection of trees on development sites; 3. Part 3.8 of Council's relevant development control plan (in force as at the date of determination of this consent); and 4. any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>Condition reason: To protect trees during the carrying out of site work.</p>
<p>30</p>	<p>Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the principal certifier, detailing the following: <ol style="list-style-type: none"> a. The name and contact details of the person(s) who removed the waste, b. The waste carrier vehicle registration, c. The date and time of waste collection, d. A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate. e. The contact details and address of the disposal location or other offsite location(s) where the waste was taken, f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. 3. The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014

	<p>(as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.</p> <p>If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
31	<p>Approval and Permits under Roads Act and Local Government Act for Works Activities on Public Land</p> <p>During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the <i>Roads Act 1993</i> and <i>Local Government Act 1993</i>. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:</p> <ul style="list-style-type: none"> • Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the Applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic. • Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles. • Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the Applicant to place unregistered items within the roadway including waste containers and skip bins. • Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone. • Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds. • Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the Applicant to install

	<p>temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.</p> <ul style="list-style-type: none"> • Tower Crane – To swing or hoist over and across Council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset. • Public Land Access – To access through or occupy Council land. This permit is required by Applicants in order to access over or occupy Council land. • Temporary Dewatering – To pump out groundwater from the site and discharge into Council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application. • Road Opening Application Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the <i>Roads Act</i>. <p>A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.</p> <p>Condition reason: To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>
32	<p>Construction Activities - Minimise Pollution</p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <ul style="list-style-type: none"> (a) Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and (b) Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and (c) All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and (d) Building and demolition operations such as brick cutting, washing tools or paint

	<p>brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and</p> <p>(e) Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and</p> <p>(f) Windblown dust from stockpile and construction activities shall be minimised by one or more of the following methods:</p> <ul style="list-style-type: none"> (i) spraying water in dry windy weather, and (ii) cover stockpiles, and (iii) fabric fences. <p>(g) All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and</p> <p>(h) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</p> <p>(i) During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and</p> <p>(j) Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and</p> <p>(k) An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.</p> <p>Condition reason: To protect neighbourhood amenity and the quality of the waterways.</p>
33	<p>Demolition Requirements During Works</p> <p>Demolition is to be carried out in the accordance with the following:</p> <p>(a) The approved Safe Work Method Statement required by this consent, and</p>

<p>(b) Demolition is to be carried out in accordance with <i>Australian Standard 2601:2001: Demolition of structures, Work Health & Safety Act 2011 (NSW), Work Health & Safety Regulation 2011 (NSW)</i> and the requirements of the NSW WorkCover Authority, and</p> <p>(c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and</p> <p>(d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and</p> <p>(e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and</p> <p>(f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and</p> <p>(g) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and</p> <p>(h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and</p> <p>(i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and</p> <p>(j) Care must be taken during demolition, excavation or erection of structures to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Please contact Before You Dig (Website: www.byda.com.au) or phone 1100 before commencement of works. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense, and</p> <p>(k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and</p> <p>(l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. <i>Protection of the Environment Operations Act 1997, Protection of the Environment Operation (Waste)</i></p>
--

	<p><i>Regulation</i> and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
34	<p>Noise during Construction</p> <p>The following shall be complied with during construction and demolition:</p> <p>(a) Construction Noise</p> <p>Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Level Restrictions</p> <p>Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>(c) Out of hours work</p> <p>For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.</p> <p>(d) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
35	<p>Site Fencing</p> <p>The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.</p> <p>Condition reason: To protect the amenity of the neighbourhood and ensure public safety.</p>
36	<p>Vibration During Demolition Works</p> <p>Demolition and construction works shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's</p>

	<i>Technical Guidelines for Assessing Vibration.</i>
	Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

On completion of demolition work

No additional conditions have been applied to this stage of development.

Building Work

Before issue of a construction certificate

3 7	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy of \$805.56, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the certifier.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
3 8	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be provided to the certifier.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
3 9	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared</p> <ol style="list-style-type: none"> 1. in accordance with <ol style="list-style-type: none"> a. the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time; and b. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and 2. include the following information— <ol style="list-style-type: none"> a. the name and contact details of who is responsible for the plan and management of the waste onsite, b. the name and contact details of the person(s) removing waste, c. a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced, d. how each waste type will be managed onsite and offsite, including whether the

	<p>waste is expected to be reused, recycled or sent to landfill,</p> <p>e. where any onsite management of waste will occur, such as for consolidation and collection,</p> <p>f. how each waste type will be characterised and classified for waste management and transport,</p> <p>g. where each waste type is intended to be transported for disposal or other fate,</p> <p>h. how the quantity of each waste type will be measured and recorded,</p> <p>i. how each waste movement will be tracked,</p> <p>j. contingencies including to managing unexpected finds, such as asbestos.</p> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works.</p>
4 0	<p>Aircraft Noise - Compliance with submitted Report.</p> <p>Prior to issue of the Construction Certificate, the measures required in the acoustical assessment report prepared by Acoustic Logic and dated 10 October 2024 shall be included in the construction drawings and in accordance with the provisions of AS 2021 - 2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction.</p> <p>The work detailed in the report includes:</p> <p>(a) Appropriate acoustic glazing to stated windows and doors, and</p> <p>(b) Detailed roof and ceiling construction, and</p> <p>(c) Wall and ceiling corner details, and</p> <p>(d) Acoustically treated mechanical ventilation.</p> <p>Condition reason: To minimise adverse amenity impacts to residents within the building.</p>
4 1	<p>Materials and Finishes (for Minor Works).</p> <p>The colours, materials and finishes to the facades of the building / additions shall be compatible with the existing dwelling and character of the street. Details of the external building materials, including colours and texture, shall be provided to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate.</p> <p>Condition reason: To ensure that materials and finishes are sympathetic to existing development in the street in accordance with Council's DCP.</p>
4 2	<p>Payment of fees and security deposits.</p> <p>Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:</p>

	<table border="1"> <tr> <td>Soil and Water Management Sign Fee</td> <td>\$25.50</td> </tr> <tr> <td>Builders Damage Deposit (Security Deposit)</td> <td>\$1,370.00</td> </tr> <tr> <td>Tree Preservation Bond (Security Deposit)</td> <td>\$2,000.00</td> </tr> </table> <p>Note: The amount payable must be in accordance with Council's fees and charges at the payment date.</p> <p>Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>	Soil and Water Management Sign Fee	\$25.50	Builders Damage Deposit (Security Deposit)	\$1,370.00	Tree Preservation Bond (Security Deposit)	\$2,000.00
Soil and Water Management Sign Fee	\$25.50						
Builders Damage Deposit (Security Deposit)	\$1,370.00						
Tree Preservation Bond (Security Deposit)	\$2,000.00						
4 3	<p>Street Tree Preservation Bond.</p> <p>To protect and retain Council trees, prior to the Commencement of Demolition, the applicant is to submit payment for a Tree Preservation Bond of (\$2,000.00) to ensure protection of the street tree from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12 month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited.</p> <p>Condition reason: To minimise adverse impacts on trees, protect local canopy through tree retention and replacement and ensure best practice is implemented.</p>						
4 4	<p>Sydney Water Tap-in</p> <p>Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>						
4 5	<p>Colour Scheme</p> <p>1. Roof colours should be approved via a heritage exemption application separately sub</p>						

	<p>mitted by the applicant.</p> <p>2. Interior materials or paint colour scheme shall be submitted to Council's Heritage Advisor for approval prior to issue of Construction Certificate, to demonstrate that the altered walls have finishes that are consistent with the existing interior scheme.</p>
	<p>Condition reason: To protect the significance of items of environmental heritage.</p>
4 6	<p>Detailed Design Stormwater Management Plan</p> <p>Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.</p> <p>The detailed drainage design plans shall incorporate the provisions detailed below:</p> <ol style="list-style-type: none"> 1. The stormwater plans to show the indicative location of the existing stormwater connection, location of the proposed downpipe, existing downpipes, and stormwater pipe sizes. 2. All existing services (e.g., sewer, water supply etc.) are to be shown on the ground floor stormwater plan. 3. A sediment and erosion control plan to be provided showing all erosion measures. 4. A first-floor drainage plan to be provided.
	<p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
4 7	<p>Detailed Roof Drainage</p> <p>Prior to the issue of any Construction Certificate, a detailed roof drainage plan to be prepared by a qualified Civil Engineer designed in accordance with AS/NZS3500.3 2021 and to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans.</p>
	<p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
4 8	<p>Certification and Connection to Existing Stormwater System – minor addition – site falling to the street</p> <p>Prior to the issue of the Construction Certificate, a registered plumber or other suitably qualified professional is to inspect, assess and certify the adequacy of the existing stormwater drainage system (including downpipes and roof gutters) on the site.</p> <p>If the existing stormwater system is certified as being functional (i.e., connected via gravity discharge to either the kerb & gutter or Bayside Council's underground stormwater drainage</p>

	<p>system or an approved on-site stormwater drainage system) then, all roof and surface stormwater run-off from the new addition shall be designed to connect to the existing stormwater system. Any damaged sections of the existing system are to be repaired/renewed as part of the development. Details shall be illustrated on the plans lodged with the Construction Certificate.</p> <p>If the existing stormwater drainage system is determined to be non-functional/non-existent, a new functional stormwater system shall be designed for the site by a suitably qualified civil engineer in accordance with Bayside Council’s Stormwater Management requirements & AS 3500. This new system shall be constructed prior to the issue of the Occupation Certificate. All roof and surface run-off from the new addition shall connect to this new stormwater system.</p> <p>Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
--	--

Before building work commences

No additional conditions have been applied to this stage of development.

During building work

49	<p>Protection of Council’s Property</p> <p>During demolition, excavation and construction, care must be taken to protect Council’s infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council’s infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council’s specification and AUS-SPEC at no cost to Bayside Council.</p> <p>Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.</p>
50	<p>Site Management - Principal Certifier Inspections</p> <p>Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:</p> <p>(a) Sediment control measures, and</p>

	<p>(b) Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and</p> <p>(c) Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.</p>
	Condition reason: To protect public safety and water quality around building sites.

Before issue of an occupation certificate

51	<p>Certification of acoustic measures</p> <p>Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent</p> <p>Condition reason: To protect the amenity of the local area</p>
52	<p>Removal of waste upon completion</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. 3. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed. <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>
53	<p>Repair of infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
54	<p>Occupation Certificate.</p>

	<p>The Occupation Certificate must be obtained prior to any use or occupation of the building / development. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.</p> <p>Condition reason: To ensure that an Occupation Certificate is obtained.</p>
55	<p>Certification of New Stormwater System</p> <p>Prior to the issue of any Occupation Certificate, a qualified Civil Engineer must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.</p> <p>Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
56	<p>Certification of Roof Drainage System</p> <p>Prior to the issue of any Occupation Certificate, a qualified Civil Engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes.</p> <p>The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications.</p> <p>Condition reason: To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.</p>

Occupation and ongoing use

57	<p>Release of securities</p> <p>After Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with Council's policies.</p> <p>Condition reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.</p>
58	<p>Maintenance of Stormwater Drainage System</p> <p>The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the</p>

	<p>appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.</p>
	<p>Condition reason: To protect waterways and minimise adverse impacts to the environment.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Bayside Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

DRAFT

PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018 FOR DEVELOPMENT APPROVAL

SHEET SCHEDULE	
SHEET	TITLE
1	COVER PAGE
2	ROOF & SITE ANALYSIS
3	CONCEPT STORMWATER PLAN
4	EXISTING GROUND FLOOR PLAN
5	EXISTING ELEVATIONS 1
6	EXISTING ELEVATIONS 2
7	GROUND
8	FIRST
9	ELEVATION 1
10	ELEVATION 2
11	SECTIONS
12	3D VIEWS
13	SCHEDULES
14	EXISTING SHADOWS - JUNE 21
15	PROPOSED SHADOWS - JUNE 21
16	ELEVATIONAL SHADOWS 1 - JUNE 21
17	ELEVATIONAL SHADOWS 2 - JUNE 21
18	ELEVATIONAL SHADOWS 3 - JUNE 21
19	EXISTING SHADOWS - SEP 22
20	PROPOSED SHADOWS - SEP 22
21	ELEVATIONAL SHADOWS 1 - SEP 22
22	ELEVATIONAL SHADOWS 2 - SEP 22
23	ELEVATIONAL SHADOWS 3 - SEP 22
24	MATERIAL & FINISHES
25	BASIX CERTIFICATE

SITE DATA	
SITE AREA	316.2 sqm
DWELLING	
Existing Ground Floor Area	111.13
Existing shed	10.55
Proposed attic	26.76
Total	148.44
FSR	1 = 0.469

COMPLIANCE TABLE - DA - BAYSIDE COUNCIL			
CONTROL	REQUIRED	PROPOSED	COMPLIANCE
Site Area (m2)R2	-	316.2	-
Floor Space Ratio 301-350sqm (0.65-1)	205.53	148.44	✓
Maximum building height above ground level (existing) in storeys excluding basements	Dwelling house: 2 Storeys	2	✓
Maximum Building Height	9m	EXISTING - 6m	✓
Min. landscape areas for low and medium density residential (25%)	79.05	EXISTING = 67.14 PROPOSED = 67.14 No changes to the existing landscape areas	As per the existing landscape areas ratio
Front Setback	a. the average of the dwellings on adjoining lots; b. otherwise, 6m.	EXISTING	✓
Side Setback	Minimum building setback to a side boundary is 0.9m (ground floor) and 1.5m (first storey and above)	GROUND FLOOR = EXISTING ATTIC = 1.5M	✓
Rear Setback	5m	EXISTING	✓
Solar Access	2 Hours; Dwellings within the development site and adjoining properties should receive a minimum of 2 hours direct sunlight in habitable living areas (family rooms, rumpus, lounge and kitchen areas) and in at least 50% of the primary private open space between 9am and 3pm in mid-winter.	2 Hours	✓
Communal Open Space	Communal open space at the rate of 5m ² per dwelling	EXISTING	✓
Private Open Space	minimum 50m ² and minimum width of 5m	EXISTING	✓

