



NSLPP MEETING HELD ON 02/11/2022

Attachments:

1. Architectural Plans
2. Landscape Plans
3. Clause 4.6 Statement
4. Civil Design Summary and Stormwater Management Plan

ADDRESS/WARD: 18 Vale Street and 560-562 Miller Street, Cammeray

LOT/DP: Lots 1 and 2 in DP 737288
Lot A in DP 328542

APPLICATION No: DA143/22

PROPOSAL: Demolition the existing dwellings and structures on site and construction of a new 4-storey residential flat building with two (2) basement levels, containing eight (8) x 3-bedroom residential apartments and 14 car spaces

PLANS REF: Architectural Plans, Plan No.'s DA000-DA501, prepared by DKO Architecture, Issue A/B, dated 09/05/22 (A) / 22/08/22 (B)

OWNER: D Johnson, S De Szoeki, D S Pearce

APPLICANT: M Hinzack – Millervale Holdings Pty Ltd

AUTHOR: Miguel Rivera, Senior Assessment Officer

DATE OF REPORT: 25 October 2022

DATE LODGED: 19 May 2022

AMENDED: 25 August 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for demolition of existing dwellings and ancillary structures and construction of a 4-storey residential flat building on land identified as No. 18 Vale Street and No. 560-562 Miller Street, Cammeray.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the development application has attracted 10 or more unique submissions by way of objection; involves a departure from a development standard that is greater than 10%; and is considered sensitive development, to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) applies.

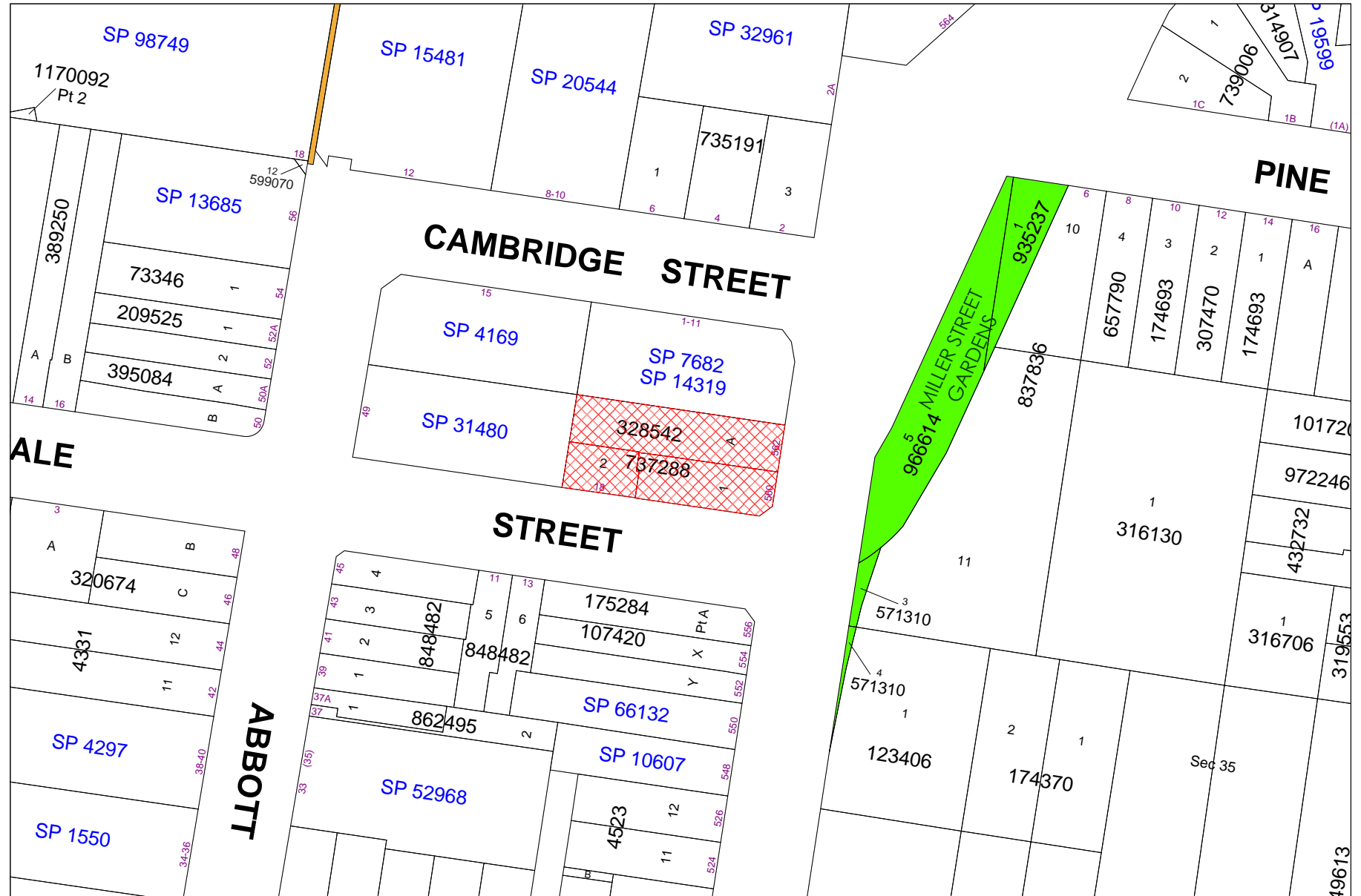
Council's notifications of the proposed development has attracted a total of 31 submissions raising concerns and issues associated with proposal: misdescription; bulk, scale, massing and density; excessive height; overdevelopment; visual privacy and amenity impacts; non-compliance with SEPP 65 and Council policies; inadequate consideration of existing ground levels; landscaped area; streetscape character; building separation and setbacks; and suggested changes to the design and siting of the development.

The development application was assessed against relevant State Planning Policies such as SEPP 65, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). The proposed development is considered to be sensitively designed and sympathetic to the setting, constraints and context of the site and the applicable environmental planning controls. The proposed development results in a balanced and sufficiently responsive planning and design outcome that provides additional dwellings and housing options within Cammeray. The proposed development demonstrates general compliance with relevant provisions, objectives and controls. It reflects sufficient planning merit and an acceptable redevelopment of consolidated land in a predominantly residential area whilst not generating any adverse and substantial impacts upon the environment, neighbouring properties and the community.

The application involves a non-compliance to the maximum height of buildings development standard (12m) under Clause 4.3 of NSLEP 2013 as the proposal features a building height of 13.73m (for balustrades at the rear of the roof terraces) above existing ground level. This represents a departure of 1.73m or 14.4% from the development standard. The Applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported given that sufficient planning grounds were provided and the included information has demonstrated that compliance with this development standard is unreasonable or unnecessary.

The assessment of the proposed development considered the concerns raised in the submissions and its performance against Council's planning requirements. Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval given the merits demonstrated by proposal against critical objectives, provisions and controls under the SEPP 65 and Council policies.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for demolition of how many? existing dwellings and structures on site and construction of a new 4-storey residential flat building with two (2) basement levels, containing eight (8) x 3-bedroom residential apartments and 14 car spaces at No. 18 Vale Street and No. 560-562 Miller Street, Cammeray.

Specifically, the proposed development involves the following elements:

Demolition

- Demolition of existing buildings (comprising of a single dwelling house and 2 semi-detached dwellings) and ancillary structures.

Tree removal

- Removal of eight (8) trees – two (2) street trees and six (6) site trees.

Construction of residential flat building

- Construction of two (2) basement levels accessed via car lift, containing parking for 14 cars (including 2 visitor spaces and 2 accessible spaces), 8 bicycles and two (2) motorcycles, storage areas, garbage room, main switch/communications room, services and plant rooms, bulky waste storage area, rainwater and onsite detention tank area, and lift and stair access.
- Construction of a lower ground floor containing two (2) x 3-bedroom apartments, a lobby with service and access areas.
- Construction of ground floor containing two (2) x adaptable 3-bedroom apartments, an entry foyer with service and access areas and bin holding area.
- Construction of Levels 1 and 2, each level containing two (2) x 3-bedroom apartments, a lobby with service and access areas.
- Construction of the roof area with private rooftop terraces for the units at Level 2, lift overrun, mechanical ventilation and area containing air conditioning units.

Ancillary works

- Landscaping works both on slab, on roof and structure, some deep soil zones and new street trees.
- New crossing and driveway with car lift to basement levels – accessed off Vale Street.

A site plan, demolition plans, floor plans, roof plan, elevations, sections and photomontages are shown in Figures 1 to 17 below.

The Applicant provided documentation including a cost estimate report identifying that the cost of works for the proposed development is estimated to be \$8,775,104.00.

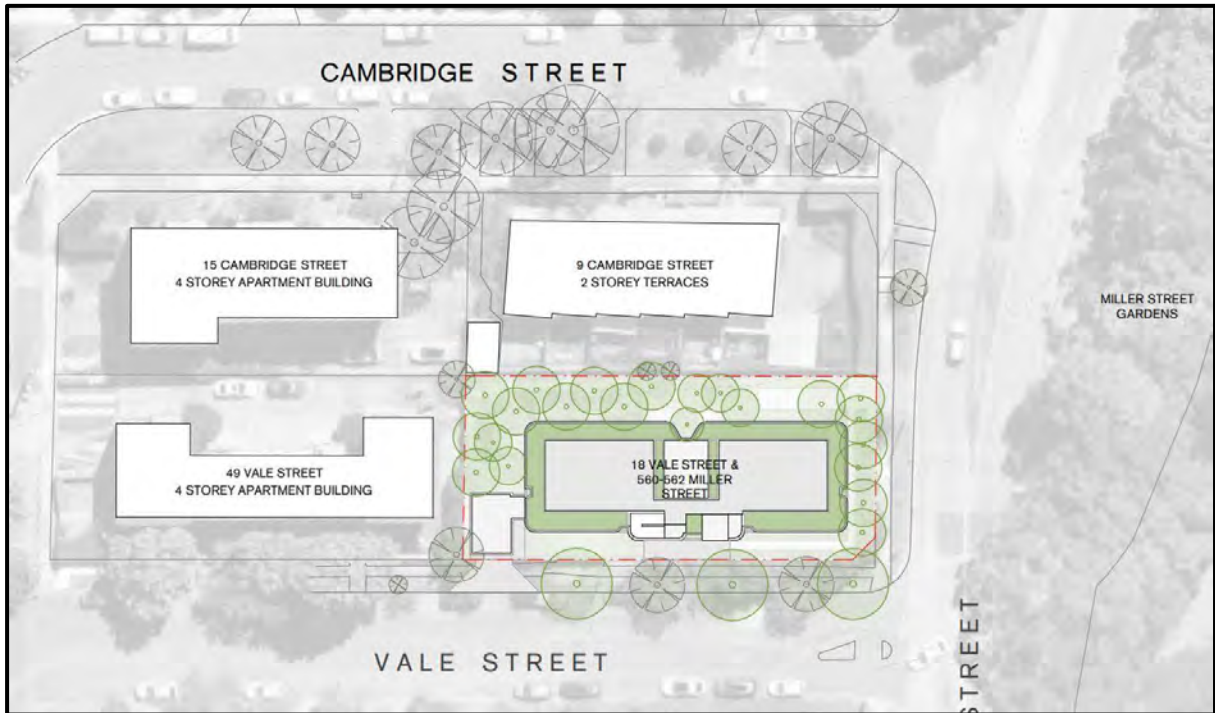


Figure 1: Site plan

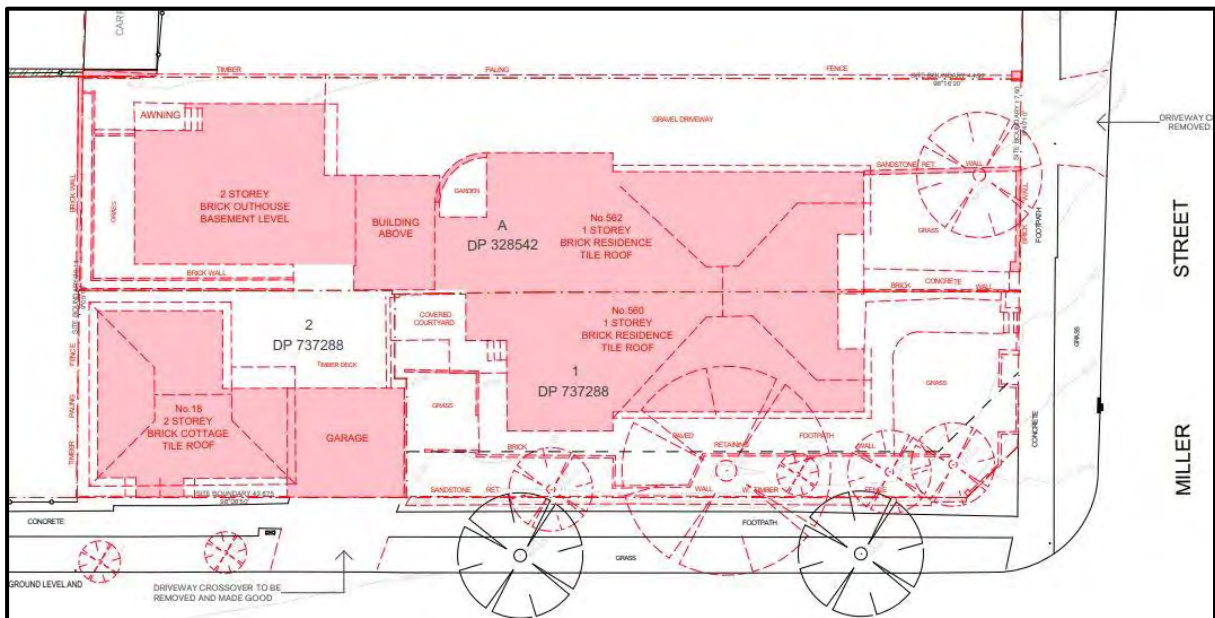


Figure 2: Demolition plan



Figure 3: Basement 1

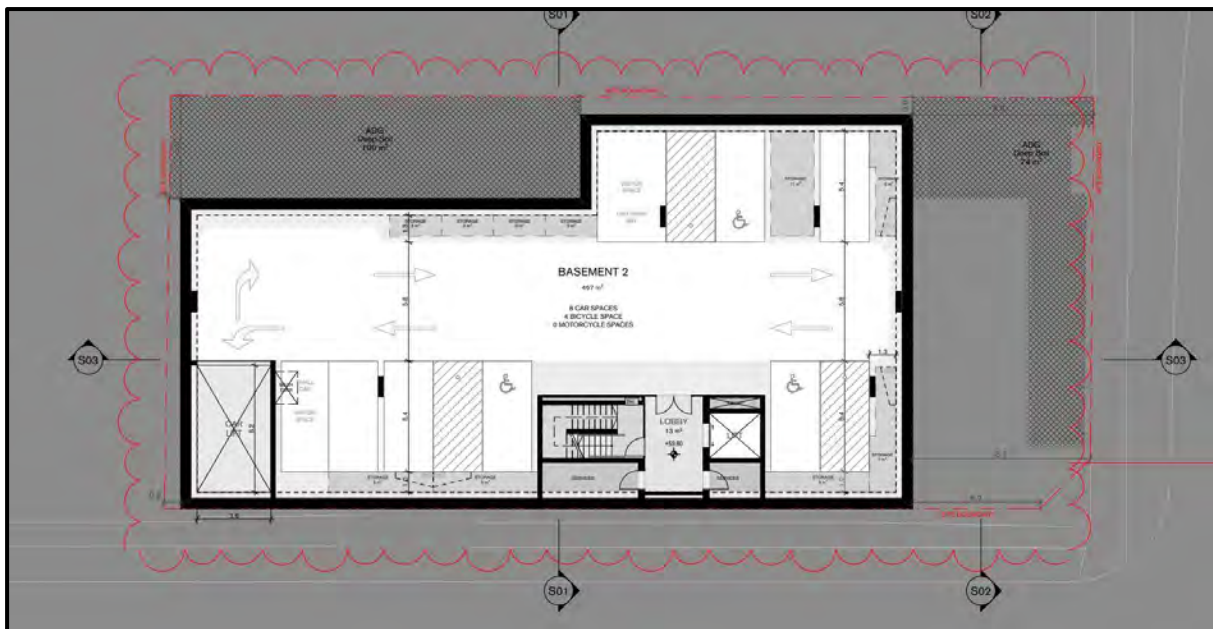


Figure 4: Basement 2



Figure 5: Lower ground floor

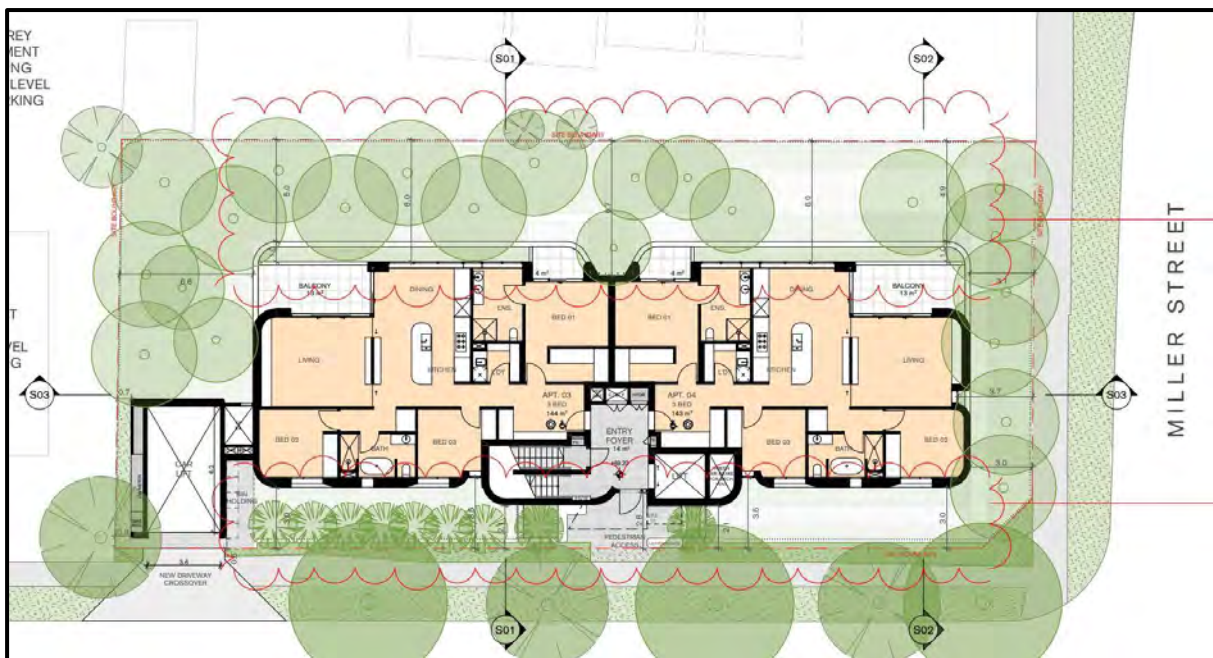


Figure 6: Ground floor

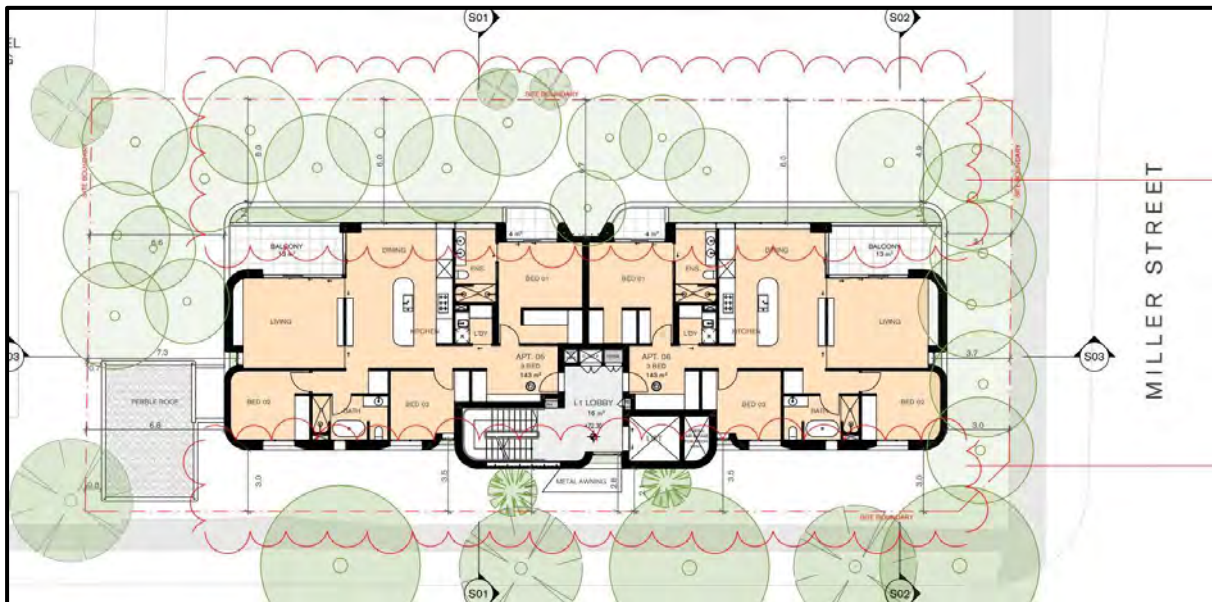


Figure 7: Level 1



Figure 8: Level 2

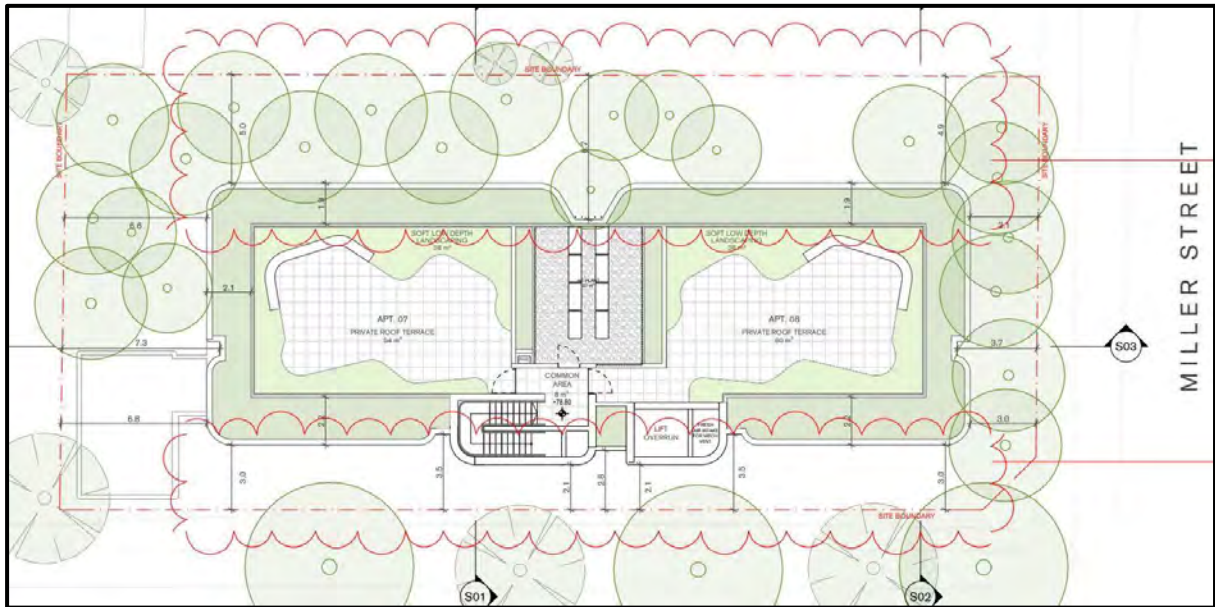


Figure 9: Roof level



Figure 10: North elevation – Vale Street



Figure 11: East and west elevations



Figure 12: South elevation



Figure 13: Section 01

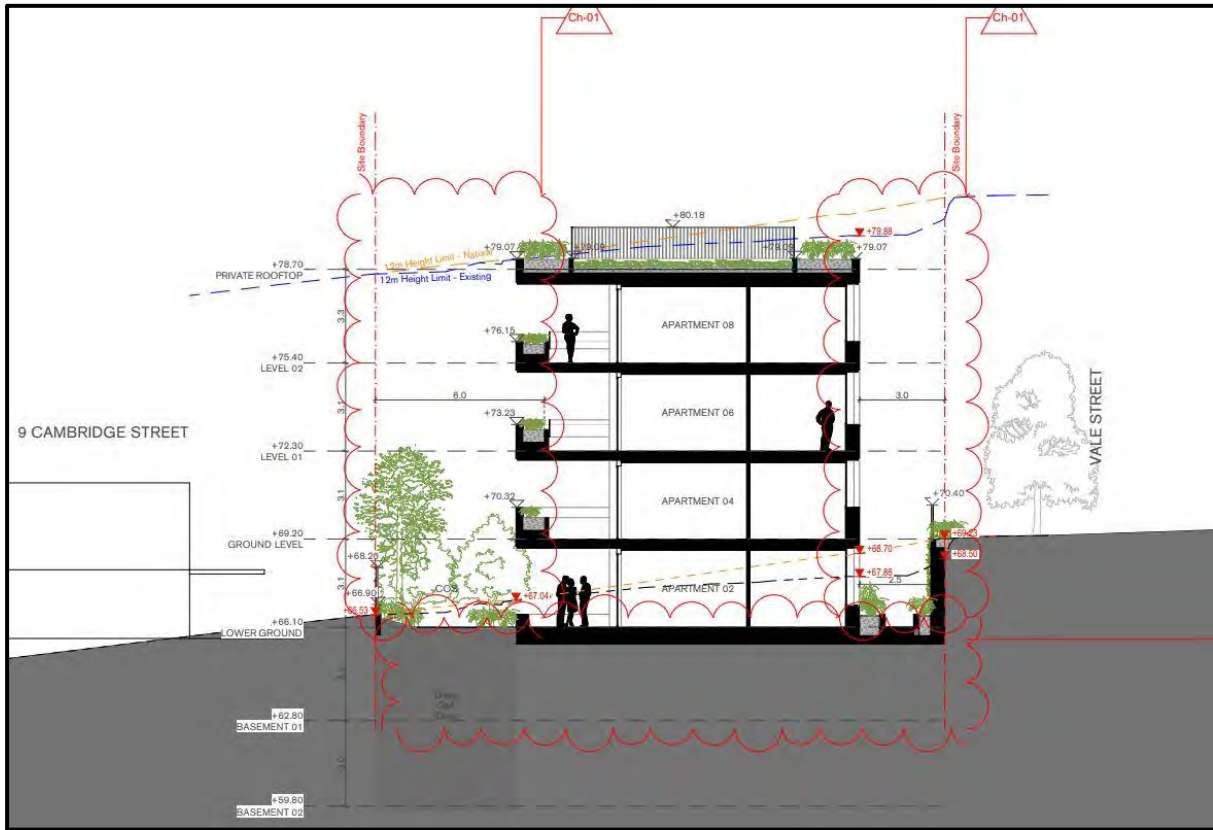


Figure 14: Section 02

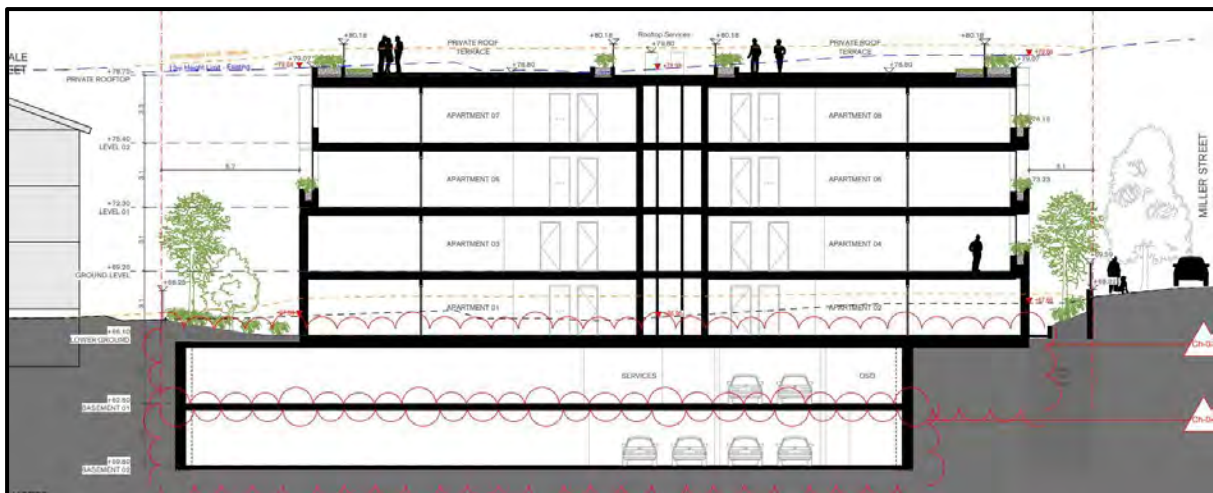


Figure 15: Section 03



Figure 16: Photomontage – view from Miller Street



Figure 17: Photomontage – view from Vale Street

STATUTORY CONTROLS

Environmental Planning and Assessment Act 1979 (as amended)

Environmental Planning and Assessment Regulations 2021

North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Zoning – R4 – Medium Density Residential zone
- Clause 5.6 – Architectural roof features – Not applicable
- Clause 5.7 – development below high water mark – Not applicable
- Clause 5.10 – Heritage conservation:
 - Item of Heritage – No
 - In Vicinity of Item of Heritage – No
 - Conservation Area – No
- Clause 6.9 – Limited development on foreshore area – Not applicable

- Clause 6.10 – Earthworks – Yes, substantial excavation works required for creation of basement levels and part of lower ground floor
- Clause 6.12 – Residential flat buildings – Yes
- Clause 6.12A – Residential flat buildings in Zone B4 – Not applicable

State policies:

- State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Transport and Infrastructure) 2021.
- SEPP (Resilience and Hazards) 2021.

POLICY CONTROLS

North Sydney Local Infrastructure Contributions Plan 2020
North Sydney Development Control Plan 2013 (NSDCP 2013)

DESCRIPTION OF LOCALITY

The subject site consists of three (3) land parcels, commonly identified as No. 18 Vale Street and No. 560-562 Miller Street, Cammeray, with the following legal descriptions:

- Lot 2 in DP 737288 – No. 18 Vale Street
- Lot 1 in DP 737288 – No. 560 Miller Street
- Lot A in DP 328542 – No. 562 Miller Street.

Collectively, the site is a rectangular shaped corner allotment, located on the northern side of Vale Street and the western side of Miller Street (refer to Figure 18). The site has a frontage of 21m (including splay) to Miller Street, a maximum depth of 44.97m and a frontage of 42.675m to Vale Street. It comprises a total area of 901.9m². It is relatively modified and built-up with all lots comprising a dwelling house (No. 18 Vale Street) and semi-detached housing (No. 560-562 Miller Street) and ancillary structures, paved areas and driveways (refer to Figures 19 to 21). The only notable vegetation consists of five (5) scattered trees within southern portion of No. 560 Miller Street and a canopy tree within front setback of No. 562 Miller Street.

The site has a 3.45m fall from Vale Street (southern boundary) to the northern boundary and currently benefits from two (2) separate vehicular access points off Vale Street (for No. 18 Vale Street) and off Miller Street (No. 562 Miller Street).



**Figure 18: Aerial map showing subject site (outlined in yellow) and surrounding properties.
(Source: SIX Maps)**



Figure 19: Front of dwelling house at No. 18 Vale Street



Figure 20: Front of properties (semi-detached dwellings) at No. 560-562 Miller Street



Figure 21: Rear (western) – Willoughby Lane elevation of properties at No. 82 and 84 Alexander Street

The subject site is situated within a predominantly medium-high density residential area and is set at the edge of land zoned R4 (refer to Figure 22). It is noted that the northern side of Vale Street and extending north and west of the site features townhouses and low-rise residential flat buildings of variable architecture and styling. This reflects the R4 zoning of this immediate area; however, the southern side is predominantly comprised of detached dwelling houses – reflective of R3 zoning on this side. Vale Street and the adjacent section of Miller Street are of residential character and are suburban tree-lined streets adjacent to a landscaped road reserve and the Cammeray Public School (refer to Figures 23 to 28).

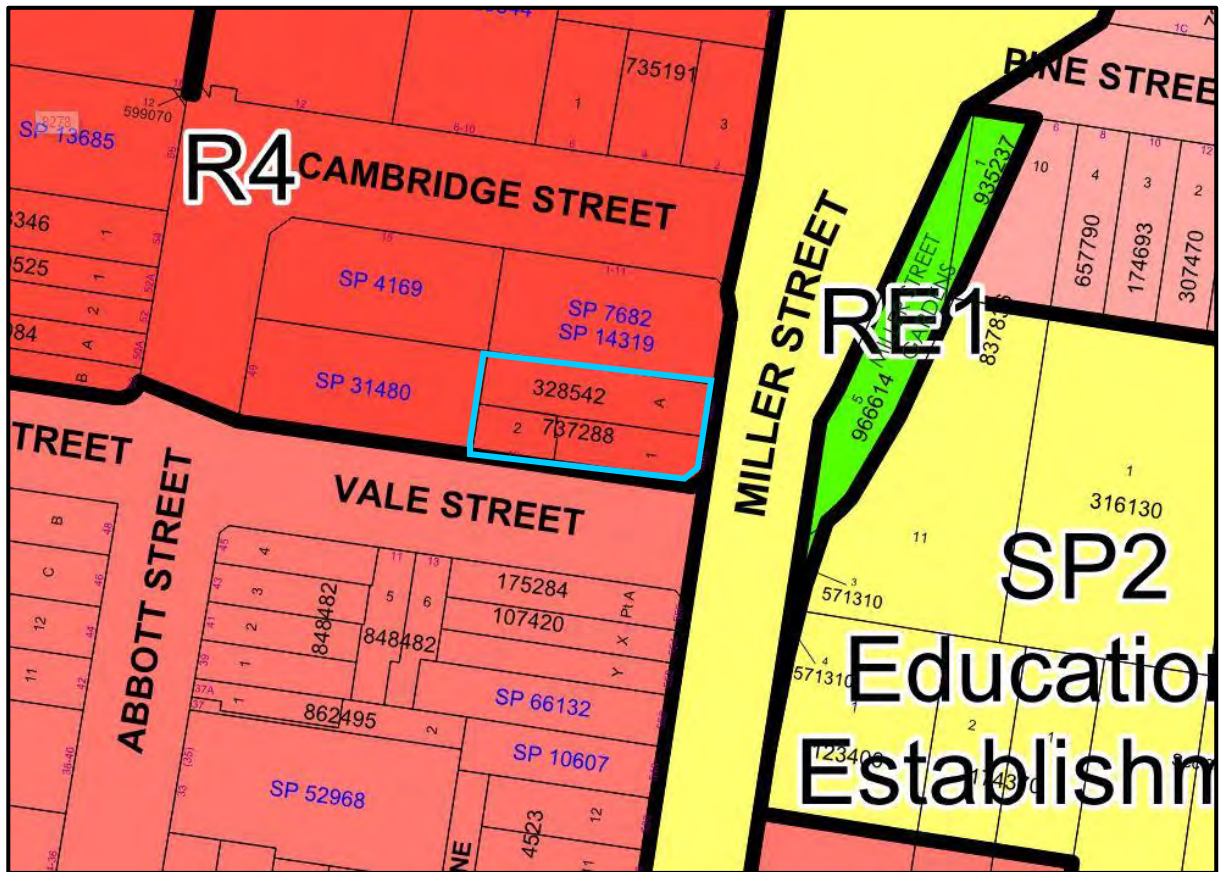


Figure 22: Zoning Map showing subject site (highlighted in sky blue) and surrounding properties



Figure 23: Streetscape of Vale Street – looking east (towards Miller Street)



Figure 24: Streetscape of Vale Street – looking west (from Miller Street)

The site is surrounded and adjoined by the following properties:

- Front (Miller Street): Cammeray Public School (refer to Figure 25)
- Secondary front (Vale Street): dwelling house at No. 556 Miller Street (refer to Figure 26)
- West-adjoining: 3-storey townhouses at No. 1-11 Cambridge Street (refer to Figure 27)
- Rear: 4-storey residential flat building at No. 49 Abbott Street (refer to Figure 28).



Figure 25: Cammeray Public School



Figure 26: Dwelling house at No. 556 Miller Street



Figure 27: Townhouses at No. 1-11 Cambridge Street



Figure 28: Residential flat building at No. 49 Abbott Street

RELEVANT HISTORY

Previous applications

Pre-Lodgement Meeting – 18 Vale Street and 560-562 Miller Street, Cammeray

A Pre-Lodgement Meeting was undertaken via Zoom with the Applicant and Council officers. The minutes of this meeting were distributed to the Applicant on 8 October 2021. The following matters/issues were raised in the meeting and detailed in the minutes:

- Zone objectives
- Building height
- Earthworks
- SEPP 65
- Topography and extent of excavation
- View loss impacts
- Solar access
- Visual privacy
- Setbacks
- Colours and materials
- High quality residential accommodation
- Vehicle access and parking
- Site coverage
- Landscaped area
- Private and communal open space
- Garbage storage

Current Application

Date	Action
19 May 2022	The subject application was lodged with Council.
3 June 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 17 June 2022. A total of nine (9) submissions were received during this period.
9 June 2022	A site inspection was conducted by Council's Assessment Officer.
14 June 2022	The Design Excellence Panel (DEP) Meeting was held via Zoom with the DEP, the Applicant and Council. The following matters/issues were raised in the meeting: <ul style="list-style-type: none">• Height variation and building scale• Unit choice and mix• Communal area – none provided• Basement footprint and deep soil zone• Amenity of lower ground floor bedrooms• Building separation• Setbacks• Site excavation• Architectural expression and design• Compliance with ADG

26 July 2022	<p>The minutes of the meeting were sent to the Applicant via the Planning Portal on 24 June 2022.</p> <p>A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal. The letter advised the following matters that required addressing:</p> <ul style="list-style-type: none">• Clarification on building height• Landscaped area• Communal open space• Site coverage• Unit mix• Cross ventilation and solar access performance• Land consolidation and Strata subdivision• Design of stairwell• Access to rooftop areas• Engineer comments• Landscape Officer comments• Response to submissions
25 August 2022	<p>The Applicant submitted additional information via the Planning Portal.</p>
2 September 2022	<p>An informal meeting was held via Microsoft Teams with the Applicant and Council officers to review the provided additional information and clarify the revised design.</p>
9 September 2022	<p>The amended plans were re-notified as per Council's Community Participation Plan. The notification period ended on 23 September 2022. A total of 22 submissions were received during this time.</p>

INTERNAL REFERRALS

BUILDING

Council's Senior Building Surveyor reviewed the application and provided the following commentary with regard to compliance against the relevant requirements under the Building Code of Australia (BCA) (now known as the National Construction Code/NCC):

The Development Application seeks approval for the demolition of all existing buildings and the construction of a new residential flat building.

