

**NSLPP MEETING HELD ON 07/09/2022****Attachments:**

1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 28 Darley Street, Neutral Bay**APPLICATION No:** D115/22

PROPOSAL: Alterations and additions to a heritage-listed dwelling including demolition of the existing rear wall and construction of single-storey rear addition with a patio.

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
A2.001	C	Site Analysis/Site Plan	Archicode Architects	12/08/2022
A1.002	B	Existing Ground Floor Plan & Roof Plan	Archicode	28/04/2022
A1.003	B	Existing Elevations	Archicode	28/04/2022
A1.004	B	Demolition Plans Ground & Roof (BIC)	Archicode	28/04/2022
A1.005	B	Demolition Plans Ground & Roof	Archicode	28/04/2022
A1.006	B	As-Built (BIC)	Archicode	28/04/2022
A1.007	B	Site Plan	Archicode	28/04/2022
A2.001	B	Site Analysis	Archicode	28/04/2022
A2.002	C	Proposed Plans Ground & Roof	Archicode	12/08/2022
A2.003	C	Proposed Elevations East & West	Archicode	12/08/2022
A2.004	C	Proposed Elevations North and South Sections	Archicode	12/08/2022
A2.005	C	Landscape Plan	Archicode	12/08/2022
DA01	D	Area Statement	Archicode	7/08/2022

OWNER: Peri Webb**APPLICANT:** James Bowman, Archicode Architects Pty Ltd**AUTHOR:** Ruth Bennett, Senior Assessment Officer**DATE OF REPORT:** 15 August 2022**DATE LODGED:** 4 May 2022**AMENDED:** 12 August 2022**RECOMMENDATION:** Deferred Commencement Approval, subject to conditions

EXECUTIVE SUMMARY

This development application seeks NSLPP approval for demolition of the existing rear wall and construction of a single storey rear addition including a patio to the rear to an existing single storey heritage-listed detached dwelling with associated landscaping located at 28 Darley Street, Neutral Bay.

The application is reported to North Sydney Local Planning Panel for determination as the proposed works involve partial demolition of a heritage item and determination of this type of application is required by the Local Planning Panel in accordance with the directions of the Minister for Planning, Industry and Environment.

Notification of the proposal (original proposal and amended proposal) has attracted a total of two (2) joint submission from one (1) household which raised particular concerns including compliance with the LEP and DCP, loss of solar access, view loss, impacts on air flow, creates an 'unsightly' dwelling, has an insufficient setback from the boundary resulting in adverse effects on the enjoyment of their property. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements, including heritage considerations.

The development application has been assessed against the North Sydney Local Environment Plan 2013 and North Sydney Development Control Plan 2013 and was found to be satisfactory.

The proposal, including a new ground floor rear addition and landscaping, complies with the LEP maximum building height development standard of 8.5m, proposing a height of 4.302m for the rear extension. The height of the existing retained ridgeline over the front portion of the dwelling is 5.6m compliant with NSLEP 2013. The amended application exceeds the DCP site coverage of 50% proposing a site coverage of 51.84%, and the rear setback does not align with the adjoining dwellings.


Notwithstanding this minor variation from the DCP which is discussed later in this report, for the most part, the proposed amended development and the landscaping will not detract from the significance of the subject heritage-listed single storey dwelling.