AUSTRALIAN STANDARDS & BCA COMPLIANCE CODES	
DEMOLITION	AS 2601(2001) EARTHWORKS ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 PART 3.1.1 OF THE BCA 2019 VOLUME 2
TERMITE PROTECTION	PART 3.1.4 OF THE BCA 2019 VOLUME 2
REMOVAL OF ASBESTOS	AS 3660.1(2014) AS 4984 CODE OF PRACTICE FOR THE SAFE REMOVAL OF ASBESTOS (NOHSC: 2002 (2005)) CODE OF PRACTICE FOR THE MANAGEMENT AND CONTROL OF ASBESTOS IN WORKPLACES (NOHSC: 2018 (2005)) ASINZ 80035 2.60 AS 1319 PART 3.2 OF THE BCA 2019 VOLUME 2
FOOTINGS AND SLABS	AS 2870 (2011)
RESIDENTIAL FOOTINGS AND SLABS	AS 3600 (2018)
CONCRETE STRUCTURES	AS 2159 (2009)AMDT 1 - 2010
PILING - DESIGN AND INSTALLATION	PART 3.2.4 OF THE BCA 2019 VOLUME 2
SITE CLASSIFICATION	PART 3.3 OF THE BCA 2019 VOLUME 2
MASONRY CONSTRUCTION	AS 3700 (2018)AMDT 1 - 2012
MASONRY STRUCTURE	PART 3.3.5 OF THE BCA 2019 VOLUME 2
INTELS IN MASONRY	PART 3.3.5 OF THE BCA 2019 VOLUME 2
INTELS IN MASONRY	PART 3.4.1 OF THE BCA 2019 VOLUME 2
SUB-FLOOR VENTILATION	PART 3.4.2 OF THE BCA 2019 VOLUME 2
STEEL FRAMING	AS 4100 (2020)
STEEL STRUCTURES	PART 3.4 OF THE BCA 2019 VOLUME 2
TIMBER WALL, FLOOR AND ROOF FRAMING	AS 1684 (2010) BCA 2019 VOLUME 2 PART 3.4.3
RESIDENTIAL TIMBER FRAMED CONSTRUCTIONS	PART 3.4.4 OF THE BCA 2019 VOLUME 2
STRUCTURAL STEEL MEMBERS	PARTS 3.5.2 OF THE BCA 2019 VOLUME 2
ROOF TILING	AS 2349 (2002)AMDT 1 - 2005
ROOF CLADDING	PART 3.5 OF THE BCA 2019 VOLUME 2
WALL CLADDING	PART 3.5 OF THE BCA 2019 VOLUME 2
FLOOR & WALL TILES	AS 3858.1 (2007)AMDT 1 - 2010
INSTALLATION OF CARPET	ASINZ 2455 (2019)
GLAZING	PART 3.6 OF THE BCA 2019 VOLUME 2 AS 1288 (2006)AMDT 1 - 2008, AMDT 2 - 2011 AS 4285 (2007)
SKYLIGHT	AS 2047 (2014)AMDT 1 & 2 - 2001
WINDOWS	PART 3.7.1 & 3.7.2 OF THE BCA 2019 VOLUME 2
FIRE SEPARATION	PART 3.7.5 OF THE BCA 2019 VOLUME 2
SMOKE ALARMS	AS 3786 (2014)AMDT 1 & 2 - 1995, AMDT 3 - 2001, AMDT 4 - 2004
HEATING APPLIANCES	PART 3.7.3 OF THE BCA 2019 VOLUME 2 ASINZS 2918 (2001)
WET AREAS	PART 3.8.1 OF THE BCA 2019 VOLUME 2 AS 3740 (2010)AMDT 1 - 2012
ROOM HEIGHTS	PART 3.8.2 OF THE BCA 2019 VOLUME 2
KITCHEN, SANITARY AND WASHING FACILITIES	PART 3.8.3.2 & 3.8.3.3 OF THE BCA 2019 VOLUME 2
NATURAL AND ARTIFICIAL LIGHT	PART 3.8.4.2 & 3.8.4.3 OF THE BCA 2019 VOLUME 2
VENTILATION	PART 3.8.5 OF THE BCA 2019 VOLUME 2
MECHANICAL	PART 3.8.5.0 & 3.8.5.3 OF THE BCA 2019 VOLUME 2
SOUND INSULATION	PART 3.8.6 OF THE BCA 2019 VOLUME 2
THERMAL INSULATION	AS 3899 (1992)AMDT 1 - 2012 ASINZS 4859-1 (2002)AMDT 1 - 2006
ELECTRICAL INSTALLATIONS	ASINZS 3000 (2018)AMDT 1 - 2009 & AMDT 2 - 2012
PLUMBING INSTALLATIONS	ASINZS 3500 (2021) AND AMENDMENTS: PLUMBING AND DRAINAGE
GAS INSTALLATIONS	ASINZS 5601 (2022)
STORMWATER DRAINAGE	ASINZS 3500.3 (2021)AMDT 1 - 2006, AMDT 2 - 2010, AMDT 3 - 2012
GUTTERS AND DOWNPIPES	PART 3.9.3 OF THE BCA 2019 VOLUME 2
STAIR CONSTRUCTION	PART 3.9.1.2 OF THE BCA 2019 VOLUME 2
BALUSTRADES	PART 3.9.2 OF THE BCA 2019 VOLUME 2
SWIMMING POOL ACCESS	PART 3.10.1 OF THE BCA 2019 VOLUME 2
SWIMMING POOL WATER RECIRCULATION SYSTEMS	PART 3.10.1 OF THE BCA 2019 VOLUME 2
BUILDING FABRIC	PART 3.12.1 OF THE BCA 2019 VOLUME 2
EXTERNAL GLAZING	PART 3.12.2 OF THE BCA 2019 VOLUME 2
BUILDING SEALING	PART 3.12.3 OF THE BCA 2019 VOLUME 2
SERVICES	PART 3.12.5 OF THE BCA 2019 VOLUME 2
SWIMMING POOL SAFETY FENCING/BARRIERS	SWIMMING POOLS ACT 1992 AND REGULATION 2008 AS 1926 (2012)
STRUCTURAL DESIGN ACTIONS - GENERAL PRINCIPALS	ASINZS 1170.0 (2002)AMDT 1 & 2 - 2003, AMDT 3 & 5 - 2011, AMDT 4 - 2005 ASINZS 1170.1 (2002)AMDT 1 - 2005, AMDT 2 - 2009 ASINZS 1170.2 (2011)AMDT 1 & 2 - 2012 AS 4055 (2012) AS 1170.4 (2007)
TIMBER STRUCTURES - DESIGN METHODS	AS 1720.1 (2010)AMDT 1 - 2010, AMDT 2 - 2011
CONCRETE STRUCTURES	AS 3600 (2018)AMDT 1 - 2010, AMDT 2 - 2013
STEEL STRUCTURES	AS 4100 (2020)AMDT 1 - 2012
DESIGN FOR ACCESS & MOBILITY	AS 1428.1 - 2021



Gardner Design & Drafting
Ph: 1800 SKETCH (1800 753 824)
49a Sturt St, Kingsford NSW 2032
PO BOX 268, Matraville NSW 2036
www.gardnerdesign.com.au

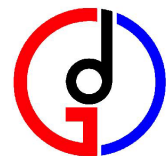
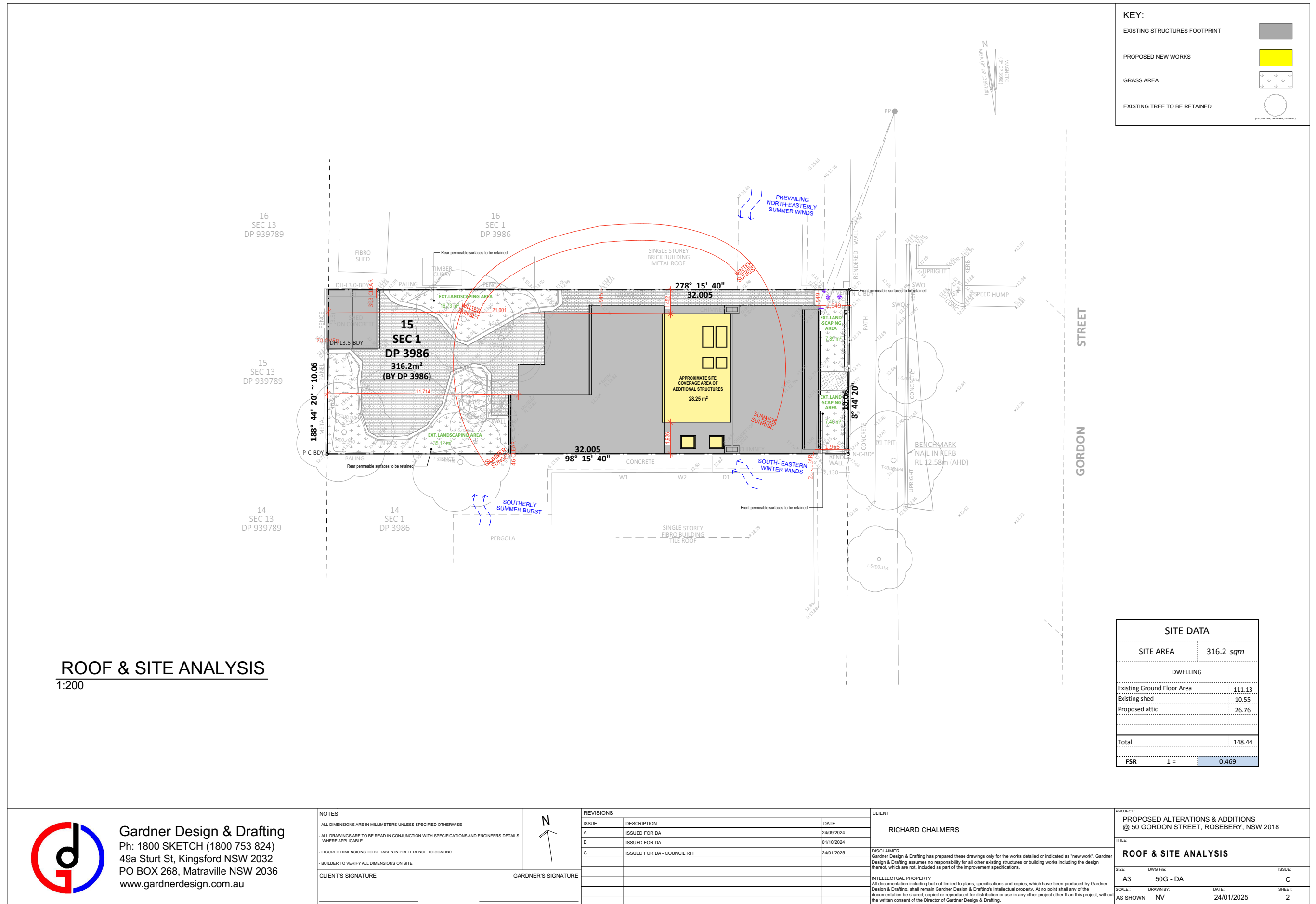
NOTES	
- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE	
- ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE	
- FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING	
- BUILDER TO VERIFY ALL DIMENSIONS ON SITE	
CLIENT'S SIGNATURE	GARDNER'S SIGNATURE



REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

CLIENT	
RICHARD CHALMERS	
DISCLAIMER Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not, included as part of the improvement specifications.	
INTELLECTUAL PROPERTY All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.	

PROJECT:			
PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018			
TITLE:			
COVER PAGE			
SIZE:	DWG File:	ISSUE:	
A3	50G - DA	C	
SCALE:	DRAWN BY:	DATE:	
AS SHOWN	NV	24/01/2025	
		SHEET:	1



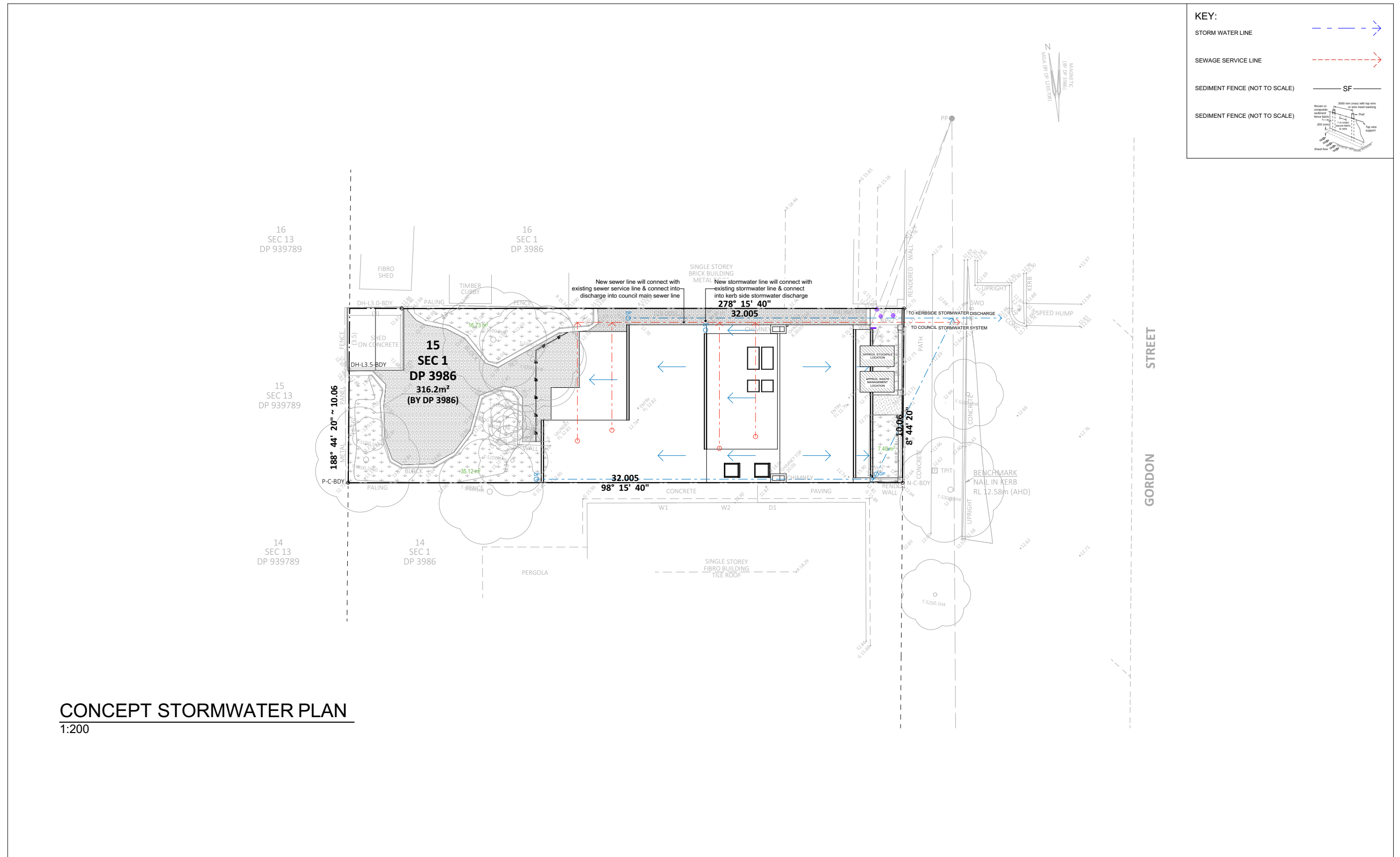
Gardner Design & Drafting
Ph: 1800 SKETCH (1800 753 824)
49a Sturt St, Kingsford NSW 2032
PO BOX 268, Matraville NSW 2036
www.gardnerdesign.com.au

NOTES	
<ul style="list-style-type: none"> ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING BUILDER TO VERIFY ALL DIMENSIONS ON SITE 	
CLIENT'S SIGNATURE	GARDNER'S SIGNATURE

REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

CLIENT	RICHARD CHALMERS
DISCLAIMER	Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications.
INTELLECTUAL PROPERTY	All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.