The building will be classified by the NCC BCA 2019 as a class 2 and 7a building of Type A construction.

The development application is supported by an Access Report dated 9 May 2022 prepared by Morris Golding Access Consulting. The Access Report contains the information that the ability of the proposed building design to achieve compliance with the BCA, Disability Discrimination Act and Disability (Access to premises – Buildings) Standards 2010 is readily achievable.

The development application is also supported by a BCA Regulatory Compliance Report dated 12 May 2022 prepared by McKenzie Group (BCA Report).

It should be noted that Page 3 of the BCA Report mentions several Items where the proposed design does not comply with the Deemed to Satisfy provisions of the BCA and that these particular Items will need to be addressed either by a design change or through the development of a Performance based Solution at Construction Certificate assessment stage.

In particular, Item 3 identifies that an open stairway and lift are contained within the same shaft when the BCA requires a lift to be in a fire rated shaft. Should a Performance Solution not be accepted by the registered building certifier at Construction Certificate Stage this may trigger a design change.

Acceptance of any proposed Performance Solution is a matter for the registered building certifier during Construction Certificate assessment.

A detailed assessment of compliance with the Building Code of Australia 2019 will be undertaken by an appropriately registered certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

As the building is a new building, construction in accordance with the NCC BCA 2019, Volume 1, Amdt 1 is required.

It is recommended the following standard conditions are imposed:

*Standard Condition **F1 – National Construction Code***

*Standard Condition **C46 – Provision of Accessible Paths of Travel***

Planning comment: The above comments are noted and concurred with and the recommended conditions will be imposed to ensure compliance with the relevant building standards.

DESIGN EXCELLENCE PANEL (DEP)

The Design Excellence Panel (DEP) provided advice regarding several key matters in relation to the design principles under SEPP 65 and ADG. These matters were as follows:

Principle 1: Context and neighbourhood character

In general, the architectural expression and design of the scheme appears appropriate and responsive to the site context and location. The proposed façade treatment comprising face brickwork and brick detailing is acceptable; however, the success of the visual presentation and aesthetic will be contingent on quality of detailing. The Applicant must provide further details on the brick work, etc. and proposed construction methodology to achieve the intended aesthetic.

Insufficient justification was provided regarding the proximity from boundaries and setbacks proposed – particularly to the southern and eastern boundaries addressing, Vale Street and Miller Street, respectively. The setback to the southern boundary should be consistent with the existing building situated to the west (SP31480).

Principle 2: Built form and scale

The proposed development comprises heights of 13.05m (lift overrun) and 13.73m (balustrades on rooftop). As such, it is non-compliant with the maximum building height provision (max. 12m) under Cl 4.3 of the North Sydney Local Environmental Plan 2013. The non-compliance could be accepted given these are attributed to spaces that do not contribute to gross floor area, are partially due to the 3.35m fall (from southern to northern boundaries) of the site, and the majority of the building being compliant with the provision. The general scale of the proposed development appears in-line with the scale and number of storeys of existing residential buildings within the immediate vicinity (such as No. 49 Abbott Street and No. 15 Cambridge Street). Further justification and information should be provided – particularly, to demonstrate that any impacts from the non-compliance are acceptable and reasonable.

The proposed development comprises a site coverage of 440m² (48.8%), which exceeds the maximum requirement (45% or 405.9m²) under the North Sydney Development Control Plan 2013 (NSDCP 2013). Both the entire building and the basement footprint must be reduced to achieve a compliant site coverage and further, to provide improved setbacks, additional deep soil zones and improved landscape buffers.

The proposed basement is excessive and needs to be reduced. It is noted that there is an oversupply of car and bicycle spaces with regards to the relevant controls under the NSDCP 2013. Council requires a maximum of 14 car spaces and a minimum of 9 bicycle spaces. The proposed development contains 18 car spaces and 10 bicycle spaces – representing an oversupply of 4 car spaces and 1 bicycle space. Any additional spaces contribute to the excessive basement footprint and the lack of deep soil zones. The basement should be reduced in size.

Principle 3: Density

Housing diversity and unit mix

The proposed development comprises only 3-bedroom units with replicated (mirrored) layouts and therefore, fails to comply with the required residential dwelling mix and housing diversity under the ADG and under Section 1.2.1 of the NSDCP 2013. Noting that the proposed development involves a total of 8 apartments, further justification and information should be provided for the lack of unit mix and housing choice within the scheme.

Compliance is recommended.

Principle 4: Sustainability

Solar access

Under the ADG, a minimum 70% of apartments are to receive at least two (2) hours of direct sunlight during mid-winter (for living rooms and private open spaces). The proposed development complies with this requirement.

Under the ADG, a maximum 15% of apartments are to receive no direct sunlight during mid-winter. The proposed development complies with this requirement.

Notwithstanding the above comments, the proposed development has south-facing bedrooms and subterranean habitable spaces in the lower ground level. The bedrooms on the lower ground level, facing a void, are not acceptable and should be re-designed to improve their amenity and aspect. The Applicant's design identified the southern portion of the building as attributed to secondary spaces – however, DEP noted opportunities to improve their amenity such as incorporating windows along the eastern/western elevations.

Cross ventilation

Under the ADG, a minimum 60% of apartments are to be naturally cross ventilated. The proposed development features 5 of 8 apartments that are cross ventilated (62%), thereby demonstrating compliance. DEP queried as to why cross ventilation was not possible for 100% of units given the site orientation and corner context. The Applicant advised that the Miller Street interface prevents this for the eastern apartments, as Miller Street is a classified road and is subject to road noise. DEP advised that there are opportunities to improve cross ventilation and the percentage of cross ventilated apartments should be increased.

The overall design generally appears reasonable in relation to environmental performance, but there are no apparent additional initiatives. The proposed development could readily incorporate solar power generation within the roof.

Principle 5: Landscape

Under the ADG, a minimum of 7% of the site area (63.14m²) should comprise of deep soil zone. The proposed development fails to comply with this requirement. The only deep soil zone provided is within the eastern setback area, which has a dimension of 3m. There is an opportunity to shift the bulk/massing of the building and the basement footprint away from the eastern boundary to increase the setback and dimensions of the deep soil zone to ensure high quality landscaping and an improved visual outcome can be provided.

Under the NSDCP 2013, a minimum of 40% of the site area (360.8m²) should comprise landscaped area. Landscaped area is considered to comprise all parts of a site used for growing plants, grasses, and trees, but does not include any building, structure, or hard paved area. Any landscaping located above a basement or on the roof of a building does not constitute landscaped area. The proposed development is significantly below this requirement. Additional deep soil zones and landscaped areas must be provided. As mentioned above, the lack of setbacks and excessive basement level and building footprint contribute to these non-compliances and significantly hinder the design, quality, and density of any landscaping treatments (including provision of onsite canopy trees) within the site to satisfactorily achieve this principle and appropriately soften and balance the scheme.

The photomontages do not reflect the proposed street tree plantings along Vale Street and Miller Street, which comprise of Weeping Bottlebrush (x 3) and London Plane trees (x 3). It is preferred that these tree plantings be changed to comprise of Eucalyptus trees (such as Eucalyptus saligna, Eucalyptus piperita, Eucalyptus punctata, Eucalyptus pilularis) to provide a more substantial native tree canopy cover and for improved integration with the established native trees and vegetation within the adjacent road reserve that adjoins Cammeray Public School.

Principle 6: Amenity

Discussion on amenity (solar access and cross ventilation) aspects and the subterranean spaces are covered under Principle 4 above.

Building separation

Setbacks/building separation should comply with the ADG to protect acoustic and visual amenity of the neighbouring properties. Any privacy impacts on the northern neighbour (No. 9 Cambridge Street) should be minimised through the use of a combination of design elements (such as privacy screens) and landscape buffer areas.

Main pedestrian entrance

The main entrance appears acceptable and functional. Some detail is required to confirm the relationship between the lower ground floor lobby entry, the ground floor (street level) entry with footbridge, and the landscaped setback zones, which appear to be ramped.

Communal open space

No communal open spaces were provided in the proposed development. The Applicant mentioned that the site benefits from being at proximity (walking distance) to some public reserves. This is not an acceptable justification for providing no communal open spaces. Part of the rooftop spaces should be allocated as communal open space, including an enclosed area which will be accessible in all weathers.

Principle 7: Safety

The proposed development appears to satisfy this principle.

Principle 8: Housing diversity and social interaction

A discussion on housing diversity and unit mix is provided under Principle 3 above. Whilst strict compliance with ADG and Council controls is not essential, some variety in the unit mix should be provided.

There are no common/communal areas that facilitate social interaction. The provision of an adequately sized and well-designed communal open space is highly desirable, consistent with Part 3D of the ADG.

Principle 9: Aesthetics

In general, the architectural expression and materiality are acceptable and responsive to the site context, local setting, and topography. The combination of materials and planting on structures assist in achieving a balanced design; however, as mentioned above, an acceptable outcome requires more deep soil zones and landscaped areas. To achieve this, the massing and proposed footprint of the building and basement must be reduced.

Planning comment: The above comments relate to the originally proposed design and the initial information package submitted in May 2022. All of the above matters have been addressed in the amended design and additional information submitted by the Applicant in August 2022.

ENGINEERING

Council's Development Engineer reviewed the application and confirmed that no objections were raised with regard to the proposed vehicular access and parking, and stormwater management system, subject to the imposition of recommended conditions.

Planning comment: The above comments are noted and concurred with. Any recommended conditions will be included should consent be granted.

LANDSCAPING

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

Concern is raised with regard bulk and scale, lack of adequate southern setback and available landscaping across this frontage, lack of deep soil planting, and extent of on-slab planting assessed as landscaping.

*The provided arborist report fails to assess neighbouring trees along the eastern boundary of No. 49 Abbott Street; notably the *Tristaniaopsis laurina* (6 x 6m) and *Plumeria sp.* (5 x 6m); and the *Magnolia 'Little Gem'* on southern boundary of No. 1-11 Cambridge Street. An amended arborist report that assesses any impacts on these trees must be provided to Council.*

*Should the above issues be suitably addressed, the following conditions shall apply: A qualified AQ5 arborist shall be appointed to oversee all works within the TPZ of any protected tree. -2 x *Callistemon viminalis* (6m) in the council verge to the east of the existing driveway of 18 Vale St shall be protected in accordance with AS4970, 1.8m high steel mesh tree protection fencing shall be installed, and a collective tree bond of \$16,000 shall be applied. No pruning shall be permitted. Hoarding and scaffolding shall be designed and constructed accordingly. -1 x *Platanus orientalis* in the council verge in front of 1-11 Cambridge St (Miller St frontage) shall be protected in accordance with AS4970, 1.8m high steel mesh tree protection fencing shall be installed, and a tree bond of \$10,000 shall be applied (this tree will potentially be impacted by regrading to SW). -No objection is raised to the removal of T7 & T8 - 2 x *Callistemon viminalis* (4m) in the council verge to the west of the existing driveway of 18 Vale St subject to replacement planting of 3 x *Callistemon viminalis* (200l) as shown in the LS plan. - 1 x *Tristaniaopsis laurina* (6x6m) and 1 x *Plumeria sp.* (5x6m) on the eastern boundary of 49 Abbott St, and 1 x *Magnolia 'Little Gem'* on southern boundary of 1-11 Cambridge St shall be protected in accordance with AS4970, no canopy pruning shall be permitted without prior permission from council, and if permitted, shall be carried out by a qualified AQ3 arborist in accordance with AS4373. -Sensitive construction measures including hand excavation, pier & beam construction, and flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 30mm shall be cut. -SW and other services shall be directed outside the TPZ of any protected tree and/or be installed via non-invasive means under supervision of project arborist (notably regrading of main SW discharge into Miller St.) -Existing sandstone blocks shall be retained and re-used on site, or surrendered to council.*

Planning comment: The above matters have been addressed in the revised design, which features additional setback from the northern boundary and deep soil landscaped zones within this setback area. Any recommended conditions will be included should consent be granted.

TRAFFIC

Council's Traffic and Transport Manager provided the following comments:

It is recommended that the proposed development be refused until the Applicant addresses the following:

- *Removal of additional parking space to comply with Council's DCP.*
- *Provision of a car wash bay to comply with Council's DCP*
- *Provision of a car waiting space is provided entirely on the site and adjacent to the mechanical stacker to enable a vehicle to wait while the stacker is in use*

Should Council approve this development it is recommended that the following conditions be imposed:

- *That a Construction Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*
- *That all aspects of the carpark comply with the Australian Standard AS2890.1 Off-Street Parking.*

Planning comment: The above comments are noted and considered, and have been addressed in the revised design. The proposed parking spaces have been modified/reduced to comply with the maximum/minimum rates under the NSDCP 2013. A car wash bay has been included.

With regard to the provision of a car waiting space, the Applicant provided the following justification:

In regards to a waiting area for the car lift, the Traffic Assessment Report submitted with the application prepared by JMT Consulting, assessed the operations of the car lift and made the following conclusions:

The Austroads publication "Guide to Traffic Management Part 2: Traffic Theory (2015)" provides a number of queuing theory formulae which can be used to assess the performance of the car lift. The utilisation factor ρ or ratio of average arrival rate r and service rates s is given by the formula below. In this instance, $r = 3.2$ vph (see Section 3.2) and $s = 66.7$ vph.

Utilisation Factor $\rho = r / s = 3.2 / 66.7 = 0.05$

The probability that the lift will be empty is given the following formula:

$P_0 = 1 - \rho = 1 - 0.05 = 0.95$ or 95.0%

Therefore, the probability that the lift will be empty in the busiest hour of the day is 95%.

The probability of 1 car waiting whilst the lifts is in use by another vehicle is given by the following equation:

$$P (>1) = \rho(n + 1) = 0.052 = 0.0025 \text{ or } 0.25\%$$

Therefore, the probability that one car or less will be using the lift at any one time is 99.75%.

Where traffic flow at the site entrance is restricted by a car lift, Clause 3.5 Access to Mechanical Parking Installations of Lift AS2890.1 - 2004 requires the 98th percentile queue to be accommodated on-site. As there is a probability of 99.75% that the lift will be in use by one car or less, the proposed access arrangements comply with the requirements of Australian Standards.

As per the above, the likelihood of a car having to wait for the car lift is extremely low, and therefore a waiting area is not considered necessary to be provided on the site. To provide a waiting area would require the removal of landscaped area on the site, which is considered a poor outcome given that in the low chance that the car lift was in use, a car could utilise on street parking within Vale Street until the car lift was free.

Furthermore, the provision of a waiting area for the car lift is not considered necessary for the proposed development, given other, similar, residential flat building developments with car lifts have been approved within the locality, without a designated waiting area.

The following development applications were approved by North Sydney Council, with a car lift servicing more than 10 vehicles without a designated waiting area:

- *DA54/18 – 14-20 Premier Street, Neutral Bay (Residential Flat Building with 24 units)*
- *DA379/18 – 7-9A Harriette Street, Neutral Bay (Residential Flat Building with 10 units)*
- *DA100/19 – 11-13 Waverton Avenue, Waverton (Multi-dwelling Development with 9 townhouses)*
- *DA67/21 – 22-26 Spruson Street, Neutral Bay (Residential Flat Building with 11 units)*

In light of the abovementioned approved developments, and the expert advice from JMT Consulting in relation to the operation of the car lift, it is not considered necessary, or fair, that the proposed development be required to provide a waiting area on the site.

The above justification (from the Applicant) has been reviewed and the proposed lack of a designated waiting area is considered an acceptable and reasonable outcome. Further to this, the proposed singular access from a lower order road (Vale Street) combined with the number of residential units (8) and the reduction in car parking spaces (from 18 to 14) ensures that the risk of traffic flow impediments or issues due to no waiting area provided is low.

WASTE

Council's Waste Operations and Education Officer reviewed the application and provided the following commentary with regard to proposed waste management for the new building:

Properties with a lift must have a garbage chute and recycling bin on each level.

Recycling bins should be provided on each floor next to the garbage chute

The residential waste bins need a temporary bin holding area for collection off the street and within 2 meters of the street alignment.

The proposed holding bay must fit the minimum 6 x 240L bins.

There needs to be functional bulky waste storage area to hold household clean up material.

This room must be separate to the waste room.

The proposed development must adhere to the NSC DCP 2013 Section 19 - Waste Minimisation and Management and Part B: Section 1 - Residential Development requirements.

A temporary holding bay for collections must be provided of sufficient size to accommodate the required garbage and recycling bins and located within 2 metres from the street boundary.

The standard conditions for waste will apply to this proposed development.

Planning comment: The above comments are noted and considered.

Given the low-rise form of the residential flat building and the number of units (8) a garage chute and recycling bin at each level are not considered necessary.

The revised scheme has incorporated a new bulky storage room in Basement 1.

The proposed garage room shows 5 x 240L bins; however, it appears to be capable of fitting 6 x 240L bins. Conditions will be included to provide 6 x 240L bins in the garage room to comply with the NSDCP 2013. Most of the above comments have been addressed by the final design and the recommended conditions will be imposed.

EXTERNAL REFERRALS

AUSGRID

A referral to Ausgrid was required per Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021). Ausgrid assessed the application and raised no objections, subject to the imposition of a condition as follows:

Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

“Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.”

Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Planning comment: The above advice is noted and considered. The recommended condition will be included in the consent.

NSW ROADS AND MARITIME SERVICES

The proposed development was referred to the NSW Roads and Maritime Services (RMS), in accordance with Clause 119 of SEPP (Transport and Infrastructure) 2021. NSW RMS provided the following comments:

Reference is made your email referral dated 22 July 2022, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) in accordance with Clause 119 of State Environmental Planning Policy (Transport & Infrastructure) 2021.

TfNSW has reviewed the submission and raises no objections to the proposed development, subject to the following conditions:

- 1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Miller Street boundary.*
- 2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Miller Street during construction activities.*

A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinLogin.js>

Planning comment: The above commentary is noted and considered. The recommended conditions will be imposed should consent be granted.

SYDNEY WATER

The proposed development was referred to Sydney Water, in accordance with Section 78 of the *Sydney Water Act 1994*. Sydney Water provided the following comments:

Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a DN40 Copper watermain (laid in 1986) on Vale Street and a DN100 CICAL watermain (laid in 1912) on Miller Street.*
- Amplifications, adjustments, and/or minor extensions may be required.*

Wastewater Servicing

- Wastewater servicing should be available via a DN225 VC wastewater main (laid in 1911) on Miller St.*
- Amplifications, adjustments, and/or minor extensions may be required.*

Planning comment: The above commentary is noted and considered. Standard conditions for water and wastewater connections are to be imposed should consent be granted.

SUBMISSIONS

Original proposal

In accordance with Council's Community Participation Plan, Council notified adjoining properties and the Bridgeview/The Plateau Precinct Committee of the proposed development from 3 to 17 June 2022. Council received nine (9) submissions during this period. All submissions were from residences at No. 1-11 Cambridge Road, Cammeray.

The matters raised in these submissions objecting to the proposed development are listed below:

Basis of Submissions

- Misdescription of proposal
- Bulk, scale, massing/density
- Excess height
- Overdevelopment
- Privacy and amenity impacts
- Non-compliance with SEPP 65
- Non-compliance with NSLEP 2013 including Aims of Plan and zone objectives
- Non-compliance with NSDCP 2013
- Inadequate consideration of existing topography
- Streetscape character
- Building separation and setbacks
- Inadequate landscaped areas
- Public interest

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

Amended Proposal

The Applicant submitted an amended design and additional information in response to the submissions and any correspondence from Council. The nature of the changes within the final scheme were such that it was determined that a re-notification of the revised design and associated plans was required as per Council's Community Participation Plan. Council notified adjoining properties and the Bridgeview/The Plateau Precinct Committee from 9 to 23 September 2022. Council received 22 submissions during this period. All submissions were from residences at No. 1-11 Cambridge Road, Cammeray.

The matters raised in these submissions were near identical to those mentioned in the submissions received in the first notification period, with the following additional concerns mentioned:

- Roof terrace should be setback 9m from northern boundary
- Basement should be setback 3m from northern boundary
- Planters on balconies/decks should be continuous
- A 1.8m high retaining wall should be provided
- Adequate drainage and stormwater management must be provided
- Existing brick wall adjacent to No. 5 Cambridge Street carport should be demolished

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021

The following sections apply to the proposed development and have been considered in the assessment:

Chapter 2 – Vegetation in non-rural areas

The proposed development involves removal of eight (8) trees comprising two (2) street trees and six (6) site trees. The provided arborist reports have been reviewed and determined to satisfy the matters raised by Council's Landscape Development Officer. Sufficient tree planting (both along Vale Street and on-site) and landscaped areas (both deep soil zones and on-structure) will sufficiently offset the proposed tree removal. In general, the resultant landscaping provides an improved outcome and balance of landscaped and hardscaped elements within the subject site. As such, the application satisfies the respective aims under Chapter 2 of this SEPP.

Chapter 10 – Sydney Harbour Catchment

It is noted that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 has been included in Chapter 10 of this SEPP since its endorsement in December 2021. Having regard to Chapter 10 of this SEPP and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's location in a suburban area of Cammeray and is not in close proximity to the Sydney Harbor foreshore. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has been used for residential accommodation for over 30 years and as such is unlikely to contain any contamination. The nature and location of the proposed development (involving a residential flat building) are such that any applicable requirements of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been submitted with the application to satisfy the aims of this SEPP.

SEPP (Transport and Infrastructure) 2021

The subject site is situated immediately adjacent to the Miller Street – a classified road. As such, Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations of this SEPP applies. The subject application was referred to NSW RMS and no objections were received, subject to the imposition of recommended conditions.

Under Subclause 2 of Division 17, Subdivision 2 –

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development comprises residential accommodation that will be affected by traffic noise and vehicle emissions. The Applicant provided an acoustic report that addresses exposure to road noise. Council’s review of the acoustic report and the recommendations therein confirm that road noise can be mitigated and managed by the final design and detailed construction of the development. The recommendations provided in the acoustic report will be incorporated into the development consent.

Any vehicle emissions associated with Miller Street are not considered significant, such that these require substantial management. The respective allotments already contain residential dwellings that are also exposed to these. Notably, the majority of windows and openings proposed within the building generally do not face nor address Miller Street. Further, the generous 3m setback from the Miller Street frontage reduces potential risk or exposure. As such, the general design of the built form assists in minimising risk or exposure to vehicle emissions. Subclause 1 is satisfied by the proposed development.

As mentioned above, given the nature and location of the proposed development and the removal of the existing vehicular crossing off Miller Street and the intended access off Vale Street, it is unlikely that the safety, operations and functionality of Miller Street are adversely impacted. As such any applicable provisions under Subclause 2 are satisfied.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposed development involves partial demolition and alterations and additions to a residential flat building that is over three (3) storeys and comprises more than four (4) dwellings. Consequently, SEPP 65 applies to the application. The table below provides a summary of the assessment of the proposed development against the design quality principles contained in this SEPP.

Design quality principles	Objective	Proposal
Principle 1: Context and neighbourhood character	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The proposed development involves a new contemporary style, predominantly brick, 4-storey residential flat building into the streetscape that replaces several dwellings scattered across three (3) separate allotments. The consolidated development and subsequent amalgamation are generally in-keeping with the context, neighbourhood character and subdivision pattern of the immediate vicinity. It is noted that the site adjoins and is surrounded by medium-high density residential buildings/developments that address Vale Street, Abbott Street and Cambridge</p>

Design quality principles	Objective	Proposal
	<p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change</p>	<p>Street, and this development would essentially complete the final, single and consolidated residential built form within the immediate vicinity (refer to Figure 18).</p> <p>The architectural expression and presentation of the building are relatively responsive to the context and neighbourhood character by integrating brick materials, open form balconies and plantings on roof and structure, into the design. It is noted that the quality of the proposed landscaping treatments featured in the revised scheme offer sufficient deep soil zones that are capable of providing good quality plantings and adequate balancing of the built form. Complementing these areas are numerous on-structure landscaping treatments at various elevations throughout the building. These assist in resolving the bulk and scale of the development and further soften the built form. Overall, the proposed development is considered an appropriate response to the streetscape and local context.</p> <p>Accordingly, the proposed development achieves the objective of Principle 1.</p>
<p>Principle 2: Built form and scale</p>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development is comparable in scale as the existing medium-high density residential buildings surrounding the site and in the immediate area. The final scheme comprises a bulk, scale and density that is generally appropriate to and compatible with the streetscape and surrounding locality.</p> <p>The proposed development introduces a new residential flat building to the premises that represents an appropriate redevelopment of consolidated land that is generally comparable to and reflective of the development pattern clearly observed in the immediately surrounding block (No. 1-11 Cambridge Street, 15 Cambridge Street and 49 Abbott Street).</p> <p>Accordingly, the proposed development achieves the objectives of Principle 2.</p>

Design quality principles	Objective	Proposal
Principle 3: Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Amenity</u></p> <p>The proposed development features a limited number of residential units (total of 8) and the site benefits from having an east-west orientation. All units achieve the minimum requirement for solar access under the Apartment Design Guide (ADG). The building complies with the minimum requirement for cross ventilation under the ADG. The subterranean design of the bedrooms for the two (2) lower ground floor units is not an ideal outcome; however, the respective windows will have green wall/landscaped rock face outlook to improve amenity for these spaces. Further, these spaces have a minimum 2.5m setback from the wall, thereby facilitating access to natural ventilation and daylight for these bedrooms.</p> <p>The final scheme comprises a substantial and functional communal open space on the ground floor. It is noted that all eight (8) units have north-facing balconies. The penthouse units have large rooftop terraces. As such, the proposed private and communal open spaces provide ample amenity and facilities for future occupants.</p> <p><u>Unit mix</u></p> <p>The proposed unit mix of eight (8) x 3-bedroom apartments has been justified by the Applicant through the provision of information. Given the low number of units proposed and the provision of larger, family-sized units in Cammeray, the proposed lack of unit mix, on balance, is considered reasonable and acceptable. Accordingly, the proposed development achieves the objective of Principle 3.</p>
Principle 4: Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><u>Solar access</u></p> <p>Under the ADG, a minimum 70% of apartments are to receive at least two (2) hours of direct sunlight during mid-winter (for living rooms and private open spaces). The proposed development complies with this requirement as all units receive two (2) hours of direct sun in their living rooms and private open spaces.</p> <p>Under the ADG, no more than 15% of apartments should receive no direct sunlight during mid-winter. The proposed development complies with this requirement as all units receive direct sun.</p>

Design quality principles	Objective	Proposal
		<p><u>Cross ventilation</u></p> <p>Under the ADG, a minimum 60% of apartments are to be naturally cross ventilated. The proposed development features 5 of 8 apartments that are cross ventilated (62%), thereby demonstrating compliance. The Applicant advised that the Miller Street interface prevents cross ventilation compliance for the eastern apartments, as Miller Street is a classified road and is subject to road noise. The overall design is considered reasonable in relation to environmental and sustainability performance. Accordingly, the proposed development achieves the objective of Principle 4.</p>
<p>Principle 5: Landscape</p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Under the ADG, a minimum of 7% of the site area (63.14m²) should comprise of deep soil zone. The proposed development complies with this requirement as it provides a landscaped area of 207.88m² (23.1%). This deep soil zone is distributed across two (2) main portions of the site – the 3m front setback from Miller Street and the north-western corner of the site.</p> <p>Several canopy trees are proposed to be established within the site to satisfactorily achieve this principle and appropriately soften and balance the scheme.</p> <p>There is no opportunity to provide native street trees within the road reserve along Miller Street to assist in better integrating the landscaping with the adjacent road reserve that adjoins Cammeray Public School. It is noted; however, that street tree planting is proposed along Vale Street.</p> <p>As mentioned above, in addition to the deep soil zones, the final scheme incorporates numerous on-structure and above-basement slab plantings and landscaping treatments that further soften the built form and add visual interest. These provide a welcome continuation of landscaping treatments that would complement the deep soil zones. In general, the proposed development is considered a substantially improved visual design and landscaped outcome compared to the existing development, which has limited and low quality landscaping.</p> <p>Accordingly, the proposed development achieves the objective of Principle 5.</p>

Design quality principles	Objective	Proposal
Principle 6: Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Discussion on amenity (solar access and cross ventilation) aspects and the subterranean spaces are covered under Principle 4 above and the ADG table below. A detailed assessment of potential amenity and overshadowing impacts on affected neighbours is contained below. This assessment has also demonstrated the merits of the proposal and that the extent of any impacts generated are reasonable.</p> <p>The main entrance via Vale Street is considered appropriate and functional. A similar footbridge access is noted for the adjoining residential flat building. These reflect the topography of the respective sites.</p> <p>Accordingly, the proposed development achieves the objective of Principle 6.</p>
Principle 7: Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposed development is acceptable with regard to safety and security.</p> <p>There are several opportunities for passive surveillance of surrounding areas along Vale Street and Miller Street through the use of balconies and glazing treatments. The entry points (both vehicular and pedestrian) appear acceptable and suitable for the proposed use – with the vehicular entry and car lift tucked away within the western corner and via Vale Street and the pedestrian entry relatively visible and apparent from public domain.</p> <p>Accordingly, the proposed development achieves the objective of Principle 7.</p>
Principle 8: Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed apartments are family-sized units (as mentioned above). All of the units are able to be adapted for households comprising people with disability. This generally supports housing diversity and improved choices in the area.</p> <p>The proposed communal open space and common areas are able to facilitate social interaction.</p> <p>Accordingly, the proposed development achieves the objective of Principle 8.</p>

Design quality principles	Objective	Proposal
Principle 9: Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape</p>	<p>The design, bulk, scale and visual presentation of the final scheme are considered acceptable and characteristic of the streetscape and immediate locality. The combination of prominent warmer materials and deep soil zones, planting on structures and above basement, assist in achieving a more balanced design. The architectural expression, materiality and presentation of the proposed development are considered acceptable and supportable.</p> <p>Accordingly, the proposed development's aesthetics are supported and achieve the objective of Principle 9.</p>


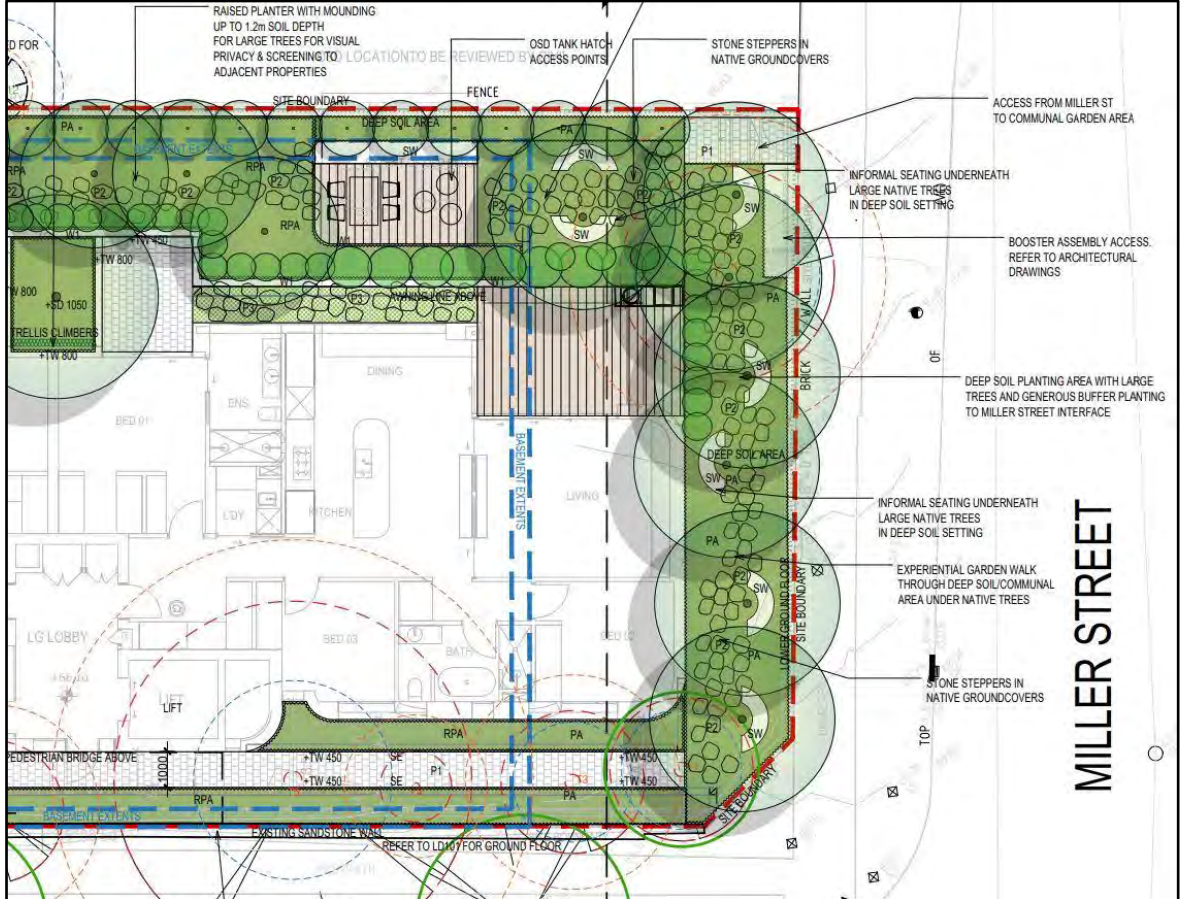
Apartment Design Guide (ADG)

The proposed development has also been assessed against the relevant provisions within the ADG as follows:

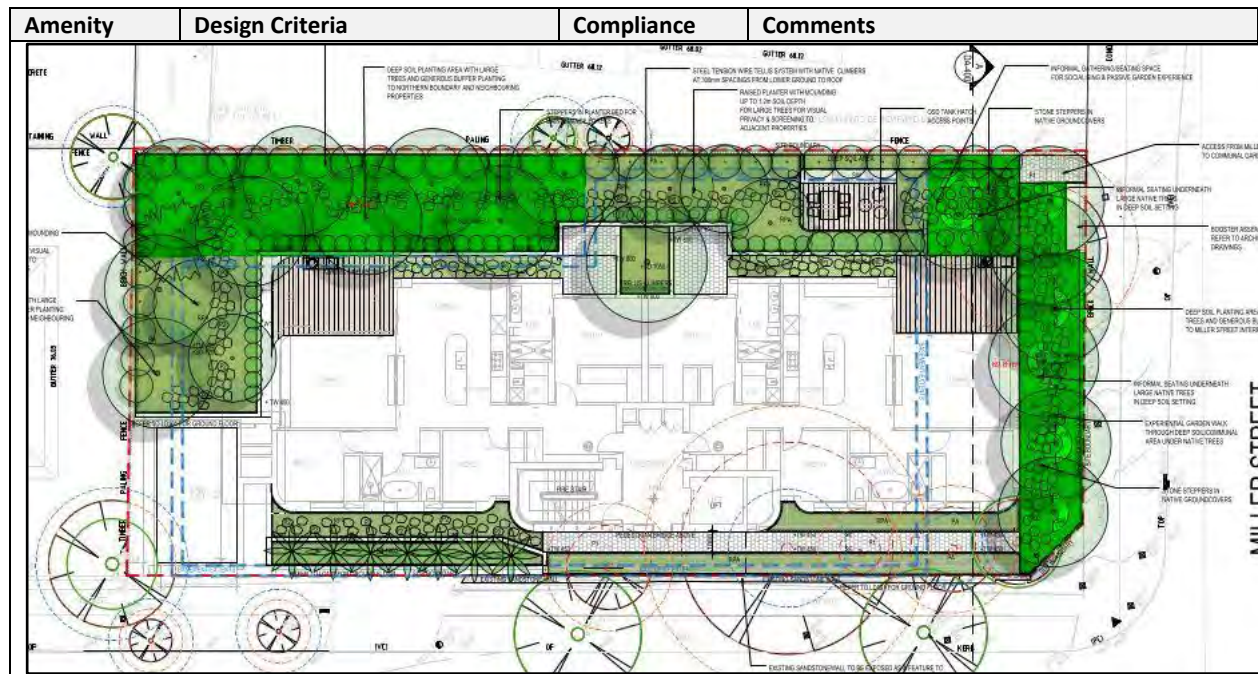
Amenity	Design Criteria	Compliance	Comments
2F - Building Separation	<p><i>Minimum separation distances for buildings (up to four storeys):</i></p> <ul style="list-style-type: none"> • <i>6m setbacks for habitable rooms and balconies.</i> • <i>3m setbacks for non-habitable rooms.</i> • <i>No separation distance is required between blank walls.</i> 	Yes	<p>The following minimum setbacks are proposed (see figures below):</p> <ul style="list-style-type: none"> • Western (rear) boundary: 0.7m (blank wall of car lift) and 6.6m (courtyard/balcony and blank wall of living room of western units) • Northern side boundary: 3.1m (lower ground floor courtyards), 5.4m (planter beds of balconies), 6.5m (habitable room windows). <p>The proposed development (as amended) complies with the required building separation distances. The reduced separation relates to the proposed planter beds only and conditions can be imposed to ensure suitable plantings within these beds are established to minimise any overlooking from the balconies and north-facing windows/openings.</p> <p>The blank walls on the western side of the building will not result in any adverse privacy impacts and are sufficiently articulated and modulated to achieve appropriate visual bulk and break-up of the built form.</p>

Amenity	Design Criteria	Compliance	Comments
Western portion of building			
Northern portion of building			

Amenity	Design Criteria	Compliance	Comments
<p>3D - Communal Open Space</p>	<p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p>Min. 25% or 225.48m²</p> <p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9.00 am and 3.00 pm on 21 June (mid-winter)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p>	<p>No – demonstrates merit</p>	<p>The original design of the proposal featured nil communal spaces. The proposed development was amended to comprise of 104.8m² (11.6%) of communal open space. The reduced communal open space demonstrates planning merit given that this area will service a small number of residences (8 units). Further, these residences have ample private open spaces and four (4) of the units have either larger private rooftop terraces or courtyard areas on the ground floor. Given the residential density proposed, some merit can be applied to the variation.</p> <p>The proposed communal space comprises of stepping stones, informal seating, landscaped areas (including trees) and dedicated areas for tables and outdoor cooking. These elements ensure the communal open space is designed to facilitate a range of activities and amenities for future occupants.</p> <p>The proposed communal open space is exposed to and generally addresses Miller Street. Notwithstanding this, the space has been designed to maximise safety and amenity – with fencing and balustrades separating this area from private open spaces and the road reserve. Perimeter planting and dense vegetation are proposed for the northern portions of the site to assist in minimising privacy impacts.</p> <p>On balance, the communal open space reflects a suitable and supportable outcome for the site and proposal.</p>

Amenity	Design Criteria	Compliance	Comments
			<p>MILLER STREET</p> <p>S03</p>
<p>Proposed communal open space (shaded in dark orange)</p>			
			<p>MILLER STREET</p>
<p>Proposed communal open space – details</p>			