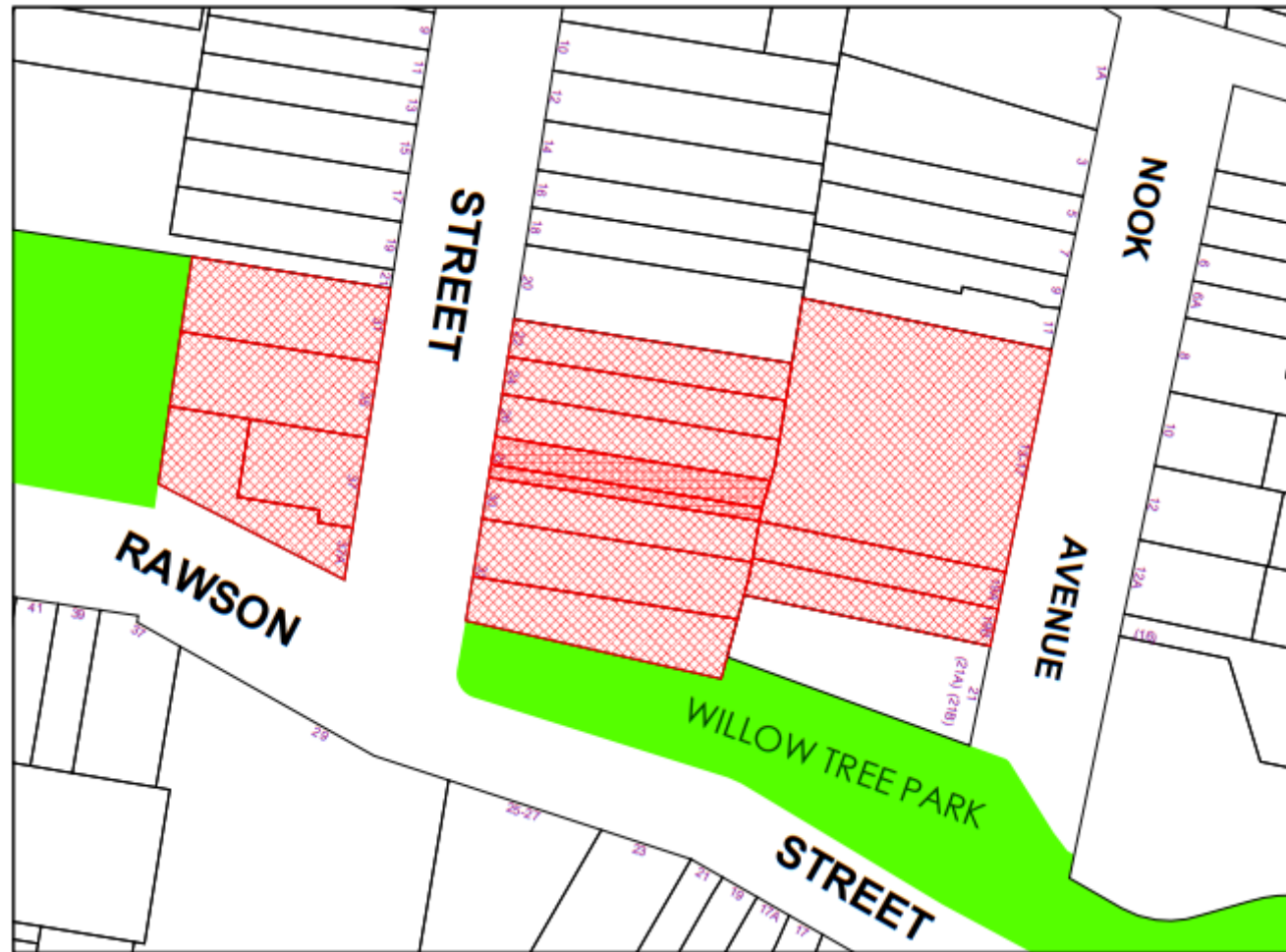
The proposed amended development complies with the objective of the R2 (Low Density Residential) zone as the amended proposal will not detract from the significance of the subject heritage-listed building and is not visible from the street. The application was referred to Council's Conservation Planner who considered the amended proposal satisfactory as the additions did not adversely impact on the heritage significance of subject heritage-listed item.

The issues raised in the submissions have been addressed in this report.

Accordingly, the proposed development is recommended for **approval** subject to conditions.