PROJECT: PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018			
TITLE: ROOF & SITE ANALYSIS			
SIZE: A3	DWG File: 50G - DA	ISSUE: C	
SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025	SHEET: 2

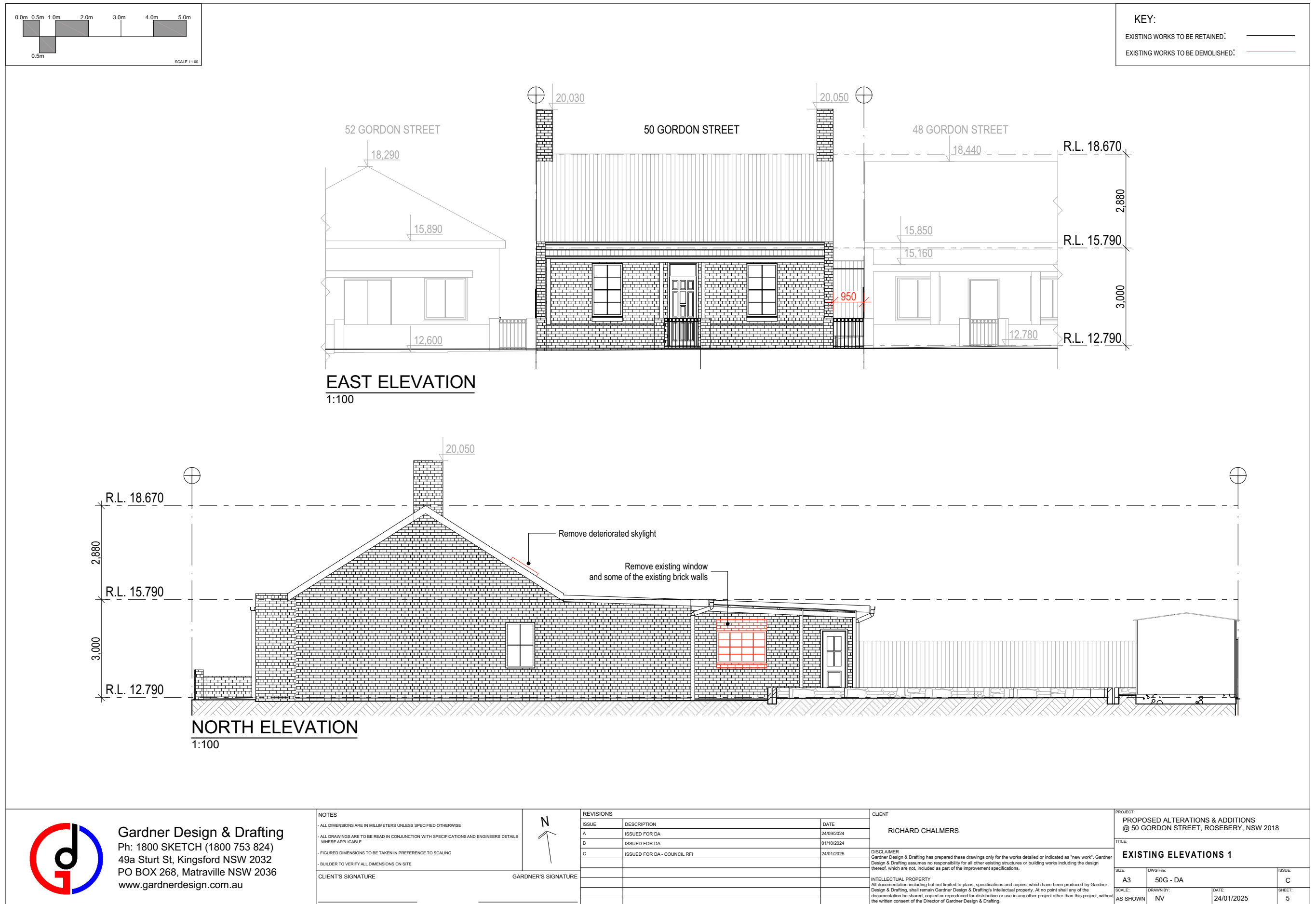


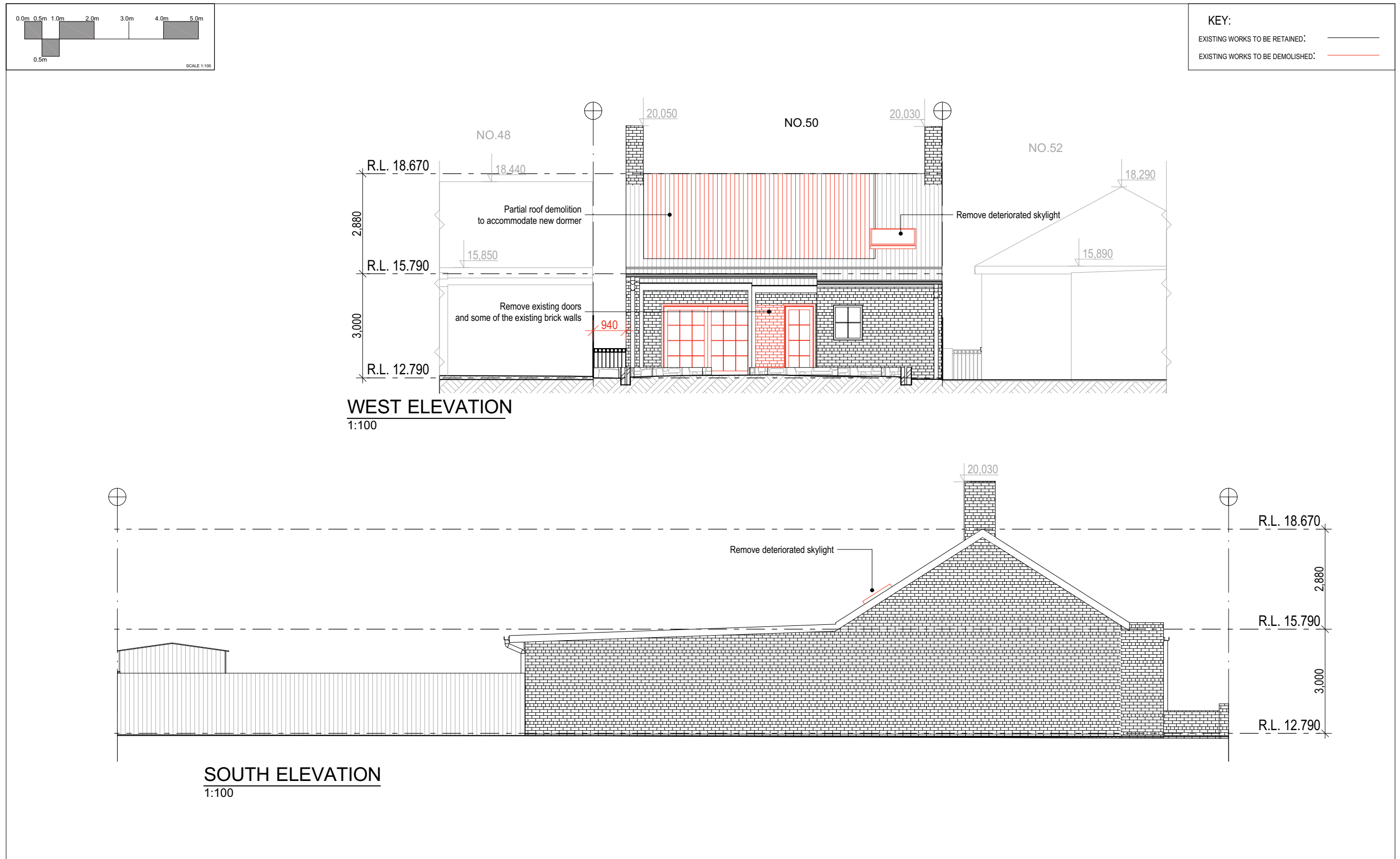
KEY:

- STORM WATER LINE --- →
- SEWAGE SERVICE LINE --- →
- SEDIMENT FENCE (NOT TO SCALE) SF
- SEDIMENT FENCE (NOT TO SCALE)

CONCEPT STORMWATER PLAN
1:200

	<p>Gardner Design & Drafting Ph: 1800 SKETCH (1800 753 824) 49a Sturt St, Kingsford NSW 2032 PO BOX 268, Matraville NSW 2036 www.gardnerdesign.com.au</p>	<p>N</p>	<p>NOTES</p> <ul style="list-style-type: none"> - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE - ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING - BUILDER TO VERIFY ALL DIMENSIONS ON SITE 	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>ISSUE</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>ISSUED FOR DA</td> <td>24/09/2024</td> </tr> <tr> <td>B</td> <td>ISSUED FOR DA</td> <td>01/10/2024</td> </tr> <tr> <td>C</td> <td>ISSUED FOR DA - COUNCIL RFI</td> <td>24/01/2025</td> </tr> </tbody> </table>	ISSUE	DESCRIPTION	DATE	A	ISSUED FOR DA	24/09/2024	B	ISSUED FOR DA	01/10/2024	C	ISSUED FOR DA - COUNCIL RFI	24/01/2025	<p>CLIENT</p> <p>RICHARD CHALMERS</p>	<p>PROJECT:</p> <p>PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018</p>
			ISSUE	DESCRIPTION	DATE													
A	ISSUED FOR DA	24/09/2024																
B	ISSUED FOR DA	01/10/2024																
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025																
<p>CLIENT'S SIGNATURE _____</p>	<p>GARDNER'S SIGNATURE _____</p>	<p>DISCLAIMER</p> <p>Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not, included as part of the improvement specifications.</p>	<p>TITLE:</p> <p>CONCEPT STORMWATER PLAN</p>															
				<p>INTELLECTUAL PROPERTY</p> <p>All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual Property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>SIZE: A3</td> <td>DWG File: 50G - DA</td> <td>ISSUE: C</td> </tr> <tr> <td>SCALE: AS SHOWN</td> <td>DRAWN BY: NV</td> <td>DATE: 24/01/2025</td> </tr> <tr> <td colspan="2"></td> <td>SHEET: 3</td> </tr> </table>		SIZE: A3	DWG File: 50G - DA	ISSUE: C	SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025			SHEET: 3		
SIZE: A3	DWG File: 50G - DA	ISSUE: C																
SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025																
		SHEET: 3																

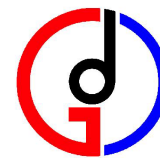




KEY:
 EXISTING WORKS TO BE RETAINED: ———
 EXISTING WORKS TO BE DEMOLISHED: ———

WEST ELEVATION
1:100

SOUTH ELEVATION
1:100



Gardner Design & Drafting
 Ph: 1800 SKETCH (1800 753 824)
 49a Sturt St, Kingsford NSW 2032
 PO BOX 268, Matraville NSW 2036
 www.gardnerdesign.com.au

NOTES
 - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE
 - ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE
 - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING
 - BUILDER TO VERIFY ALL DIMENSIONS ON SITE

CLIENT'S SIGNATURE _____ GARDNER'S SIGNATURE _____



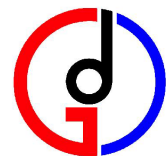
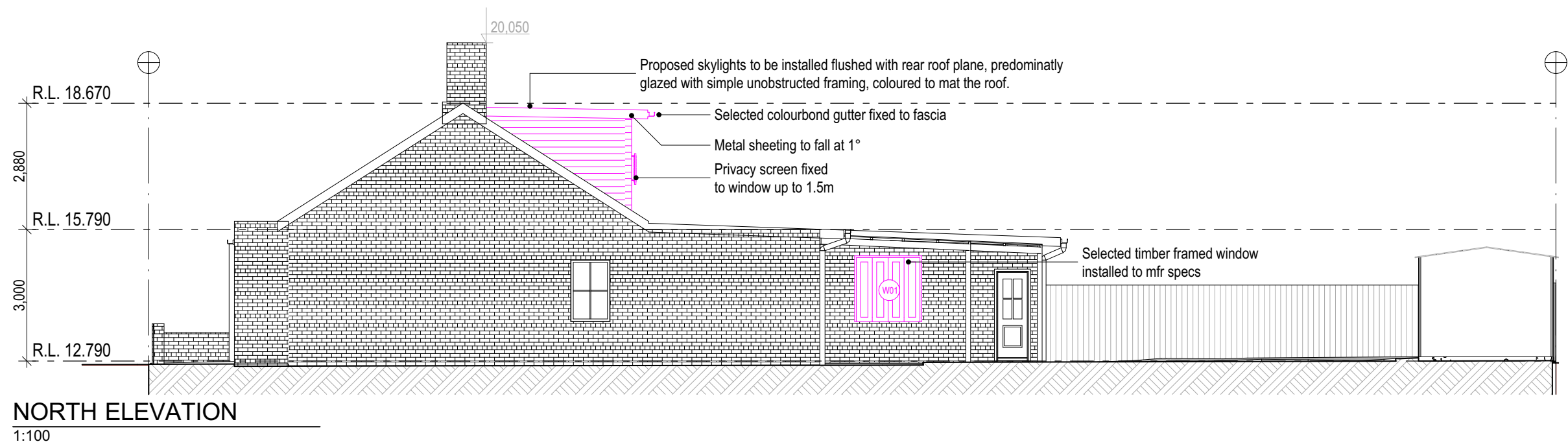
REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

CLIENT
 RICHARD CHALMERS

DISCLAIMER
 Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications.