Amenity	Design Criteria	Compliance	Comments
3E - Deep Soil Zones	<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> • <i>3m minimum width</i> • <i>Criteria: minimum 7% of the site area</i> • <i>Guidance: minimum 10% of the site area (650-1000m²)</i> • <i>Guidance: minimum 15% of site area (>1500m²)</i> <p>Criteria: Min. 7% or 63.13m²</p> <p>Guidance: Min. 10% or 90.19m²</p>	<p style="text-align: center;">Yes</p>	<p>The proposed development (as amended) comprises deep soil zones that have a minimum 3m width and cover 165.9m² (18.4%) of the site. As such, the proposed deep soil zones comply with the minimum criteria and guidance under the ADG.</p> <p>The proposed landscaping treatments are composed of numerous areas planted with trees, shrubs, grasses, ground covers and climbing plants comprising:</p> <ul style="list-style-type: none"> • Deep soil zones across the north-western corner and within the Miller Street front setback • Above basement areas (planters on slab) with sufficient depth to allow quality plantings to be established. These include perimeter plantings along northern and southern borders of the site. • Raised planter beds across the northern portions of the balconies/courtyards of each residential level. • Raised planter beds and a green wall/landscaped rock face on the southern side of the lower ground floor units. • Planter boxes to frame the entry lobby at ground floor – visible from Vale Street. <p>The proposed mixture of deep soil zones and other landscaping treatments are considered sufficient in softening the development, providing an interruption of bulk and massing, and improving the current landscaping within the site. The proposed development will have a positive and appropriately balanced contribution to the streetscape through the provision of these landscaped areas.</p>



Proposed deep soil zones (shaded in green)

Amenity	Design Criteria	Compliance	Comments
3F - Visual privacy	<p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <p><i>6m (between habitable rooms and balconies to boundaries)</i> <i>3m (between non-habit-able rooms)</i></p>	<p>Yes – habitable rooms</p> <p>No – balconies, demonstrates merit</p>	<p><u>Habitable rooms</u> The proposed development involves minimum setbacks of 6m from habitable rooms.</p> <p><u>Balconies and rooftop terraces</u> The primary balconies (off the living rooms) have a minimum setback of 6m from property boundaries. It is noted that the planter boxes do not form part of the balconies and are not trafficable areas. Further, any plantings within these planter beds will assist in screening and ameliorating privacy issues. The setbacks of the balconies off the northern bedrooms are 5m, representing a minor variation to minimum separation distances criteria. This variation is considered reasonable given that these balconies are restricted in size (m²) and will therefore, unlikely result in adverse privacy impacts. Much of the northern portion of the site is proposed to comprise of deep soil zones and landscaped areas with perimeter planting and trees. These elements will further assist in obscuring views to neighbouring properties.</p>
3G - Pedestrian Access and Entries	<p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p>	Yes	<p>Pedestrian entry/exit is centrally located and can accommodate accessible access. Vehicular access is clearly segregated and distinguished and there is sufficient space to allow for waste services to occur.</p>
3H - Vehicle Access	<p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>	Yes	Acceptable.
3J - Bicycle and Car parking	<p><i>For development in the following locations:</i></p>	Yes	<p>DCP requirements: Car parking (max.): Residential flat buildings in all other zones other than B4:</p>

Amenity	Design Criteria	Compliance	Comments
	<ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the mini-mum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less <p>The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p>		<ul style="list-style-type: none"> 3 or more bedrooms: 1.5 spaces per dwelling Visitor spaces: 0.25 spaces per dwelling <p>Bicycle parking (min.): 1 space per dwelling and 1 visitor space per 10 dwellings.</p> <p>No min. or max. number of motorcycle spaces.</p> <p>As per the above requirements the proposed development generates the following parking requirements:</p> <ul style="list-style-type: none"> Twelve (12) car spaces (residents) and two (2) visitor spaces = fourteen (14) car spaces (max.) Eight (8) bicycle spaces (1 per dwelling) and 1 visitor space = 9 bicycle spaces (min.). No minimum motorcycle spaces. <p>The final scheme features 14 car spaces, eight (8) bicycle spaces and two (2) motorcycle spaces across two (2) levels of basement. As such, compliance against the above maximum and minimum parking rates is demonstrated.</p>
<p>4A - Solar and daylight access</p>	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.</p>	<p>Yes</p> <p>Yes</p>	<p>All units (100%) will comply with the solar access criteria with living rooms and private open spaces orientated to the north. It is noted that the proposed development has subterranean south-facing bedrooms in the lower ground level. To improve amenity and aspect for these bedrooms, a landscaped rockface/green wall.</p> <p>It is noted that no units (0%) will receive no direct sunlight.</p>
<p>4B - Natural ventilation</p>	<p>All habitable rooms are naturally ventilated.</p> <p>The layout and design of single aspect apartments maximises natural ventilation.</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents - At least 60% of apartments are naturally cross ventilated</p>	<p>Yes</p>	<p>The proposed development features openings for all habitable rooms - ensuring these are naturally ventilated.</p> <p>Five (5) out of eight (8) units or 62% of units achieve cross ventilation. The proposed development will comply with the cross-ventilation criteria.</p>

Amenity	Design Criteria	Compliance	Comments
4C - Ceiling Heights	<i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7 m (habitable rooms)</i>	Yes	The proposed floor to floor heights are indicated to be 3.1m – ensuring that the floor to ceiling heights of habitable rooms are at least 2.7m.
4D 1 - Apartment size and layout	<p><i>Apartments are required to have the following minimum internal areas:</i> <i>50m² (1-bedroom)</i> <i>70m² (2-bedroom),</i> <i>90m² (3-bedroom)</i></p> <p><i>Additional bathrooms increase the minimum internal area by 5m² each</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</i></p> <p><i>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</i></p>	Yes	<p>All units are 3-bedroom units with a floor area of at least 143m².</p> <p>All habitable rooms have external walls with windows that provide daylight and ventilation.</p>
4D 2 - Apartment size and layout	<p><i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i></p> <p><i>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i></p>	<p>Yes</p> <p>Yes</p>	Complies with the maximum depths for habitable rooms and open plan layouts.
4D 3- Apartment size and layout	<p><i>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</i></p> <p><i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i></p> <p><i>3. Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> <i>• 4m for 2-bedroom and 3-bedroom apartments</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Master bedrooms have a minimum area of 13m². Other bedrooms have a minimum area of 10m².</p> <p>All bedrooms have a minimum width of 3m.</p> <p>Living rooms have a minimum width of 4.4m.</p>

Amenity	Design Criteria	Compliance	Comments
4E - Private open space and balconies	<p><i>All apartments are required to have primary balconies as follows:</i></p> <p><i>3+ bedroom apartments 12m² and minimum depth 2.4m</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p><i>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</i></p> <p><i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i></p> <p><i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i></p> <p><i>Private open space and balcony design maximises safety.</i></p>	Yes	<p>Primary balconies and terraces have a minimum area of 13m² and a minimum depth of 2.4m.</p> <p>Separation distances (from boundaries) and planter beds assist in minimising privacy impacts between units and adjoining neighbours.</p>
4F - Common circulation and spaces	<p><i>1. The maximum number of apartments off a circulation core on a single level is eight</i></p>	Yes	Maximum of two (2) apartments per level and circulation core.
4G - Storage	<p><i>Studio apartments - 4m³</i></p> <p><i>1-bedroom apartments - 6m³</i></p> <p><i>2-bedroom apartments - 8m³</i></p> <p><i>3+ bedroom apartments - 10m³</i></p>	Yes	The proposed storage areas in the basement level are at least 10m ³ for each unit.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

Aims of the Plan

The relevant aims of the NSLEP 2013 are contained in Clause 1.2. These aims have been considered as part of the assessment process for the subject application. The following is a summary of this assessment on any applicable aims under Clause 1.2.

Aim	Proposal
(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,	Achieved. The proposed development provides a residential flat building of design, bulk and scale that are responsive and sympathetic to site constraints, residential setting and context. The design is compatible with the desired future character and the existing and future development patterns of the locality.

<p>(b) in relation to the character of North Sydney's neighbourhoods—</p> <p>(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and</p> <p>(ii) to maintain a diversity of activities while protecting residential accommodation and local amenity, and</p> <p>(iii) to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,</p>	<p>Achieved. See above comments in (a).</p>
<p>(c) in relation to residential development—</p> <p>(i) to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and</p> <p>(ii) to maintain and provide for an increase in dwelling stock, where appropriate,</p>	<p>Achieved. The proposed development has been designed to minimise impacts including those associated with residential amenity. This has been demonstrated and detailed further below.</p> <p>The proposed development involves an amalgamation of three (3) allotments and removes three (3) dwellings. This loss of housing is offset by the provision of a residential flat building with eight (8) family-sized apartments. This outcome is considered appropriate as the immediate block adjoining the site also comprises similarly sized medium/high density residential development (townhouses and apartment buildings).</p>
<p>(e) in relation to environmental quality—</p> <p>(i) to maintain and protect natural landscapes, topographic features and existing ground levels, and</p> <p>(ii) to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,</p>	<p>Achieved. The proposed development has been designed with regard to the existing topography and natural features. As mentioned above, the landscaped areas provided will improve the current development. Council's Engineer confirmed that that the proposed stormwater system will effectively manage run-off entering and flowing within the site, subject to the imposition of conditions.</p>
<p>(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,</p>	<p>Achieved. The comments in response to (a) are relevant here.</p>
<p>(g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.</p>	<p>Achieved. The comments in response to (c) are relevant here.</p>

Permissibility

The subject site is within the R4 – High Density Residential zone under the NSLEP 2013. The proposed development can be defined as a *residential flat building*. This land use is permissible with consent within the R4 – High Density Residential zone.

Objectives of the zone

The objectives of the R4 – High Density Residential zone are stated below:

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

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*

The proposed development (as amended) will result in a built form that is considered acceptable with regard to the objectives of the R4 – High Density Residential Zone.

The current use of the site will be modified and reasonably intensified from separate dwellings to a single residential flat building with eight (8) units. The resultant outcome is appropriate in terms of its design, scale and massing and is reflective of the medium-high density residential development along Vale Street and in the immediate area.

The proposed development demonstrates general compliance with applicable planning provisions and controls, other than building height, under Council policy and will result in further diversification of housing in the locality whilst the landscaped outcome for the site.

The proposed development will not unreasonably compromise the amenity of the surrounding area and is considered a sympathetic design response that is contextually appropriate to the subject site and immediate locality, and in-context with the suburban street.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area: 901.9m²	Control	Proposed	Complies
Clause 4.3 – Height of buildings	Max. 12m	Top of balustrades for roof terrace: 13.73m	No (1.73m – 14.4% variation)*

* Clause 4.6 written submission provided

Clause 4.3 – Height of Buildings

The proposed development involves a maximum height of 13.73m, which is caused by the new northern balustrades for the rooftop terraces, which represents a 1.73m or 14.4% variation to the maximum height of buildings development standard under Clause 4.3 of NSLEP 2013. The majority of the proposed building complies with the maximum height provision.

A detailed discussion regarding the proposed height breach and its assessment against Clause 4.6 of the NSLEP 2013 are discussed below.

Clause 4.6 – Exceptions to development standards

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

Extent of the Variation

As described above, the proposed development involves a maximum height of 13.73m (for the northern balustrades on the rooftop), which represents a 1.73m or 14.4% variation to the maximum height of buildings development standard. The extent of variations for the remainder of the building is as follows:

- 0.71m (5.5%) variation for the planter beds at the northern edge of the rooftop and in front of the balustrades.
- 1.63m (12.5%) variation for the lift overrun.
- 0.85m (6.5%) variation for the roof services area.
- 0.76m (5.9%) variation for the remaining balustrades on the rooftop.

A height plane diagram is shown in Figure 29 below.

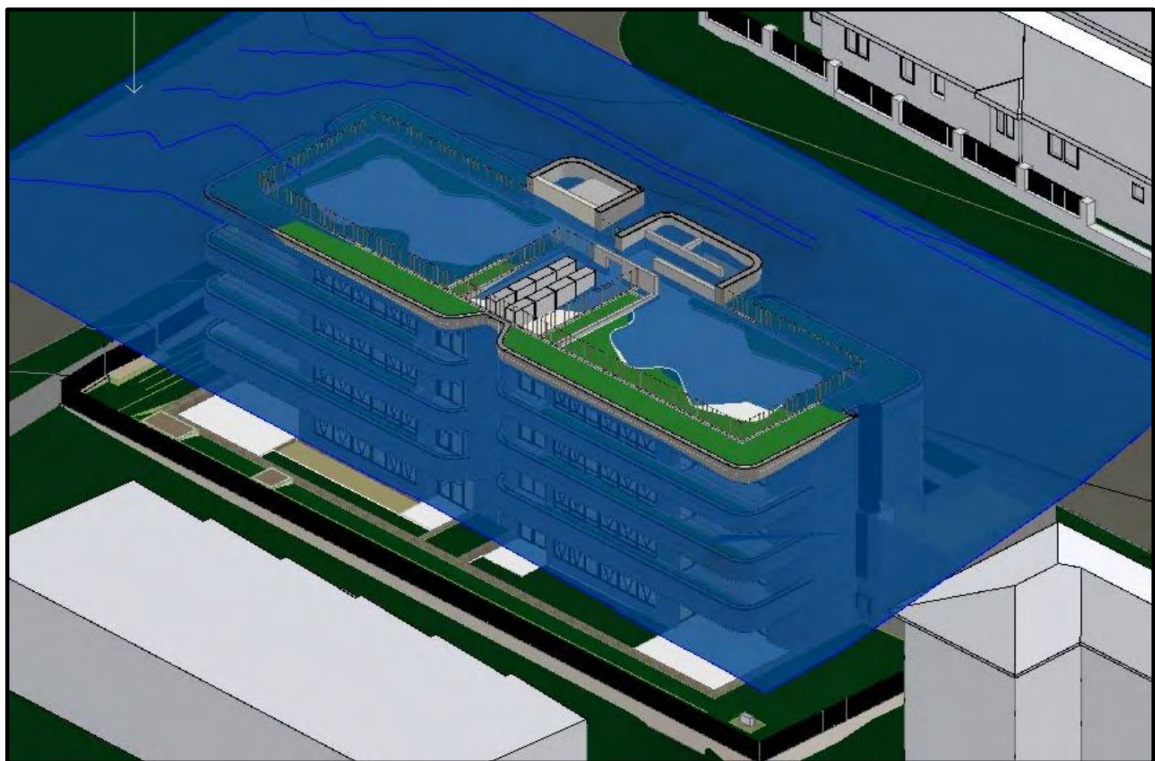


Figure 29: Height plane diagram

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

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

Clause 4.3 of the NSLEP 2013

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

- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- to promote the retention and, if appropriate, sharing of existing views,*

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

The Applicant's written request relies upon Webhe Test 1 (consistency with the standard's underlying purpose or objective) to demonstrate that compliance with the development standard is unreasonable and unnecessary. In response to Clause 4.6, the following excerpts are relevant and contained within the Applicant's written request:

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

The proposed development has been designed to reflect the natural landform and steps down the site, which, notably, falls 2.8m from the southern Vale Street frontage to the northern rear boundary. As a result of the proposal stepping down the site, when viewed from Vale Street, the development appears as a three storey building, and the fourth storey is only visible at the rear of the site. By stepping down the site the proposal reduces the visual bulk of the development, whilst also respecting the natural topography of the land.

Therefore, it is considered that the proposal satisfies Objective (a).

Objective (b) is to promote the retention and, if appropriate, sharing of existing views. The proposal does not adversely impact views of adjoining or adjacent properties.

Objective (b) seeks to protect existing views. In terms of views, the height of the building will not result in any significant additional view loss compared with a compliant building, with no views currently enjoyed over the subject site given the scale of development on the southern side of Vale Street. Furthermore, impact on existing views has been analysed in detail at Section 4.3.5.2 of this SEE. Where it was found that the proposed development will not result in any loss of views or outlook when compared to a building with a compliant height and compliant building envelope.

It is considered that the proposal satisfies Objective (b).

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

Objective (c) seeks to allow maintain levels of solar access to existing dwellings, public reserves and streets, and to promote solar access for future development. In terms of daylight access to existing dwellings and the public domain, the proposed height non-compliance does not contribute towards any significant additional overshadowing of adjoining development.

The site has a north-south orientation and as such, the majority of shadows fall within the site and to the street. The shadow diagrams provided with the plans demonstrate that the only overshadowing caused by the proposed development during midwinter is at 9am to a small portion of the sites on the southern side of Vale Street, with all overshadowing falling over the street for the remainder of the day. The small portion of the building which is noncompliant with the height control does not result in overshadowing of surrounding residential properties beyond a compliant building given the site orientation.

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

Objective (d) seeks to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings. In terms of privacy, the non-compliance will not have any additional impacts on adjoining properties as the bulk of the non-compliance relates to the lift overrun, landscape planters and services. A small portion of the height variation does relate to the roof top terrace and associated fencing. Given the terrace area is setback 2m from the building edges, and more than 7m from site boundaries shared with residential development, the separation provided, along with the planters and fencing, are considered more than acceptable to combat any privacy issues that may result from the roof top terrace. Furthermore, the adjoining developments sit below the proposed roof terrace, and therefore no direct sightlines are enabled to living areas. In relation to overlooking of private open spaces, balconies of the adjoining properties are oriented to the street away from the proposed development, and therefore the roof terrace is not capable of looking into these existing spaces.

Overall, the proposal has been sensitively designed in regards to the adjoining apartments and dwellings to ensure privacy to dwellings and their private open space is retained.

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

Objective (e) refers to being “compatible” with development. It is considered that “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191:

“22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.”

The siting and scale of the proposed development has been designed to distribute building mass in a manner that best minimises impact on adjoining development and achieves good levels of solar access and separation from neighbouring dwellings. The overall building height will be perceived as 3 and 4 storeys which is the typical type and scale of building emerging in the area and anticipated by the building height control. It will therefore be a built form which is reasonably anticipated in the locality.

The proposed development is in line with the desired future character of the locality and provides high quality residential accommodation that responds to the site topography. The proposed development is a high quality, well designed scheme sited within in a landscaped setting and is thus consistent with the vision for development in the R4 zone.

Accordingly, it is considered that the scale of the buildings is compatible with the desired future character of the locality and the site context. The height breach does not offend this compatibility in any noticeable way.

The proposal therefore satisfies Objective (e).

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

Objective (f) seeks to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area. It is considered that the architectural treatment of the building in terms of setbacks, materials and viewing points from which the non-compliances would be seen, visual impacts will be minimal. The site is located adjacent to a four storey residential flat building to the west and diagonal to a four storey residential flat building to the north west. As such, the proposal is consistent with the density of development within the immediate vicinity of the site, and is compatible with the character of the area as a R4 High Density residential zone, where four storey flat buildings are not only anticipated by (sic) encouraged as the desired future character.

The density and scale of the building is consistent with emerging built form in the locality. Accordingly, the proposal satisfies Objective (d).

Overall, the proposal will not compromise the use and enjoyment of neighbouring properties. The examination of the proposal in this report demonstrates that there will be no unreasonable detrimental impact to privacy and daylight access for neighbouring properties as a result of the non-compliant part of the building, nor will it be noticeable from any public space.

The proposed development is therefore consistent with the objectives for maximum height, despite the numeric non-compliance.

Council's evaluation of the Applicant's written request confirmed that the objectives of the development standard and the relevant zone (R4) have been achieved and the non-compliance with the development standard can be supported (as demonstrated in the 'Objectives of the zone' section above and the section below).

The Applicant's written request nominates "environmental planning grounds" which should be considered to justify the variation and that support for the variation will be in the public interest. Council's assessment of this request confirms that sufficient environmental planning grounds have been demonstrated and support for the variation is in the public interest.

The proposed development is considered below, having regard to the objectives of the development standard.

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

The proposed development has been designed to conform to the landforms and with respect to the south-north fall of the site. Despite the challenging topography, it is noted that the majority of the built form complies with the 12m height limit and the primary components that exceed this are centrally located in the rooftop. The extent of height variations across the building does vary, due in part, to topography. The location and design of the non-compliant components are such that the height variations will not be highly visible nor impactful when viewed from public domain and can be regarded as minor. This objective is achieved by the proposed development.

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

The unique topography of the immediate area and the south-north fall of the site and surrounds facilitate limit wide valley and horizon views and outlooks of Cammeray (towards Northbridge). Opportunities for views and outlooks are generally reliant upon open corridors and gaps between buildings as well as the topography. The site, which is surrounded by street trees along the Vale Street elevation, present limited opportunities for such views. Nevertheless, these opportunities are slightly impacted by the proposed redevelopment. Notwithstanding, any impacts relating solely on the components that exceed the height limit are considered minor, reasonable and acceptable. It is noted that a fully compliant built form will likely result in similar impacts on views and outlook. In light of the above, the complete retention of current views is considered unreasonable and any impacts on views and outlook are considered acceptable. The proposed development satisfies this objective.

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

A detailed analysis on overshadowing impacts is provided below (refer to DCP section). It has been demonstrated that the extent of overshadowing impacts on existing development, public reserves and streets, is reasonable and acceptable. The proposed development achieves this objective.

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

The proposed development provides sufficient separation distances and design features that allow for adequate visual and acoustic privacy between future occupants and neighbouring properties. The proposed development generally satisfies this objective.

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

The subject site is situated in the R4 – High Density Residential zone, immediately adjacent to areas zoned R3 – Medium Density Residential zone and SP2 – Classified Road (refer to Figure 22).

The proposed development is considered an acceptable design and planning outcome for the site that is sympathetic and responsive to the site's context being adjacent to a classified road and medium density residential properties (to the south). The proposed development achieves this objective.

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

The proposed development is of an appropriate scale, bulk and density that is compatible with and consistent to the development pattern of the locality and context of the site. As described in throughout this report, the scale and density of the development adequately responds to the site's constraints, context and setting. The proposed height variations are only associated with minor rooftop elements that are not considered excessive and will not be highly visible.

The overall aesthetic and architectural expression of the proposed development are considered characteristic of the immediate residential area. Further, the proposal will result in additional and significantly improved soft landscaping treatments throughout the site and on-structure. This blend of landscaping treatments and a built form dominated by a warm colour palette and brick façade, reflects an appropriate and compatible form of in-fill flat building development that is anticipated for the vicinity.

It is noted that the excess height does not result in any significant adverse impacts or vastly different impacts compared a fully compliant building. On balance, the potential impacts associated with the proposed height contravention are regarded as reasonable and acceptable.

In light of the extent of height variation and the overall design and presentation of the final scheme, the proposed development is considered acceptable and reasonable, and thus, satisfies this objective.

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

This objective does not apply to the proposed development as the subject site is within land zoned R4 – High Density Residential zone.

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

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

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

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

Conclusion

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

Part 6 – Additional local Provisions

Clause 6.10 – Earthworks

The proposed development involves a significant amount of excavation to accommodate the basement and lower ground level. An assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

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

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

The proposed earthworks, which involve substantial excavation to facilitate the lower ground floor and create the basement levels, are considered major and have the potential to affect soil stability, drainage patterns and adjoining land. The Applicant provided information (including a geotechnical report) that demonstrated the proposed earthworks can be appropriately undertaken and managed to minimise impacts, particularly on adjoining properties. Council's Engineer confirmed that subject to the imposition of conditions, the proposed earthworks can satisfy Clause 6.10.

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

The proposed development will modify and intensify the current use of the land from separate residential dwellings to a low-rise residential flat building. The proposed earthworks are unlikely to effect the future use/redevelopment of the land.

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

Given the residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would cause concern relating to the quality of material to be utilised as fill or of any existing material that will be disturbed. Notwithstanding this, conditions can be imposed to identify, contain, manage and dispose of any uncovered contamination during earthworks, should consent be granted.

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

As mentioned above, the proposed earthworks are considered major and have the potential to affect land stability and adjoining land. Conditions can be imposed to manage such impacts as well as any associated construction impacts. The proposed development and associated earthworks are acceptable in this regard.

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

If the proposed development is supported, conditions can be imposed to ensure any fill material is adequate and fit for purpose and any waste material from excavation exported and disposed of appropriately.

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

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

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

The site does not supply any drinking water catchments. If the proposed development is supported, appropriate sediment and erosion control measures can be included to prevent sediment movement into adjoining properties.

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

Clause 6.12 – Residential flat buildings

The proposed development involves a residential flat building on land zoned R4 High Density Residential. Clause 6.12 stipulates the following:

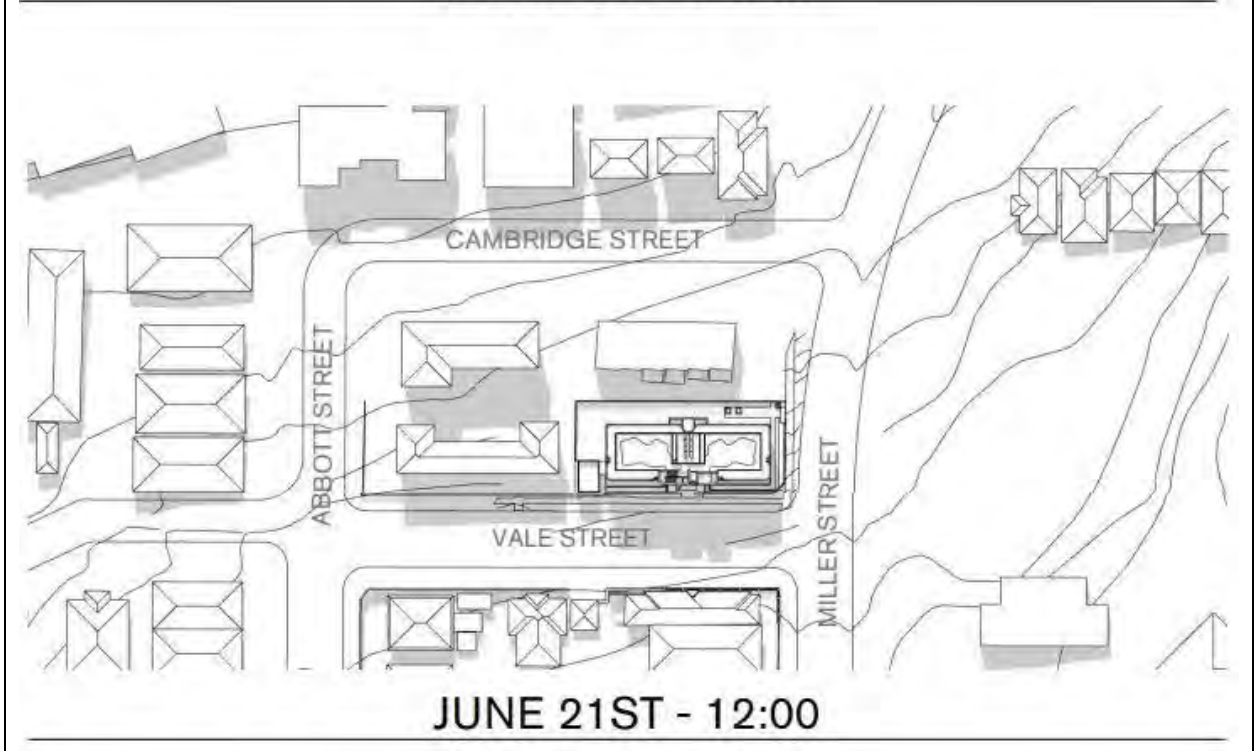
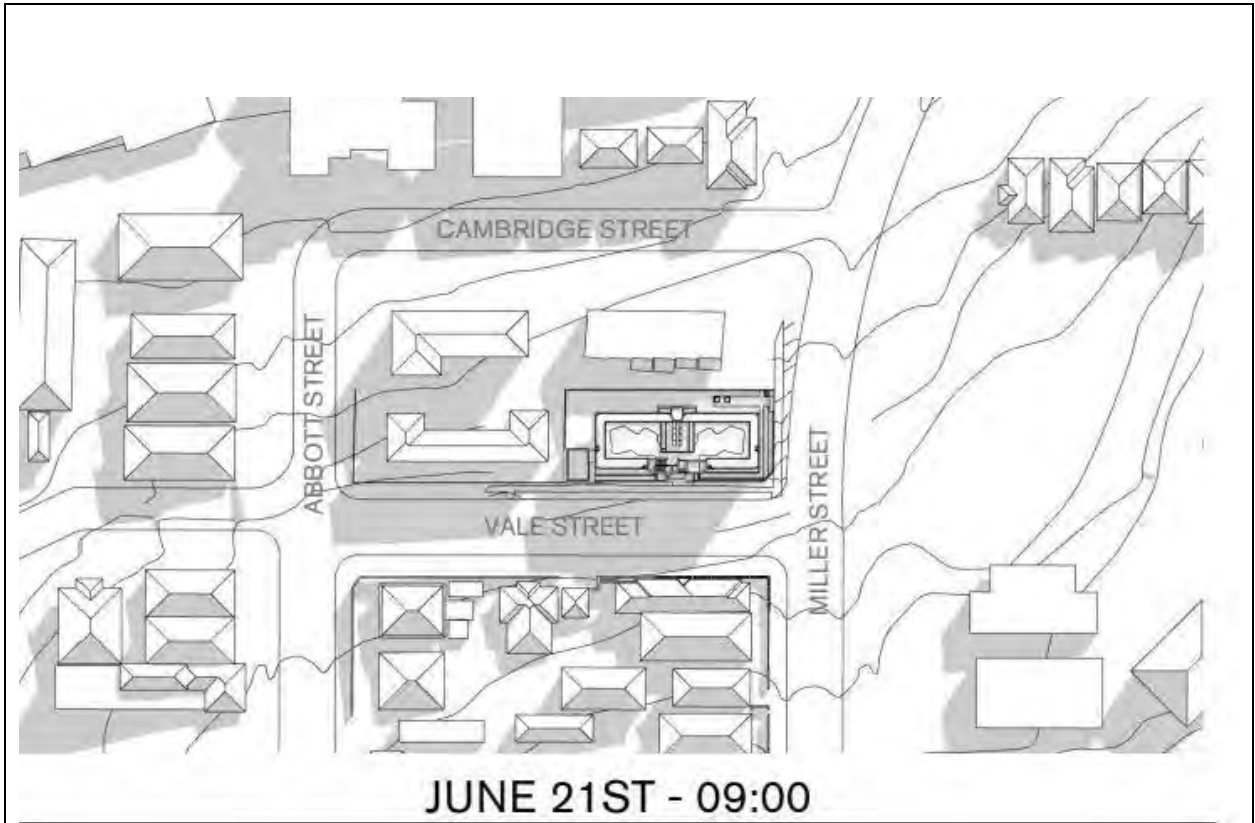
- (1) *The objective of this clause is to ensure that dwelling houses, dual occupancies or semi-detached dwellings will not be left isolated on sites that are not reasonably capable of development for residential flat buildings.*
- (2) *This clause applies to land in Zone R4 High Density Residential.*
- (3) *Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless—*
 - (a) *the adjoining land is at least 900 square metres, or*
 - (b) *the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.*

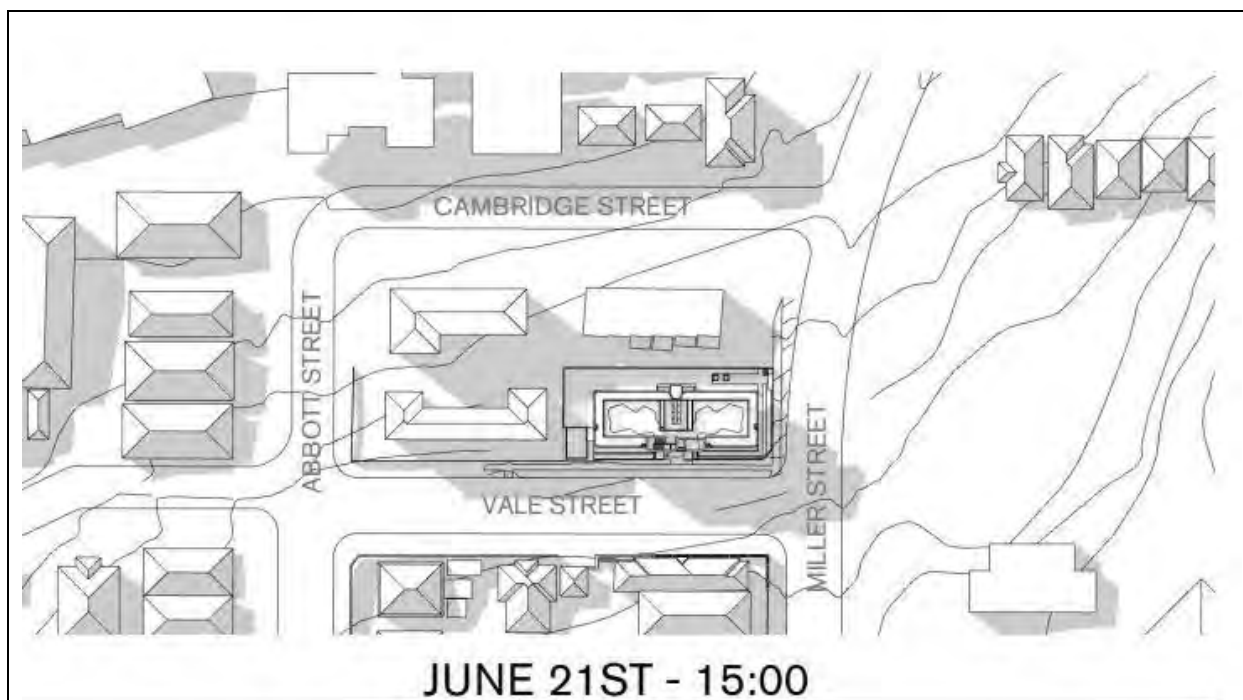
In response to the above provisions, the proposed development comprises a residential flat building and an outcome that will not result in site isolation. It is noted that the most of the immediate block bounded by Abbott Street, Cambridge Street, Vale Street and Miller Street comprising the site contains large land parcels (at least 900m²) containing either townhouse development or residential flat buildings. The subject site is the remaining set of sites in this block that are subject to future land consolidation and redevelopment that reflects the current pattern of this block. As such, the above provisions are satisfied.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 (NSDCP 2013)

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

Part B Section 1 – Residential Development		
Control	Compliance	Comments
1.2 Social Amenity		
Population Mix	Yes	The unit mix demonstrates sufficient merit and is acceptable – as discussed previously.
Universal Design and Adaptable Housing	Yes	All units (100%) can be adapted.
1.3 Environmental Criteria		
Topography	Yes	
Views	Yes	Unlikely to result in significant view loss impacts.
Solar access	Yes – future occupants Yes – neighbouring properties	The proposed development will result in ample solar access for future occupants and demonstrates compliance with the solar access requirements under the ADG. The communal open space is north-orientated and will receive the minimum three (3) hours required under the DCP. The proposed development introduces a larger built form compared to the low scale dwellings existing within the site. It is noted however, that due to the site’s east-west orientation and corner context, there are negligible-minor overshadowing impacts on neighbouring residential properties. Any additional overshadowing resulting from the proposal primarily impacts the public domain and road reserve of Vale Street. It is noted that this area is already shaded by the presence of several canopy trees within the road reserve. The proposed development will enable the living room windows and private open spaces of neighbouring properties to receive at least three (3) hours of solar access during mid-winter – thereby demonstrating compliance with the minimum solar access requirements under the DCP. Accordingly, any potential overshadowing impacts created by the proposed development are considered reasonable and acceptable.





Shadow diagrams – at 9am (top), 12pm (centre) and 3pm (bottom) during mid-winter (21 June)

Overshadowing impacts

During the winter solstice, the shadows created by the proposed development will primarily impact the road reserve. All surrounding and adjoining neighbours will receive at least three (3) hours of solar access to their respective private open spaces/courtyards and primary living rooms during the winter solstice. The proposed development achieves compliance with the relevant controls regarding solar access and passes the test for reasonableness in terms of overshadowing impacts.