LOCATION MAP

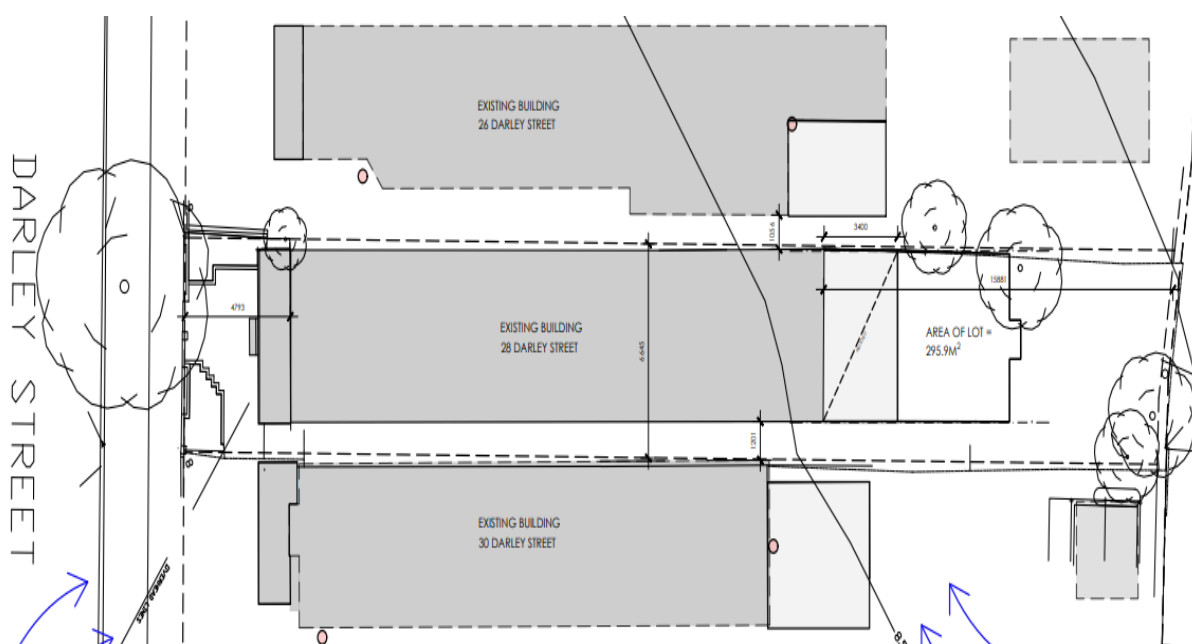
 Property/Applicant Properties Notified ● 1 Submitter (26 Darley Street)



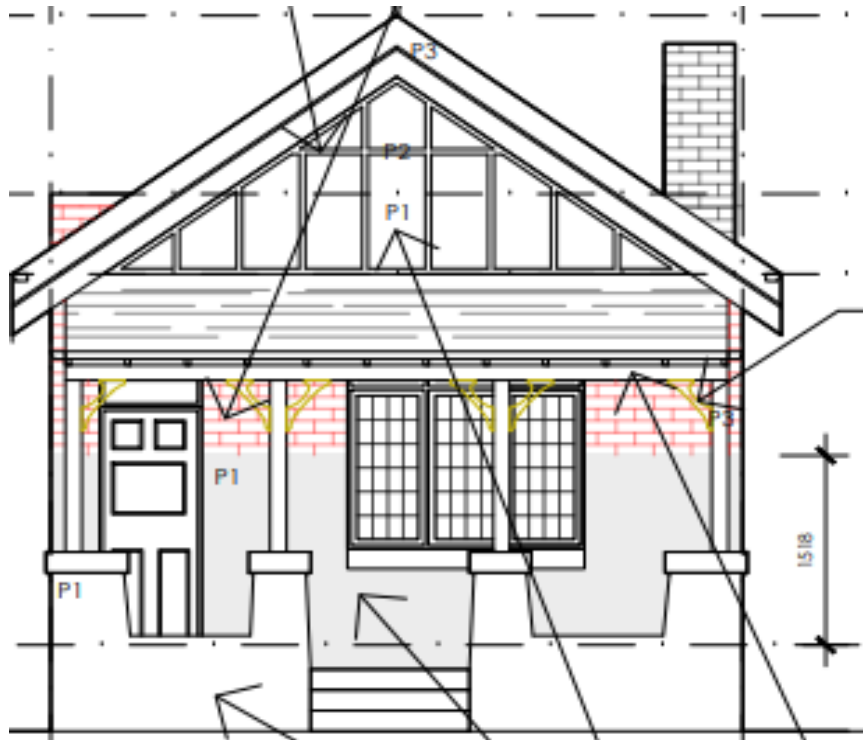
DESCRIPTION OF PROPOSAL

The applicant seeks consent from NSLPP for alterations and additions to the existing dwelling house on land at No.28 Darley Street, Neutral Bay. This property is identified as a Local Heritage Item located within the Darley Street Housing Group which comprises Nos.5-37 Darley Street, Item number I0613 in Schedule 5 of North Sydney LEP 2013. The proposed works can be summarised as follows:

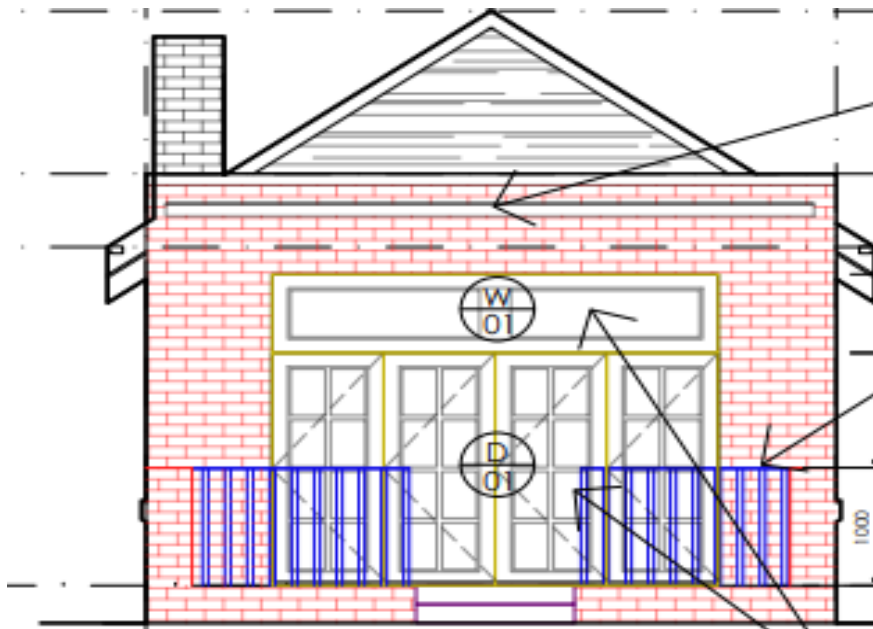
- (a) The proposed development is a rear single storey addition with a skillion roof at one degree concealed by parapet. The existing brick cottage is unaltered at the front and sides and the new addition is screened from street view.
- (b) The proposed rear addition replaces the existing rear addition and deck with a new rear extension and tiled patio. The rear building line is located 12.596m from the rear boundary. The rear addition utilizes the existing external brick walls as shown on the plans and elevations.
- (c) Partial demolition of c.1980s contemporary extension at rear of existing building.
- (d) Construction of a new rear extension in cavity brick with a reinforced concrete slab and an engineered timber roof structure, with Colorbond steel Klip-lok deck sheet roofing.
- (e) Construction of a travertine patio to connect the habitable floor space with the rear yard.
- (f) Works to the front building elevation include cleaning with the front façade with chemical poultice to remove non-heritage paint and make good face brickwork at the street elevation. Clean and make good stucco render. Reinstall original tuck-pointing. Reinstall the original timber fretwork to the timber columns on the street elevation. Clean and make good timber framing. Reinstall original terrazzo stair treads to the front verandah.
- (g) The front portion of the dwelling comprises three bedrooms off a corridor, bathroom and lounge. The rear extension includes: study, bathroom, kitchen and dining, with an external patio tiled in travertine, and steps down to the rear yard.
- (h) Construct garden beds within the front setback. Install new plantings within the front setback and install new rear landscaping.