INTELLECTUAL PROPERTY
 All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.

PROJECT: PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018			
TITLE: EXISTING ELEVATIONS 2			
SIZE: A3	DWG File: 50G - DA	ISSUE: C	
SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025	SHEET: 6



Gardner Design & Drafting
Ph: 1800 SKETCH (1800 753 824)
49a Sturt St, Kingsford NSW 2032
PO BOX 268, Matraville NSW 2036
www.gardnerdesign.com.au

NOTES

- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE
- ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE
- FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING
- BUILDER TO VERIFY ALL DIMENSIONS ON SITE

CLIENT'S SIGNATURE _____ GARDNER'S SIGNATURE _____

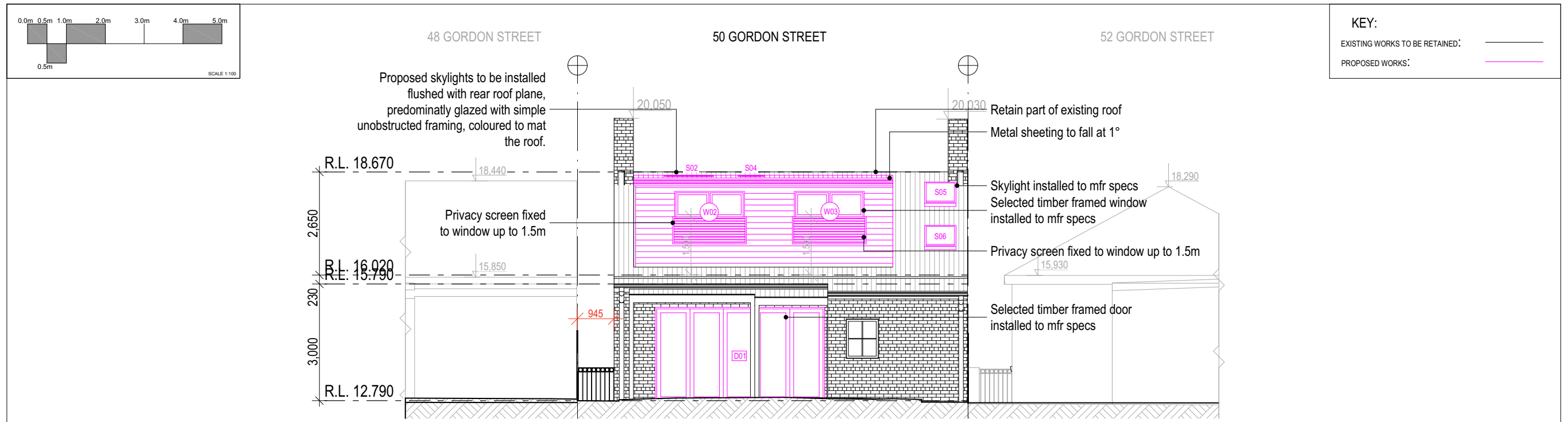
REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

CLIENT
RICHARD CHALMERS

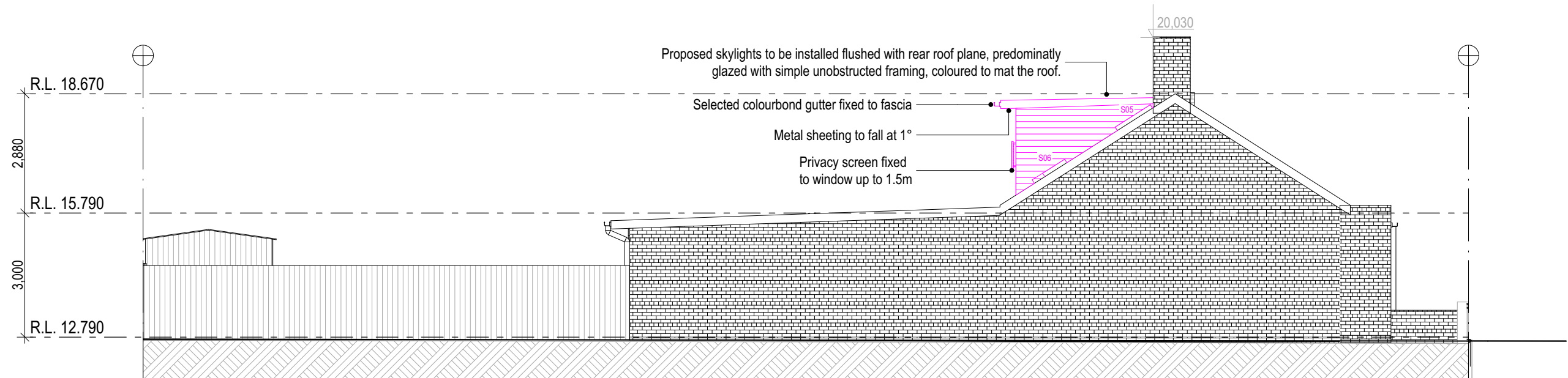
DISCLAIMER
Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications.

INTELLECTUAL PROPERTY
All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual Property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.

PROJECT: PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018			
TITLE: ELEVATION 1			
SIZE: A3	DWG File: 50G - DA	ISSUE: C	
SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025	SHEET: 9



WEST ELEVATION
1:100



SOUTH ELEVATION
1:100



Gardner Design & Drafting
Ph: 1800 SKETCH (1800 753 824)
49a Sturt St, Kingsford NSW 2032
PO BOX 268, Matraville NSW 2036
www.gardnerdesign.com.au

<p>NOTES</p> <ul style="list-style-type: none"> ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING BUILDER TO VERIFY ALL DIMENSIONS ON SITE 		<p>N</p>
<p>CLIENT'S SIGNATURE</p>	<p>GARDNER'S SIGNATURE</p>	

REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

<p>CLIENT</p> <p>RICHARD CHALMERS</p>	
<p>DISCLAIMER</p> <p>Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications.</p>	
<p>INTELLECTUAL PROPERTY</p> <p>All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.</p>	

<p>PROJECT:</p> <p>PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018</p>			
<p>TITLE:</p> <p>ELEVATION 2</p>			
SIZE:	DWG File:	ISSUE:	
A3	50G - DA	C	
SCALE:	DRAWN BY:	DATE:	SHEET:
AS SHOWN	NV	24/01/2025	10



REAR VIEW



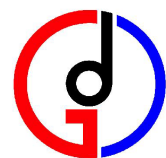
BED 3



STUDY



HALLWAY



Gardner Design & Drafting
 Ph: 1800 SKETCH (1800 753 824)
 49a Sturt St, Kingsford NSW 2032
 PO BOX 268, Matraville NSW 2036
 www.gardnerdesign.com.au

NOTES - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE - ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING - BUILDER TO VERIFY ALL DIMENSIONS ON SITE		N
CLIENT'S SIGNATURE	GARDNER'S SIGNATURE	

REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025


CLIENT	
RICHARD CHALMERS	
DISCLAIMER Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications.	
INTELLECTUAL PROPERTY All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.	

PROJECT: PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018			
TITLE: 3D VIEWS			
SIZE: A3	DWG File: 50G - DA	ISSUE: C	
SCALE: AS SHOWN	DRAWN BY: NV	DATE: 24/01/2025	SHEET: 12

SKYLIGHT SCHEDULE					
ID	VELUX CODE	LOCATION	OPENING W x L	PLAN	Q
S01	4622	STUDY	1,275×665		1
S02	4622	STUDY	1,275×665		1
S03	2222	STAIRS	665×665		1
S04	2222	STAIRS	665×665		1
S05	M04	BATH	780×980		1
S06	M04	BATH	780×980		1

WINDOW SCHEDULE							
ID	SILL	WIDTH	HEIGHT	HEAD HEIGHT	PLAN	ELEVATION	Q
W01	900	1,500	1,530	2.40			1
W02	900	1,800	1,250	2.15			1
W03	900	1,800	1,250	2.15			1

DOOR SCHEDULE							
ID	SILL	HEIGHT	WIDTH	HEAD HEIGHT	PLAN	ELEVATION	Q
D01	0	2,400	4,360	2.40			1
D02	0	2,045	760	2.05			3
D03	0	2,045	720	2.05			3

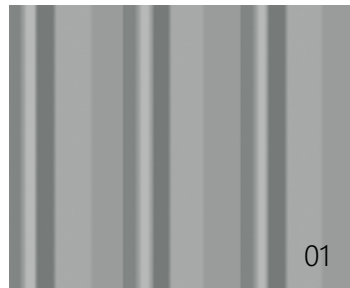
 <p>Gardner Design & Drafting Ph: 1800 SKETCH (1800 753 824) 49a Sturt St, Kingsford NSW 2032 PO BOX 268, Matraville NSW 2036 www.gardnerdesign.com.au</p>	NOTES - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE - ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING - BUILDER TO VERIFY ALL DIMENSIONS ON SITE CLIENT'S SIGNATURE _____ GARDNER'S SIGNATURE _____	REVISIONS <table border="1"> <thead> <tr> <th>ISSUE</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>ISSUED FOR DA</td> <td>24/09/2024</td> </tr> <tr> <td>B</td> <td>ISSUED FOR DA</td> <td>01/10/2024</td> </tr> <tr> <td>C</td> <td>ISSUED FOR DA - COUNCIL RFI</td> <td>24/01/2025</td> </tr> </tbody> </table>	ISSUE	DESCRIPTION	DATE	A	ISSUED FOR DA	24/09/2024	B	ISSUED FOR DA	01/10/2024	C	ISSUED FOR DA - COUNCIL RFI	24/01/2025	CLIENT RICHARD CHALMERS DISCLAIMER Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not included as part of the improvement specifications. INTELLECTUAL PROPERTY All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's intellectual property. At no point shall any of the documentation be shared, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.	PROJECT: PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018 TITLE: SCHEDULES SIZE: A3 DWG File: 50G - DA ISSUE: C SCALE: AS SHOWN DRAWN BY: NV DATE: 24/01/2025 SHEET: 13
	ISSUE	DESCRIPTION	DATE													
A	ISSUED FOR DA	24/09/2024														
B	ISSUED FOR DA	01/10/2024														
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025														

MATERIAL & FINISHES

@ 50 GORDON STREET, ROSEBERY, NSW 2018



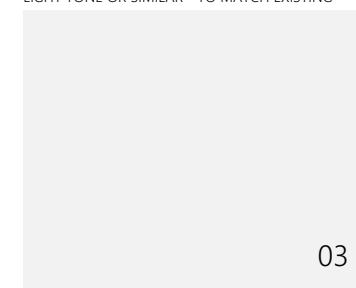
ROOF MATERIAL
METAL SHEETING - MID TONE OR SIMILAR



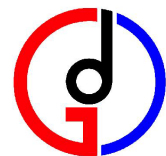
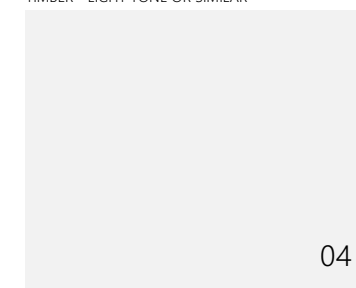
EXTERNAL WALL
WEATHERBOARD CLADDING - LIGHT TONE OR SIMILAR



FASCIAS & GUTTERS
LIGHT TONE OR SIMILAR - TO MATCH EXISTING



DOORS, WINDOWS
TIMBER - LIGHT TONE OR SIMILAR



Gardner Design & Drafting
Ph: 1800 SKETCH (1800 753 824)
49a Sturt St, Kingsford NSW 2032
PO BOX 268, Matraville NSW 2036
www.gardnerdesign.com.au

<p>NOTES</p> <ul style="list-style-type: none"> - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE - ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND ENGINEERS DETAILS WHERE APPLICABLE - FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING - BUILDER TO VERIFY ALL DIMENSIONS ON SITE 		<p>N</p>
<p>CLIENT'S SIGNATURE</p>	<p>GARDNER'S SIGNATURE</p>	

REVISIONS		
ISSUE	DESCRIPTION	DATE
A	ISSUED FOR DA	24/09/2024
B	ISSUED FOR DA	01/10/2024
C	ISSUED FOR DA - COUNCIL RFI	24/01/2025

<p>CLIENT</p> <p>RICHARD CHALMERS</p>	
<p>DISCLAIMER</p> <p>Gardner Design & Drafting has prepared these drawings only for the works detailed or indicated as "new work". Gardner Design & Drafting assumes no responsibility for all other existing structures or building works including the design thereof, which are not, included as part of the improvement specifications.</p>	
<p>INTELLECTUAL PROPERTY</p> <p>All documentation including but not limited to plans, specifications and copies, which have been produced by Gardner Design & Drafting, shall remain Gardner Design & Drafting's Intellectual property. At no point shall any of the documentation be altered, copied or reproduced for distribution or use in any other project other than this project, without the written consent of the Director of Gardner Design & Drafting.</p>	

<p>PROJECT:</p> <p>PROPOSED ALTERATIONS & ADDITIONS @ 50 GORDON STREET, ROSEBERY, NSW 2018</p>			
<p>TITLE:</p> <p>MATERIAL & FINISHES</p>			
<p>SIZE:</p> <p>A3</p>	<p>DWG File:</p> <p>50G - DA</p>	<p>ISSUE:</p> <p>C</p>	<p>SHEET:</p> <p>24</p>
<p>SCALE:</p> <p>AS SHOWN</p>	<p>DRAWN BY:</p> <p>NV</p>	<p>DATE:</p> <p>24/01/2025</p>	<p> </p>



Statement of Heritage Impact

50 Gordon Street, Rosebery
Alterations and Additions

October 8, 2024

3plus1heritage.com.au

CONTENTS

1.0 INTRODUCTION3

2.0 LIMITATIONS & ACKNOWLEDGMENTS3

3.0 THE SITE3

4.0 STATUTORY LISTINGS6

 4.1 HERITAGE LISTINGS6

5.0 DOCUMENTARY EVIDENCE7

 5.1 PRE-EUROPEAN OCCUPATION.....7

 5.2 BRIEF HISTORY OF THE LOCAL AREA8

 5.3 BRIEF HISTORY OF SUBJECT SITE.....9

 5.4 SITE DESCRIPTION16

6.0 SIGNIFICANCE27

 6.1 STATEMENT OF SIGNIFICANCE27

7.0 PROPOSAL.....27

 TABLE 7-0: LIST OF DRAWINGS28

8.0 HERITAGE IMPACTS.....29

 8.1 INTRODUCTION29

 8.2 IMPACTS ON SIGNIFICANCE.....29

 TABLE 8-2.1: IMPACTS TERMINOLOGY29

 TABLE 8-2.2: ASSESSMENT OF HERITAGE IMPACTS.....29

9.0 RECOMMENDED MITIGATION MEASURES.....35

10.0 CONCLUSION35

11.0 BIBLIOGRAPHY36

1.0 INTRODUCTION

This Statement of Heritage Impact has been prepared in accordance with the Standard Guidelines of the NSW Heritage Office, the Bayside Local Environmental Plan 2021 (LEP) and the Bayside Development Control Plan 2022 (DCP) to accompany a Development Application for 50 Gordon Street, Rosebery NSW. The application involves alterations and additions to the existing dwelling.