<p>Acoustic Privacy</p>	<p>Yes</p>	<p>The proposed development involves an intensification of the residential use of the site; however, it is unlikely that this will result in unreasonable acoustic privacy impacts that are anticipated in high density residential areas. Notably, the private and communal spaces are setback from property boundaries and are buffered by landscaped areas. Any acoustic privacy impacts are considered acceptable and reasonable.</p>
<p>Visual privacy</p>	<p>Yes</p>	<p>The proposed development will not result in unreasonable or adverse privacy impacts. All of the habitable spaces within each apartment have setbacks of at least 6m from property boundaries that adjoin neighbouring residences. The primary balconies and terraces also have a minimum setback of 6m and feature balustrading and planter beds that will reduce obscuring of views. The secondary balconies are small in area (4m²) and are off bedrooms – these are not considered high activity spaces. The proposed building is generally in-context with the surrounding built-up area, which features townhouses and multi-storey residential flat buildings with windows and openings that typically provide some overlooking opportunities and are orientated to maximise solar access and ventilation. The proposed building follows a similar form – however, the provision of additional landscaped areas to create a buffer zone across the more sensitive sections of the site – namely the areas adjacent to the northern and western boundaries further assist in minimising privacy impacts. On balance, any visual privacy impacts are considered acceptable and reasonable.</p>

1.4 Quality built form		
Context	Yes	The design, aesthetic presentation and built form of the proposed development are considered appropriate and generally in context with the surrounding area.
Subdivision Pattern	Yes	The proposal is consistent with the current development and subdivision patterns of immediate block.
Streetscape	Yes	Acceptable – but could be improved. How? Perhaps just not it's OK?
Siting	Yes	Generally, the development is acceptable and compliant with building separation controls.
Setback - Front	Yes	Complies with the ADG and aligns with developments along Vale Street and Miller Street. Further setback required to improve deep soil zone.
Setback - Side	Yes	
Setback - Rear	Yes	
Building Separation	Yes	
Form, Massing Scale	Yes	See above.
Built Form Character	Yes	
Dwelling Entry	Yes	
Roofs	Yes	Introduces a flat roof form within the street. Reflective of current trends and contemporary architecture. Not within a heritage conservation area but does interrupt the prevailing roof form within the streetscape.
Materials	Yes	Acceptable – brick detailing and methodology? needs to be clarified to be effective.
Balconies - Apartments Minimum area of 8m² and minimum depth of 2 metres	Yes	
Front Fences	Yes	Acceptable treatments. Soften fence with landscaping behind.
1.5 Quality Urban Environment		
High Quality Residential Accommodation	Yes	
Vehicle Access and Parking (Inclusive of considerations required under Part B Section 10 Car Parking and Transport of NSDCP 2013)	Yes	

<p>Site coverage requirements for residential flat buildings</p> <p>Site area: 901.9m²</p> <p>Site coverage requirement: 45% (max)</p>	<p>No – demonstrates merit</p>	<p>The maximum site coverage allowed for the site is 45% (405.86m²). The proposed development results in a site coverage of 48.8% (440m²). The proposal fails to comply by 34.14m² (8.4%). This variation is considered reasonable and acceptable considering:</p> <ul style="list-style-type: none"> • The proposed setbacks and separation distances assist in minimising the bulk and scale of the built form. • The proposed landscaped areas surrounding the building and on-structure achieve an appropriate balance of landscaped and constructed elements. It is noted that the proposed deep soil zones achieve compliance under the ADG guidance. • The variation can be solely attributed to single level, car lift structure that is required to for vehicular parking and service components. Without the car lift, the entire building would achieve compliance. It is also considered that the car lift would provide a more pragmatic and acceptable form of access compared a typical basement entry given that the site has a corner context with a topography falling from Vale Street, and adjoins a classified road (Miller Street). As such, the car lift structure is a necessary element and design solution to support the proposed residential accommodation. The proposed car lift is considered an acceptable alternative to a long sloping driveway • Any excess site coverage is not considered substantial nor discernible when viewed from public domain. <p>In light of the above considerations, the proposed site coverage demonstrates merit and is considered an acceptable and supportable outcome that is consistent with applicable objectives under Section 1.5.5 of Part B, Section 1 of the DCP.</p>
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Proposed site coverage (shaded in grey)

<p>Landscape Area and Un-built Upon Area requirements for Residential Flat Buildings</p> <p>Site area: 901.9m²</p> <p>Landscaped area requirement: 40% (min)</p> <p>Un-built upon area requirement: 15% (max)</p>	<p>No – demonstrates merit</p> <p>No – demonstrates merit</p>	<p><u>Landscaped area</u></p> <p>The minimum landscaped area requirement for the site is 40% (360.76m²). The proposed development comprises a total landscaped area of 165.9m² (18.4%) of the site. The proposed development fails to comply with the minimum requirement; however, it does comply with the ADG. Further, it is considered that the building is adequately offset by the numerous landscaped areas proposed. Notably, many of these areas could not be counted as landscaped areas as these are on-structure or above-basement. Nevertheless, these areas are capable of supporting established vegetation that assist in softening the development. The overall scheme is sufficiently balanced in terms of built form and open space. As such, the proposed variation to the minimum landscaped area demonstrates merit and is an acceptable outcome that is consistent with objectives under Section 1.5.6 of Part B, Section 1 of the DCP.</p> <p><u>Un-built upon area</u></p> <p>A maximum un-built upon area of 15% (135.3m²) of the site area is allowed. The total un-built upon area proposed is 32.8% (295.8m²) of the site area. The proposed development fails to comply with the maximum requirement. It is noted that the majority of the proposed un-built upon areas comprise of landscaped areas above the basement. The establishment of plantings within these areas ensure that the proposal provides high quality landscaping that presents appropriately when viewed from public domain or adjoining properties. Any additional or excess un-built upon areas will be presented and viewed as areas with soft landscaping that connect to the deep soil zones of the site. It is further noted that due to the intended planting of these areas it is unlikely that significant stormwater and runoff issues would occur as a result of the variation. As such, the proposed variation to the maximum un-built upon area demonstrates merit and is an acceptable outcome that is consistent with objectives under Section 1.5.6 of Part B, Section 1 of the DCP..</p>
Excavation	Yes	Acceptable – see above (under Clause 6.10 of NSLEP 2013).
Landscaping	Yes	Acceptable.
Private and Communal Open Space	Yes	See above – ADG discussion.
Garbage Storage	Yes	Acceptable.
Site Facilities	Yes	Acceptable
1.6 Efficient Use of Resources		
Energy Efficiency	Yes	A BASIX Certificate was provided in the DA package.
Passive Solar Design	Yes	Complies with ADG.
Natural Ventilation	Yes	See above.
Stormwater Management	Yes	Acceptable – as confirmed by Council’s Engineer.
Section 15 - Bushland		
<p>Section 15.2.1 Siting and design</p> <p>Landscaped areas, as required under this DCP, should be predominantly concentrated</p>	Yes	Part of the site is within Buffer Area A and the remainder of the site is within Buffer Area B, as per the Bushland Buffer Map. The proposed buffer zone between Miller Street front setback and the reserve across the road comprises deep soil zones with sufficient landscaped areas.

<p>at the boundary with bushland in order to create a buffer between the bushland and development.</p>		
<p>Section 15.3.3 Indigenous vegetation</p> <p>Developments located within Area A as shown on the Bushland Buffer Map that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 80% of the overall number of trees, shrubs and groundcovers being locally occurring native species (as listed on Council's website). The landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife. Exemptions may apply for heritage properties or properties within a heritage</p>	<p>Yes</p>	<p>Part of the site is within Buffer Area A and the remainder of the site is within Buffer Area B, as per the Bushland Buffer Map. A review of the landscaped plans and report indicated that the majority of new plantings are predominantly composed of native species.</p>

conservation area.		
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CHARACTER STATEMENTS – PART C

Section 4 – Cammeray Planning Area

Section 4.4 – Palmer Neighbourhood

The site is within the Palmer Neighbourhood area, to which, Part C, Section 4.4 of the DCP applies. Given the design, nature and siting of the proposed development and use of the site as a low-rise residential flat building, it is considered that the proposed development will not be contrary to the requirements under Section 4.4. The proposed development is aligned with the established and desired future character and built form of the area.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Population increase

Development type	Existing	Proposed	Unit	Increase/Decrease
Residential accommodation				
3-bedroom dwellings	3	8	8	13

Contribution amounts payable

Applicable contribution type		
s7.11 contribution		
<i>(Net population increase)</i>	Open space and recreation facilities:	\$55,064.46
	Public domain:	\$30,652.75
	Active transport:	\$1,749.54
	Community facilities:	\$11,059.95
	Plan administration and management:	\$1,473.30
	Total:	\$100,000

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking Provision	Yes
6.	Loading and Servicing Facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant 4.15 considerations of <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Bridgeview/The Plateau Precinct Committee on two (2) separate occasions. Council received a total of 31 submissions (combined) where the following matters were raised:

- Misdescription of proposal
- Bulk, scale, massing/density
- Excess height
- Overdevelopment
- Privacy and amenity impacts
- Non-compliance with SEPP 65
- Non-compliance with NSLEP 2013 including Aims of Plan and zone objectives
- Non-compliance with NSDCP 2013
- Inadequate consideration of existing topography
- Streetscape character
- Building separation and setbacks
- Inadequate landscaped areas
- Public interest
- Roof terrace should be setback 9m from northern boundary
- Basement should be setback 3m from northern boundary
- Planters on balconies/decks should be continuous
- A 1.8m high retaining wall should be provided
- Adequate drainage and stormwater management must be provided
- Existing brick wall adjacent to No. 5 Cambridge Street carport should be demolished

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

- Misdescription of proposal

Response: The description of the proposal is considered acceptable and having been reviewed prior to the notification process. The residential flat building comprises four (4) levels taken as four (4) storeys, which entails the lower ground floor, ground floor, Level 1 and Level 2. The roof top level does not comprise of any floor space defined as gross floor area. As such, the roof top level is not counted as a storey, as contended by submissions.

- Bulk, scale, massing/density

Response: The Assessment section above provides adequate discussion on the proposed development in terms of bulk and scale. The amended design provides a built form that is of a scale and massing appropriate and proportionate to the site and its context, being in a high density residential area.

- Excess height

Response: The Assessment section above provides detailed discussion on the proposed development in terms of building height including a review of the non-compliant height against Clause 4.6. Sufficient environmental planning grounds have been demonstrated and the proposed height demonstrates merit.

- Overdevelopment

Response: The proposed development is not considered an excessive development and is not an overdevelopment of the site.

- Privacy and amenity impacts

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

- Non-compliance with SEPP 65

Response: Refer to Assessment section – SEPP 65 discussion.

- Non-compliance with NSLEP 2013 including the Aims of the Plan and zone objectives

Response: Refer to Assessment section – NSLEP 2013 discussion.

- Non-compliance with NSDCP 2013

Response: Refer to Assessment section – NSDCP 2013 discussion.

- Inadequate consideration of existing topography

Response: Council considers that the proposed development has been sensitively designed with respect to the unique constraints and context of the site, including topography and relationship between neighbours. Overall, the final scheme has concentrated much of the built form towards the southern portion of the site with the car lift structure situated on the western portion and landscaping and deep soil zones intended for the northern and eastern portions to provide suitable buffering from adjoining neighbours and from Miller Street.

- Streetscape character

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

- Building separation and setbacks

Response: The proposed setbacks and building separation are considered acceptable and reasonable, particularly given the context and setting of the site. Further discussion on setback and separation are provided in the Assessment section above.

- Inadequate landscaped areas

Response: The proposed landscaped area complies with the ADG and is acceptable. The Assessment section provides a discussion on the proposed variation to the minimum landscaped area requirement under the NSDCP 2013.

- Public interest

Response: The proposed development is considered to be in the public interest and the Assessment section provides a thorough evaluation of the proposal against relevant provisions, standards and controls under NSW and Council policies. Substantial merit has been demonstrated and accordingly, the proposed planning outcome is supportable.

- Roof terrace should be setback 9m from northern boundary

Response: There are no specific requirements that necessitate this setback. The roof terraces have 6.7m setbacks from the northern boundary. The design features of the rooftop including balustrades and landscaping in the planter beds across the northern side and surrounding the terraces will assist in reducing potential overlooking from these spaces.

- Basement should be setback 3m from northern boundary

Response: The revised design has reduced the extent of the basement and a large portion of the basement has ample setback from the northern boundary (>3m). The section of basement close to this boundary has a 0.9m setback. This distance has been reviewed by Council's Engineer who confirmed that any risks to adjoining properties will be minimised and managed through the imposition of conditions.

- Planters on balconies/decks should be continuous

Response: The proposed planters at each level and rooftop are considered acceptable for the purpose of providing visual interest, break-up of the built form and obscuring views to neighbouring properties.

- A 1.8m high retaining wall should be provided

Response: Retaining walls will be required and are indicated on the architectural and landscape plans. The existing sandstone wall at the Vale Street boundary will be retained.

- Adequate drainage and stormwater management must be provided

Response: Acceptable as per Council's Engineer – with the imposition of conditions.

- Existing brick wall adjacent to No. 5 Cambridge Street carport should be demolished

Response: This wall will be demolished as per the demolition plan.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposed development is located in the R4 – High Density Residential zone where *residential flat building* is a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including SEPP 65, ADG, NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

The application proposes a new 4-storey residential flat building, which is a permissible form of development in the R4 – High Density Residential zone.

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

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

Council received a total of 31 submissions that raised concerns and issues associated with proposal misdescription; bulk, scale, massing and density; excessive height; overdevelopment; visual privacy and amenity impacts; non-compliance with SEPP 65 and Council policies; inadequate consideration of existing ground levels; landscaped area; streetscape character; building separation and setbacks; and suggested changes to the design and siting of the development. These concerns and issues have been discussed in this report and are addressed with appropriate conditions of consent.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties for fourteen (14) days, during two (2) separate periods, where a number of issues were raised. These issues have been addressed in this report and where appropriate, conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and immediate area.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 – Maximum Height of Buildings and grant consent to Development Application No. 143/22 for demolition the existing dwellings and structures on site and construction of a new 4-storey residential flat building with two (2) basement levels, containing eight (8) x 3-bedroom residential apartments and 14 car spaces at No. 18 Vale Street and No. 560-562 Miller Street, Cammeray, subject to the following site specific conditions and attached standard conditions:

Requirements from Ausgrid

- C1. The following requirements from Ausgrid must be incorporated and considered in the final design and construction methodology:

Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

(Reason: To avoid and minimise potential impacts on existing power services and infrastructure)

Requirements from NSW Roads and Maritime Services (RMS)

- C2. The following requirements from NSW RMS must be incorporated and considered in the final design and construction methodology:
1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Miller Street boundary.
 2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Miller Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>
- (Reason: To comply with NSW RMS requirements and to minimise impacts on traffic flow on classified roads)

New Tree Planting and Amendments to Landscape Plan

- C3. The approved Landscape Plan must be amended to comprise of the following details:

A qualified AQ5 arborist shall be appointed to oversee all works within the TPZ of any protected tree.

The (2) x Bottlebrush trees – *Callistemon viminalis* (6m) in the council verge to the east of the existing driveway of No. 18 Vale Street and adjacent to the southern boundary of No. 560 Miller Street, shall be protected in accordance with AS4970. A 1.8m high steel mesh tree protection fencing shall be installed for any trees to be protected and retained. Hoarding and scaffolding shall be designed and constructed accordingly.

One (1) x *Platanus orientalis* in the Council verge in front of 1-11 Cambridge Street (Miller St frontage) must be protected in accordance with AS4970. A 1.8m high steel mesh tree protection fencing shall be installed for any trees to be protected and retained. Hoarding and scaffolding shall be designed and constructed accordingly.

Replacement planting of three (3) x Bottlebrush trees – *Callistemon viminalis* (200L) must be provided and established, as shown in the approved Landscape Plan.

One (1) x *Tristaniopsis laurina* (6x6m) and one (1) x *Plumeria* sp. (5x6m) on the eastern boundary of 49 Abbott Street, and one (1) x *Magnolia* 'Little Gem' on southern boundary of 1-11 Cambridge St shall be protected in accordance with AS4970, no canopy pruning shall be permitted without prior permission from council, and if permitted, shall be carried out by a qualified AQ3 arborist in accordance with AS4373.

Sensitive construction measures including hand excavation, pier & beam construction, and flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 30mm shall be cut.

Stormwater and other services shall be directed outside the TPZ of any protected tree and/or be installed via non-invasive means under supervision of project arborist (notably regrading of main SW discharge into Miller Street).

Any existing sandstone blocks shall be retained and re-used on site, or surrendered to Council.

(Reason: To provide improved landscape outcomes at street level and in the public domain, and protect and retain existing trees, and to offset tree removal)

Access Report Recommendations

C4. Any recommendations within the Access Report, prepared by Morris Goding Accessibility Consulting, must be implemented and integrated within the final design.

(Reason: To comply with anti-discrimination laws and maximise inclusion for people with disabilities)

MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER (ASSESSMENTS)

JIM DAVIES
A/MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
18 VALE STREET AND 560-562 MILLER STREET, CAMMERAY
DEVELOPMENT APPLICATION NO. 143/22

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

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

Plan No.	Issue	Description	Prepared by	Dated
DA101	A	Site Analysis	DKO Architecture	9 May 2022
DA103	A	Demolition Plan	DKO Architecture	9 May 2022
DA104	B	Site Plan	DKO Architecture	22 August 2022
DA200	A	Basement 2	DKO Architecture	9 May 2022
DA201	B	Basement 1	DKO Architecture	22 August 2022
DA202	B	Lower Ground Floor	DKO Architecture	22 August 2022
DA203	B	Ground Floor	DKO Architecture	22 August 2022
DA204	B	Level 1	DKO Architecture	22 August 2022
DA205	B	Level 2	DKO Architecture	22 August 2022
DA206	B	Roof Plan	DKO Architecture	22 August 2022
DA207	A	Typical Plan	DKO Architecture	9 May 2022
DA208	A	Adaptable Apartments	DKO Architecture	9 May 2022
DA209	A	Adaptable Apartments	DKO Architecture	9 May 2022
DA300	B	North Elevation	DKO Architecture	22 August 2022
DA301	B	South Elevation	DKO Architecture	22 August 2022
DA302	B	Elevations East/West	DKO Architecture	22 August 2022
DA303	B	Section 01	DKO Architecture	22 August 2022
DA304	B	Section 02	DKO Architecture	22 August 2022
DA305	B	Section 03	DKO Architecture	22 August 2022
DA306	A	Façade Sections	DKO Architecture	9 May 2022
DA307	A	Façade Sections	DKO Architecture	9 May 2022
DA406	A	Roof Levels	DKO Architecture	22 August 2022
LD-DA-001	2	Planting Schedule and Legends	Landform Studios	19 August 2022
LD-DA-002	2	Landscape Compliance Calculations	Landform Studios	19 August 2022
LD-DA-100	2	Lower Ground Floor Landscape Plan	Landform Studios	19 August 2022
LD-DA-101	1	Ground Floor Landscape Plan	Landform Studios	6 May 2022
LD-DA-102	2	Level 1 and Level 2 Typical Planters	Landform Studios	19 August 2022
LD-DA-110	2	Rooftop Landscape Plan	Landform Studios	19 August 2022

**18 VALE STREET AND 560-562 MILLER STREET, CAMMERAY
DEVELOPMENT APPLICATION NO. 143/22**

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LD-DA-200	2	Lower GF Outline Planting Plan	Landform Studios	19 August 2022
LD-DA-201	2	Lower GF Outline Planting Plan	Landform Studios	19 August 2022
LD-DA-400	2	Typical Site Section A	Landform Studios	19 August 2022
LD-DA-900	2	Typical Details and Outline Specification and Maintenance	Landform Studios	19 August 2022

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule of materials indicated on the approved elevations (architectural plans), prepared by DKO Architecture, dated 22 August 2022, unless otherwise modified by Council in writing.

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

B. Matters to be Completed before the lodgement of an Application for a Construction Certificate**Construction Management Program - Local Traffic Committee Approval**

- B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
 - c) The proposed phases of works on the site, and the expected duration of each phase.
 - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
 - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.

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- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as **a minimum six (6) weeks' assessment period** is required, including referral to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

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

- C1. The following requirements from Ausgrid must be incorporated and considered in the final design and construction methodology:

Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

(Reason: To avoid and minimise potential impacts on existing power services and infrastructure)

Requirements from NSW Roads and Maritime Services (RMS)

- C2. The following requirements from NSW RMS must be incorporated and considered in the final design and construction methodology:

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Miller Street boundary.

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2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Miller Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.js>

(Reason: To comply with NSW RMS requirements and to minimise impacts on traffic flow on classified roads)

New Tree Planting and Amendments to Landscape Plan

- C3. The approved Landscape Plan must be amended to comprise of the following details:

A qualified AQ5 arborist shall be appointed to oversee all works within the TPZ of any protected tree.

The (2) x Bottlebrush trees – *Callistemon viminalis* (6m) in the council verge to the east of the existing driveway of No. 18 Vale Street and adjacent to the southern boundary of No. 560 Miller Street, shall be protected in accordance with AS4970. A 1.8m high steel mesh tree protection fencing shall be installed for any trees to be protected and retained. Hoarding and scaffolding shall be designed and constructed accordingly.

One (1) x *Platanus orientalis* in the Council verge in front of 1-11 Cambridge Street (Miller St frontage) must be protected in accordance with AS4970. A 1.8m high steel mesh tree protection fencing shall be installed for any trees to be protected and retained. Hoarding and scaffolding shall be designed and constructed accordingly.

Replacement planting of three (3) x Bottlebrush trees – *Callistemon viminalis* (200L) must be provided and established, as shown in the approved Landscape Plan.

One (1) x *Tristaniopsis laurina* (6x6m) and one (1) x *Plumeria* sp. (5x6m) on the eastern boundary of 49 Abbott Street, and one (1) x *Magnolia* 'Little Gem' on southern boundary of 1-11 Cambridge St shall be protected in accordance with AS4970, no canopy pruning shall be permitted without prior permission from council, and if permitted, shall be carried out by a qualified AQ3 arborist in accordance with AS4373.

Sensitive construction measures including hand excavation, pier & beam construction, and flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 30mm shall be cut.

Stormwater and other services shall be directed outside the TPZ of any protected tree and/or be installed via non-invasive means under supervision of project arborist (notably regrading of main SW discharge into Miller Street).

Any existing sandstone blocks shall be retained and re-used on site, or surrendered to Council.

(Reason: To provide improved landscape outcomes at street level and in the public domain, and protect and retain existing trees, and to offset tree removal)

Access Report Recommendations

- C4. Any recommendations within the Access Report, prepared by Morris Goding Accessibility Consulting, must be implemented and integrated within the final design.

(Reason: To comply with anti-discrimination laws and maximise inclusion for people with disabilities)

Dilapidation Report Damage to Public Infrastructure

- C5. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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

Dilapidation Report Private Property (Excavation)

- C6. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

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

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

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

(Reason: To record the condition of property/i.e., prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

C7. A photographic survey and dilapidation report of adjoining properties Nos. 1-11 & 15 Cambridge Street and 49 Abbott Street detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C8. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

Note: Approval of engineering drawings for shoring works to be located on adjoining property by the Certifying Authority does not authorise a trespass on private or public land. All relevant permissions/legal rights must be obtained to undertake any works on adjoining land.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties)

Structural Adequacy of Adjoining Properties - Excavation Works

- C9. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties Nos. 1-11 & 15 Cambridge Street and 49 Abbott Street, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Geotechnical Report (Larger projects imposed by Engineers only)

- C10. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;

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- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;

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

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

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

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

Sediment Control

- C11. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;

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- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

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

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

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

Waste Management Plan

C12. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

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

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

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

External Finishes and Materials

C13. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

Reflectivity Index of Glazing

C14. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Roofing Materials - Reflectivity

C15. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

C16. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of the development)

Work Zone

C17. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C18. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To ensure interface between property and public land remains uniform)

Parking Meter Relocation

- C19. All costs associated with relocating the metered parking including all sign changes, parking bay line markings must be paid in full to North Sydney Council prior to issue of any Construction Certificate.

The Certifying Authority must ensure that the specifications submitted, accompanying the issued Construction Certificate, fully satisfy this condition.

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

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Bicycle Storage and Parking

C20. The bicycle storage area within the basement levels must accommodate a minimum of eight (8) bicycles. Any bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To promote and provide facilities for alternative forms of transport)

Accessible Parking Spaces to be Provided

C21. A total of four (4) x accessible parking spaces shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

Basement Car Park to Comply with Relevant Standards

C22. The basement layout must comply with all requirements of Australian Standard AS2890.1. Certification from a suitably qualified and practicing Civil Engineer that the basement design will comply with the requirements of the Australian Standard must be provided to the Certifying Authority for approval prior to issue of any Construction Certificate.

(Reason: To ensure the basement layout complies with relevant standards)

Required Infrastructure Works - Roads Act 1993

C23. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

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- a) construction of a concrete footpath is required, to the satisfaction of Council, where the redundant layback on Miller Street is to be removed and where the existing footpath is damaged, as a result of constructing the new pipeline. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past any new footpath works. The footpath shall be designed (at a single straight grade of 3% falling to top of kerb) so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) reconstruction of the carriageway shoulder will be required, adjacent to all new gutter works, as directed by and to the satisfaction of TfNSW,
- c) construction of a new kerb & gutter is required, as directed by and to the satisfaction of TfNSW, where the redundant layback on Miller Street is to be removed and where the existing kerb & gutter to accommodate the new pipeline is to be removed. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the new kerb & gutter works.
- d) The existing sandstone retaining wall on Vale Street located on Council land is to remain and must be independent of the new retaining wall to be constructed within the boundary of the site, unless a satisfactory agreement with Council can be reached to remove the existing sandstone retaining wall.

Drainage Works

Connection of the site stormwater system must be made directly to a newly constructed grated gully pit (with lintel), to front the site on Miller Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property and the State Road, at the Applicants expense: -

- a) construction of a standard grated gully pit with extended kerb inlet (1.8m lintel) in the kerb fronting the subject site in Miller Street. The pit must be constructed as directed by and to the satisfaction of TfNSW. The applicant must liaise with TfNSW in this regard.
- b) construction of a new in-ground drainage line. The line must connect the new gully pit to the existing Council pit located in the grass verge, downstream of the site on Miller Street. The pipes within the road reserve are to be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.
- c) The existing junction pit located in the grass verge downstream of the site must be reconstructed to the satisfaction of Council. The pit must have a Gatic Class B bolt down lid.

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- d) All damaged areas, as a result of the works, including but not limited to, footpath, grass verge, kerb/gutter, road shoulder must be reconstructed to the satisfaction of Council and TfNSW, as applicable.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.

Note: A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

- C24. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor,

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- b) the redundant layback crossings in Miller Street and Vale Street must be reinstated as kerb/gutter, grass verge and footpath,
- c) the width of the vehicular layback must be a maximum of 4.0 metres (including the wings),
- d) the vehicular crossover must be set square to the kerb,
- e) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- f) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered,
- g) a new footpath is required to be constructed, at the same width as the existing footpath in Vale Street, extending from approximately 1.5m to the west of the western boundary to approximately 1.5m to the east of the redundant driveway, to ensure uniformity in the footpath,
- h) the works will require reconstruction of the carriageway shoulder in Vale Street extending out 600mm from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works,
- i) any twisting of driveway access must occur entirely within the subject property,
- j) all inspection openings, utility services must be adjusted to match the proposed driveway levels,
- k) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the car lift floor and must include all changes of grade and levels both existing and proposed,
- l) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter,
- m) a longitudinal section along the footpath property boundary at a scale of 1:50 is required,
- n) the sections must show the calculated clearance to the underside of any overhead structure,
- o) all details of the car lift, and
- p) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the car spaces in accordance with AS 2890.1 2004 "Off Street Parking".

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

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C25. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code,
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity from the OSD tank to the new kerb inlet pit in Miller Street,
- c) the stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years,
- d) all redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated,
- e) pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,
- f) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system,
- g) any proposed fence/building structure is to be constructed so as not to impede the natural overland flow, and
- h) provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works,
- i) surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow,

- j) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate,
- k) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception,
- l) provide subsoil drainage to all necessary areas with pump out facilities as required.

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

(Reason: To ensure controlled stormwater management and disposal without nuisance)

On-site Stormwater Detention

- C26. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a one-in-five-year storm of one-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a one-in-twenty-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

Pump-out System Design for Stormwater Disposal

- C27. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

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- a) the pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the one-in-twenty-year storm;
- b) the pump system shall be regularly maintained and serviced, every six (6) months; and
- c) any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria and certified by an appropriately qualified and practising civil engineer shall be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site)

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

C28. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$61,500.00 to be held by Council for the payment of cost for any/all of the following:

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

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

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

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

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

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

Footpath, Entries and Fire Exit Details (Mixed-use/Commercial/Apartments)

C29. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The design must include (but is not limited to) the following:

- a) cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed;
- b) the sections must show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels;
- c) the sections must show the calculated clearance to the underside of any overhead structure;
- d) a longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath must be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances; and
- e) a longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.

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Details, plans and specifications complying with this condition are to be certified as complying with the Building Code of Australia (BCA) and Council's standard footpath specifications, and the certification, details, plans and specifications must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to the Certifier and North Sydney Council, prior to issue of any Construction Certificate.

(Reason: To facilitate suitable pedestrian and disabled access to private sites, and to ensure that internal levels reflect footpath boundary levels)

Tree Bond for Public Trees

- C30. Prior to the issue of any construction certificate, security in the sum of \$3,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

SCHEDULE

Tree bond fee	Amount (\$)
The total bond fee is	\$26,000.00

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

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Tree Protection Measures to be shown on Construction Drawings

C31. The tree protection measures outlined in the previous condition shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C32. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location
2 x Bottlebrush trees	Within road reserve, immediately adjacent to No. 18 Vale Street, Cammeray.
1 x Platanus orientalis	Within road reserve, in front of 1-11 Cambridge Street, Cammeray (Miller Street frontage).

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

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

All work within the TPZ of protected trees (including realignment of SW & utilities pits) shall be carried out using sensitive construction techniques including hand excavation, final location of pits shall be flexible to avoid cutting roots or further impacting trees, no roots greater than 40mm shall be cut.

Any canopy pruning shall be carried out by a AQ3 qualified arborist in accordance with AS4373. Only minor pruning shall be permitted, no more than 10% canopy shall be removed.

No stormwater or other services shall be directed through the TPZ of any protected tree.

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C33. The following tree(s) are approved for removal in accordance with the development consent:

Street tree	Location	Height (m)
2 x small Bottlebrush trees	Within the western side of road reserve at Vale Street, immediately in front of dwelling house at No. 18 Vale Street	4m
1 x Cupressus species	Front setback – No. 562 Miller Street	6m
1 x Glochidion ferdinandi	Southern side – No. 560 Miller Street	6m
1 x Leptospermum laevigatum	Southern side – No. 560 Miller Street	6m
1 x Ravenia rivularis	Southern side – No. 560 Miller Street	2m
1 x Glochidion ferdinandi	Southern side – No. 560 Miller Street	7m
1 x Archontophoenix cunninghamiana	Southern side – No. 560 Miller Street	8m

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

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

(Reason: Protection of existing environmental and community assets)

Garbage and Recycling Facilities

C34. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

- a) all internal walls of the storage area must be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;

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- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2 m from the street boundary of the property;
- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Note: The applicant may wish to discuss bin storage requirements and location with Council's Environmental Services prior to finalisation of the required detail, and a copy of Council's Waste Handling Guide should be obtained for reference purposes before the design is finalised.

(Reason: To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors)

Asbestos Material Survey

- C35. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and

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- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

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

- (Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Storage of Hazardous or Toxic Material

- C36. To ensure hazardous and toxic materials are not a threat to the environment they must be stored in accordance with WorkCover Authority requirements. All tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and are to be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

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

- (Reason: To ensure the environmental health and safety of the public and workers)

Location of Plant

- C37. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

- (Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

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Noise from Plant and Equipment

C38. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.
- (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

"boundary" includes any window or elevated window of an affected receiver.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Vibration from Plant and Equipment

C39. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

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

“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Air Conditioners in Residential Premises

C40. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

C41. Noise levels in sole occupancy units of residential apartments must not exceed the following:

Location	Maximum
Habitable Rooms other than Sleeping Areas	40 LAeq (1hr)
Sleeping Areas	35 LAeq (1hr)

The “Maximum” limits are to apply in any hour of a 24-hour period with the windows of the sole occupancy unit closed.

“habitable room” has the same meaning as in the Building Code of Australia.

A floor separating sole occupancy units shall have a weighted standardised impact sound pressure level $L'_{nT,w}$ not more than 55dB when measured in-situ in accordance with AS ISO 140.7-2006 “Field measurements of impact sound insulation of floors” and rated to AS ISO 717.2-2004 “Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation”. This clause shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.

Mechanical equipment such as lift plant, air conditioning plant servicing the building and pumps shall not be located immediately adjacent bedrooms.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To comply with best practice standards for residential acoustic amenity)

Compliance with Acoustic Report

- C42. The recommendations contained in the acoustic report prepared by Koikas Acoustics Pty Ltd, dated 10 May 2022, must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

- C43. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Mechanical Exhaust Ventilation

C44. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Construction Noise Management Plan

C45. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:

- a) Identification of noise affected receivers near to the site.
- b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- c) Details of work schedules for all construction phases;
- d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Construction Noise Guideline (CNG).
- e) Representative background noise levels should be submitted in accordance with the CNG.
- f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.

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- h) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

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

The Construction Noise Management Plan and must be submitted to the Principle Certifying Authority and a copy provided to Council prior to the issue of the Construction Certificate.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

Provision of Accessible Paths of Travel

C46. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.

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2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Underground Electricity and Other Services

- C47. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and any other relevant authority so that it can be easily connected underground when the street supply is relocated underground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground)

Screen Planting

- C48. To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the northern and western boundaries of the site in locations shown on the stamped approved landscape plans. The required screen planting must consist of suitable screening species capable of attaining a mature height of 2.5-3.0 metres above finished ground levels. Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

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Adaptable Housing

C49. All eight (8) apartments are to be designed such that these are capable of being adapted and modified with accessible features for disabled persons and must incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps. These features are to be designed generally in accordance with the relevant Australian Standard 4299-1995. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population)

Local Infrastructure Contributions

C50. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$100,000.00.

Local Infrastructure Contributions	Amount (\$)
Open space and recreation facilities:	\$55,064.46
Public domain:	\$30,652.75
Active transport:	\$1,749.54
Community facilities:	\$11,059.95
Plan administration and management:	\$1,473.30
TOTAL CONTRIBUTIONS	\$100,000.00

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

C51. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Bond for Damage and Completion of Infrastructure Works	\$61,500.00
Tree Bond	\$26,000.00
TOTAL BONDS	\$87,500.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$100,000.00
TOTAL FEES	\$100,000.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

C52. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1306060M for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Outdoor Lighting

C53. All outdoor lighting must comply with, where relevant AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Noise Management Plan - Construction Sites (Large DAs only)

C54. A noise management plan prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The plan must include, but not be limited to, the following:

- a) identify sensitive locations near the site;
- b) identify potential impacts (i.e., exceedence of the goals at the identified locations);
- c) identify mitigation measures to control noise and vibration from the site, the reduction in noise and vibration likely and the feasibility and reasonableness of these measures;
- d) selection criteria for plant and equipment;
- e) community consultation;
- f) details of work schedules for all construction phases;
- g) selection of traffic routes to minimise residential noise intrusion;
- h) schedule of plant and equipment use and maintenance programs;
- i) noise monitoring techniques and method of reporting results;
- j) the methodology to be employed for handling and investigating any complaints should they arise;
- k) site induction details for employees and contractors; and
- l) a declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

The approved plan must be complied with at all times.

(Reason: To maintain appropriate amenity to nearby occupants)

Telecommunication Infrastructure provision

C55. Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for;

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- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

All such facilities shall be underground if within or visible from a current or future public place.

Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

(Reason: To ensure that modern telecommunications infrastructure is provided in respect of all premises to be constructed in developments)

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

Protection of Trees

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

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

Temporary Fences and Tree Protection

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

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Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works:

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

Public Liability Insurance - Works on Public Land

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

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

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

Notification of New Addresses

- D4. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

To assist Council, a plan for unit numbering should be submitted for concurrence. These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Certifying Authority with the application for a Construction Certificate.

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

Sydney Water Approvals

- D5. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

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Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ 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. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Asbestos Material Survey

D6. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

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

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

Commencement of Works' Notice

D7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

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Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

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

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

Council Inspection of Public Infrastructure Works

- E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- Formwork for layback, kerb/gutter, footpath, etc.
- All reinforcement for the concrete base beneath pavers,
- Formwork and reinforcement for in-situ stormwater pits,
- Pipe connections prior to back filling.

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

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

Progress Survey

- E6. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:
- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;

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- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each fifth-floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

Dust Emission and Air Quality

E7. The following must be complied with at all times:

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

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

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Noise and Vibration

- E8. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

- E9. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the Construction Certificate and all conditions of consent.

(Reason: To ensure noise generating activities are appropriately managed and nearby sensitive receivers protected)

No Work on Public Open Space

- E10. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E11. The applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

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Protection of Trees

- E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009.

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

Notes:

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

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

Special Permits

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

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

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2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

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

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

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

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

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

Out-of-hours' Work Permits

E16. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.

Examples of activities for which permits may be granted include:

- the erection of awnings,
- footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
- the erection and removal of hoardings and site cranes, and
- craneage of materials which cannot be done for public convenience reasons within normal working hours.

Examples of activities for which permits WILL NOT be granted include;

- extended concrete pours
- works which are solely to convenience the developer or client, and
- catch up works required to maintain or catch up with a construction schedule.

Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

- E17. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

- E18. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E19. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

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

Health and Safety

- E20. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

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

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Community Information

- E21. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Archaeological Discovery During Works

- E22. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

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

Prohibition on Use of Pavements

- E23. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E24. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E25. The only waste derived fill material that may be received at the development site is:

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

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

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

Waste Disposal

E26. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

E27. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

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Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

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

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- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate**Infrastructure Repair and Completion of Works**

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

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

(Reason: Maintain quality of public assets)

Line Marking

- G2. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of any off-street carparking spaces, together with access driveways, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Certifying Authority prior to issue of any Occupation Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

Access to Premises

- G3. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

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Noise Certification

- G4. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

Certification - Civil Works

- G5. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video

- G6. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Certifying Authority.

(Reason: Compliance with the Consent)

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Certification for Mechanical Exhaust Ventilation

- G7. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Damage to Adjoining Properties

- G8. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G9. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Covenant and Restriction (Stormwater Control Systems)

- G10. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:
- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 18 Vale Street and 560-562 Miller Street as consolidated, requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out),
 - b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
 - c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the "Work-as-Executed" (as built) plans;

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the Land and Property Information Office for registration

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-out Maintenance

- G11. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

The basement stormwater pump-out system must be maintained in accordance with the approved Maintenance Regime at all times.

(Reason: To ensure future provision for maintenance of the drainage system)

Notification of New Address Developments

- G12. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website (www.auspost.com.au) to find your nearest Australia Post Delivery Facility.

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

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Asbestos Clearance Certificate

G13. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

- a) the building/land is free of asbestos; or
- b) the building/land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

(Reason: To ensure that building works involving asbestos-based products are safe for occupation and will pose no health risks to occupants)

Certification of Tree Condition

G14. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree	Location
2 x Bottlebrush trees	Within road reserve, immediately adjacent to No. 18 Vale Street, Cammeray.
1 x Platanus orientalis	Within road reserve, in front of 1-11 Cambridge Street, Cammeray (Miller Street frontage).

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

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

Vehicle Egress Signs

G15. Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

(Reason: To ensure pedestrian safety)

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Signal System

- G16. Prior to the issue of an Occupation Certificate, a signal system must be installed at the street alignment and within the building to indicate traffic movement on the single lane ramp, and so designed that the signal indication at the point of ingress shall remain green except when an exiting vehicle is detected upon the ramp or driveway.

(Reason: To properly manage vehicle entry to, and exit from, the subject site)

Disposal Information

- G17. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
- (b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

Height

- G18. Upon completion of the works and prior to the issue of any Occupation Certificate the RL of the development measured for the lift overrun, balustrading, planter boxes and services area within the rooftop level must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with the approved plans showing heights. This survey and certification must be submitted to the Certifying Authority with the application for an Occupation Certificate and a copy provided to Council (if it is not the Certifying Authority).

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

Sydney Water

- G19. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the Strata Certificate.

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

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

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

BASIX Completion Certificate

G20. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

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

House Numbering (Dwellings)

G21. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

Landscaping

G22. The landscaping shown in the approved landscape plan must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G23. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

a) whether any damage to adjoining properties has occurred as a result of the development;

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- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

Verification Statement (External Finishes and Materials)

- G24. Prior to the issue of any Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Certifying Authority certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

"qualified designer" means a person registered as an architect in accordance with the Architects Act 2003 cf 50(1A) EP&A Regs 2000.

(Reason: To ensure the design quality and finishes for residential flat development)

Required Tree Planting

- G25. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

Schedule

- Replacement planting comprising three (3) x Bottlebrush trees – *Callistemon viminalis* (200L) must be provided and established within the road reserve along Vale Street, as shown in the approved Landscape Plan.

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The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Unpaved Verge

G26. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council.

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

Intercom

G27. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of any occupation Certificate.

(Reason: To ensure convenient access is available for visitors to the building)

Allocation of Spaces

G28. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:

12 car spaces	Residential
2 car spaces	Visitors
4 accessible spaces (included in the residential spaces)	Accessible
Total of 14 car spaces	

8 bicycle spaces	Residential
2 motorcycle spaces	Residential
Total of 8 bicycle spaces and 2 motorcycle spaces	

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

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In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lots' unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

I. Ongoing/Operational Conditions

Connection to Sewers of Sydney Water Corporation

11. In the event a Trade Waste licence is required, wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (**SWC**) under a Trade Waste License Agreement. Details of the Corporation's requirements should be obtained prior to the commencement of any work.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

Noise and Vibration Impact

12. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Noise and Vibration Impact (Compliance)

13. Within 60 days of commencement of operation of the premises, further acoustic testing must be undertaken and a report from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, prepared to demonstrate that the use of the premises complies with the conditions of this consent.

The testing must be carried out when the premises is operating at full capacity. A copy of the report must be submitted to Council within 14 days of its completion.

If the use is found not to comply with the noise conditions, the use must cease immediately until appropriate measures to remedy the breach are implemented to the satisfaction of Council.

(Reason: To ensure compliance with acceptable noise levels to maintain the amenity of adjoining land uses)

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Visitors' Parking Sign

14. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

Use of Car Parking Spaces

15. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owner's corporation for use by building visitors.

(Reason: To ensure that visitor parking is not allocated to building occupants and remains available on an ongoing basis)

Allocation of Spaces

16. The allocation of carparking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained in accordance with the following table:

12 car spaces	Residential
2 car spaces	Visitors
4 accessible spaces (included in the residential spaces)	Accessible
Total of 14 car spaces	
8 bicycle spaces	Residential
2 motorcycle spaces	Residential
Total of 8 bicycle spaces and 2 motorcycle spaces	

Carparking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

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Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the owner's corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Loading within Site

17. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Minimum Headroom for Car Parking

18. Minimum headroom of 2.2 m must be provided over all car-parking areas.

(Reason: To ensure compliance with relevant standards and provide appropriate headroom)

Delivery Hours

19. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Roof Top Lighting

110. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:

- (a) be directed away from any residential dwelling;
- (b) not create a nuisance or negatively affect the amenity of the surrounding neighbourhood; and
- (c) comply with AS4282-1997 control of obtrusive effects of outdoor lighting.

(Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

Maintenance of Approved Landscaping

- I11. The owner/s or Strata Committee of the premises must maintain the landscaping approved by this consent generally in accordance with the approved landscape plans.

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

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

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

K. Prior to the Issue of any Strata Certificate

Registered Plans (Strata)

- K1. The applicant must submit to Council's documentary evidence that the Strata Plan has been registered and the lot(s) exists. The use of the premise must not commence until the documentary evidence has been submitted to and approved by Council.

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

Fire Safety Upgrade

- K2. Prior to issue of any Strata Certificate, works involving the upgrading/installation of essential fire safety measures (as recommended in the BCA Assessment and Fire Safety Upgrading Report prepared by McKenzie Group, dated 12 May 2022 are to be fully completed.

A **fire safety schedule** and **final fire safety certificate** (as specified in clauses 168 to 174 of the Environmental Planning and Assessment Regulation 2000) must be issued with the Construction Certificate and Occupation Certificate respectively.

A report from an appropriately qualified person in relation to fire safety and the Building Code of Australia, certifying that the fire upgrading works have been completed and indicating all required essential fire safety measures have been installed and verified as functioning in accordance with the above-named report, must be submitted to the Certifying Authority for approval prior to the issue of any Strata certificate.

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Note: The requirement to undertake physical building works in relation to the installation/upgrade of essential fire safety measures in the building constitutes building work and as such will necessitate obtaining a Construction Certificate, appointing a Principal Certifying Authority and obtaining an Occupation Certificate (pursuant to section 81A and 109M of the EP&A Act.

(Reason: To meet legislative requirements and ensure adequate provision is made for fire safety in the premises)

Strata Subdivision

K3. A Strata Certificate pursuant to the *Strata Schemes (Freehold Development) Act 1973*, that authorises registration of the strata plan, strata plan of subdivision or notice of conversion at NSW Land and Property Information Office must be obtained. If the Strata Certificate is obtained from an Accredited Certifier, other than the Council, the certifier is to provide Council with a copy of the endorsed Strata Certificate within seven (7) days of issuing the same, pursuant to the *Strata Schemes (Freehold Development) Regulation 2002*.

NOTES: For approval of the Strata Certificate by North Sydney Council, the following must be submitted to Council:

- a) the original strata plans or strata plans of subdivision and administration sheets plus two (2) copies of each, and any original Instrument (including but not limited to any section 88B or 88E instruments) to be endorsed, all **enclosed in a protective cardboard tube** (to prevent damage during transfer);
- b) two additional copies of the strata plans or strata plans of subdivision and any relevant Instrument for submission to Council Customer Services and records department for electronic database scanning and copying;
- c) a completed *Subdivision or Strata Certificate Application* form together with payment of fee current at lodgement;
- d) written evidence that all applicable conditions of consent required to be satisfied, prior to issue of the Strata Certificate, have been satisfied. Council will check the consent conditions on the relevant consent(s). Failure to submit the required information will delay endorsement of the Strata Certificate, and may require payment of rechecking fees;
- e) **plans of subdivision and copies must not be folded; and**
- f) **council will not accept bonds in lieu of completing subdivision works.**

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

Sydney Water

- K4. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

Notes:

1. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 13 20 92.
2. Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with Sydney Water requirements)

Release of Strata Certificate

- K5. The Strata Certificate that authorises registration of the Strata Plan, Strata Plan of Subdivision or Notice of Conversion at NSW Land and Property Information shall not be issued until bounding walls, floors and ceilings between proposed strata lots have been constructed in accordance with the approved plans identified in Condition A1 of this Consent.

(Reason: To ensure that the registered strata plan relates to approved development)

Allocation of Parking and Visitor Parking

- K6. Car-parking provided must only be used in conjunction with the units and tenancies contained within the development. Any carparking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

The allocation of spaces must be maintained in accordance with the following table:

12 car spaces	Residential
2 car spaces	Visitors
4 accessible spaces (included in the residential spaces)	Accessible
Total of 14 car spaces	

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8 bicycle spaces	Residential
2 motorcycle spaces	Residential
Total of 8 bicycle spaces and 2 motorcycle spaces	

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Carparking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any carparking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Building and Unit Numbering (Strata Subdivisions)

- K7. Prior to issue of the Strata Certificate, the person acting upon this consent must apply to North Sydney Council and receive written confirmation of the allocated street address and unit numbers for the building and the approved strata allotments within the completed project. These are the property addresses that will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard (AS/NZS 4819:2011).

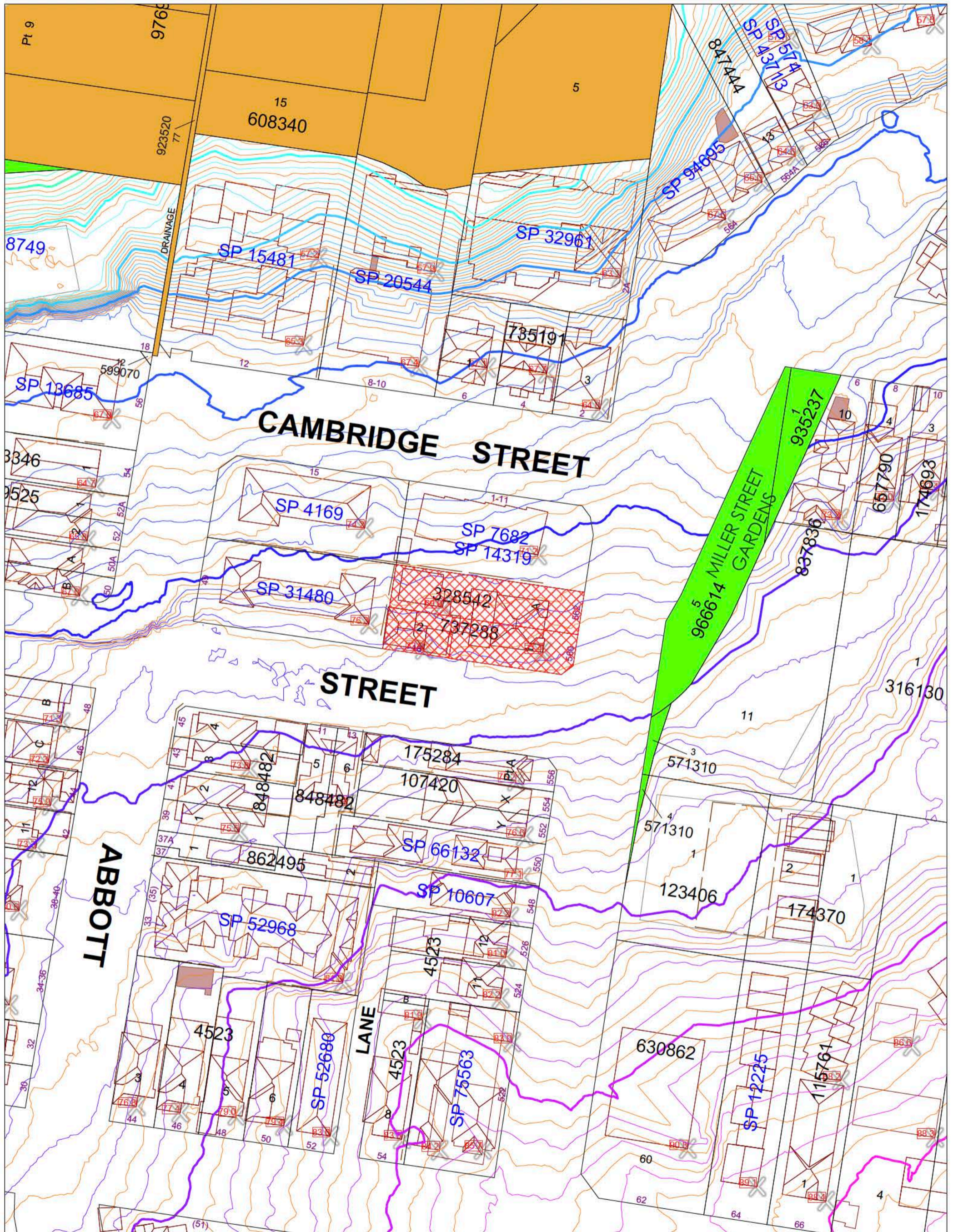
To assist Council, a draft proposal for numbering within the strata scheme or street should be submitted for concurrence to Council, as these numbers will be used to maintain Council's property and mapping database.

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

Services within Lots

- K8. A report must be provided by a Registered Surveyor certifying that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services. The report must be submitted to the Certifying Authority for approval prior to the issue of any Subdivision Certificate.

(Reason: To ensure adequate servicing of the development)



North Sydney Council

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18 Vale Street & 560-562 Miller Street Cammeray NSW 2062 Australia

DEVELOPMENT APPLICATION

NEW RESIDENTIAL APARTMENT BUILDING



PERSPECTIVE VIEW - MILLER STREET

Change List			
ID	Name	Ch-05	Ch-07
Ch-01	Change of 500mm to southern and northern setback	Ch-05	Updated deep soil calculation
Ch-02	Change to LG landscaping	Ch-08	Updated un-built upon area calculation
Ch-03	Change of basement 1 extent and layout	Ch-09	Updated landscape area calculation
Ch-04	Addition of basement level	Ch-10	Updated landscape area calculation
Ch-05	Addition of communal open space	Ch-11	Clarified Cross Ventilation Calculation

DA Drawing List

Layout ID	Layout Name	Revision	Issued
DA000	TITLE PAGE	B	<input checked="" type="checkbox"/>
DA001	SUMMARY	B	<input checked="" type="checkbox"/>
DA100	CONTEXT ANALYSIS	A	<input checked="" type="checkbox"/>
DA101	SITE ANALYSIS	A	<input checked="" type="checkbox"/>
DA102	SITE PHOTOS	A	<input checked="" type="checkbox"/>
DA103	DEMOLITION PLAN	A	<input checked="" type="checkbox"/>
DA104	SITE PLAN	B	<input checked="" type="checkbox"/>
DA200	BASEMENT 2 PLAN	A	<input checked="" type="checkbox"/>
DA201	BASEMENT 1 PLAN	B	<input checked="" type="checkbox"/>
DA202	LG FLOOR PLAN	B	<input checked="" type="checkbox"/>
DA203	G FLOOR PLAN	B	<input checked="" type="checkbox"/>
DA204	LEVEL 1 PLAN	B	<input checked="" type="checkbox"/>
DA205	LEVEL 2 PLAN	B	<input checked="" type="checkbox"/>
DA206	ROOF PLAN	B	<input checked="" type="checkbox"/>
DA207	TYPICAL PLAN	A	<input checked="" type="checkbox"/>
DA208	ADAPTABLE APARTMENTS	A	<input checked="" type="checkbox"/>
DA209	ADAPTABLE APARTMENTS	A	<input checked="" type="checkbox"/>
DA300	NORTH ELEVATION	B	<input checked="" type="checkbox"/>
DA301	SOUTH ELEVATION	B	<input checked="" type="checkbox"/>
DA302	ELEVATIONS	B	<input checked="" type="checkbox"/>
DA303	SECTION 01	B	<input checked="" type="checkbox"/>
DA304	SECTION 02	B	<input checked="" type="checkbox"/>
DA305	SECTION 03	B	<input checked="" type="checkbox"/>
DA306	FACADE SECTIONS	A	<input checked="" type="checkbox"/>
DA307	FACADE SECTIONS	A	<input checked="" type="checkbox"/>
DA400	DCP & ADG COMPLIANCE	B	<input checked="" type="checkbox"/>
DA401	DCP & ADG COMPLIANCE	B	<input checked="" type="checkbox"/>
DA402	AREA CALCULATIONS	B	<input checked="" type="checkbox"/>
DA403	SHADOW ANALYSIS	B	<input checked="" type="checkbox"/>
DA404	EYE OF THE SUN DIAGRAMS	B	<input checked="" type="checkbox"/>
DA405	LEP HEIGHT COMPLIANCE	A	<input checked="" type="checkbox"/>
DA406	ROOF LEVELS	A	<input checked="" type="checkbox"/>
DA500	PERSPECTIVE	A	<input checked="" type="checkbox"/>
DA501	PERSPECTIVE	A	<input checked="" type="checkbox"/>
DA600	NOTIFICATION PLAN	B	<input checked="" type="checkbox"/>
DA601	NOTIFICATION PLAN	B	<input checked="" type="checkbox"/>

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.

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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	TITLE PAGE
		Scale	@A3
		Date	April 2022
Client	Ford Land	Drawing Number	DA000
		Revision	B

18 Vale Street & 560-562 Miller Street Cammeray NSW 2062 Australia

DEVELOPMENT APPLICATION

NEW RESIDENTIAL APARTMENT BUILDING

DEVELOPMENT SUMMARY

Change List			
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Site Area (m²) 901.86

	Required	Revised Provision (m ²)	Revised Provision (%)
DCP Site Coverage	45%	439.08	48.7%
ADG Deep Soil (Min 3m)	7%	165.88	18.4%
Other Deep Soil (<3m width)	-	42.00	4.7%
DCP Landscape Area	40%	176.50	19.6%
Total Soft Landscaping Area	-	566.12	62.8%
DCP Un-built Upon Area	15%	97.54	10.8%
ADG COS	25%	107.45	11.9%
NSA (m ²)	1,222	1,147.36	
GFA (m ²)	-	1,258.08	
FSR (X:1)	-	1.39	

of Site Area

Original (Rev A) Provison (%)	Change
48.8%	-0.1%
5.8%	12.6%
5.8%	-1.1%
11.3%	8.3%
67.9%	-5.1%
6.2%	4.6%
0.0%	11.9%

RL	LEVEL
	Basement 2
	Basement 1
	0. Lower Ground
	1. Ground
	2. Level 1
	3. Level 2
	Roof
	Subtotal

PROPOSED DWELLINGS						
Apartments					Total Apartments	Adaptable Apartments
Studios	1B	2B	3B			
-	-	85m ²	<130m ²			
				2	2	0
				2	2	2
				2	2	0
				2	2	0
				8	8	2
	0%	0%	0%	100%		25%

PARKING SPACES		
Bicycle	Motorcycle	Car
4	0	8
4	2	6
1		
9	2	14

PROPOSED AREAS			
NSA	GFA	POS AREA	GBA
m ²	m ²	m ²	m ²
	17		605
	17		605
288	308	43	669
287	307	33	495
286	306	33	469
286	304	33	433
		190	433
1147	1258	333	3276

ADG COMPLIANCE		
2hrs Solar Access	No Solar	Cross Vent
2	0	2
2	0	1
2	0	1
2	0	1
8	0	5
100.0%	0.0%	62.5%

CAR PARKING					
DCP	Apartment Type	Number	Rate	Required Spaces	Proposed paces
	1 BED	0	1	0	0
	2 BED	0	1	0	0
	3 BED	8	1.5	12	12
	VISITOR	8	0.25	2	2
	TOTAL			14	14

BICYCLE PARKING					
DCP	Space Type	Number	Rate	Required Spaces	Proposed Spaces
	RESIDENTS	8	1	8	8
	VISITOR	8	0.1	1	1
	TOTAL			9	9

NOTES

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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: SUMMARY
 Scale: @A3
 Date: April 2022
 Drawing Number: DA001
 Revision: B



CONTEXT ANALYSIS



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Project Name
 Project Address

Millervale
 18 Vale Street & 560-562 Miller Street,
 Cammeray, NSW 2062

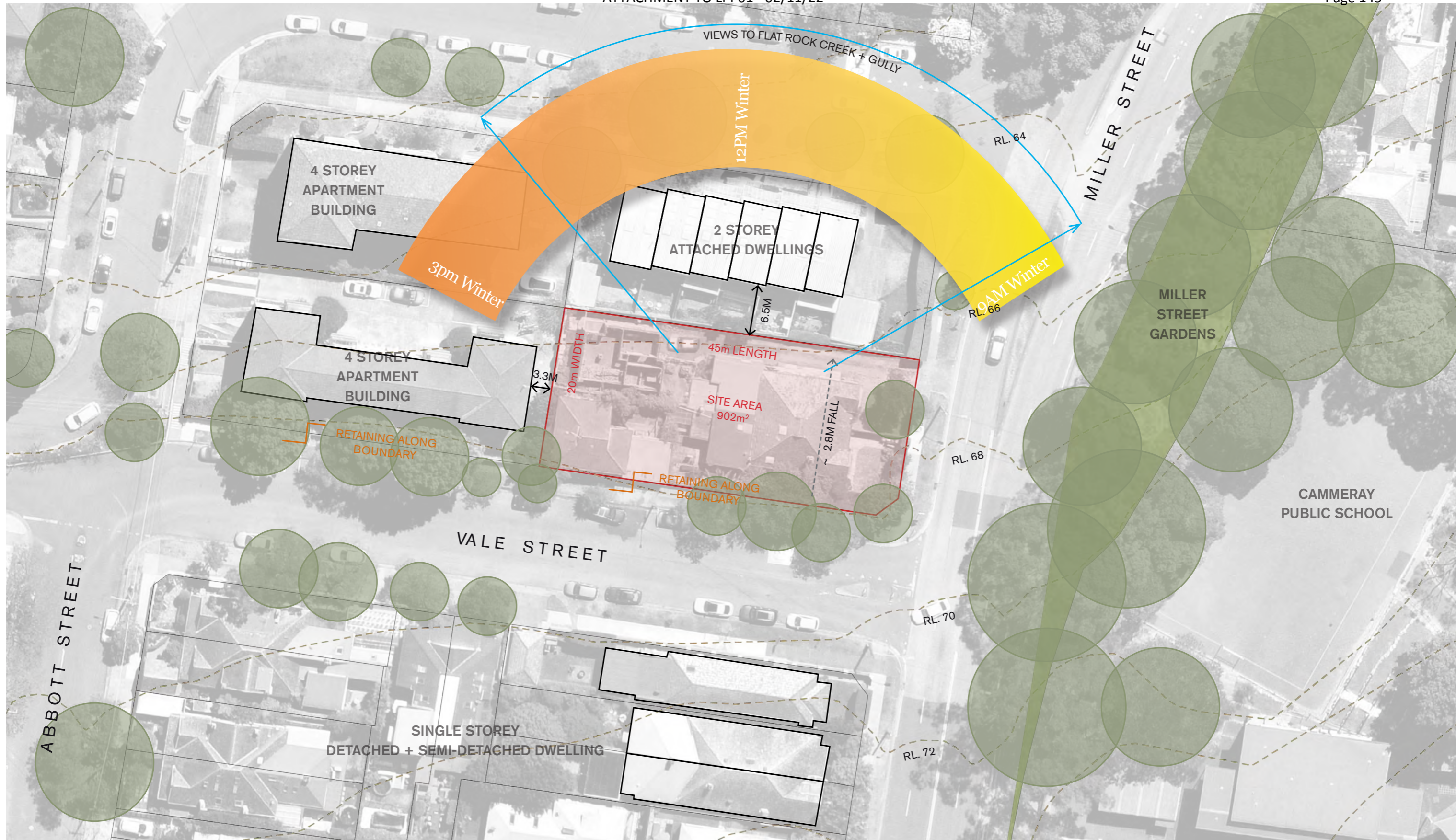
Client

Ford Land

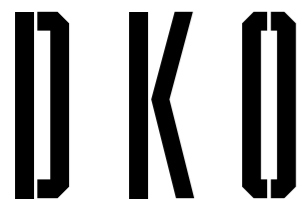
Project Number
 Drawing Name
 Scale
 Date

12947
 CONTEXT ANALYSIS
 @A3
 April 2022

Drawing Number **DA100**
 Revision **A**



SITE ANALYSIS



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 Cammeray, NSW 2062

Project Number
 Drawing Name
 Scale
 Date

12947
 SITE ANALYSIS
 @A3
 April 2022

Client

Ford Land

Drawing Number
 Revision

DA101
A



01 - Miller Street Footpath, looking west along Site's northern Boundary



02 - Miller Street Footpath, looking along interface between Site and adjacent property



03 - Abbott Street footpath, looking east towards site between adjacent buildings



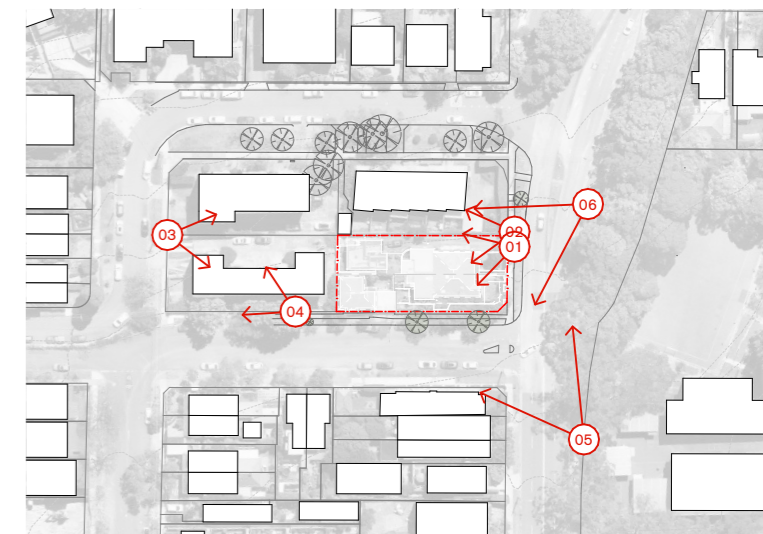
04 - Vale Street footpath, looking west along adjacent property's street boundary



05 - Miller Street, looking north towards the Site



06 - Miller Street, looking south towards the Site



SITE PHOTOS



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Drawing Name
Scale
Date

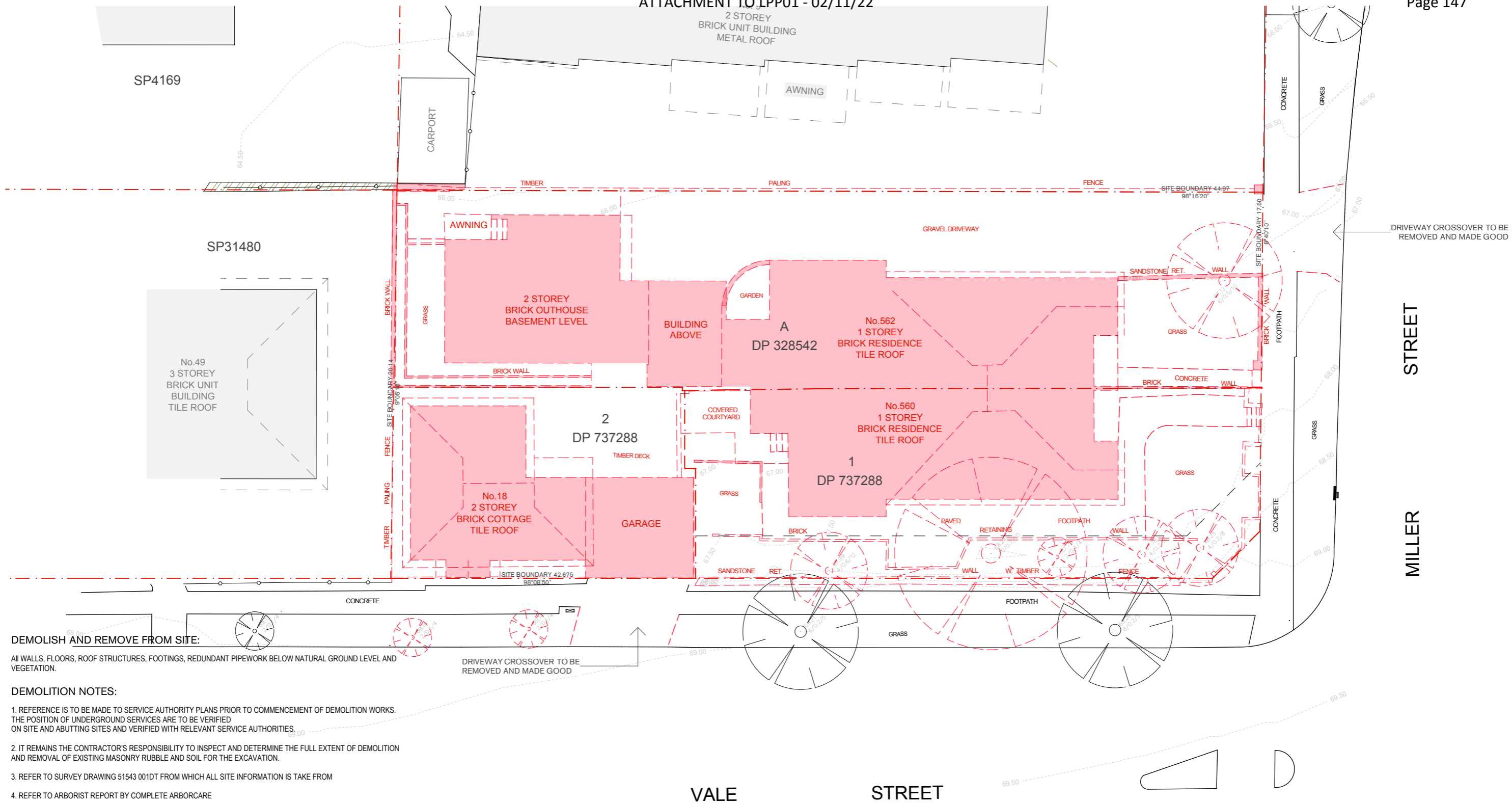
12947
SITE PHOTOS
@A3
April 2022

Client

Ford Land

Drawing Number
Revision

DA102
A



DEMOLISH AND REMOVE FROM SITE:

ALL WALLS, FLOORS, ROOF STRUCTURES, FOOTINGS, REDUNDANT PIPEWORK BELOW NATURAL GROUND LEVEL AND VEGETATION.

DRIVEWAY CROSSOVER TO BE REMOVED AND MADE GOOD

DEMOLITION NOTES:

1. REFERENCE IS TO BE MADE TO SERVICE AUTHORITY PLANS PRIOR TO COMMENCEMENT OF DEMOLITION WORKS. THE POSITION OF UNDERGROUND SERVICES ARE TO BE VERIFIED ON SITE AND ABUTTING SITES AND VERIFIED WITH RELEVANT SERVICE AUTHORITIES.
2. IT REMAINS THE CONTRACTOR'S RESPONSIBILITY TO INSPECT AND DETERMINE THE FULL EXTENT OF DEMOLITION AND REMOVAL OF EXISTING MASONRY RUBBLE AND SOIL FOR THE EXCAVATION.
3. REFER TO SURVEY DRAWING 51543 001DT FROM WHICH ALL SITE INFORMATION IS TAKE FROM
4. REFER TO ARBORIST REPORT BY COMPLETE ARBORCARE

NOTES

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Client

Ford Land

Project Number
Drawing Name
Scale
Date

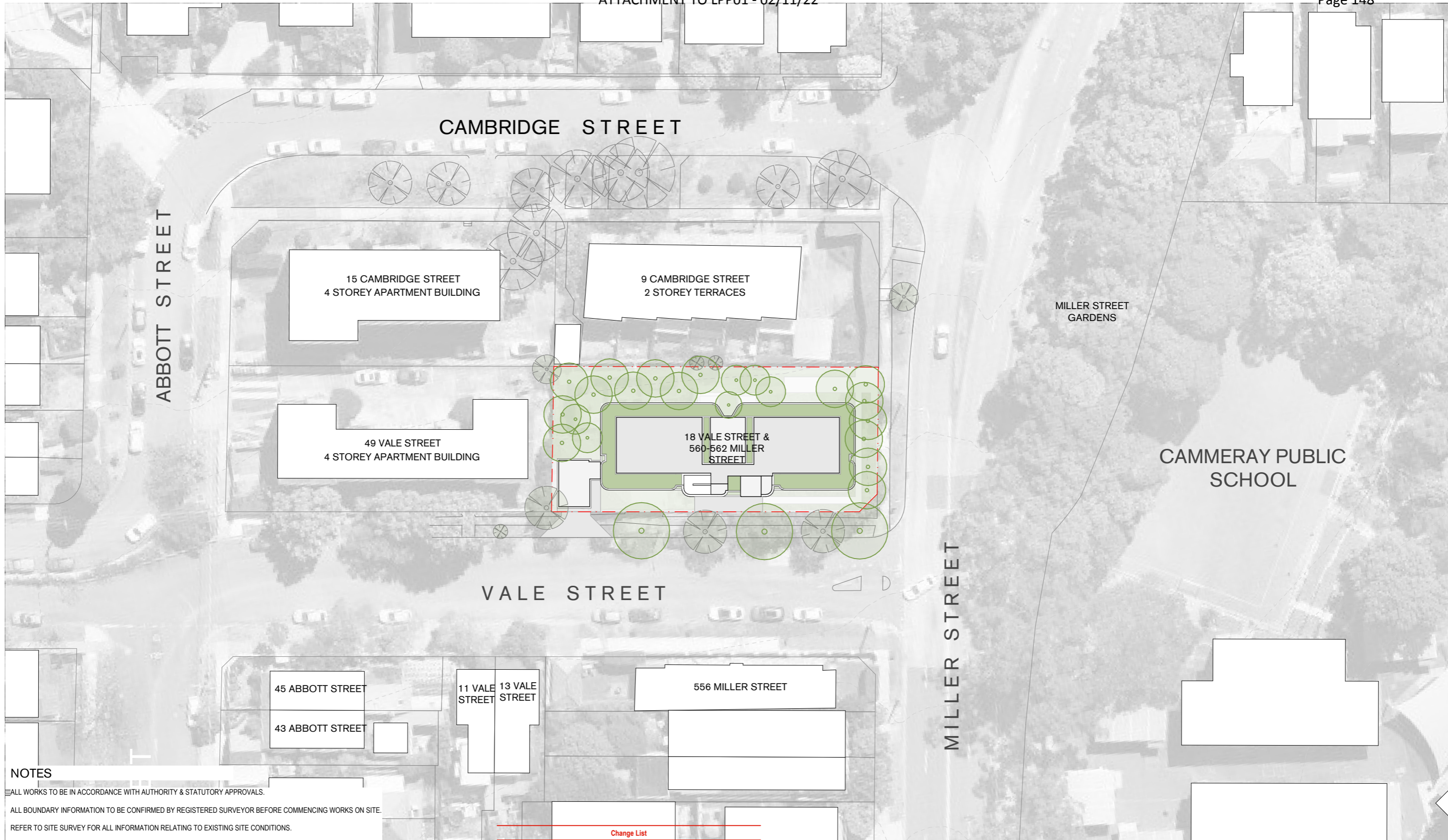
12947
 DEMOLITION PLAN
 1:200 @A3
 April 2022

Drawing Number
Revision

DA103
A

DEMOLITION PLAN



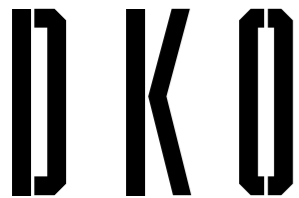


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Client

Ford Land

Project Number
Drawing Name
Scale
Date

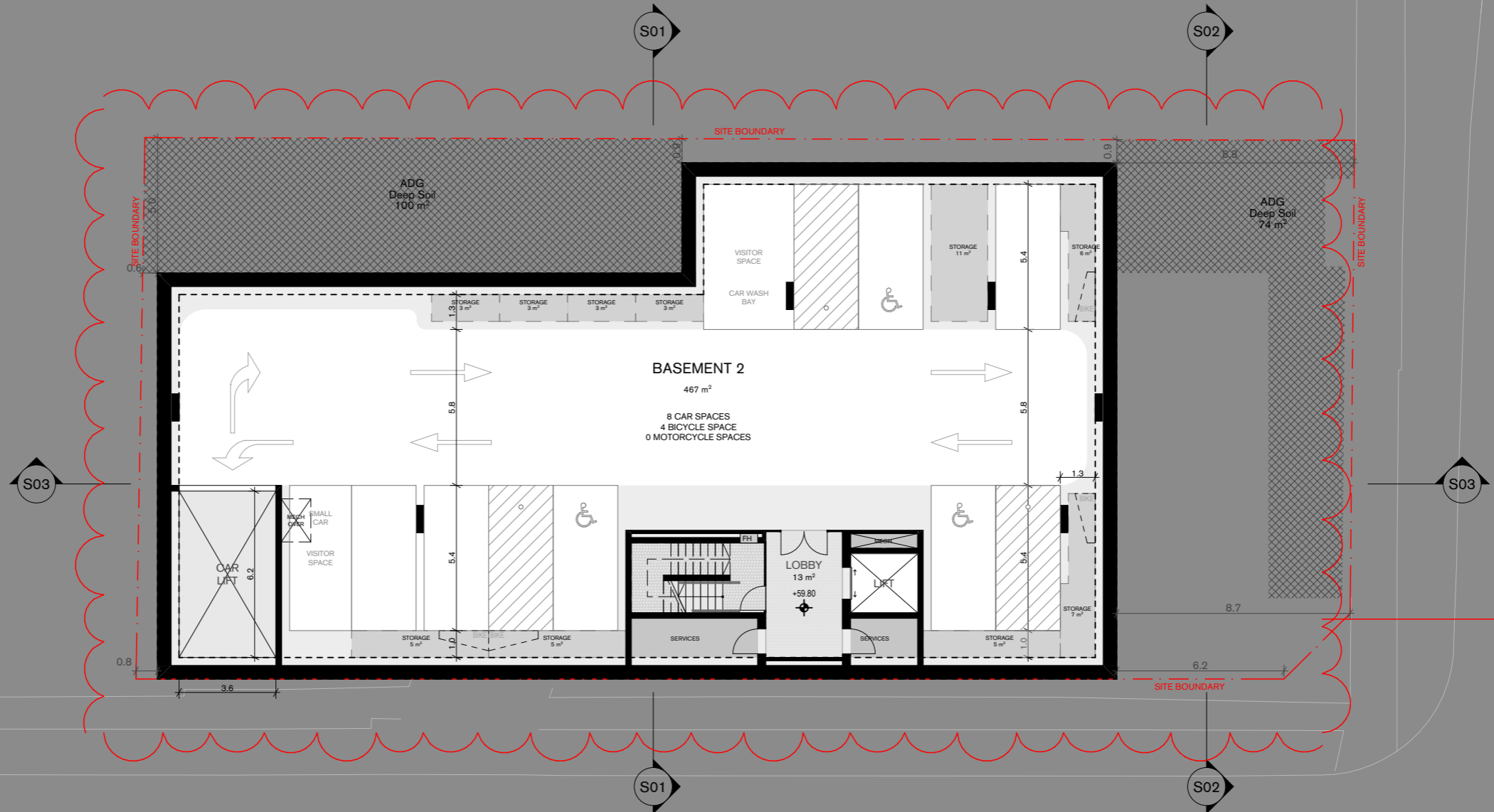
12947
SITE PLAN
1:500 @A3
April 2022

Drawing Number
Revision

DA104
B

SITE PLAN





Ch-04

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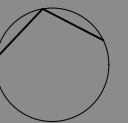


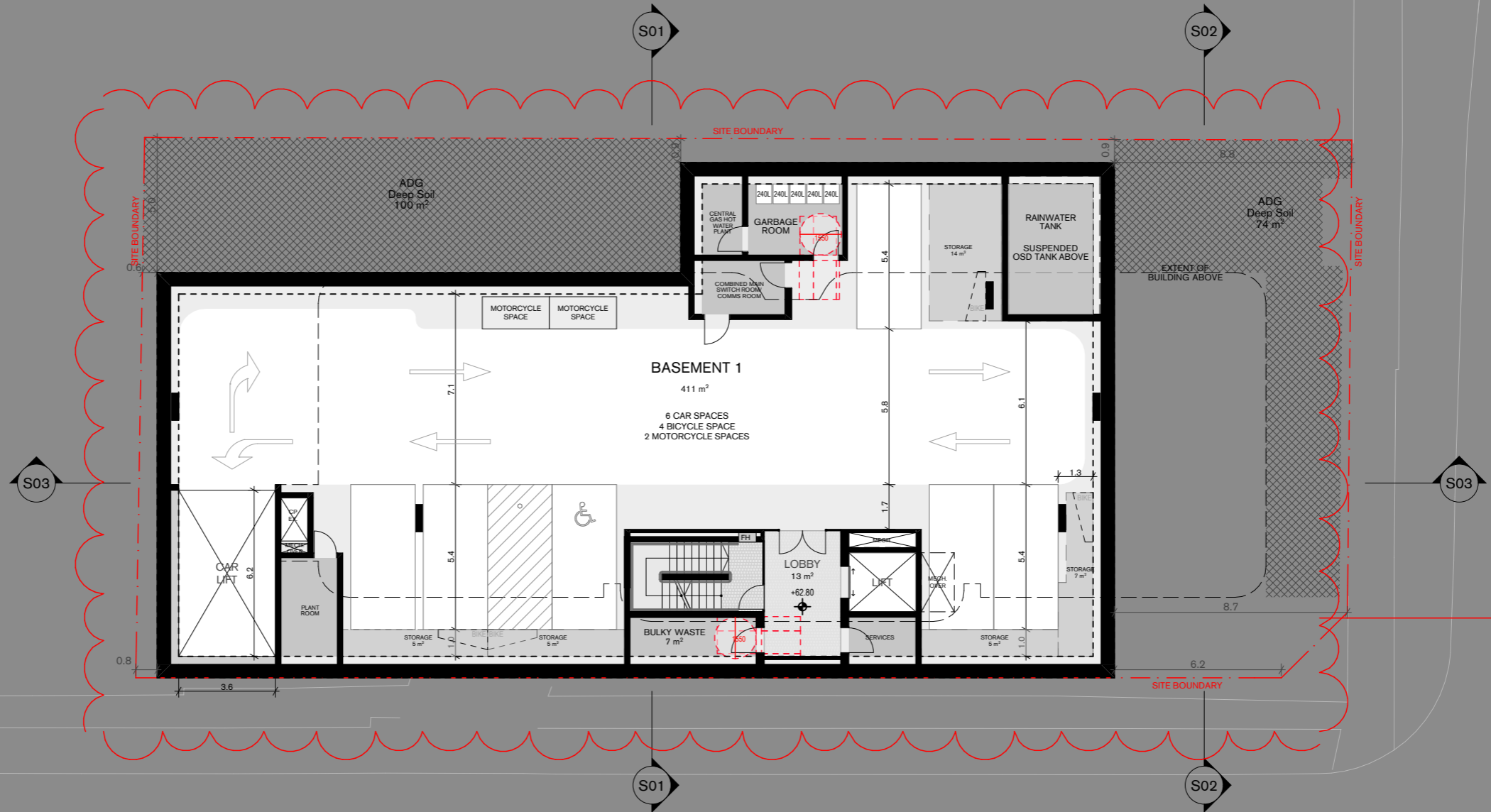
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A	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	BASEMENT 2 PLAN
Client	Ford Land	Scale	1:200 @A3
		Date	April 2022
		Drawing Number	DA200
		Revision	A