The documentary research and assessment of potential heritage impacts have been undertaken by Laura Myers, Heritage Consultant (M. Heritage Conservation, University of Sydney) and Steve Nix, Heritage Consultant (M. Heritage Conservation, University of Sydney, ICOMOS).

This report aims to:

- Provide a brief history of the subject site;
- Provide a description of the proposed works;
- Assess the impact of the proposed works on the heritage significance of the site, relevant heritage conservation areas and nearby listed items in accordance with the relevant legislative controls.

2.0 LIMITATIONS & ACKNOWLEDGMENTS

This assessment of impacts has been based on available site evidence along with historic research. A site visit was undertaken in February 2023.

This report does not include or consider potential impacts on Aboriginal heritage or archaeological heritage within the site or vicinity.

We wish to acknowledge Local History Librarian, Alison Wishart, for her assistance with historic research relating to the site.

3.0 THE SITE

The subject site sits on the western side Gordon Street, to the south of the intersection with the main thoroughfare along Gardeners Road [Figures 1 and 2]. The property adjoins the neighbouring sites along its northern, western and southern boundaries, with the eastern boundary forming the primary frontage onto Gordon Street. The site is identified as Lot 15 in Section 1 of DP3986.

Street Address	Suburb/Town	LGA	Lot/DP	Parish	County
50 Gordon Street	Rosebery	Bayside	Lot 15, Section 1, DP3986	Botany	Cumberland

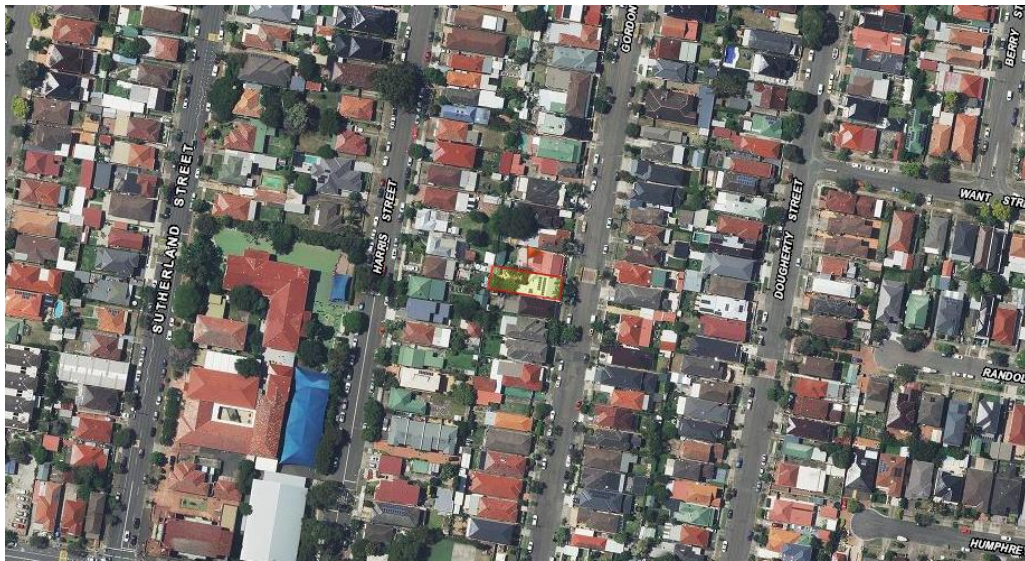


Figure 1 - Aerial image of the local area, with subject site outlined in red (Source: SIX Maps, accessed 11.3.23)

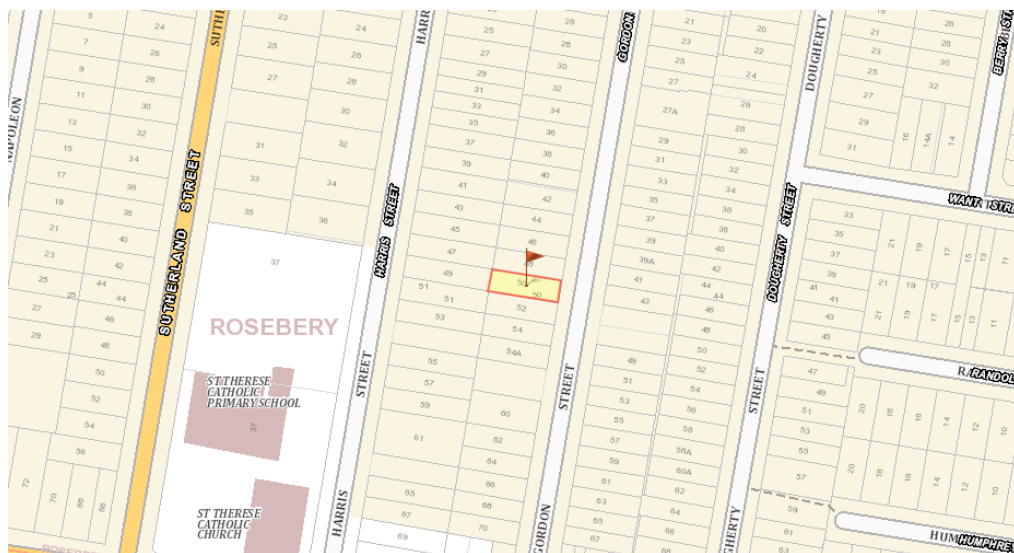


Figure 2 - Lot boundary plan of local area, with subject site outlined in red (Source: SIX Maps, accessed 11.3.23)



Figure 3 – Local streetscape, view looking north along Gordon Street, with subject site indicated by red arrow (Source: Google Maps, Feb 2021)



Figure 4 – Local streetscape, view looking south along Gordon Street, with subject site indicated by red arrow (Source: Google Maps, Feb 2021)

4.0 STATUTORY LISTINGS

4.1 HERITAGE LISTINGS

The subject site is listed as a heritage item in Part 1 of Schedule 5 of the Bayside Local Environmental Plan 2021.

Listing Number	Description	Address	Lot	Listing Level
I370	House	50 Gordon Street	Lot 15, Section 1, DP 3986	Local

The subject site is not located within a Heritage Conservation Area; however it is located within close proximity to several other local heritage items as outlined in the below table/map.

Listing Number	Description	Address	Lot	Listing Level
I368	House	27 Gordon Street	Lots 11 and 12, DP 832654	Local
I369	House	45 Gordon Street	Lots 14 and 15, Section 2, DP 3986	Local
I372	House	51 Harris Street	Lot 14, Section 13, DP 939789	Local

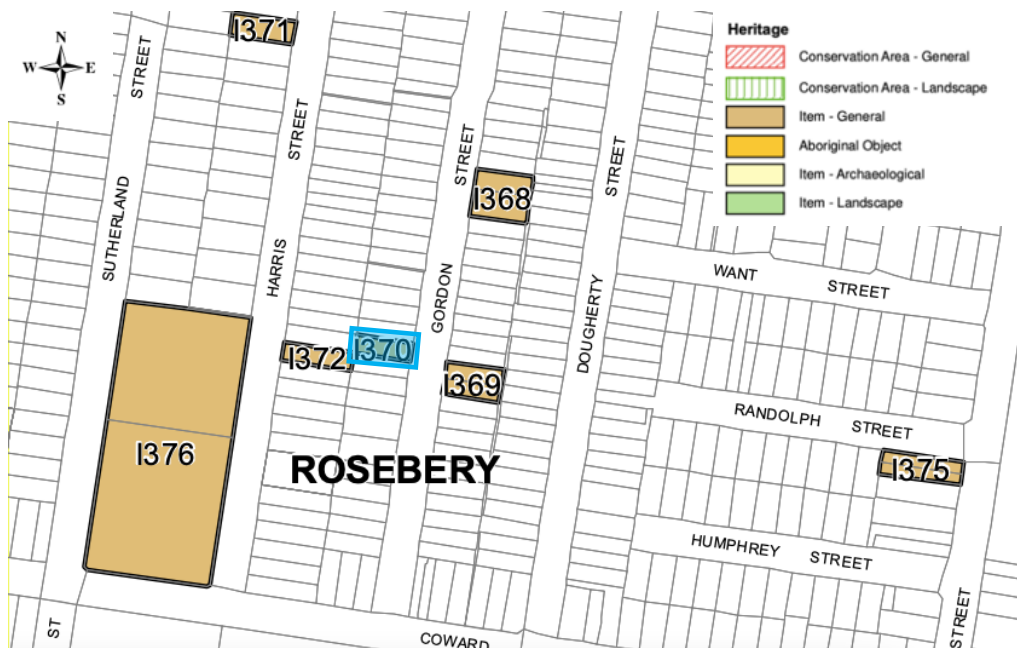


Figure 5 - Heritage map with the subject site outlined in blue and the surrounding heritage context (Source: Bayside LEP 2021, Heritage Map – Sheet HER_011)

5.0 DOCUMENTARY EVIDENCE

5.1 PRE-EUROPEAN OCCUPATION

The Sydney basin is referred to as Eora Country. The term 'Eora' translates to 'here' or 'place' and was used by local Aboriginal people to describe to the British where they came from. Eora consisted of approximately 29 groups as shown in the below map.¹ Prior to European settlement, the Gadigal, Gweagal and Bidjigal people inhabited the Rockdale and Botany Bay areas for thousands of years prior to European occupation.² The Gadigal people are also known to have inhabited the areas along the south side of Sydney Harbour, from South Head to current day Petersham.³

Gweagal land extended from the southern shores of Botany Bay, west to Liverpool, and south to the Shoalhaven River. The Gweagal were one of the first Aboriginal people to encounter British explorers. On April 28th, 1770, Captain Cook's party shot a Gweagal man, and when he fled, Cook's party collected his shield, which is known as the 'Gweagal Shield'.⁴ The Bidjigal people (River Flat people) are thought to have inhabited the area west of Botany Bay to Saltpan Creek north of present-day Bankstown, although there is some conjecture regarding their primary location. The most well-known Bidjigal member was the resistance fighter Pemulwuy who led a resistance against European occupation, spearing Governor Macquarie's game hunter in 1790.⁵

Following European Settlement in 1788, Aboriginal populations around present-day Sydney were decimated through introduced diseases like smallpox, violence from colonisers and loss of traditional food sources through the dispossession of their land.⁶

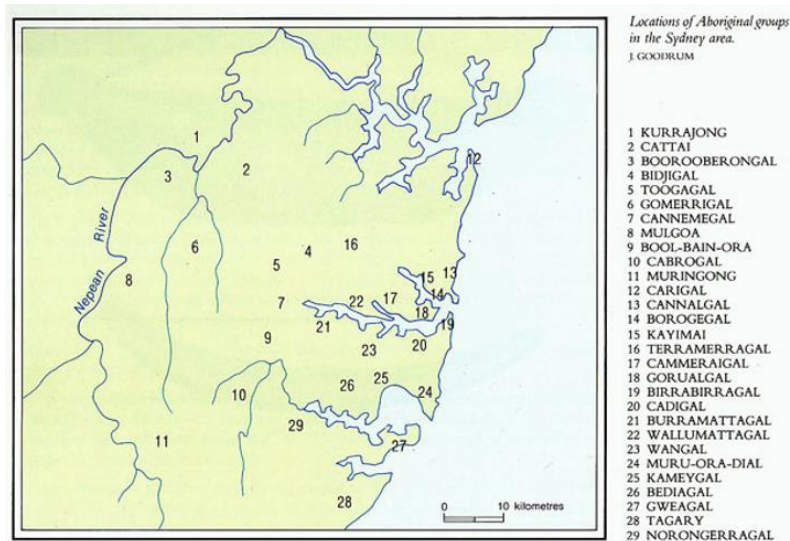


Figure 6 - Locations of Aboriginal groups within the Sydney area (Source: Goodrum J Goodrum in Mulvaney, D J and White, Peter, 1987, *Australians to 1788*, Fairfax, Syme & Weldon, Sydney, p. 345)

¹ Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place.", Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

² "A Brief History of the City.", Rockdale City Council, last modified 2018, https://www.rockdale.nsw.gov.au/Pages/Rockdale_History.aspx

³ Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place.", Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

⁴ "First contact 1770 and the Gweagal shield and spears", University of Sydney, last modified 27 May 2016 <http://sydney.edu.au/environment-institute/events/first-contact-1770-and-the-gweagal-shield-and-spears/>

⁵ Keith Vincent Smith, "Eora Mapping Project", Mitchell Library, last modified 2006, <http://www2.sl.nsw.gov.au/archive/events/exhibitions/2006/eora/docs/eora-guide.pdf>

⁶ Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place.", Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

5.2 BRIEF HISTORY OF THE LOCAL AREA

The present day boundaries of Mascot and the southern section of Rosebery originally sat within the 'North Botany' area, part of land which was among some of the first to be subdivided and developed following European invasion. The earliest land grants were recorded in 1809, made to three ex-convicts, Edward Redmond (135 acres), Andrew Byrne (30 acres) and Mary Lewin (30 acres), located within the vicinity of the current footprint of the Kingsford Smith Airport.⁷ Further land grants continued to be made to the east and north in the following decades, with the largest attained by Simeon Lord (600 acres) in 1823, as well as a large portion of the Botany area encompassed by a reserve owned exclusively by the Crown, totalling over 4000 acres. Originally held to provide funds for the Anglican clergy and associated schools, the scheme did not come to fruition, resulting in slow development of the area until the land was subdivided in the late 19th century.⁸

Throughout the majority of the 19th century the North Botany area remained as agricultural land, with small scale farms and gardens making use of the good soil. Some of these original gardens were farmed by their owners or leased to Chinese migrant gardeners, with the population of the small village growing significantly by the 1880s.⁹ Industrial warehouses and large businesses were also prominent in the area, with several tanners, including the famous 'Bruce's' (est.1887). In the latter half of the 19th century, an increase of factories around the Botany Bay Water Reserve meant that the city's water supply from Botany was no longer reliable and the Botany Pumping Station ceased operation.¹⁰