BASEMENT 2 PLAN





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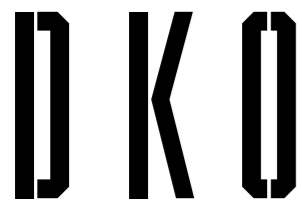
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Millervale
 18 Vale Street & 560-562 Miller Street,
 Cammeray, NSW 2062

Client

Ford Land

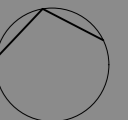
Project Number
Drawing Name
Scale
Date

12947
 BASEMENT 1 PLAN
 1:200 @A3
 April 2022

Drawing Number
Revision

DA201
B

BASEMENT 1 PLAN



3 STOREY APARTMENT BUILDING ABOVE 1 LEVEL CARPARKING

3 STOREY APARTMENT BUILDING ABOVE 1 LEVEL CARPARKING

2 STOREY TERRACES



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- ADAPTABLE DWELLING
- LIVEABLE HOUSING AUSTRALIA - SILVER LEVEL DWELLING

Change List

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		Ch-11 Clarified Cross Ventilation Calculation



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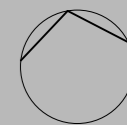
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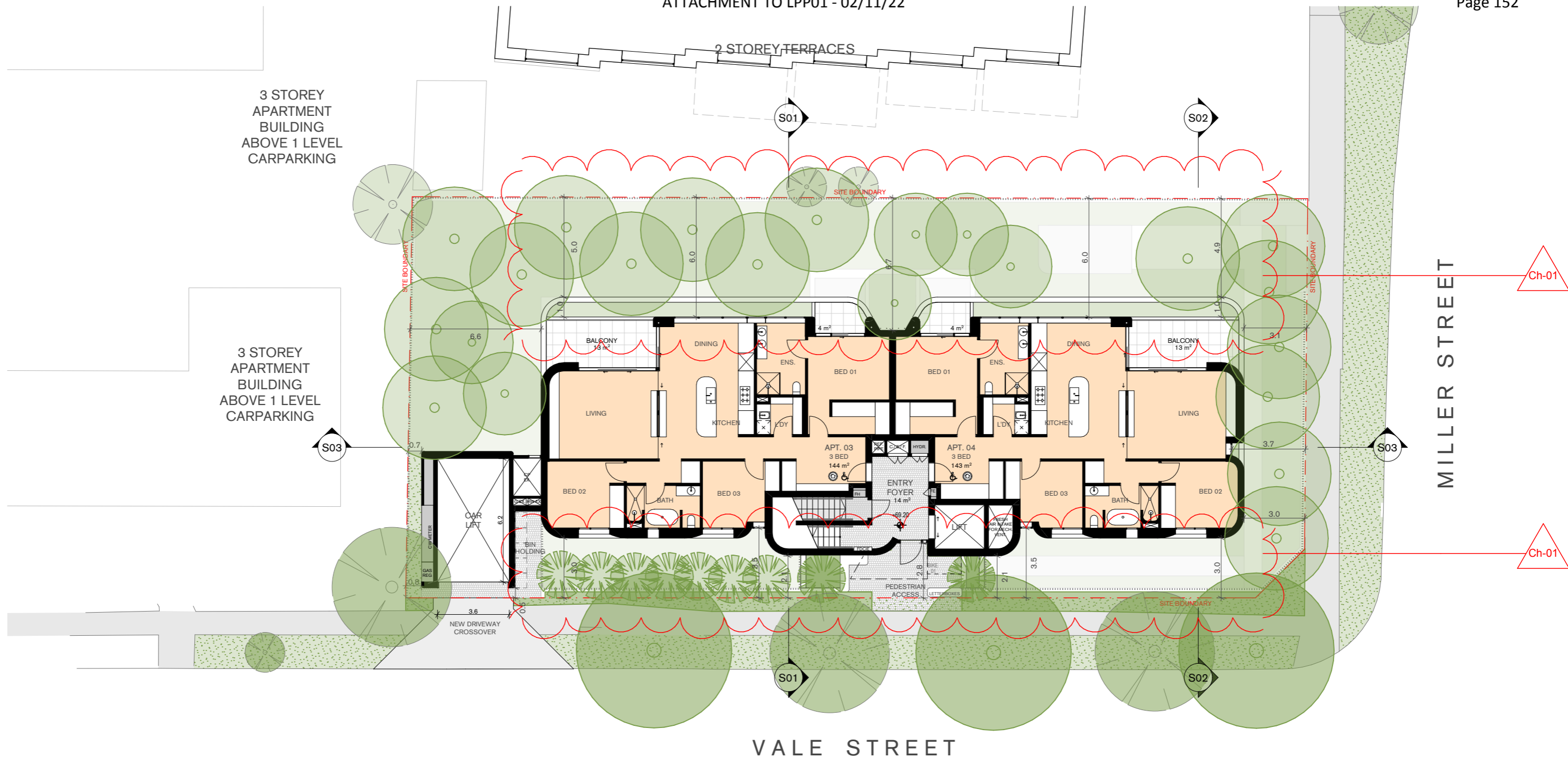
Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: LG FLOOR PLAN
 Scale: 1:200 @A3
 Date: April 2022
 Drawing Number: DA202
 Revision: B

LG FLOOR PLAN





NOTES

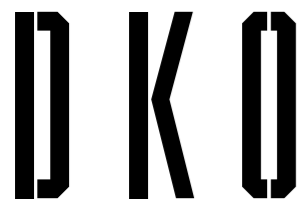
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- ADAPTABLE DWELLING
- LIVEABLE HOUSING AUSTRALIA - SILVER LEVEL DWELLING

Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Change List

ID	Name	Ch-05	Ch-07
Ch-01	Change of 500mm to southern and northern setback	Addition of communal open space	Updated deep soil calculation
Ch-02	Change to LG landscaping	Updated un-built upon area calculation	Updated landscape area calculation
Ch-03	Change of basement 1 extent and layout	Updated landscape area calculation	Updated landscape area calculation
Ch-04	Addition of basement level	Updated landscape area calculation	Clarified Cross Ventilation Calculation
Ch-05	Addition of communal open space		

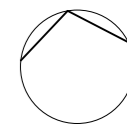


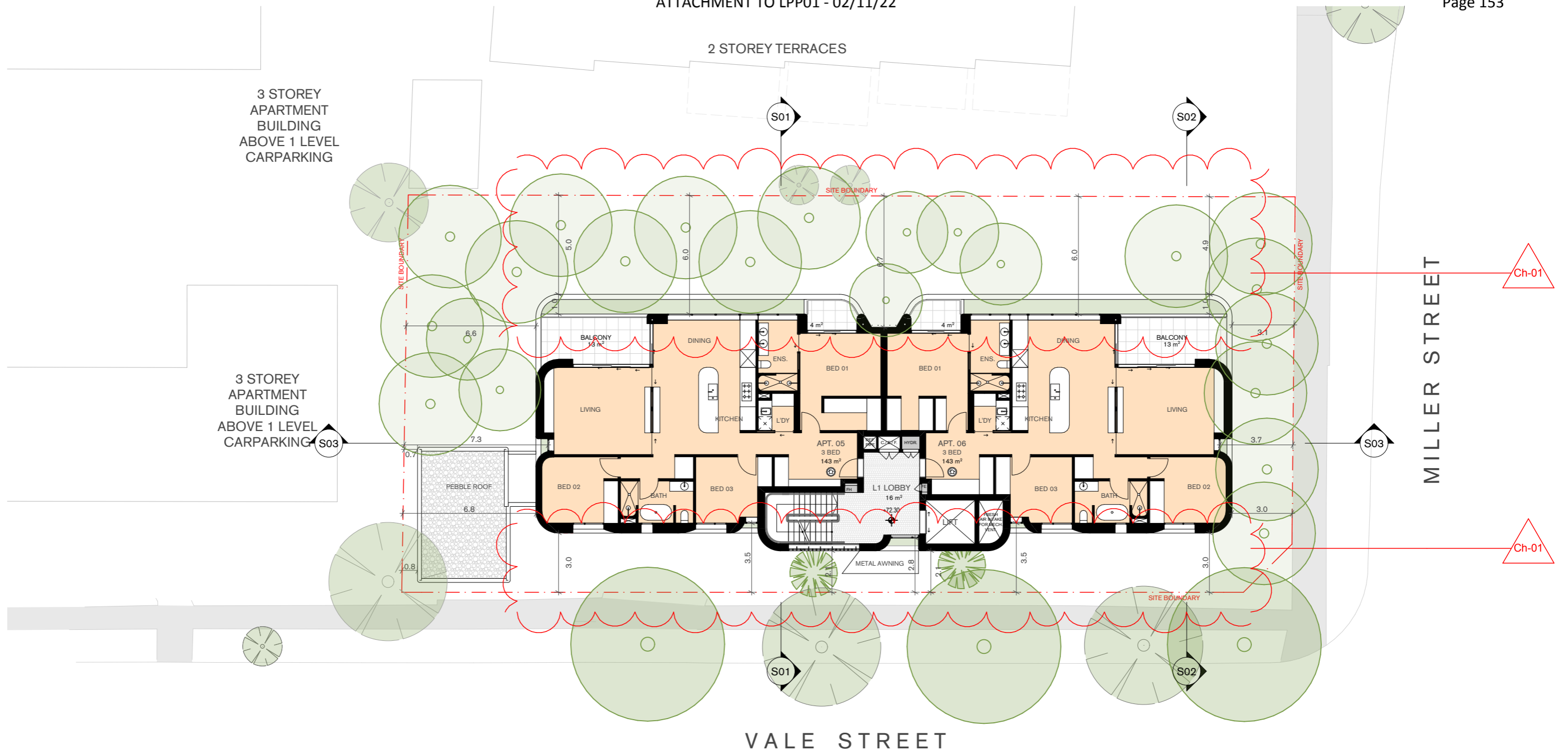
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Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: G FLOOR PLAN
 Scale: 1:200 @A3
 Date: April 2022
 Drawing Number: DA203
 Revision: B

G FLOOR PLAN





NOTES

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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Change List	
ID	Name
Ch-01	Change of 500mm to southern and northern setback
Ch-02	Change to LG landscaping
Ch-03	Change of basement 1 extent and layout
Ch-04	Addition of basement level
Ch-05	Addition of communal open space
Ch-05	Addition of communal open space
Ch-07	Updated deep soil calculation
Ch-08	Updated un-built upon area calculation
Ch-09	Updated landscape area calculation
Ch-10	Updated landscape area calculation
Ch-11	Clarified Cross Ventilation Calculation

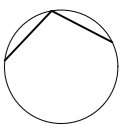


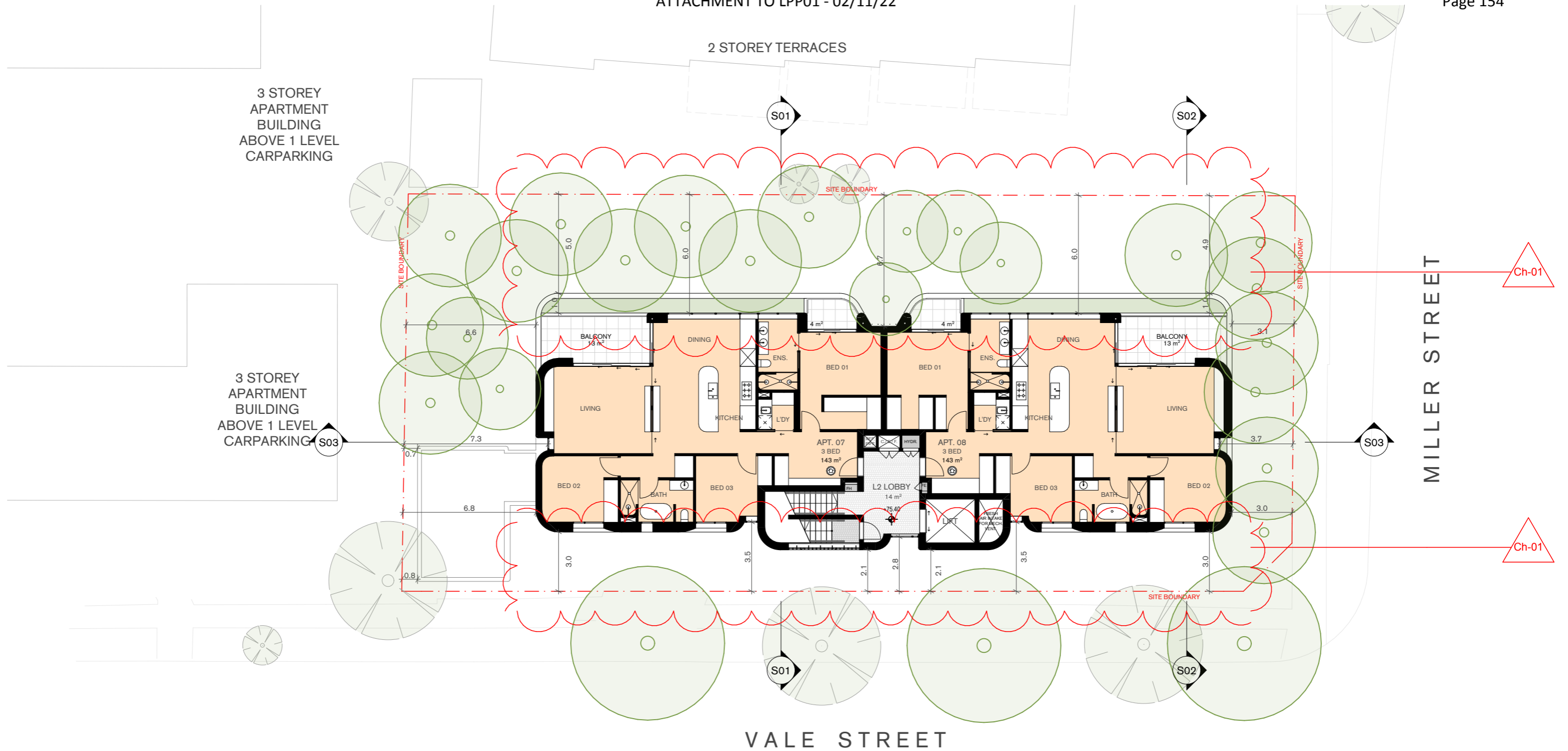
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Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: LEVEL 1 PLAN
 Scale: 1:200 @A3
 Date: April 2022
 Drawing Number: DA204
 Revision: B

LEVEL 1 PLAN





NOTES

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- ADAPTABLE DWELLING
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Rev.	Date	By	Ckd	Description
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Change List

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Ch-01	Change of 500mm to southern and northern setback	Ch-05	Addition of communal open space
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Ch-04	Addition of basement level	Ch-09	Updated landscape area calculation
Ch-05	Addition of communal open space	Ch-10	Updated landscape area calculation
		Ch-11	Clarified Cross Ventilation Calculation

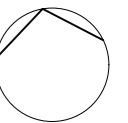


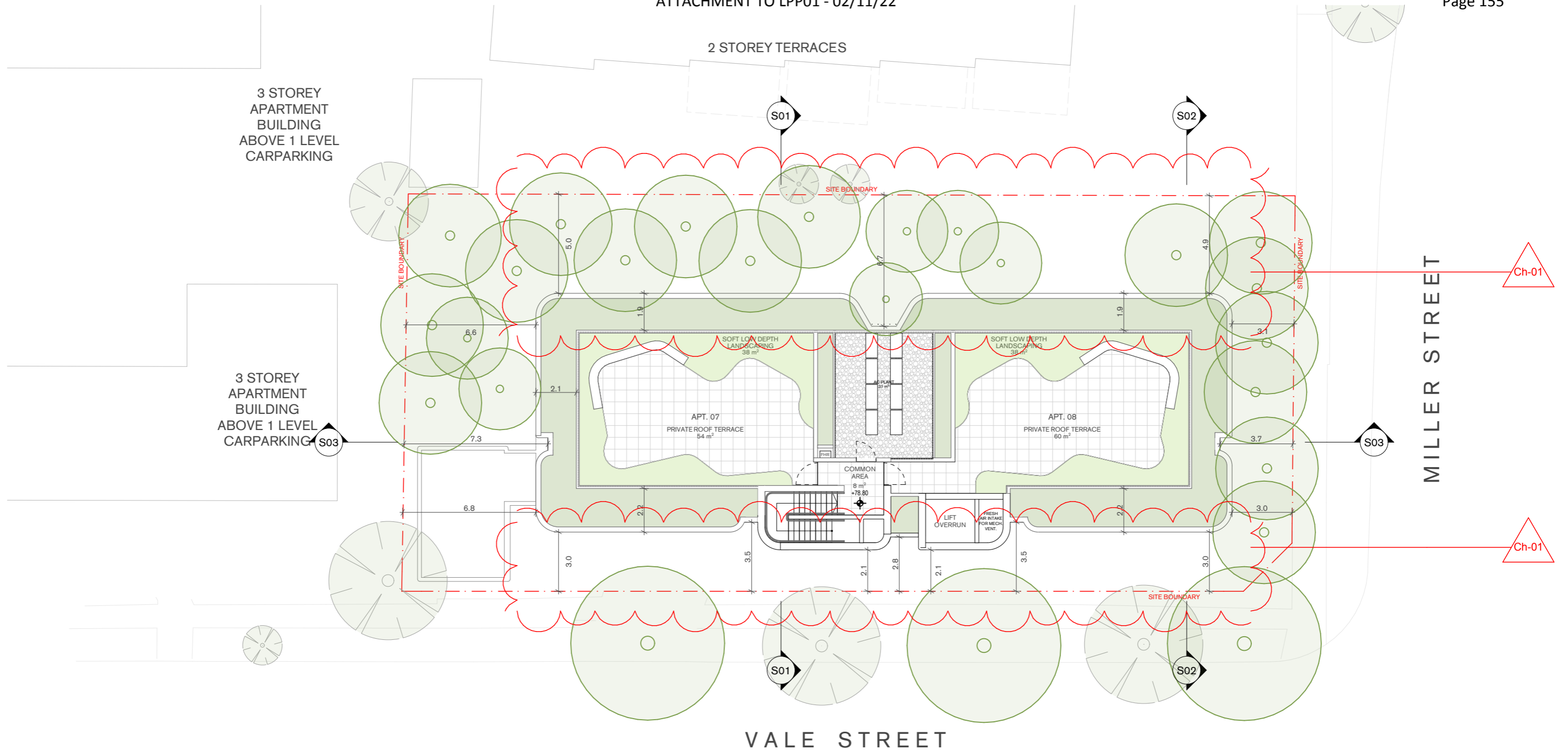
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Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: LEVEL 2 PLAN
 Scale: 1:200 @A3
 Date: April 2022
 Drawing Number: DA205
 Revision: B

LEVEL 2 PLAN





NOTES

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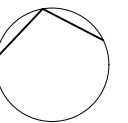
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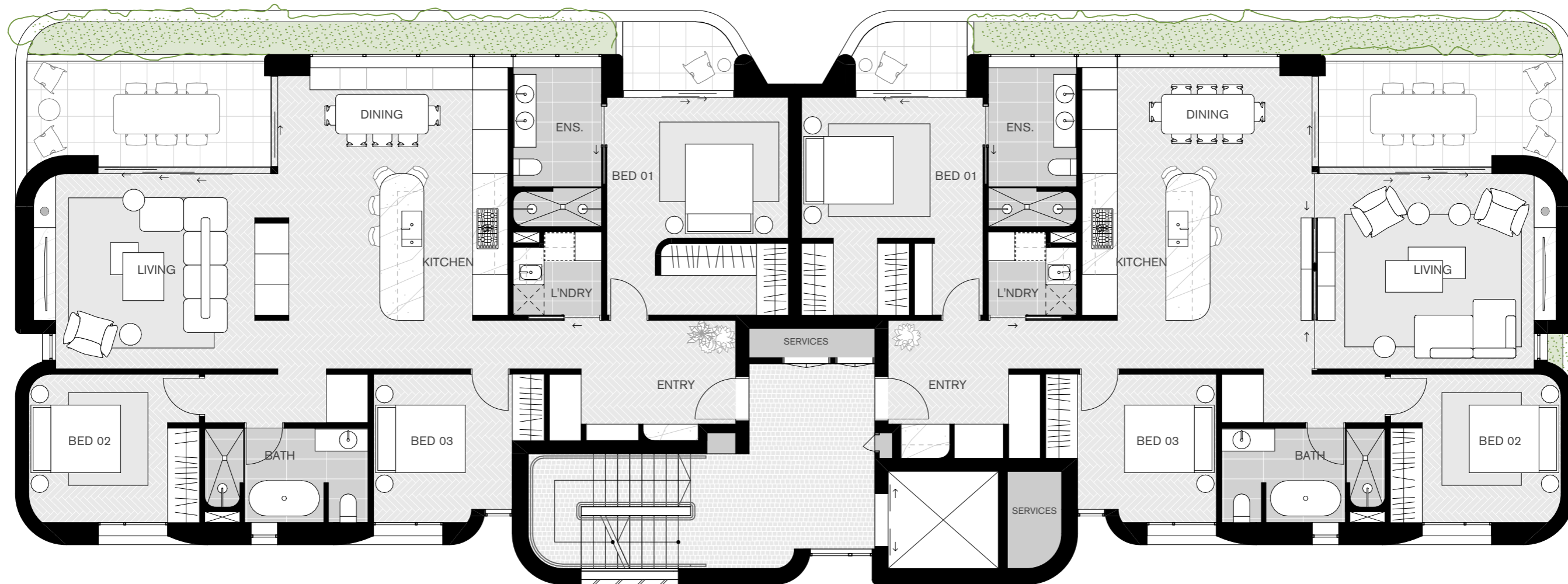
Change List			
ID	Name		
Ch-01	Change of 500mm to southern and northern setback	Ch-05	Addition of communal open space
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Ch-03	Change of basement 1 extent and layout	Ch-08	Updated un-built upon area calculation
Ch-04	Addition of basement level	Ch-09	Updated landscape area calculation
Ch-05	Addition of communal open space	Ch-10	Updated landscape area calculation
		Ch-11	Clarified Cross Ventilation Calculation

Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	ROOF PLAN
Client	Ford Land	Scale	1:200 @A3
		Date	April 2022
		Drawing Number	DA206
		Revision	B

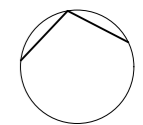
ROOF PLAN



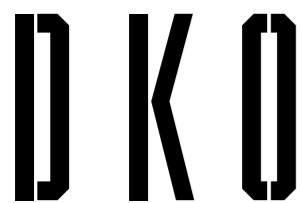


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TYPICAL PLAN



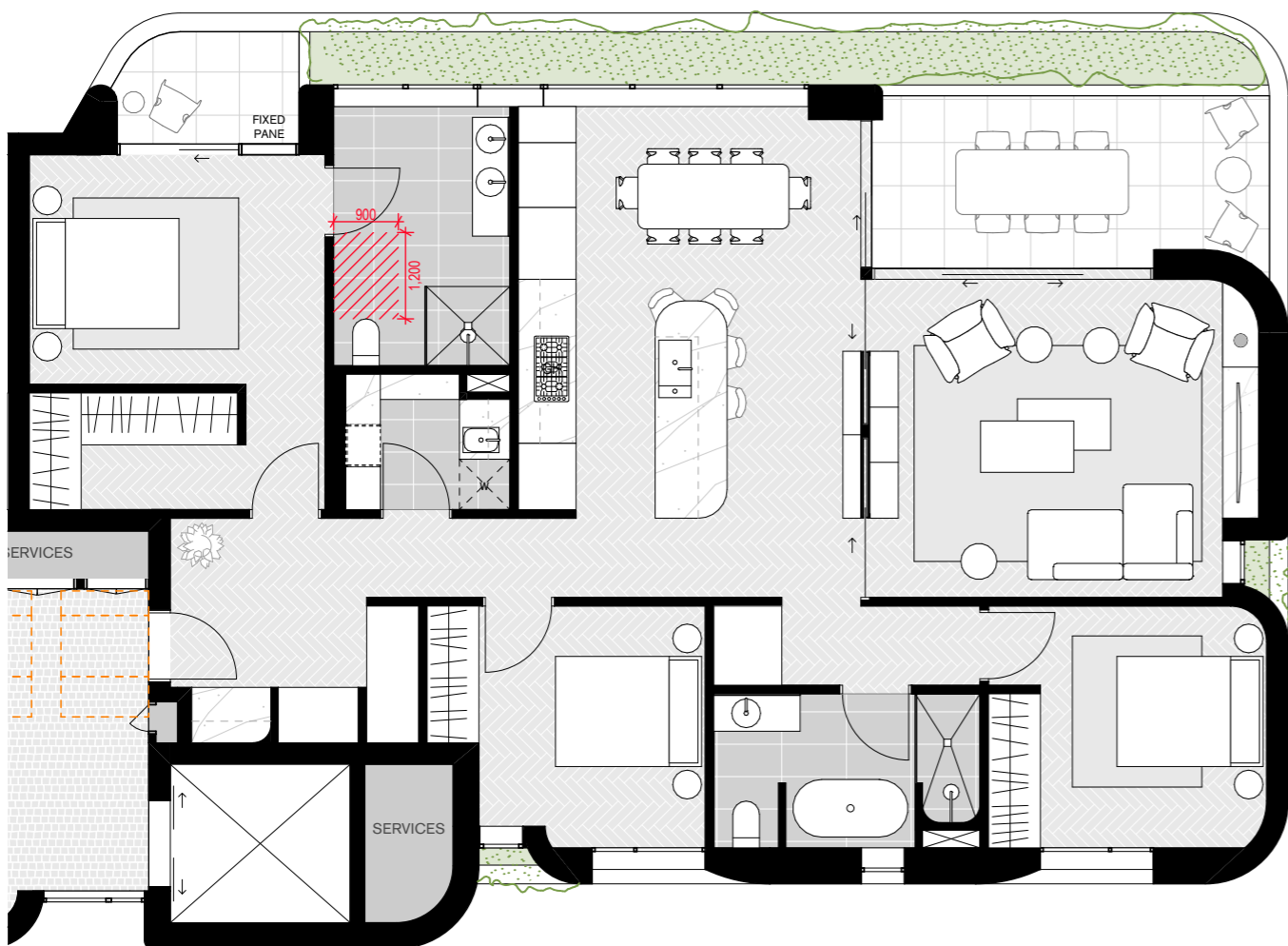
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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application

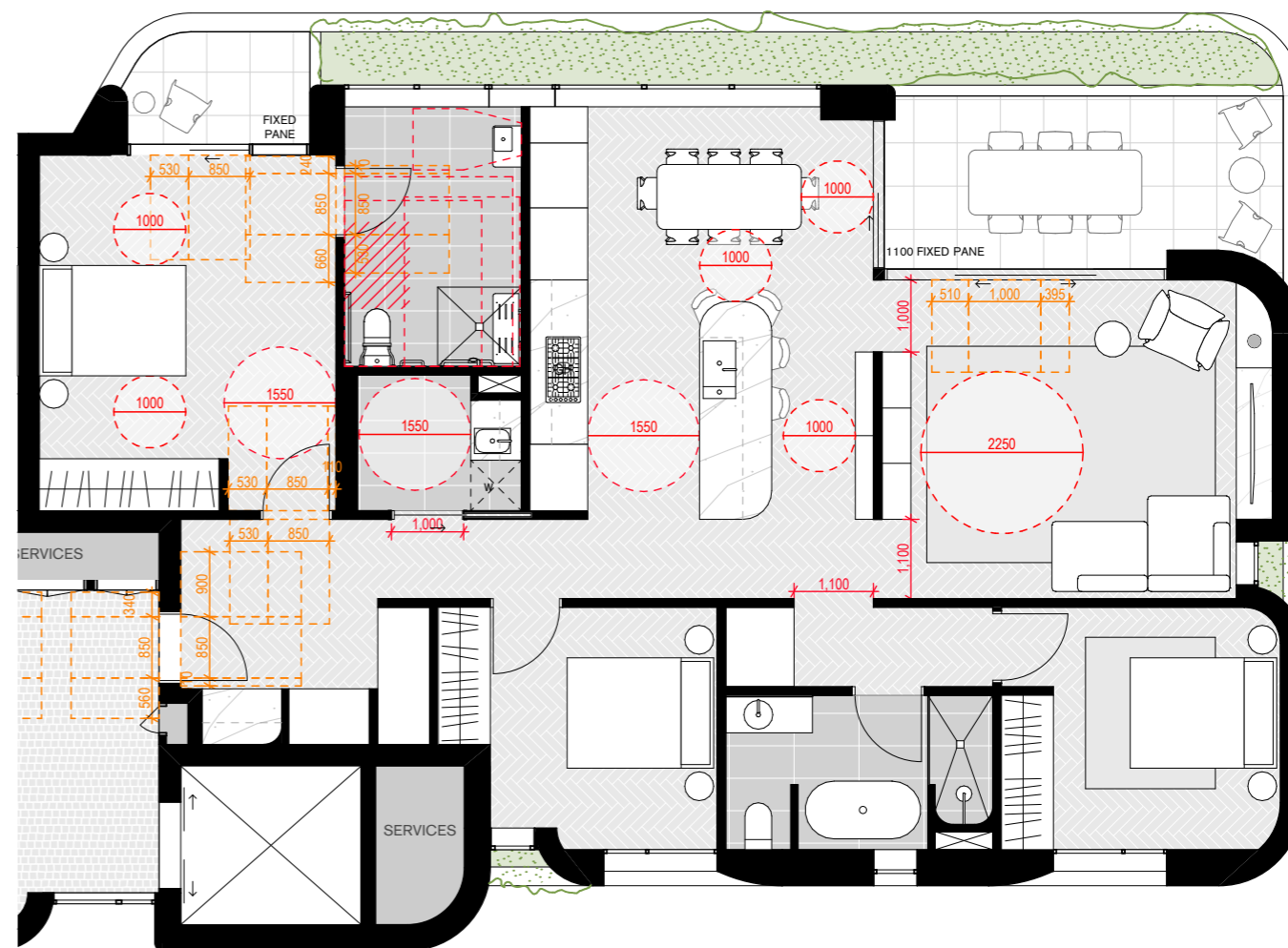
Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: TYPICAL PLAN
 Scale: 1:100 @A3
 Date: April 2022
 Drawing Number: **DA207**
 Revision: **A**

Pre-Adaptated

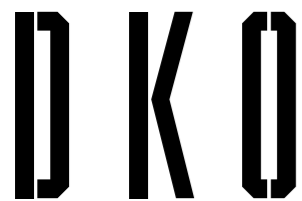


Post-Adaptated



NOTES

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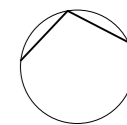


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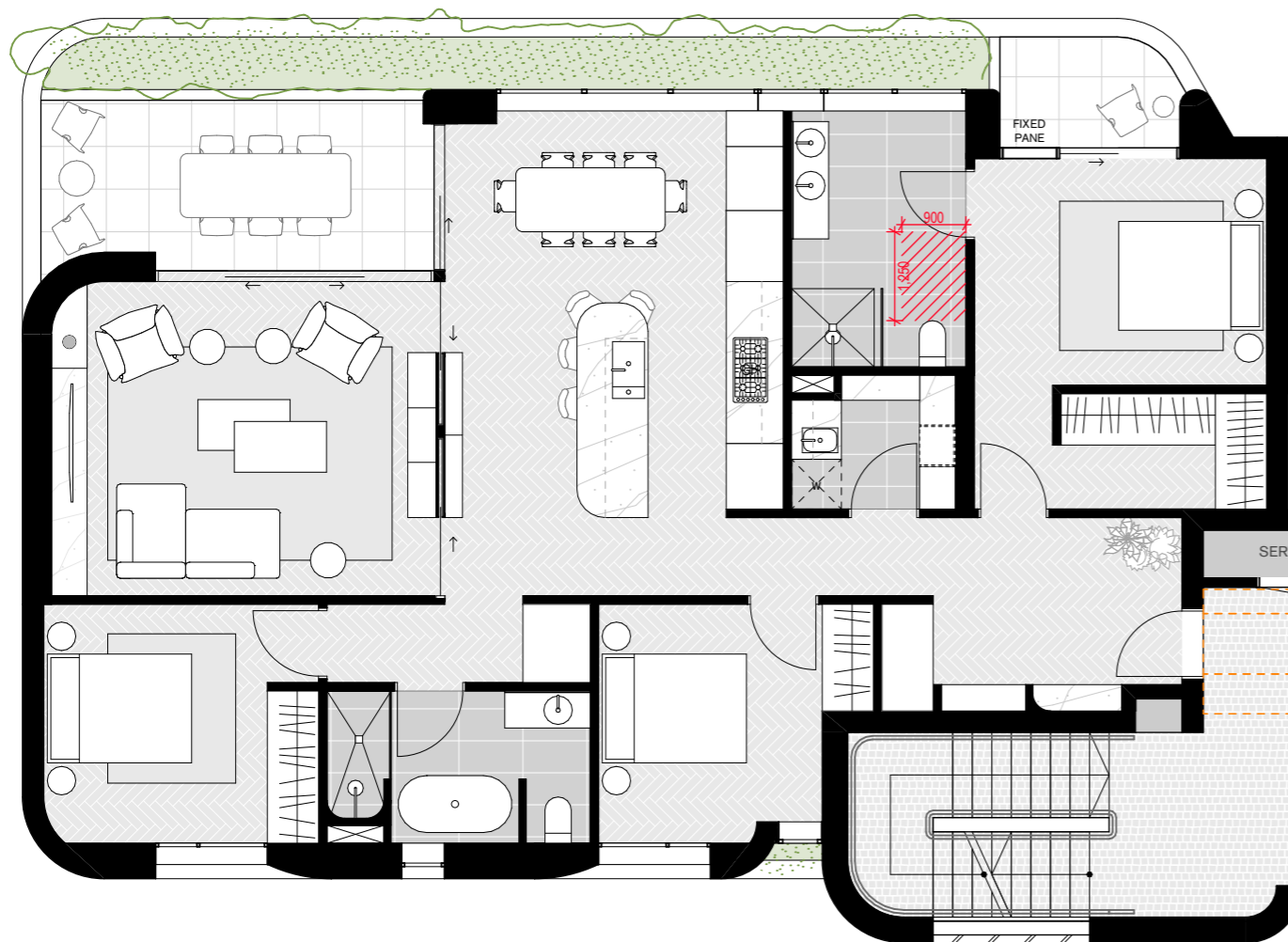
Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	ADAPTABLE APARTMENTS
Client	Ford Land	Scale	1:100 @ A3
		Date	April 2022
		Drawing Number	DA208
		Revision	A

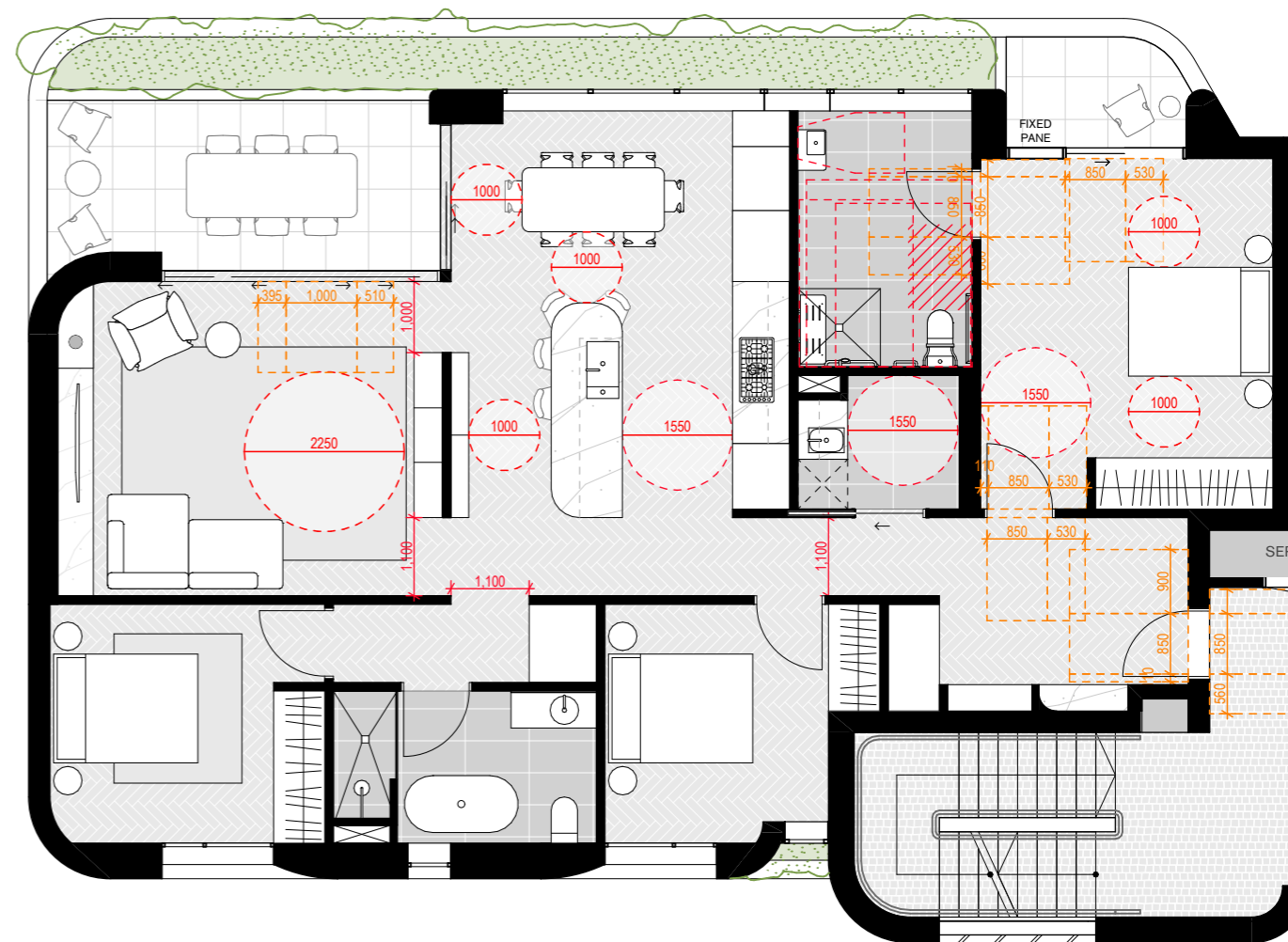
ADAPTABLE APARTMENTS



Pre-Adaptated

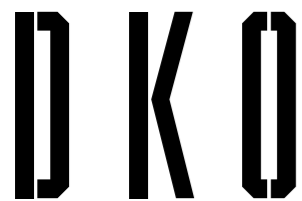


Post-Adaptated



NOTES

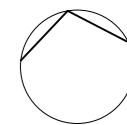
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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	ADAPTABLE APARTMENTS
Client	Ford Land	Scale	1:100 @ A3
		Date	April 2022
		Drawing Number	DA209
		Revision	A