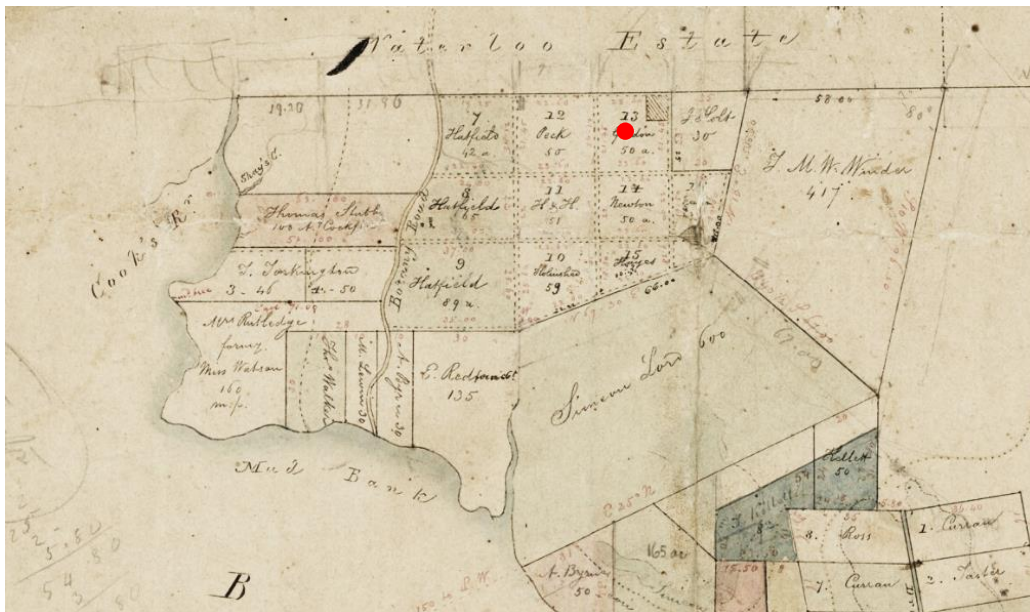


Figure 7 – Detail of map of the Parish of Botany, c. 1840, with approximate location of subject site indicated in red (Source: State Library NSW)

⁷ Tropman and Tropman, Botany Heritage Study, Bayside Council, 1996.

⁸ Tropman and Tropman, Botany Heritage Study, Bayside Council, 1996.

⁹ Mark Butler, 'Botany', Dictionary of Sydney, 2011, <https://dictionaryofsydney.org/index.php/entry/botany#ref-uuid=8694959c-f2d5-3e57-681d-8fdc472468d6>

¹⁰ Mark Butler, 'Botany', Dictionary of Sydney, 2011, <https://dictionaryofsydney.org/index.php/entry/botany#ref-uuid=8694959c-f2d5-3e57-681d-8fdc472468d6>

The three municipalities of Botany, North Botany and West Botany were officially recognised in 1867, with Botany and North Botany later incorporated, developing a more residential character than the Botany Bay area. North Botany became known as Mascot in 1911, derived from the nearby 'Ascot' racecourse (near present day Kingsford Smith Airport), after some community debate about how common the name has become throughout the colony.¹¹ The local government prioritised open green spaces, recreational facilities and streetscape presentation as the residential population of the area grew.

The southern section of present-day Rosebery was originally located within the 'Mascot' area, largely made up of a 100 acre parcel of land obtained in equal parts by Samuel Peek and Lewis Gordon in 1839. The land was developed in conjunction with the surrounding North Botany area, with market gardens and small scale agriculture contributing to most of the early land use. Rosebery takes its name from the Prime Minister of the UK, Archibald Phillip Primrose, the fifth Earl of Rosebery, who visited Australia in 1883-84.¹² By the early 1900s, Rosebery had undergone a major residential and commercial boom, with various pubs and hotels along Gardeners Road, and the first Rosebery Racecourse established in 1895, later relocated to the eastern edge of the suburb in 1906.¹³ The northern section of Rosebery, originally known as 'South Waterloo', was planned as a model garden suburb by John Sulman from c. 1911, and subdivided by the Town Planning Company of Australia from 1914.¹⁴ Following WWII, a period of migration saw the settlement of a large number of new Greek and Italian residents in the Rosebery and Mascot areas, with continued migration throughout the latter half of the twentieth century.

5.3 BRIEF HISTORY OF SUBJECT SITE

The subject site is located within the 50 acres of land originally acquired by Government Surveyor, Lewis Gordon, in 1839, which sits between present-day Sutherland and Maloney Streets, bordered by Coward Street to the south and Gardeners Road to the north. The land was eventually subdivided, with a substantial portion to the west of Margaret Street (present-day Gordon Street) purchased by R.J. Want.¹⁵

Want's land was first offered for sale in the 1880s, however the subject site and immediate surrounds were not initially purchased, and later offered both by Pritchard and again as part of the Gordon Estate Subdivision c. 1882.

¹¹ Barrier Miner, 2.8.1911, <https://trove.nla.gov.au/newspaper/article/45159226>

¹² State Heritage Inventory Database entry, 'House', retrieved from, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1210118>

¹³ State Heritage Inventory Database entry, 'House', retrieved from, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1210118>

¹⁴ 'Rosebery Estate', Sydney DCP, 2012, 2.2-1

¹⁵ State Heritage Inventory Database entry, 'House', retrieved from, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1210118>

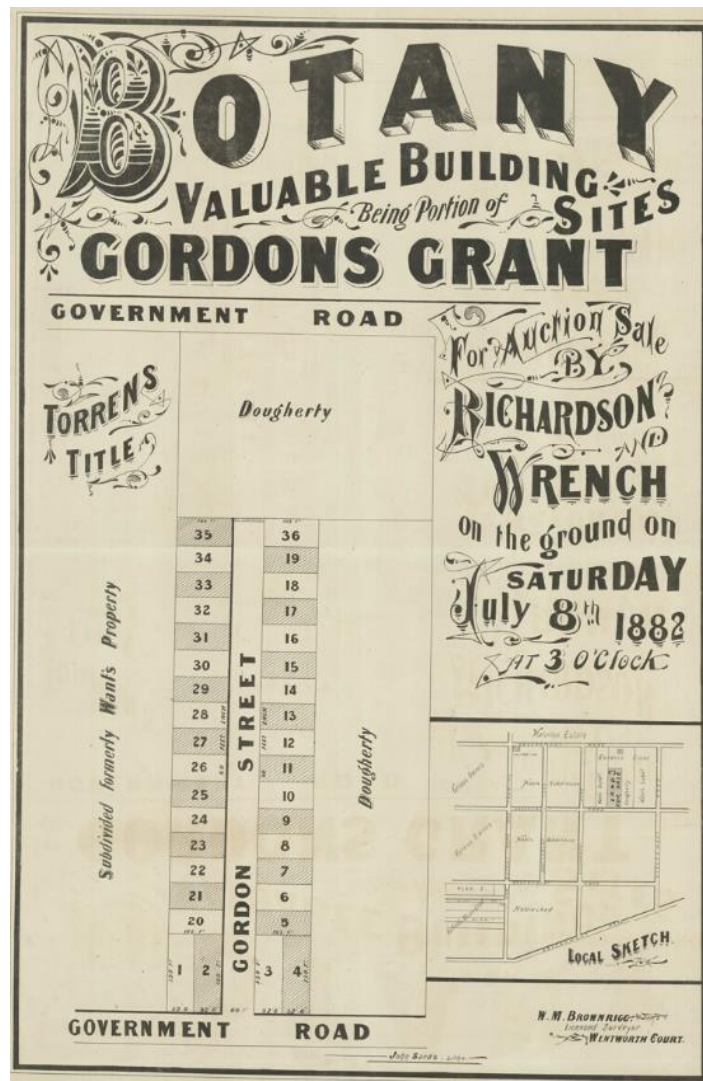


Figure 8 – Gordon's Grant subdivision, 1882 (Source: State Library NSW)

The State Heritage Inventory database listing for the site notes that the Water Board Detail Sheet for the area, dated 1893 and revised in 1910, shows the existing dwelling in its current configuration under the name 'Spey', indicating that the subject site had been constructed by this time. The listing suggests that the dwelling was constructed prior to 1905, consistent with the land sale in 1904, which saw the subject site transferred to James William Drawbridge [Figure 9]. Drawbridge is listed in the Sands Postal Directory on the west side of Gordon Street from 1905, along with four other dwellings.¹⁶ Other early residents include Ernest Berg, Charles Byrne, Percy Martenne, and Albert and Lancelot R. Reynolds from 1920, who named the house 'Lillian Cottage'.¹⁷ Gordon Street was numbered c.1930, with Alfred Suter residing in the subject dwelling at no. 50 from c.1932/3 and listed as the owner on the 1958 Valuation of the site.¹⁸

¹⁶ Sands Postal Directory, 1905, 452.

¹⁷ Sands Postal Directory, 1927, 620.

¹⁸ Sands Postal Directory, 1932/3, 602

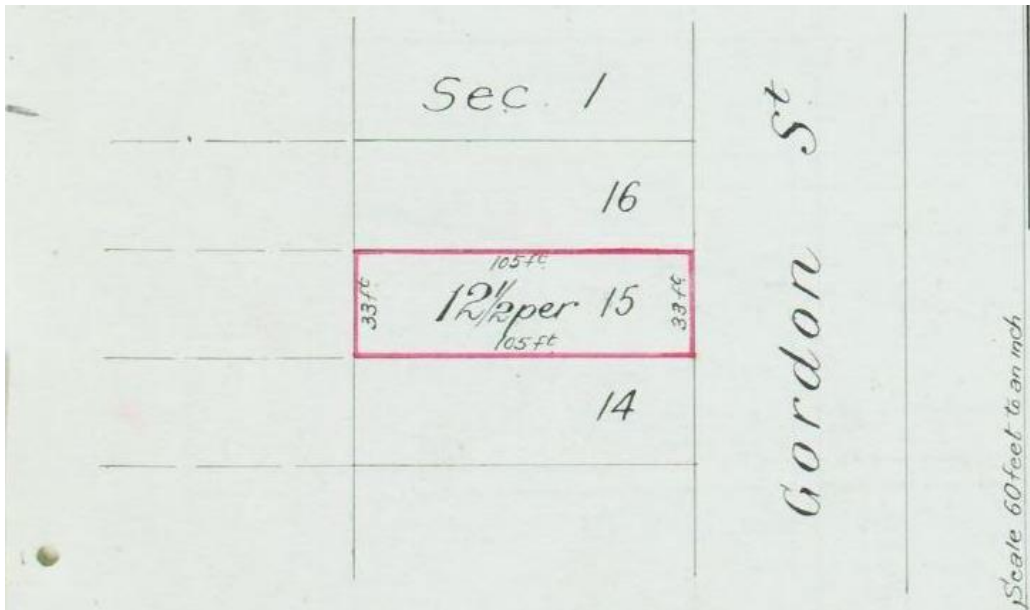


Figure 9 – 1904 transfer of land to James William Drawbridge, 50 Gordon Street (Source: Historical Lands Record Viewer provided by Bayside Council)

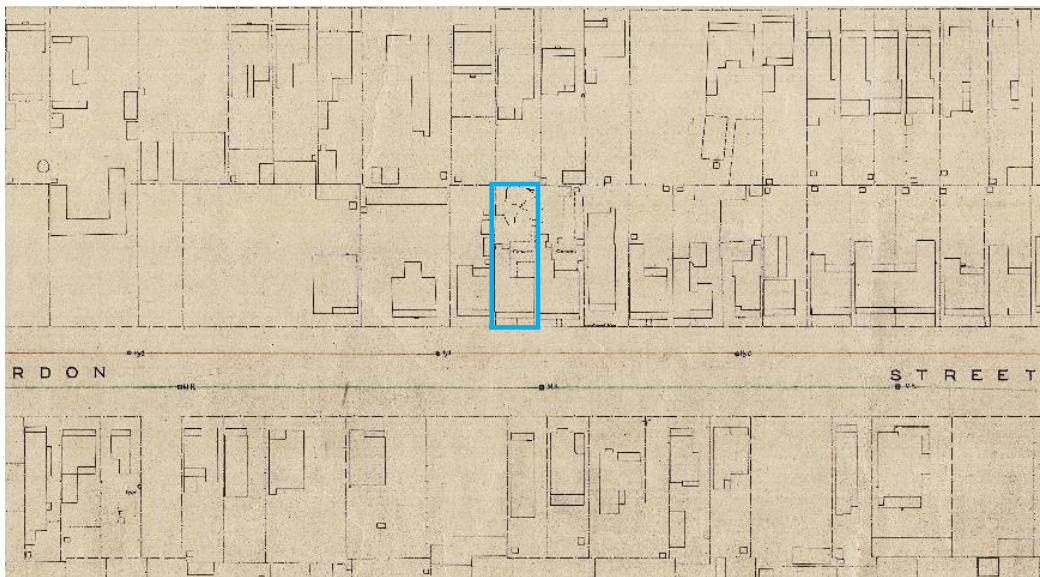


Figure 10 – Metropolitan Water, Sewerage and Drainage, Map Sheet no.26, 1923, with subject site outlined in blue (Source: Metropolitan Water, Sewerage and Drainage Board, provided by Bayside Council)

DEPARTMENT OF THE VALUER GENERAL, N.S.W.—VALUATION LIST (C)									
VALUATION DISTRICT OF M.B. MASCOT		OWNER'S NAME REYNOLDS. LANGELOT, R.		WARD OR RIDING	OCCUPATION	VALUATION NO. ADDRESS 1319			
LESSEE'S NAME				"LILLIAN COTTAGE." GORDON ST. MASCOT.					
COUNTY		PARISH		TOWN OR VILLAGE					
REGD. REF. } NO. TO TITLE } EX.	FD.	D.P.		OTHER } TENURE }		NATURE OF } IMPROVEMENTS }		LOCALITY OR } ESTATE }	
STREET GORDON		SIDE W						HOUSE NO. OR RANGE } "LILLIAN COTTAGE."	
DATE VALUED TAKE EFFECT IN VALUATION ROLL	PORTION	SEC.	LOT	AREA OR DIMENSIONS	UNIMPROVED	IMPROVED	ASSESSED ANNUAL		REMARKS
1/11/26		1	15	33'x105'	115	575	52		

Figure 11 – 1926 valuation of the subject site (Source: Bayside Council archives)

Aerial imagery from the 1940s shows the dwelling in its current position on site, with minimal landscaping to the front and rear gardens. By the 1970s some change had occurred to the rear of the dwelling, with a rear extension visible by 1982, followed by further extensive changes to the rear of the dwelling to its current configuration prior to 2005. A new corrugated metal roof was installed c. late 1980s.



Figure 12 - Historic aerial image, 1943, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)



Figure 13 – Historic aerial image, 1955, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)



Figure 14 – Historic aerial image, 1971, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)



Figure 15 - Historic aerial image, 1982, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)



Figure 16 - Historic aerial image, 1986, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)

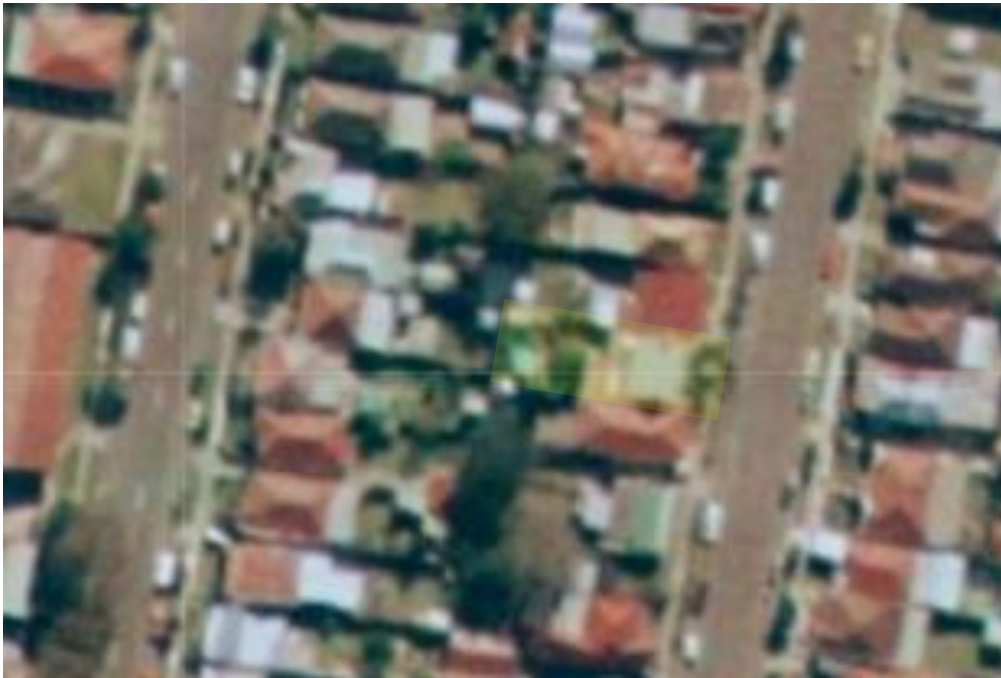


Figure 17 - Historic aerial image, 1991, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)



Figure 18 - Historic aerial image, 2005, with subject site highlighted in yellow (Source: NSW Spatial Services, Historical Image Viewer)

5.4 SITE DESCRIPTION

50 Gordon Street, Rosebery

The site is located on the western side of Gordon Street between Gardeners Road and Coward Street. The site is relatively flat and rectangular in shape and is generally oriented east-west. The site incorporates a single-storey detached dwelling, a small front garden and landscaped rear yard. The dwelling consists of the principal building form under the primary gabled roof with a rear wing under the rear skillion roof.

The subject dwelling is a single-storey, early Federation-era cottage. The principal building form of masonry dwelling is largely intact and has been designed with a symmetrical front facade, with a similar cottage dwelling located to the northern (48 Gordon St). The gabled roof form of the subject dwelling is clad in corrugated metal (later addition), with the ridgeline running parallel to the front boundary along Gordon Street and a small section extending over the front verandah. Two intact twin pot chimneys are visible to either gable end, with solar panels to the rear slope of the roof. The front façade features decorative timber post and bracket detailing with blind arches to the fin walls at either end of the verandah. The timber bracket detail to the left/south post has been removed within the last three years and has recently been reinstated. A single decorative moulded corbel is featured on each of the fin walls, facing onto the streetscape. A timber-framed sash window sits on either side of the central doorway, each featuring moulded edges. The dwelling is separated from the pedestrian walkway by a low, painted brick wall and gate. A small front garden area is set to either side of the central front pathway.

The interior of the principal building form (under primary gabled roof) includes a central axis hallway providing access to three bedrooms and a main bathroom. The interior of the rear wing (under skillion roof) includes a living, dining and kitchen space, along with an additional external laundry/ bathroom located adjacent to the kitchen and accessed via the rear patio.

The interior of the dwelling's principal building form (under gabled roof) remains largely intact to the hallway and front bedrooms, with original fireplace detailing, timber flooring, skirting, decorative ceiling roses, and decorative vents. The central hallway also features a decorative archway and ceiling rose. Some evidence of later alterations to the dwelling is evident in the widened hallway/bathroom area which includes a studwork partition wall (between the bathroom and hallway) with timber architrave, skylight and bathroom detailing estimated to date from c.1970s.

Although highly modified/part of later additions, the interiors of the rear wing (under skillion roof) includes sympathetic detailing including timber skirtings, a fireplace with timber mantle, together with contemporary downlights and timber flooring throughout. The kitchen is simple and includes modern cabinetry and appliances, with a double timber-framed sash window facing onto the rear garden. A single timber framed door with glazed panels sits adjacent to large timber-framed glazed sliding doors onto the external patio.

The rear of the dwelling includes a large timber framed pergola covering the majority of the paved patio area. A low brick wall forms a series of garden beds around the edge of the site, with a small lawn area and mature trees along the southern boundary and towards the south-western corner of the garden. A metal storage shed is located along the rear boundary.



Figure 19 - Primary façade facing onto Gordon Street, view looking southwest (Source: Three + One Heritage, 2024)



Figure 20 - Front window detailing, view looking north (Source: Three + One Heritage, 2024)



Figure 21 – Timber detailing to the front verandah (Source: Three + One Heritage, 2024)



Figure 22 – Front entrance doorway, view looking east (Source: Three + One Heritage, 2024)



Figure 23 - View of hallway towards front entrance (Source: Three + One Heritage, 2024)



Figure 24 – Existing fireplace in Bed 1 (Source: Three + One Heritage, 2024)



Figure 25 – Timber-framed sash window in Bed 1 (Source: Three + One Heritage, 2024)



Figure 26 – Existing Bed 2 to the north-eastern corner (Source: Three + One Heritage, 2024)



Figure 27 – Existing Bed 3, internal changes proposed (Source: Three + One Heritage, 2024)

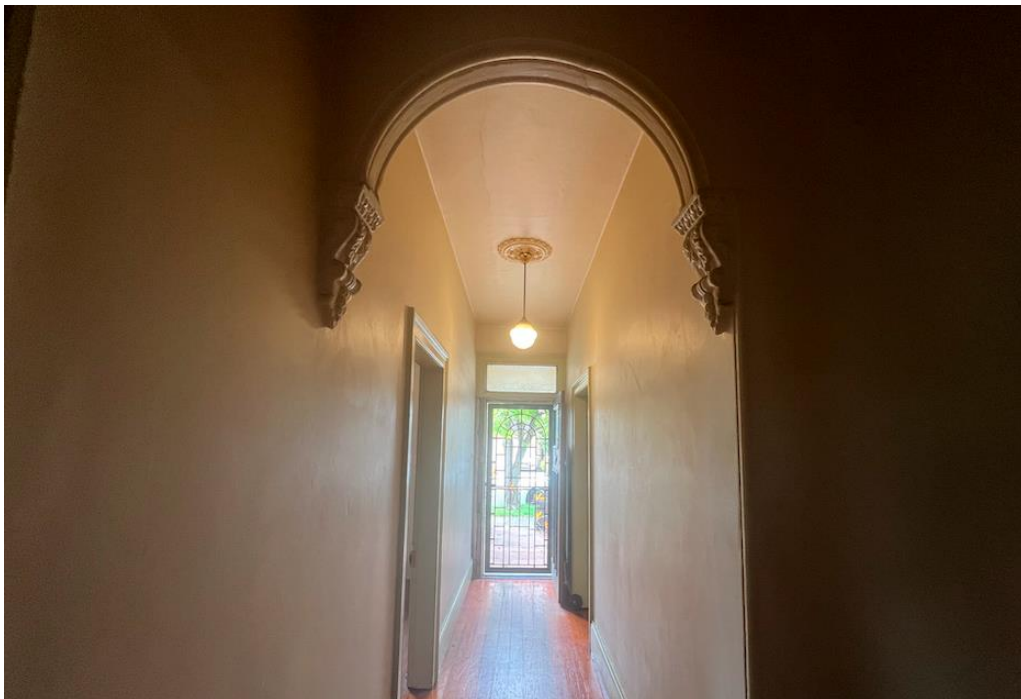


Figure 28 – Hallway arch, to be retained (Source: Three + One Heritage, 2024)



Figure 29 – Hallway arch detailing, to be retained (Source: Three + One Heritage, 2024)



Figure 30 – Rear living/ dining area, to be reconfigured (Source: Three + One Heritage, 2024)



Figure 31 – Living room fireplace, to be retained (Source: Three + One Heritage, 2024)



Figure 32 – Doors onto rear patio, to be replaced (Source: Three + One Heritage, 2024)



Figure 33 - Existing kitchen, to be reconfigured/renovated (Source: Three + One Heritage, 2024)



Figure 34 – Rear patio area, with entrance to rear laundry, windows and doors to be replaced (Source: Three + One Heritage, 2024)



Figure 35 – Rear patio (Source: Three + One Heritage, 2024)



Figure 36 – Rear garden, view looking west (Source: Three + One Heritage, 2024)



Figure 37 – View of rear of dwelling looking east from rear boundary (Source: Three + One Heritage, 2024)



Figure 38 – Northern side passage, view looking east towards Gordon Street, location of previous rear extension visible in changes to brickwork (Source: Three + One Heritage, 2024)

6.0 SIGNIFICANCE

6.1 STATEMENT OF SIGNIFICANCE

The following Statement of Significance for the subject site has been extracted from the State Heritage Inventory Database entry, updated in September, 2018.¹⁹

The property 50 Gordon Street, Rosebery (house and curtilage) is of local heritage significance to the Bayside area as a substantially intact example of a late Victorian/early Federation period gabled cottage. It is historically and aesthetically significant for the evidence that it provides of the pattern of development in the area during the period of transition from agricultural to suburban cultural landscape following subdivision and series of "Estates" being offered in the 1880s by at least two auctioneers.

Its built form is significant for the evidence it provides of the community's rapidly changing tastes in housing in the area during the late 19th and early 20th century, and appreciation of this evidence is facilitated when the Item is compared against the Art Deco form and styling of the property at 45 Gordon Street (situated opposite), which was built within 40 years of 50 Gordon Street.

The house has undergone some alteration and addition, but its original form remains substantially intact and clearly legible and the property continues to provide readily interpretable evidence of the traditional pattern of the first phase of residential development in the local area. It is aesthetically significant for the traditional terrace house form and detailing of the property including the Victorian Italianate style brackets applied to the fin walls to the veranda. The later layers of alterations and additions do not impact on the legibility of the property or its contribution to the local streetscape.

7.0 PROPOSAL

The proposed works are part of a Development Application involving the subject site at 50 Gordon Street, Rosebery. The application involves alterations and additions to the existing dwelling, including:

1. Alterations within the interior of the principal building form (under gable roof);
 - a. Construction of a new storage cupboard within central hallway;
 - b. Installation of new opening within Bed 1;
 - c. Reconfiguration/renovation of the existing bathroom space;
 - d. Construction of a new staircase and opening within Bed 3;
2. Alterations to interior/exterior of rear wing (under skillion roof);
 - a. Reconfiguration of existing kitchen;
 - b. New window/door openings from existing living/ kitchen onto rear patio;
 - c. Updates to rear bathroom/ laundry;
3. Construction of a new pop-out roof extension in existing attic space;
4. New skylights to rear roof plane of primary gabled roof.

This Statement of Heritage Impact has assessed the attached drawings provided by Gardner Design and Drafting.

¹⁹ State Heritage Inventory Database entry, 'House', retrieved from, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1210118>

TABLE 7-0: LIST OF DRAWINGS

Drawing No	Title	Date	Issue
Sheet 1	Cover page	1.10.24	B
Sheet 2	Roof & site analysis	1.10.24	B
Sheet 3	Concept stormwater plan	1.10.24	B
Sheet 4	Existing ground floor plan	1.10.24	B
Sheet 5	Existing elevations 1	1.10.24	B
Sheet 6	Existing elevations 2	1.10.24	B
Sheet 7	Ground	1.10.24	B
Sheet 8	First	1.10.24	B
Sheet 9	Elevation 1	1.10.24	B
Sheet 10	Elevation 2	1.10.24	B
Sheet 11	Sections	1.10.24	B
Sheet 12	3D Views	1.10.24	B
Sheet 13	Schedules	1.10.24	B
Sheet 14	Existing shadows 1 – June 21	1.10.24	B
Sheet 15	Proposed shadows 1 – June 21	1.10.24	B
Sheet 16	Elevational shadows 1 – June 21	1.10.24	B
Sheet 17	Elevational shadows 2 – June 21	1.10.24	B
Sheet 18	Elevational shadows 3 – June 21	1.10.24	B
Sheet 19	Existing shadows 1 – Sep 22	1.10.24	B
Sheet 20	Proposed shadows 1 – Sep 22	1.10.24	B
Sheet 21	Elevational shadows 1 – Sep 22	1.10.24	B
Sheet 22	Elevational shadows 2 – Sep 22	1.10.24	B
Sheet 23	Elevational shadows 3 – Sep 22	1.10.24	B
Sheet 24	Materials & finishes	1.10.24	B

8.0 HERITAGE IMPACTS

8.1 INTRODUCTION

The following assessment is based on the Standard Guidelines of the NSW Heritage Office, the Bayside LEP (2021) and the Bayside DCP (2022) to accompany a Development Application for the site at 50 Gordon Street, Rosebery.

8.2 IMPACTS ON SIGNIFICANCE

This section assesses how each of the proposed works will impact on the heritage significance of the listed subject site and nearby listed items. This assessment is based on the proposed architectural plans supplied by Gardner Design and Drafting.