ADAPTABLE APARTMENTS



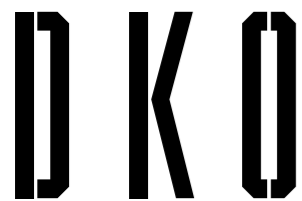
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Change List			
ID	Name	ID	Name
Ch-01	Change of 500mm to southern and northern setback	Ch-05	Addition of communal open space
Ch-02	Change to LG landscaping	Ch-07	Updated deep soil calculation
Ch-03	Change of basement 1 extent and layout	Ch-08	Updated un-built upon area calculation
Ch-04	Addition of basement level	Ch-09	Updated landscape area calculation
Ch-05	Addition of communal open space	Ch-10	Updated landscape area calculation
		Ch-11	Clarified Cross Ventilation Calculation

Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

NORTH ELEVATION



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Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	NORTH ELEVATION
Client	Ford Land	Scale	1:150, 1:2.02 @A3
		Date	April 2022
		Drawing Number	DA300
		Revision	B



- EF-01 Matte brickwork
Light cream colour or similar
- EF-02 Matte brickwork
Light cream colour or similar, as per EF-01
Hit and Miss Detail
- EF-03 Matte brickwork
Light cream colour or similar, as per EF-01
Push and Pull Detail
- EF-04 Matte brickwork
Light cream colour or similar, as per EF-01
Stepped Banding Detail
- EF-05 Matte painted render
Light cream colour or similar to match EF-01
- EF-06 Exposed sandstone face
- EF-07 Sandstone Blocks
- EF-08 Matte metalwork
Bronze colour or similar
- EF-09 Clear Glass
- EF-10 Opaque Glass

NOTES

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		Ch-11	Clarified Cross Ventilation Calculation

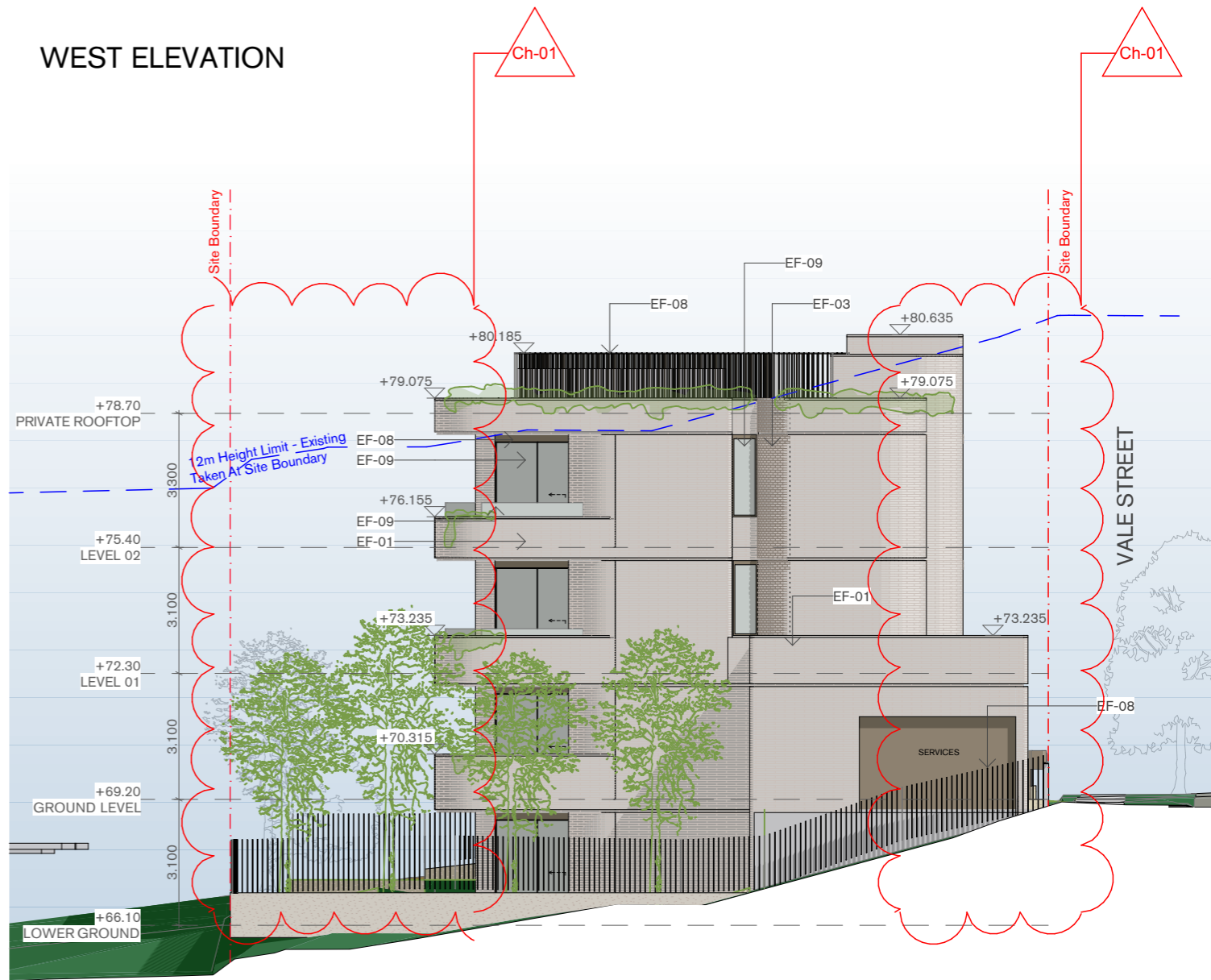
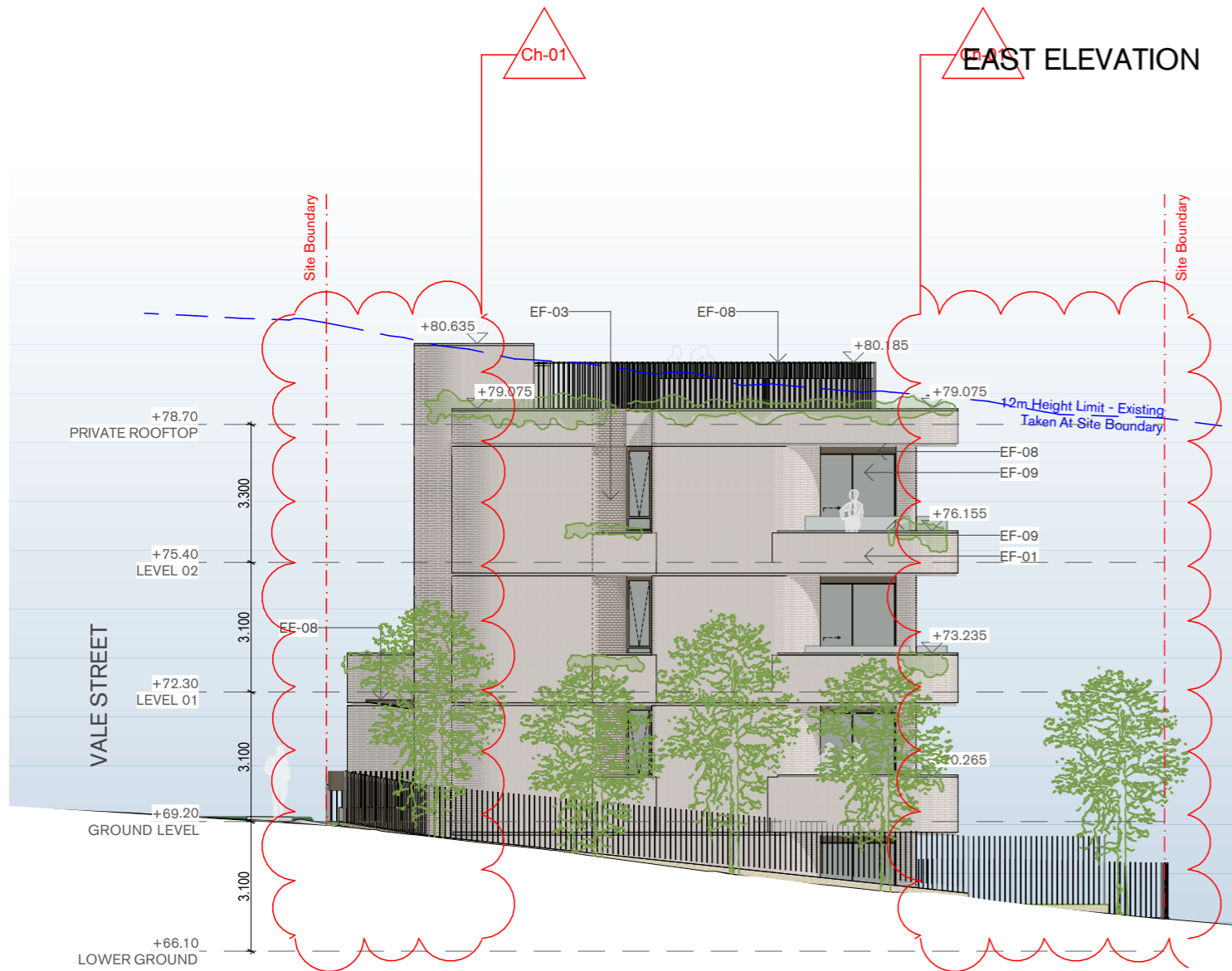
SOUTH ELEVATION



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A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	SOUTH ELEVATION
Client	Ford Land	Scale	1:150, 1:2.02 @A3
		Date	April 2022
		Drawing Number	DA301
		Revision	B



EF-01
Matte brickwork
Light cream colour
or similar

EF-02
Matte brickwork
Light cream colour
or similar, as per EF-01
Hit and Miss Detail

EF-03
Matte brickwork
Light cream colour
or similar, as per EF-01
Push and Pull Detail

EF-04
Matte brickwork
Light cream colour
or similar, as per EF-01
Stepped Banding
Detail

EF-05
Matte painted
render
Light cream colour
or similar to match
EF-01

EF-06
Exposed sandstone
face

EF-07
Sandstone Blocks

EF-08
Matte metalwork
Bronze colour or
similar

EF-09
Clear Glass

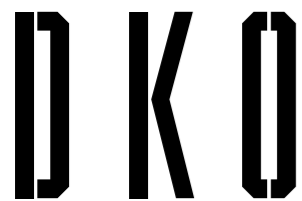
EF-10
Opaque Glass

NOTES

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Change List

ID	Name	ID	Name
Ch-01	Change of 500mm to southern and northern setback	Ch-05	Addition of communal open space
Ch-02	Change to LG landscaping	Ch-07	Updated deep soil calculation
Ch-03	Change of basement 1 extent and layout	Ch-08	Updated un-built upon area calculation
Ch-04	Addition of basement level	Ch-09	Updated landscape area calculation
Ch-05	Addition of communal open space	Ch-10	Updated landscape area calculation
		Ch-11	Clarified Cross Ventilation Calculation



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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name
Project Address

Millervale
18 Vale Street & 560-
562 Miller Street,
Cammeray, NSW 2062

Client

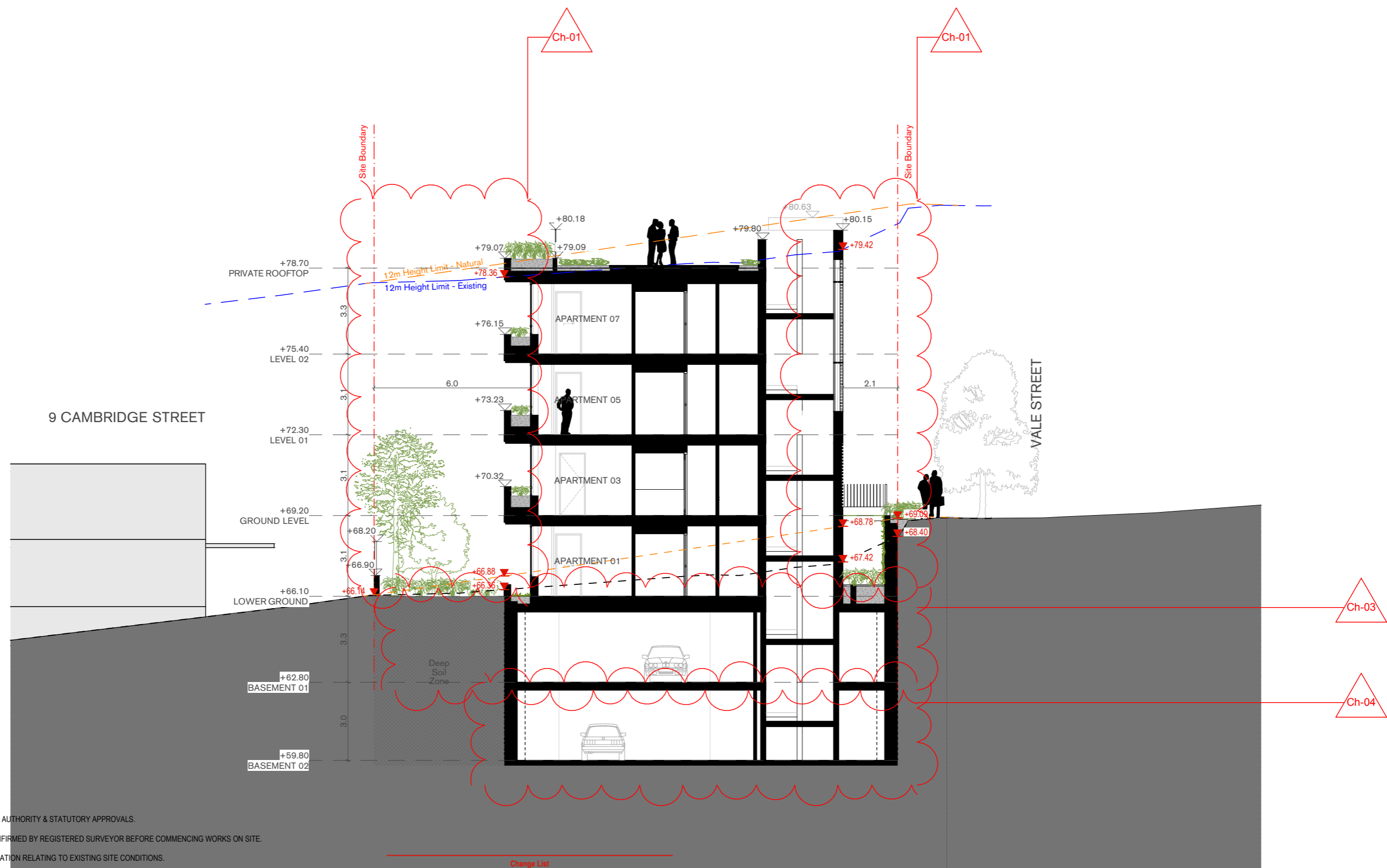
Ford Land

Project Number
Drawing Name
Scale
Date

12947
ELEVATIONS
1:150, 1:2.02 @A3
April 2022

Drawing Number
Revision

DA302
B

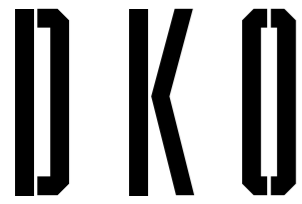


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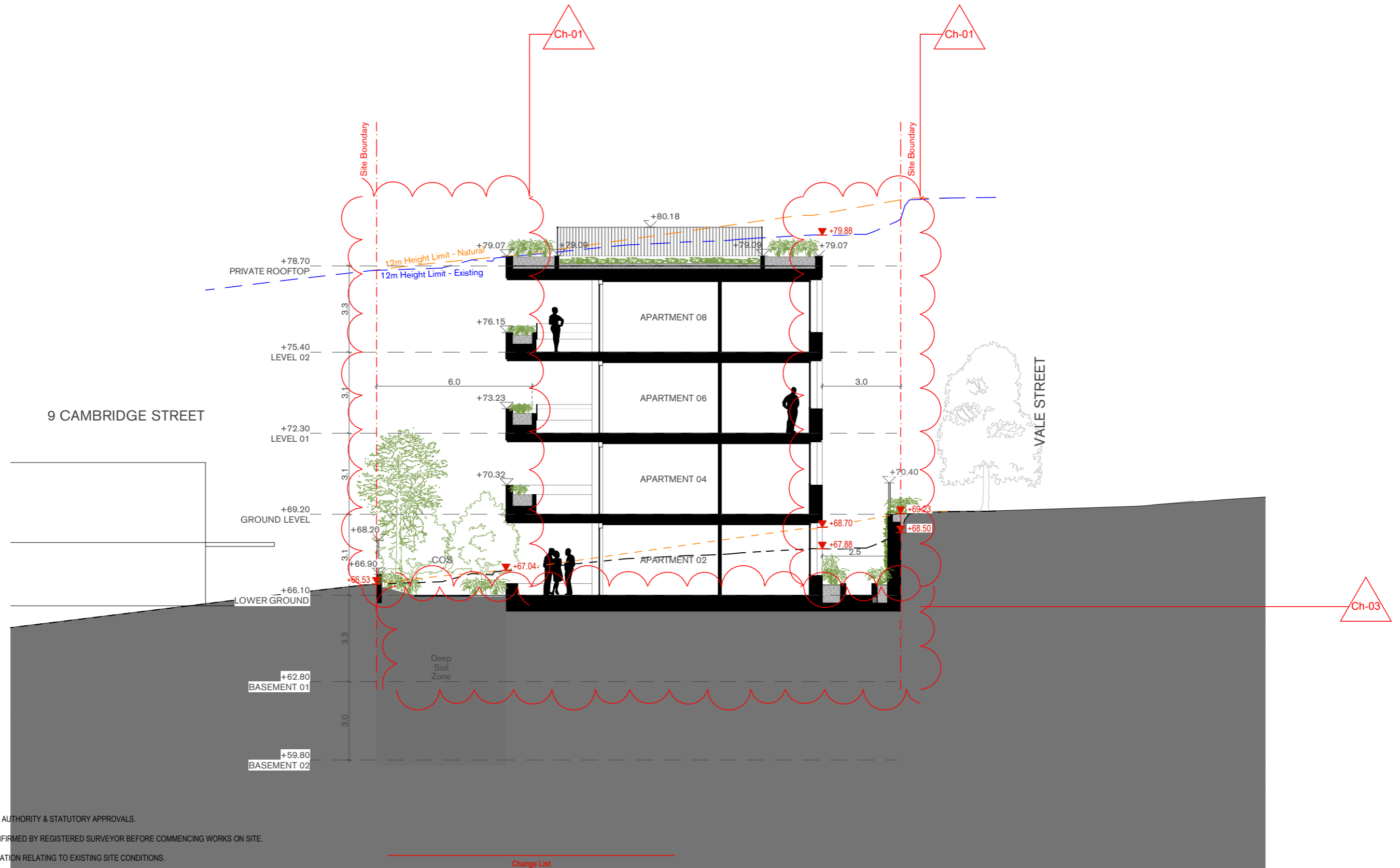


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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	SECTION 01
Client	Ford Land	Scale	1:150 @A3
		Date	April 2022
		Drawing Number	DA303
		Revision	B

SECTION 01



NOTES

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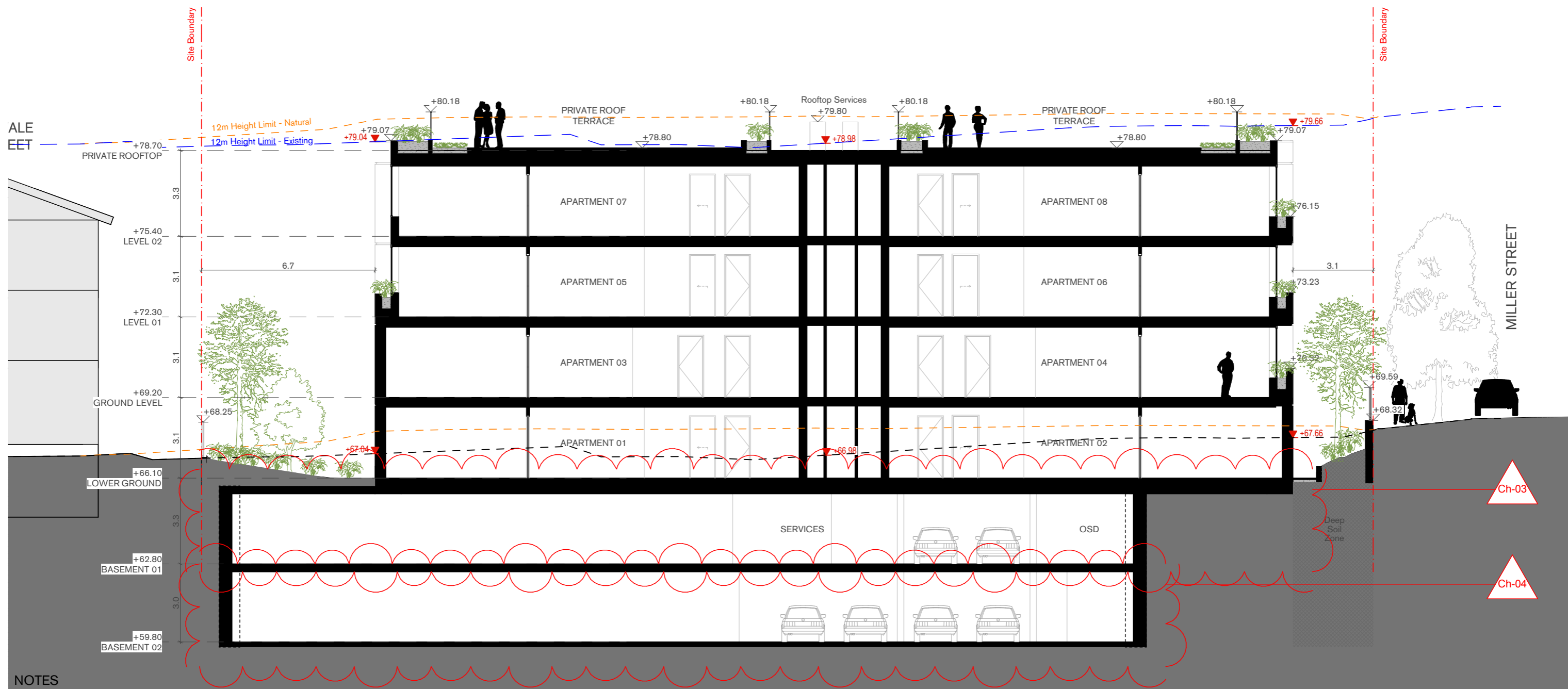


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A	9/05/2022	NT	SO/MR	Development Application
B	22/08/2022	NT	MR	Revised Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	SECTION 02
Client	Ford Land	Scale	1:150 @A3
		Date	April 2022
		Drawing Number	DA304
		Revision	B

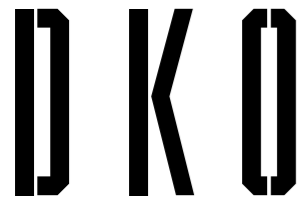
SECTION 02



- ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY & STATUTORY APPROVALS.
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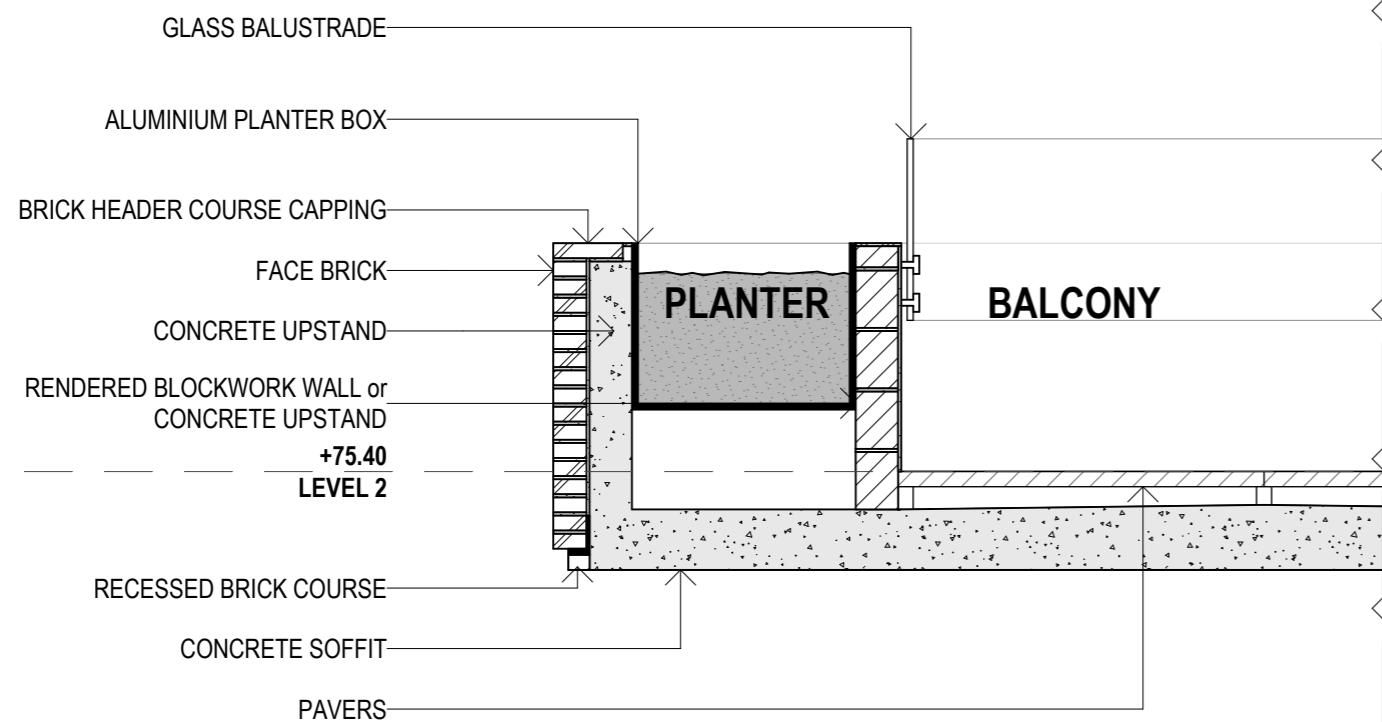
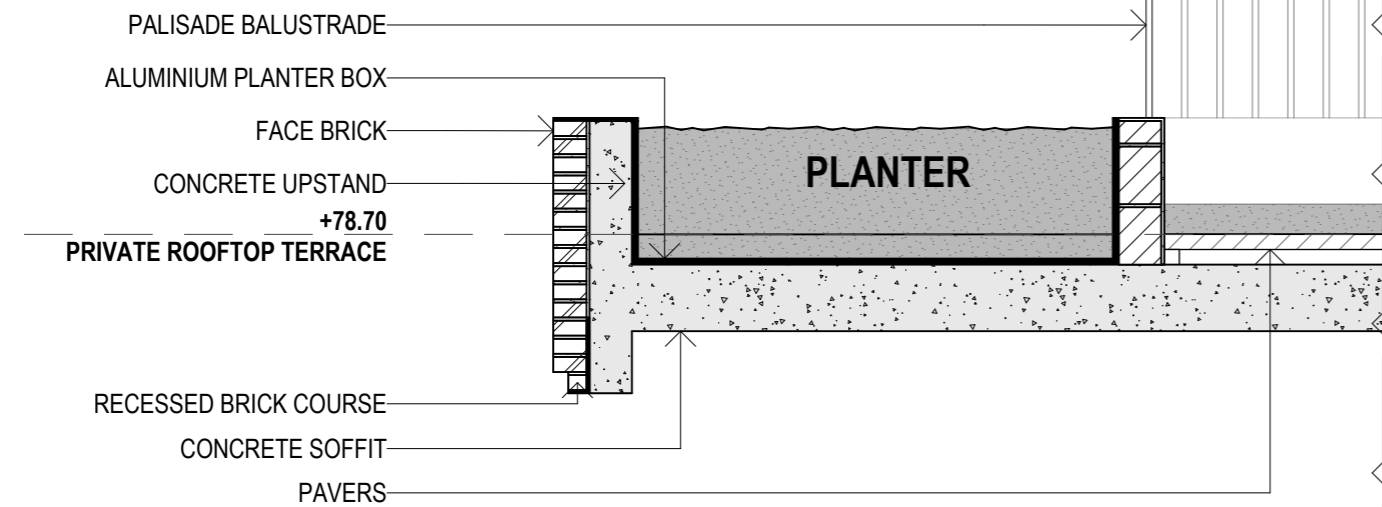
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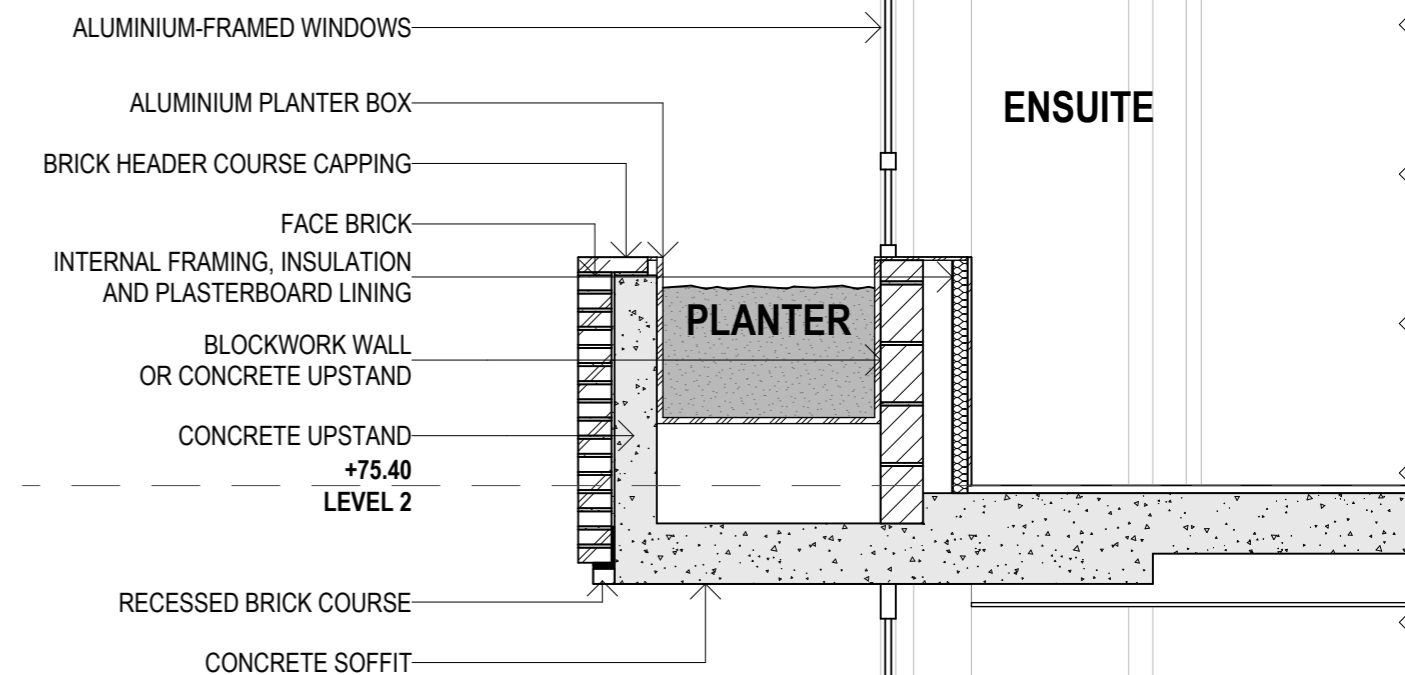
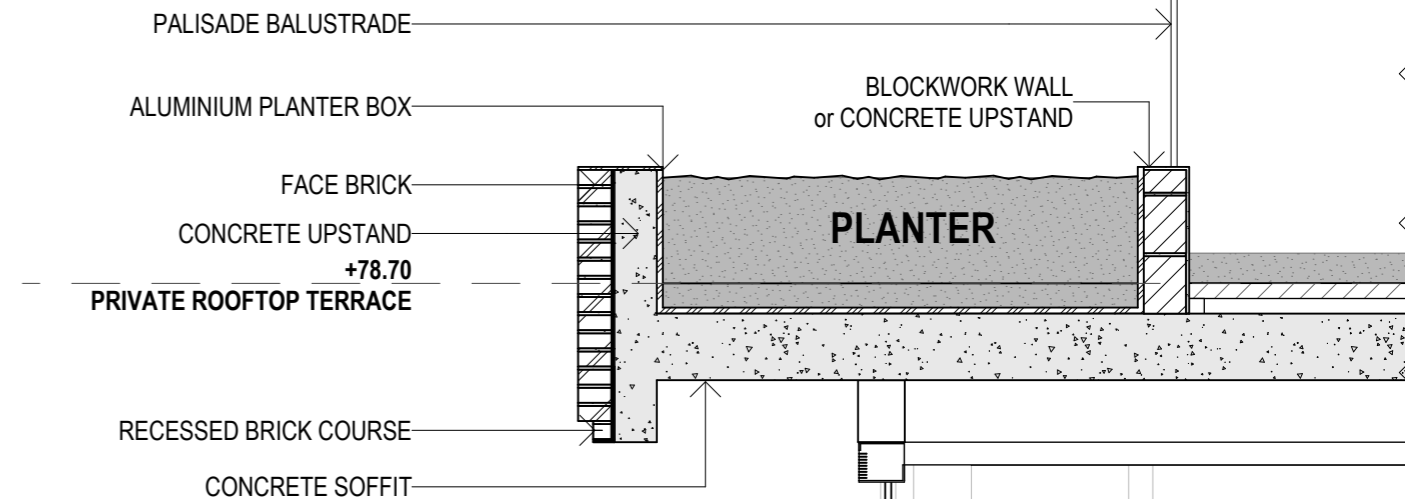
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Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	SECTION 03
Client	Ford Land	Scale	1:150 @A3
		Date	April 2022
		Drawing Number	DA305
		Revision	B

SECTION 03

NOTES
 DETAILS SHOW DESIGN INTENT; CHANGES TO FORM & CONFIGURATION MAY BE REQUIRED AFTER DEVELOPMENT CONSENT WHEN DRAWINGS ARE PREPARED FOR CONSTRUCTION PURPOSES.



NORTHERN BALCONY AND PLANTER



NORTHERN WINDOW PLANTER



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Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application

Project Name
 Project Address

Millervale
 18 Vale Street & 560-562 Miller Street,
 Cammeray, NSW 2062

Project Number
 Drawing Name
 Scale
 Date

12947
 FACADE SECTIONS
 1:25 @A3
 April 2022

Client

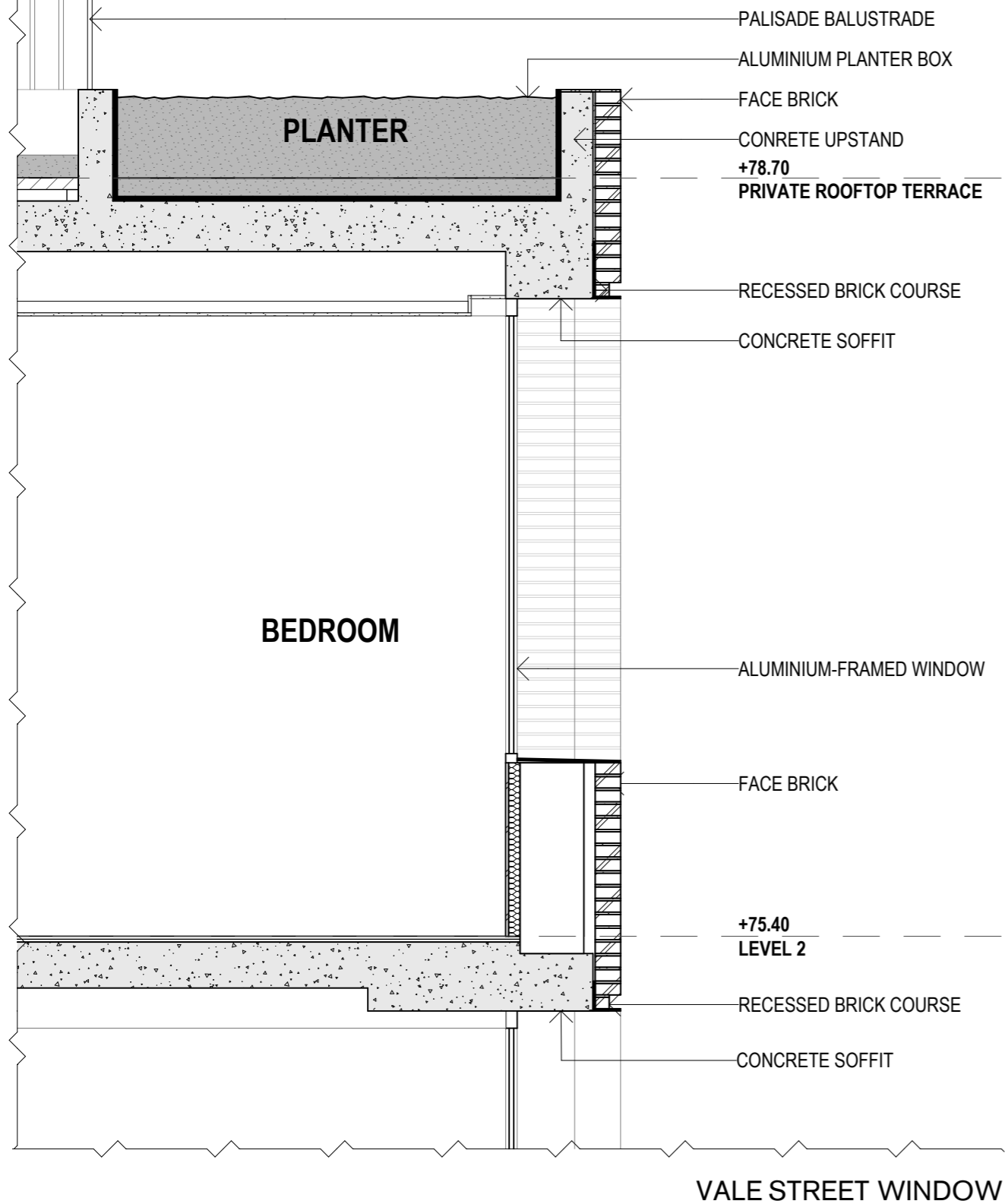
Ford Land

Drawing Number
 Revision

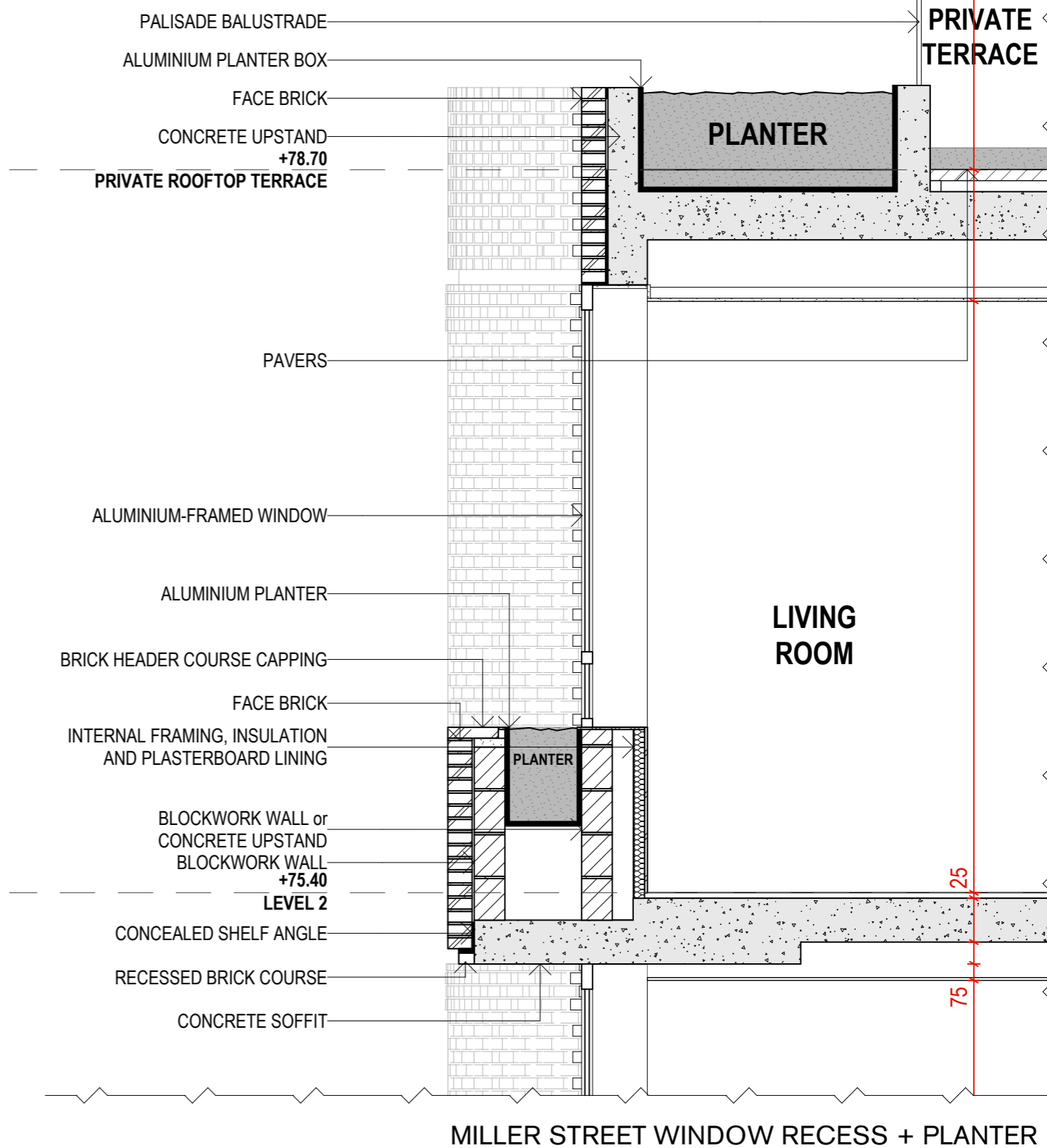
DA306
A

NOTES

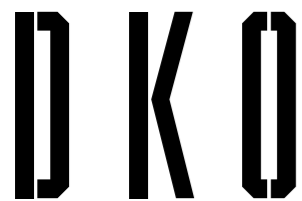
DETAILS SHOW DESIGN INTENT; CHANGES TO FORM & CONFIGURATION MAY BE REQUIRED AFTER DEVELOPMENT CONSENT WHEN DRAWINGS ARE PREPARED FOR CONSTRUCTION PURPOSES.



VALE STREET WINDOW



MILLER STREET WINDOW RECESS + PLANTER

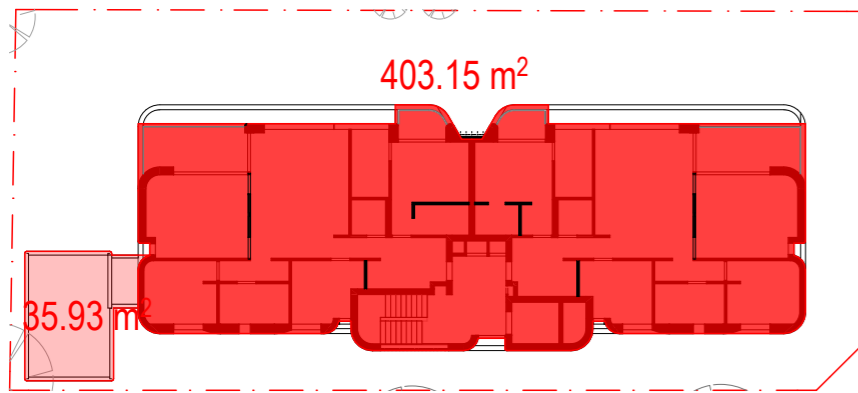


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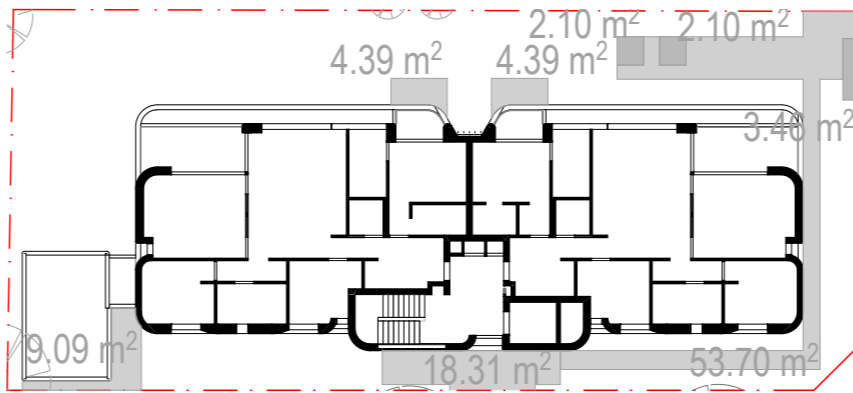
Rev.	Date	By	Ckd	Description
A	9/05/2022	NT	SO/MR	Development Application

Project Name	Millervale	Project Number	12947
Project Address	18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062	Drawing Name	FACADE SECTIONS
Client	Ford Land	Scale	1:25 @A3
		Date	April 2022
		Drawing Number	DA307
		Revision	A



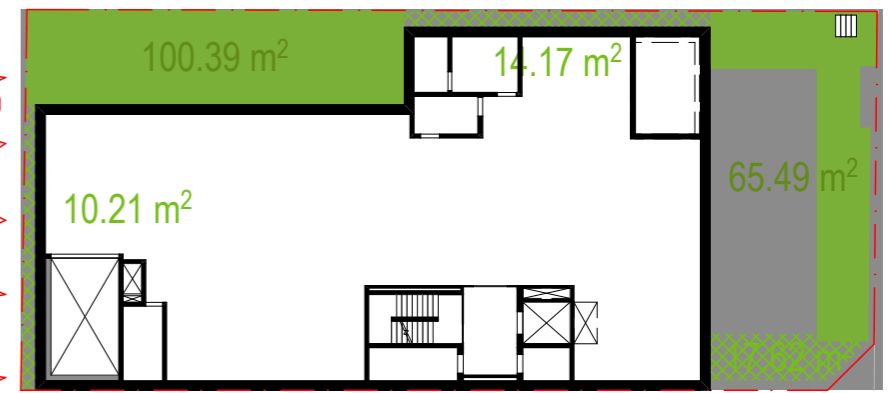
SITE COVERAGE

Main Building	- 403.15m ² (44.7% of Site Area)
Car Lift	- 35.93m ² (3.9% of Site Area)
TOTAL	- 439.08m² (48.7% of Site Area)



UNBUILT-UPON AREA

Driveway	- 9.09m ²
Services	- 7.66m ²
Entry	- 18.31m ²
Courtyards	- 8.78m ²
COS + Access Path	- 53.70m ²
TOTAL	- 97.54m² (10.8% of Site Area)

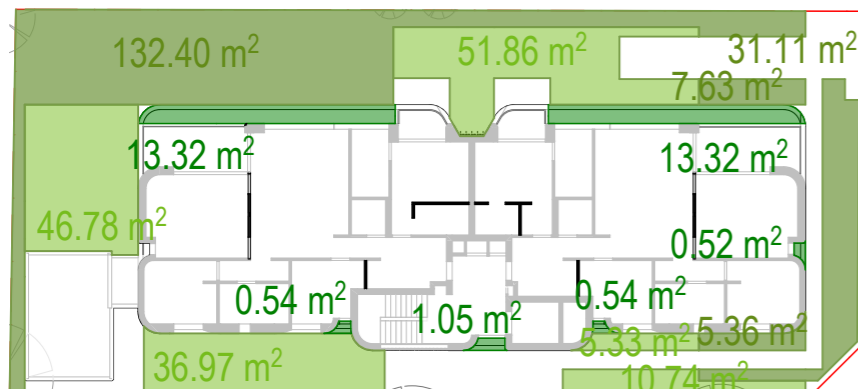


DEEP SOIL ZONE

ADG min 3m Dimension <3m Width	- 165.88m ² (18.4% of Site Area)
	- 42.00m ²
TOTAL	- 207.88m² (23.1% of Site Area)

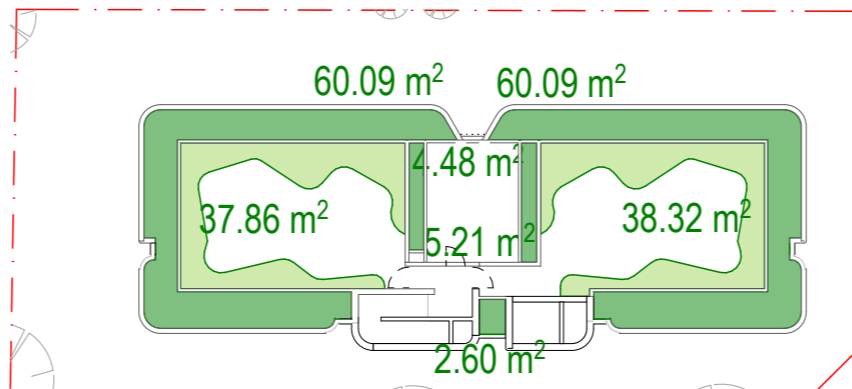
Ch-08

Ch-07



LANDSCAPE AREA

DCP Landscape Area (On Natural Ground)	- 176.50m ² (19.6% of Site Area)
Ground Level Landscape on Slab	- 151.68m ²
Facade Planters	- 29.29m ²
Rooftop Planters	- 208.65m ²
TOTAL	- 566.12m² (62.8% of Site Area)



COMMUNAL OPEN SPACE

Lower Ground Level	- 107.45m ²
TOTAL	- 107.45m² (11.9% of Site Area)

Ch-09

Ch-05



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Project Name
Project Address

Millervale
18 Vale Street & 560-562 Miller Street,
Camberay, NSW 2062

Project Number
Drawing Name
Scale
Date

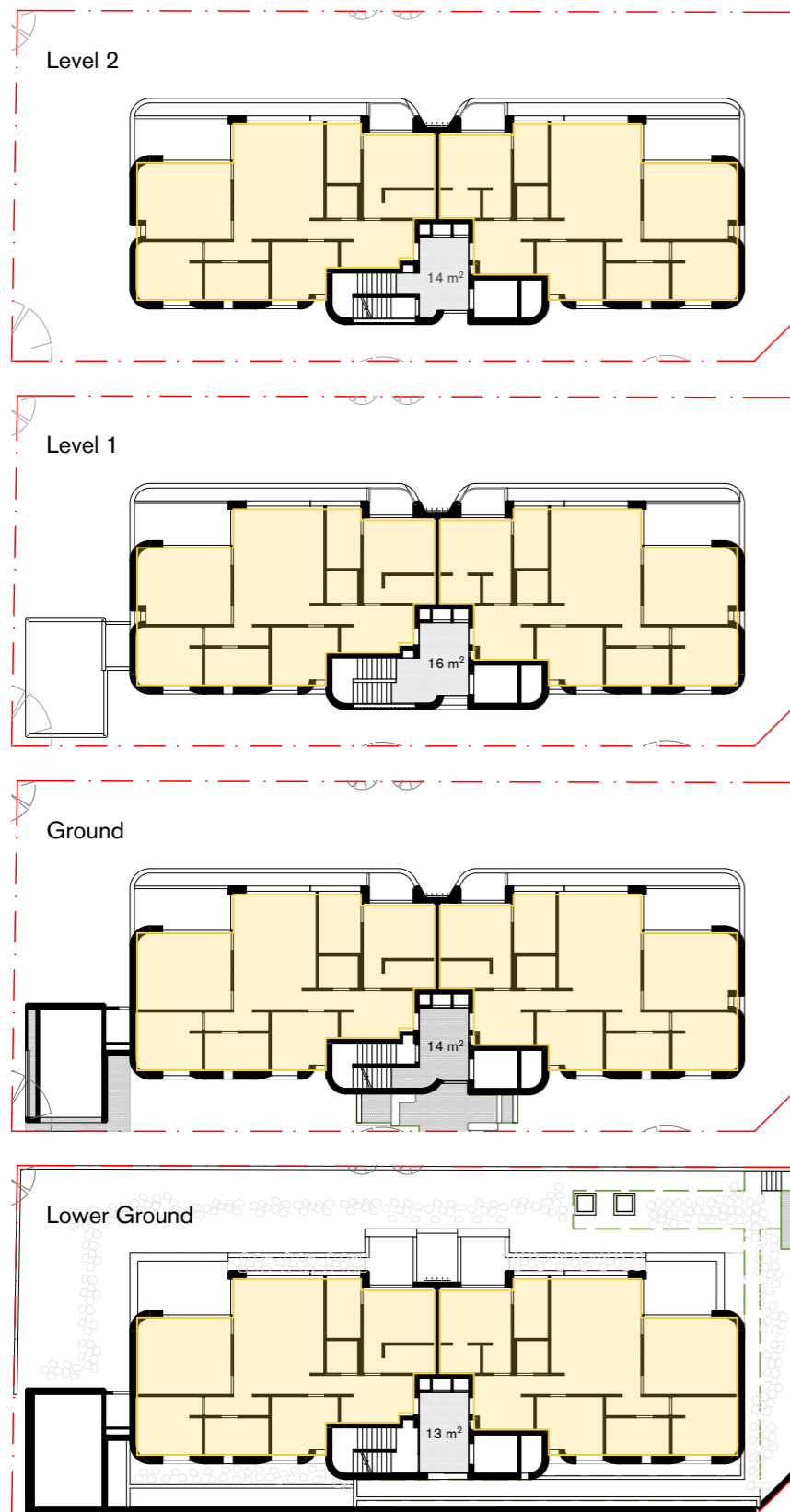
12947
DCP & ADG COMPLI
1:400 @A3
April 2022

Client

Ford Land

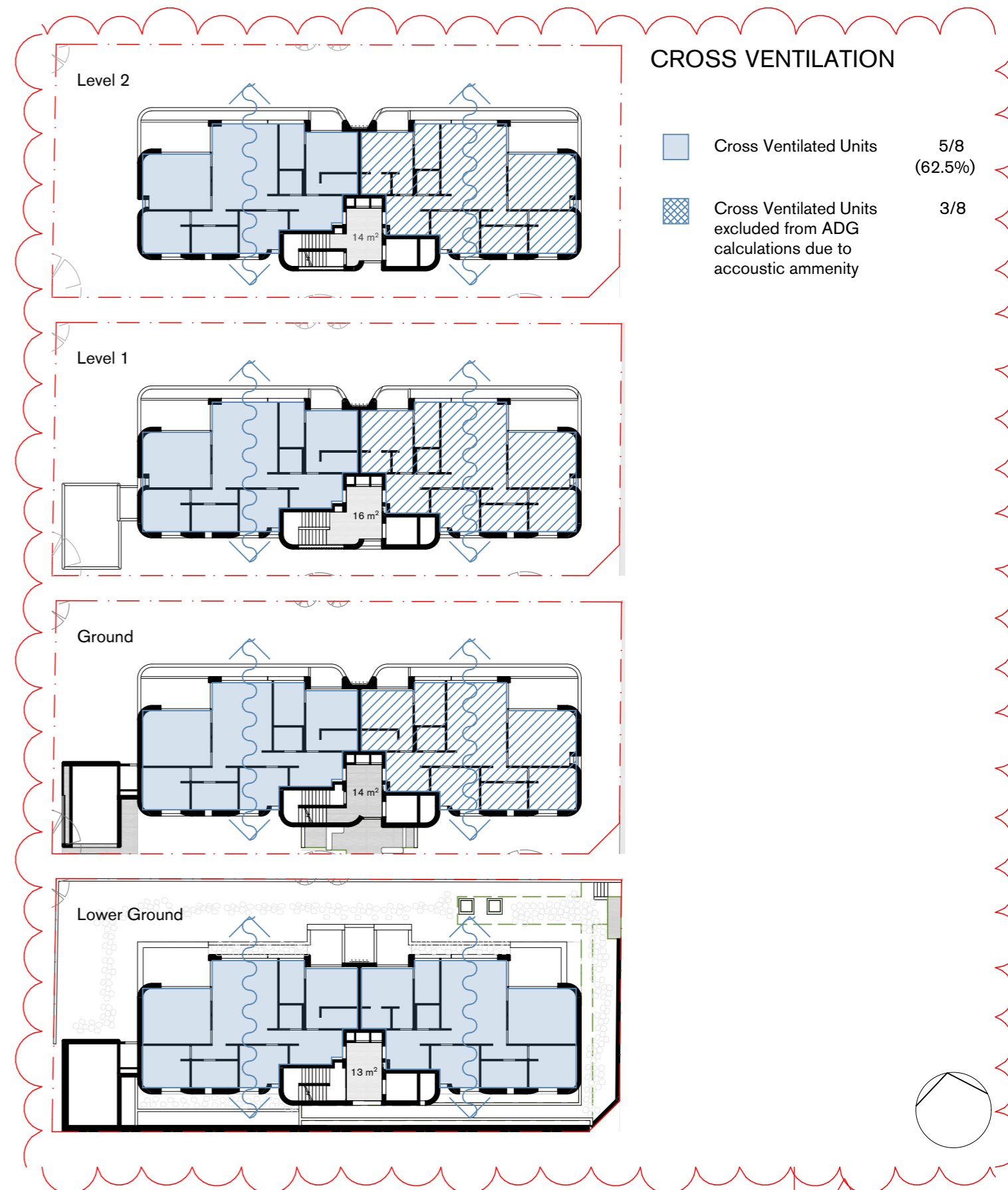
Drawing Number
Revision

DA400
B



SOLAR ACCESS

2+ Hours	- 8/8 (100%)
>2 Hours	- 0/8
0 Hours	- 0/8



CROSS VENTILATION

	Cross Ventilated Units	5/8 (62.5%)
	Cross Ventilated Units excluded from ADG calculations due to acoustic amenity	3/8

Ch-05

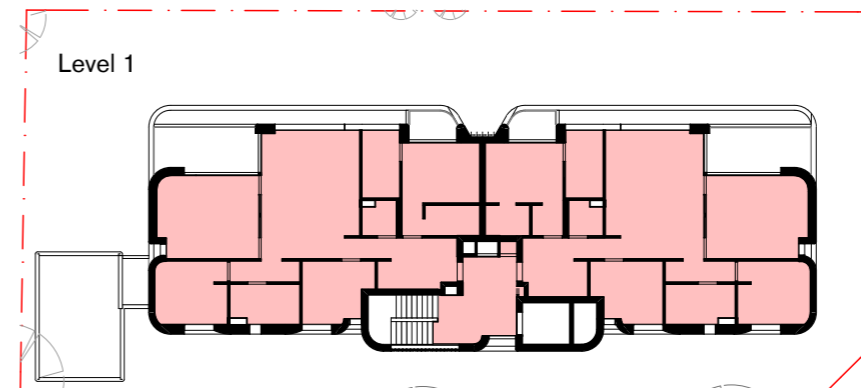
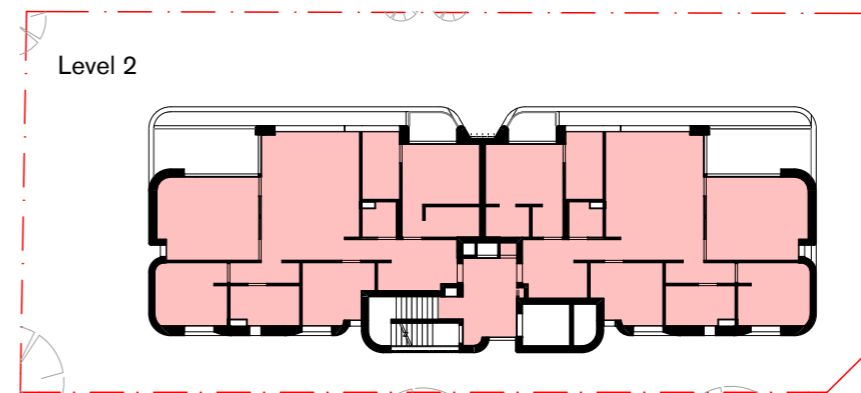
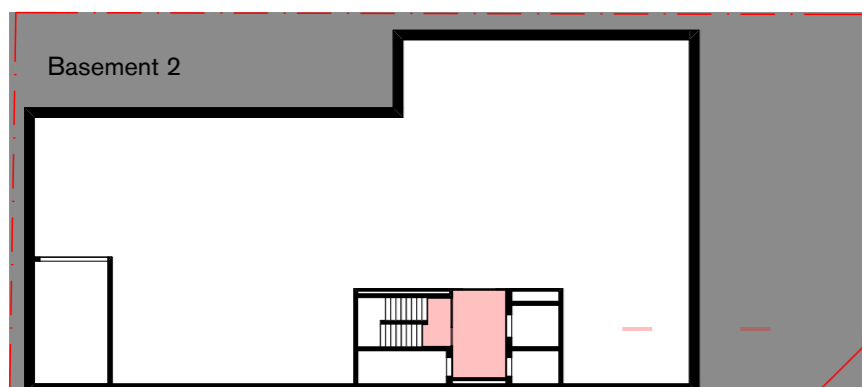
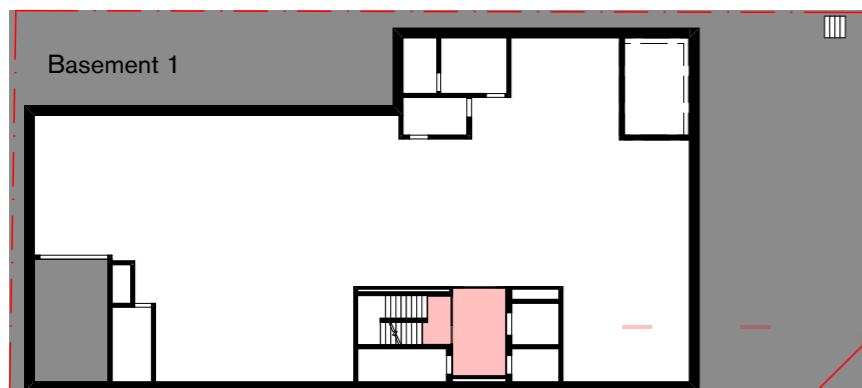
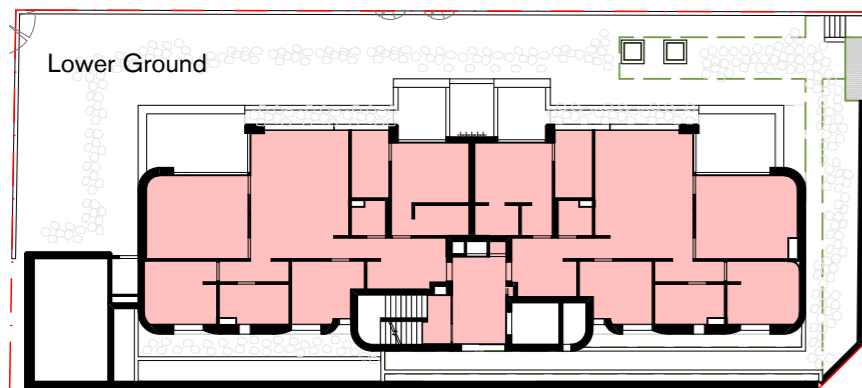
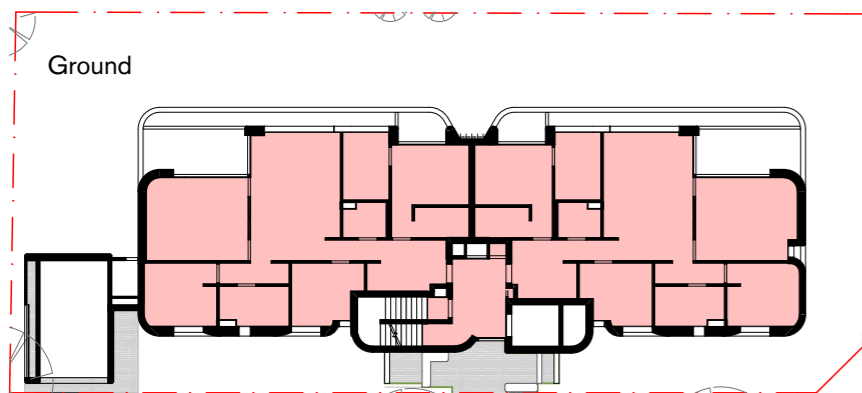


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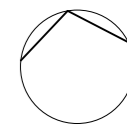
Project Name: Millervale
 Project Address: 18 Vale Street & 560-562 Miller Street, Cammeray, NSW 2062
 Client: Ford Land

Project Number: 12947
 Drawing Name: DCP & ADG COMPLI
 Scale: 1:400 @A3
 Date: April 2022
 Drawing Number: DA401
 Revision: B



GFA CALCULATION

B2	- 17m ²
B1	- 17m ²
LG FLOOR	- 308m ²
G FLOOR	- 307m ²
L1 FLOOR	- 306m ²
L2 FLOOR	- 304m ²
TOTAL	- 1258m²



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 562 Miller Street,
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Project Number
 Drawing Name
 Scale
 Date

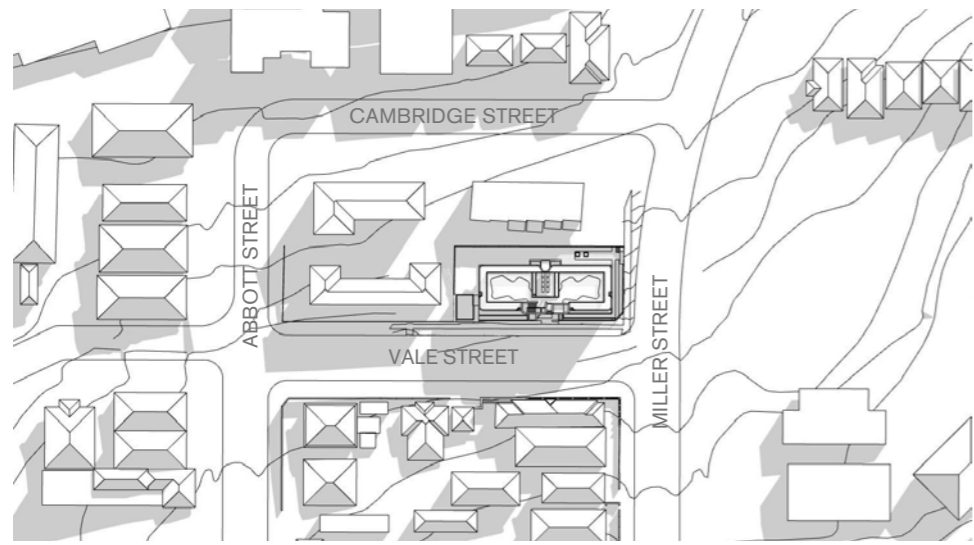
12947
 AREA CALCULATION
 1:400 @A3
 April 2022

Client

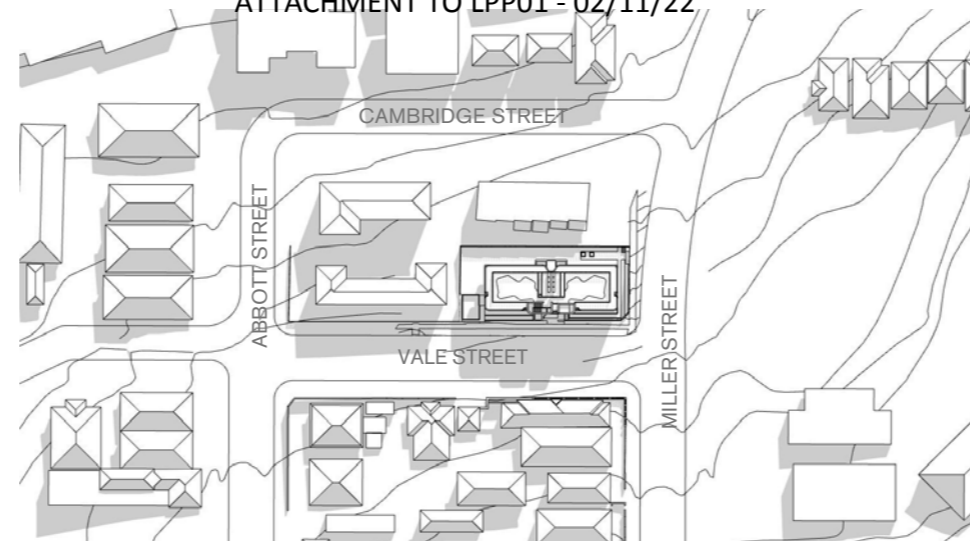
Ford Land

Drawing Number
 Revision

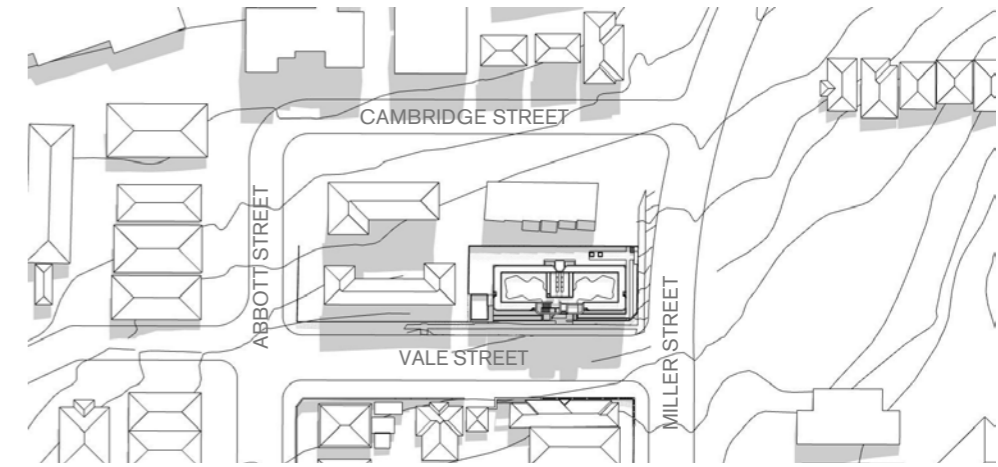
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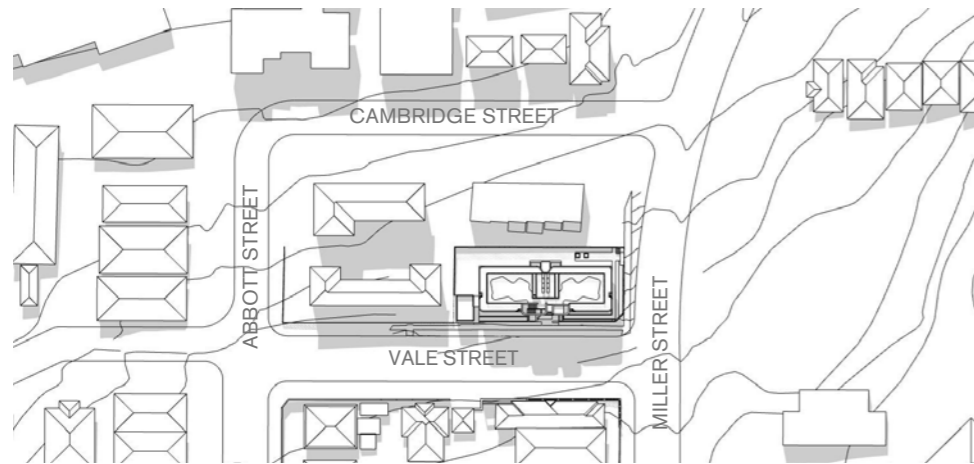
JUNE 21ST - 09:00



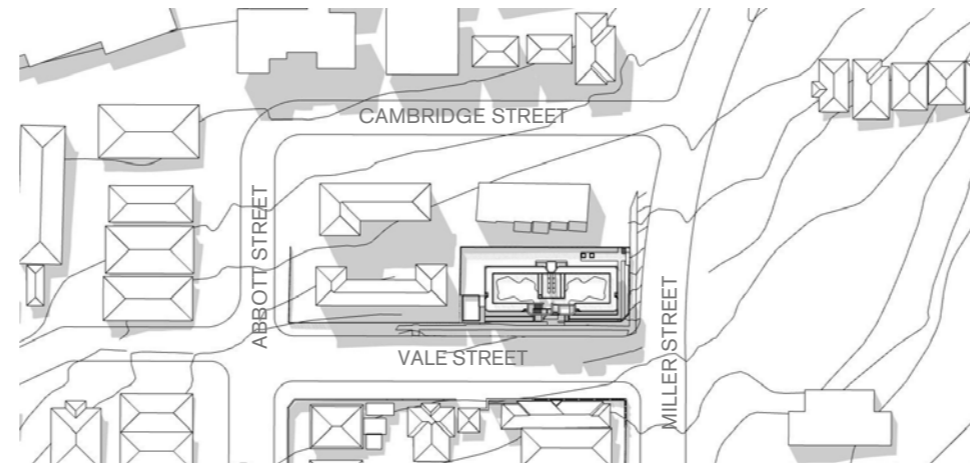
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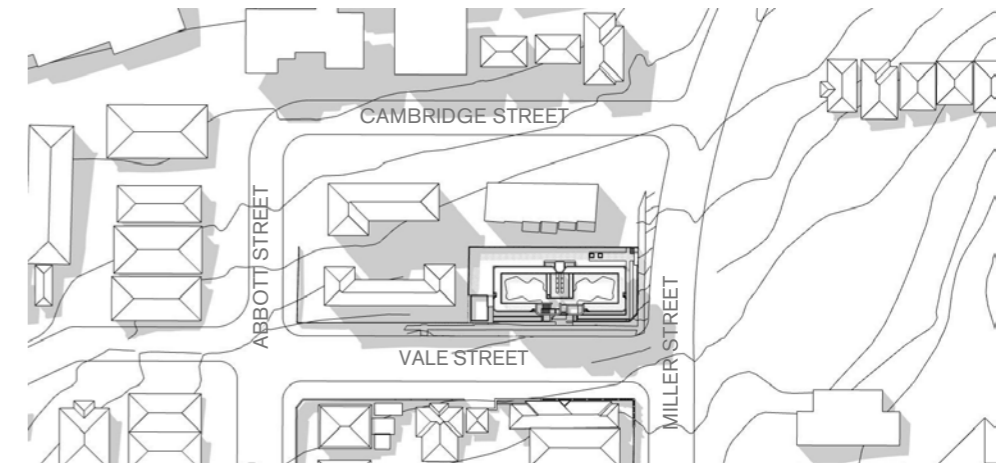
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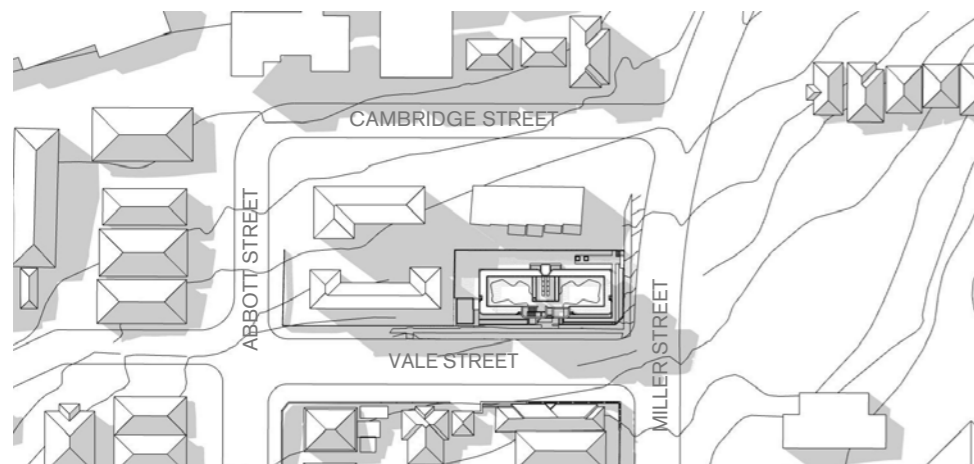
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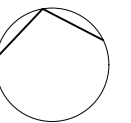
JUNE 21ST - 13:00



JUNE 21ST - 14:00



JUNE 21ST - 15:00



SHADOW ANALYSIS



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 Scale
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12947
 SHADOW ANALYSIS
 @A3
 April 2022

Client

Ford Land

Drawing Number
 Revision

DA403
B