TABLE 8-2.1: IMPACTS TERMINOLOGY

Definition	Impact
<p>Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource.</p> <p>These actions cannot be fully mitigated.</p>	Major
<p>This would include actions involving the modification of a heritage place, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures.</p> <p>The impacts arising from such actions may be able to be partially mitigated.</p>	Moderate
<p>Actions that would result in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item.</p> <p>The impacts arising from such actions can usually be mitigated.</p>	Minor
<p>Actions that would result in very minor changes to heritage items.</p>	Negligible
<p>Actions that would have no heritage impact.</p>	Neutral

TABLE 8-2.2: ASSESSMENT OF HERITAGE IMPACTS

Proposed works	Heritage Assessment	Impact
<p>1. Alterations within interior of principal building form (under gable roof);</p> <p>a. Construction of a new storage cupboard within central hallway;</p> <p>b. Installation of new opening within Bed 1;</p>	<p>1. The subject site is listed as an item of local heritage significance in the Bayside LEP (2021) and is located within close proximity of several other locally listed items along Gordon Street and Harris Street. The area is characterised by a variety of late-Victorian, Federation, Interwar, and post-war dwellings.</p> <p>While the subject dwelling was constructed c. 1904, it has been considerably altered over the last century, with the addition of a rear extension, internal alterations to the central hallway and bathroom, installation of a new corrugated metal roof, and re-landscaping to the front and rear gardens. Despite these changes, the dwelling retains its overall form and a large amount of early architectural detailing to both the</p>	Minor to Moderate

Proposed works	Heritage Assessment	Impact
<p>c. Reconfiguration/ renovation of the existing bathroom space;</p> <p>d. Construction of a new staircase and opening within Bed 3;</p>	<p>exterior and interior of the building and continues to positively contribute to the overall character of the surrounding streetscape.</p> <p>a. As part of the proposed works, a new recessed storage space will be constructed within the existing hallway, adjacent to the primary front entrance. The new storage space will involve the addition of a new storage cupboard and bench area extending into Bedroom 2, matching the height of the existing hallway openings. The works will require the removal of a section of the existing hallway wall fabric (1.61m wide x 2.1m tall) and skirting to create the new opening, as well as the removal of wall detailing to the interior of the bedroom space.</p> <p>The proposed storage area will involve intervention with original wall fabric and will somewhat alter the general layout of the front section of the dwelling. However, the new opening will be simply detailed and easily recognisable as new work and has been designed to sit in line with the existing hallway wall and openings, ensuring that the original configuration of the dwelling remains legible and the overall visual impact is minimised. Additionally, doors have been added to the storage space to assist to minimise visual change to the existing wall form (when viewed from hallway). While the initial plans for the new storage space involved the installation of a fixed storage cupboard and low bench along the front façade to the street-facing elevation of the dwelling, following heritage advice this has been removed from the project scope and relocated, resulting in no work to the primary façade along Gordon Street, which will appear unchanged. This component of the proposal is considered to have a 'moderate' impact on the integrity of the site.</p> <p>b. The proposal also involves the construction of a new opening within Bedroom 1 to provide access into the adjacent new ensuite space (discussed below). The new opening will be located to the existing western partition wall, requiring the removal of an original wall section including its skirting detailing. However, the proposed opening will not require intervention with the space's most characteristic elements including the original timber framed window, fireplace, hearth or mantle, ensuring the installation has minimal impact on the room's significant remnant architectural detailing. Similarly, the new opening will be simply detailed and the existing partition walls will be retained in situ, allowing for the original configuration of the front rooms of the dwelling to continue to</p>	

Proposed works	Heritage Assessment	Impact
	<p>be read. This change is considered to have a 'minor' impact on the integrity of the site.</p> <p>c. The proposed plans for the ground floor of the dwelling also include the reconfiguration/renovation of the existing bathroom, adjacent to the main central hallway. The bathroom space is estimated to have been updated c. 1970s and contains little to no remnant significant fabric. This included replacement of its partition wall with the hallway as a studwork wall. Therefore, the removal of the existing fittings and fixtures will have limited impact on the overall character of the dwelling. The proposed contemporary bathroom and ensuite will be located within the same position as the existing bathroom, with the existing studwork partition walls and openings extended slightly to more closely align with the other hallway walls. While the bathroom and ensuite detailing will be entirely contemporary, as part of the works, the existing decorative arch detailing will be retained, with the new openings and partition walls designed to be sympathetic to the existing original detailing, ensuring that the overall visual impact is minimised. Additionally, the proposed new wall section has been deliberately positioned slightly back from the alignment of the hallway walls to minimise any impact on the appreciation of the hallway archway. This overall change is considered to have a 'minor' impact on the integrity of the site.</p> <p>d. The proposed internal modifications within the dwelling's principal building form will involve the construction of a new staircase providing access to the attic space above. The staircase will be located within the existing Bed 3. The proposed changes will require the removal of the existing timber linen cupboard and its associated partition walls, along with the adjacent wall nib. Although the cupboard appears to be of c.1970s fabric, its walls are likely an early addition. As part of the works, the existing opening into the room will be relocated further down the hallway. To minimise the impact on existing fabric, its existing timber architrave should be re-used for the relocated new opening.</p> <p>Although the changes will involve intervention with early fabric, the works will retain the bedroom's most characteristic elements including the existing window, fireplace and skirting detailing ensuring that the overall historic character of the space is retained. The changes will also generally retain the overall room configuration/access paths.</p>	

Proposed works	Heritage Assessment	Impact
	<p>This change is considered to have a 'minor' to 'moderate' impact on the integrity of the site.</p>	
<p>2. Alterations to interior/exterior of rear wing (under skillion roof);</p> <p>a. Reconfiguration/ renovation of existing kitchen;</p> <p>b. New window/door openings from existing living/ kitchen onto rear patio;</p> <p>c. Updates to rear bathroom/ laundry;</p>	<p>2. The rear sections of the dwelling (under skillion roof) are part of later changes to the dwelling, and although generally sympathetic to the original parts of the dwelling contain little to no significant fabric/elements.</p> <p>a. Alterations to the dwelling's existing interior include updates to the existing kitchen space, involving the installation of contemporary cabinetry, fittings and fixtures, as well as a new benchtop/ bar counter space. The kitchen is located to the rear of the dwelling within the modern extension, therefore the proposed works will have no impact on original fabric or the overall historic character of the dwelling, with little to no impact on the significance of the site. This change is considered to have a 'negligible' impact on the integrity of the site.</p> <p>b. The proposed design also includes the removal of the existing timber-framed window/door openings within the kitchen and living spaces, and the installation of new bi-fold windows and doors onto the rear patio. This will require expansion of the existing openings. The window/doors and wall sections proposed to be removed are part of the later addition/modifications to the dwelling, therefore their removal will have no impact on original significant fabric. The proposed timber-framed openings will be completely obscured from the primary frontage onto Gordon Street, and largely hidden from neighbouring dwellings, ensuring little to no visual impact on the site as it presents to the surrounding streetscape. The proposed timber-framed openings will be sympathetic to the existing original openings to the front and side elevations of the dwelling, ensuring the existing character of the dwelling is retained. This change is considered to have a 'negligible' impact on the integrity of the site.</p> <p>c. The rear bathroom/ laundry accessed via the external patio will also be reconfigured/renovated to include contemporary tiling, fixtures and fittings including a new shower. The existing doorway and window onto the rear garden will be retained, with the work limited to removal of the existing modern fabric, resulting in no impact on the historic character and overall significance of the dwelling. This</p>	<p>Negligible</p>

Proposed works	Heritage Assessment	Impact
	change is considered to have a 'negligible' impact on the integrity of the site.	
<p>3. Construction of a new pop-out roof extension in existing attic space.</p>	<ul style="list-style-type: none"> • The proposal involves the removal of a section of the rear roof plane of the dwelling's primary gabled roof including an adjacent skylight and mounted solar panels to accommodate the construction of a new pop-out style roof extension containing a master bedroom, study and ensuite within the existing attic space. • The existing corrugated metal roof (installed c. 1980s), skylight and mounted solar panels are part of later additions to the site, although the existing roof frame likely contains early fabric. • The proposed new pop-out style roof extension will be located entirely to the rear of the primary gabled roof and will sit below the ridgeline of its pitched roof form, ensuring that it is almost entirely obscured from the primary frontage onto Gordon Street. • The new first floor extension will sit within the existing rear roof, resulting in no change to the existing height of the dwelling, ensuring that the single-storey character is retained. • The pop-out roof will extend across the rear elevation, retaining a section of the sloped roof to the northern and southern ends, as well as part of the roof slope along the top edge, adjacent to the ridgeline. This will ensure that the original roof slope/form can continue to be read as viewed from the side and rear elevations. The initial design was revised to set the extension back from the roof ridge/edges, reducing its overall scale and improving legibility of the rear roof slope/form. • The new flat roof form of the roof extension will be simple and contemporary, however will considerably increase the bulk of the structure and to some extent alter the overall form of the dwelling. • The western side of Gordon Street features a variety of hipped, gabled and contemporary flat roof forms, therefore the new addition will not interfere with any established rear roof pattern, however it will somewhat alter the connection with the pitched roof of the adjacent cottage dwelling. Due to the narrow site and position of the neighbouring dwellings, 	<p>Moderate</p>

Proposed works	Heritage Assessment	Impact
	<p>the increased bulk will somewhat obscure the historic pitched roof and will impact the appreciation of the listed dwelling as viewed from the side boundaries, and from the rear (west).</p> <ul style="list-style-type: none"> As part of the works the existing masonry chimneys will be retained, minimising impact on the historic character of the dwelling. The new extension has been designed to include contemporary detailing that does not attempt to mimic the remnant period detailing across the exterior and throughout the interior of the dwelling, while ensuring that it will be sympathetic to the character of the listed site. The pop-out roof form will include two sets of timber framed sash windows within a horizontally oriented weatherboard look clad structure, with two additional skylights to the flat roof form. The rear elevation of the dwelling has been considerably altered, and presents as largely contemporary, therefore the proposed detailing will not detract from the character of the dwelling which is largely retained to the primary frontage. The proposed rear roof extension will be almost entirely obscured from view from the site's primary frontage. It will also allow the rear roof slope/form to remain legible and will be finished in a simple contemporary manner that will be clearly identifiable as new work. However, the addition will considerably increase the bulk at the rear of the dwelling, somewhat altering the dwelling's overall form and its appreciation from the rear garden and surrounding properties. As such, the proposed roof extension is considered to have an overall 'moderate' impact on the integrity and appreciation of the site. 	
<p>4. New skylights to rear roof plane of primary gabled roof.</p>	<ul style="list-style-type: none"> The proposed work to the new bathroom and ensuite space will also involve the installation of two new skylights to the rear roof plane of the dwelling's primary gabled roof. While the installation of the new skylights will involve some intervention with the existing sheet metal and roof framing fabric, it will not involve removal of significant or original architectural detailing. The new skylights will be entirely obscured from the primary streetscape, will be predominately glazed with simple unobtrusive frames coloured to match the roof and will sit as flush as possible with the slope of the rear roof form, ensuring that there is minimal visual impact as viewed from neighbouring properties. This change is considered to have a 'minor' impact on the integrity and appreciation of the site. 	<p>Minor</p>

9.0 RECOMMENDED MITIGATION MEASURES

The below recommendations should be considered to assist to partially mitigate the impact of the proposed works :

Recommendation A: The existing doorway including timber architraves should be re-used for the relocated opening into Bed 3. Additionally, new detailing in the hallway, e.g. skirting, etc. should match the existing.

10.0 CONCLUSION

50 Gordon Street, Rosebery is listed as an item of local significance within the Bayside LEP (2021) and provides evidence of the historical subdivisions of Gordon's land within the Rosebery area, and its accompanying Victorian/ early Federation-era development.

While the original form of the subject dwelling remains largely intact along with some remnant external/internal detailing to the front sections of the dwelling, the rear sections of the dwelling and its landscaping have been highly modified. Additionally, the interiors within the principal building form have undergone previous alterations including installation of a new bathroom, and alterations to the hallway layout and detailing.

The proposed application involves alterations to the interior of the front sections of the dwelling (under gabled roof) to improve its internal amenity including contemporary updates to the existing bathroom, along with modifications to facilitate access to the proposed attic space. Overall the proposed changes to the front sections of the dwelling are considered to have a 'minor' to 'moderate' impact on the integrity of the site.

Due to the previous changes to the rear sections of the dwelling (under skillion roof), the proposed modifications to this part of the dwelling are considered to have 'negligible' impact on the integrity of the site.

The proposal also involves the construction of a rear roof extension within the primary roof form. Due to its proposed scale and position, the pop-out style extension will be almost entirely obscured from the primary frontage as viewed from Gordon Street. The addition has been sited away from the ridge and edges of the roof plane to allow the rear roof slope/form to remain legible and will utilise simple, contemporary detailing that does not attempt to mimic the dwelling's remnant period detailing. However, the addition will add visual bulk to the rear of the dwelling's primary roof form, and somewhat alter its overall form as viewed from the west. As such, this component of the works is considered to have a 'moderate' impact on the integrity and appreciation of the site.

The works are anticipated to have no more than minor impact on nearby listed sites.

Taking into account the above heritage assessment, it is considered that the proposed works will have an overall 'Moderate' impact on the significance of the listed site. The above recommendations (Section 9.0) provides measures to partially mitigate this impact.

Laura Myers
Heritage Consultant – Three + One Heritage
M. Heritage Conservation (USyd)

11.0 BIBLIOGRAPHY

Anita Heiss and Melodie-Jane Gibson, "Aboriginal People & Place," Sydney Barani – City of Sydney, last modified 2013, <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

Apperley, Richard, and Irving, Robert and Reynolds, Peter. A pictorial Guide to identifying Australian Architecture Styles and Terms from 1788 to Present. Sydney: Angus and Robertson, 1994.

Bayside Local Environmental Plan, 2021.

Bayside Development Control Plan, 2022.

Mark Butler, 'Botany', Dictionary of Sydney, 2011,
<https://dictionaryofsydney.org/index.php/entry/botany#ref-uuid=8694959c-f2d5-3e57-681d-8fdc472468d6>

Heritage Management System, 'House',
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1210118>

NSW Land and Property Information, 'SIX Maps', <http://maps.six.nsw.gov.au>

NSW Land Registry Services, 'Historical Land Records Viewer', <https://hlrv.nswlrs.com.au/>

"Sands directory 1858-1933," <http://www.cityofsydney.nsw.gov.au/learn/search-our-collections/sands-directory>.

Tropman and Tropman, 'Botany Heritage Study', Bayside Council, 1996.