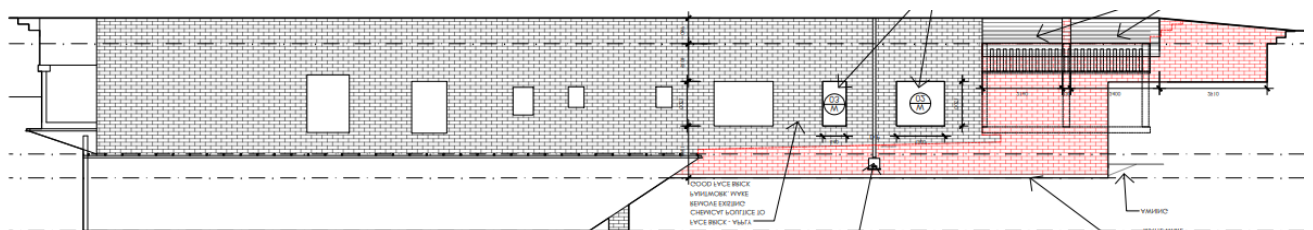
Site Plan



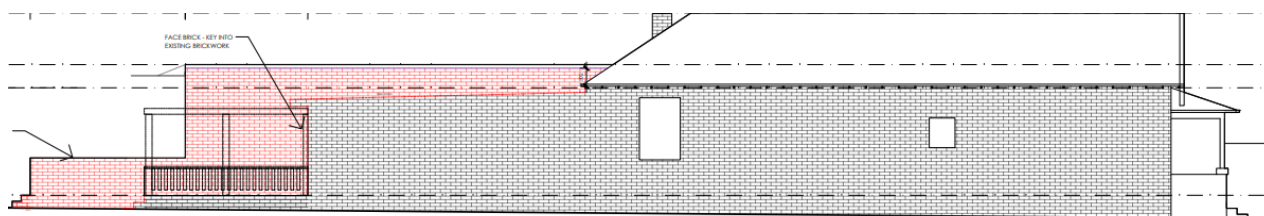
Southern (Darley Street) Elevation



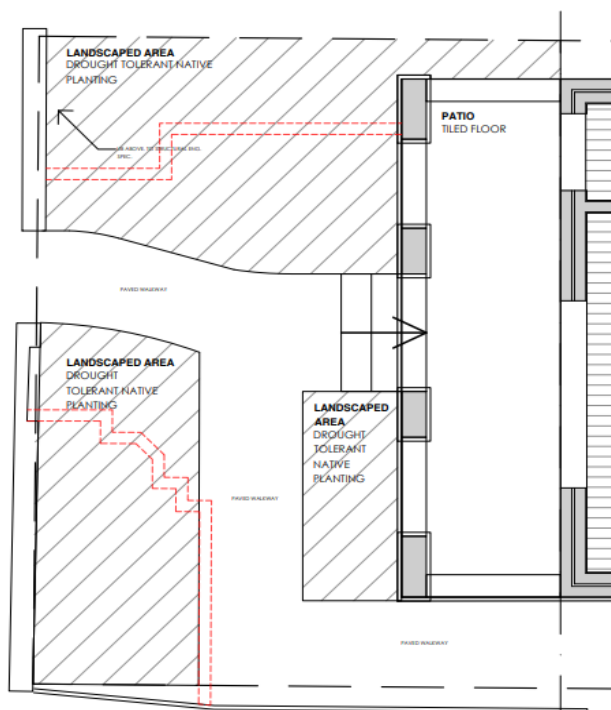
Northern (Rear) Elevation



Eastern (Side) Elevation



Western (Side) Elevation



Landscape Plan (Front Setback)

Figures 1 – 6: Proposed development

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes, General Item
- In Vicinity of Item of Heritage – Local Heritage item number I0613, Darley Street Housing Group, Nos 5-37 Darley Street
- Conservation Area – N/A
- Environmental Planning & Assessment Act 1979 (As amended)
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE AND LOCALITY

The subject site is described as Lot 12 (204.4m² in area) and Lot 13 (91.3m²) in DP 456077 and is known as No. 28 Darley Street, Neutral Bay. It is located 25m to the west of Rawson Street. The site is regular in shape with an angled rear boundary being a long and narrow lot with relatively flat topography. The site extends from the northern side of Darley Street, is located between 26 and 30 Darley Street, and at the rear the site is bounded by a townhouse development on a strata plan which is accessed via Nook Avenue. The site has a frontage of approximately 6.7m to Darley Street and has a total area of 295.9m². (Note: a condition is recommended that the 2 lots be consolidated: **Condition No. G1**).

The subject site supports a single storey brick residence c. 1910s of the Queen Anne style. The detached dwelling is constructed of cavity brick, with a gable end and a verandah facing the street. A contemporary painted brick façade extension with a timber deck and associated pergola structure was added to the rear of the property c. 1980 and has no heritage value. The timber deck and pergola have been removed. The front of the dwelling has an unglazed terracotta tiled roof, and there is a metal deck skillion roof over the rear extension. The existing vegetation includes several trees, shrubs and groundcovers.

The surrounding developments to the east and west consist of small Federation/Queen Anne style homes of the same era c. 1910-1920.

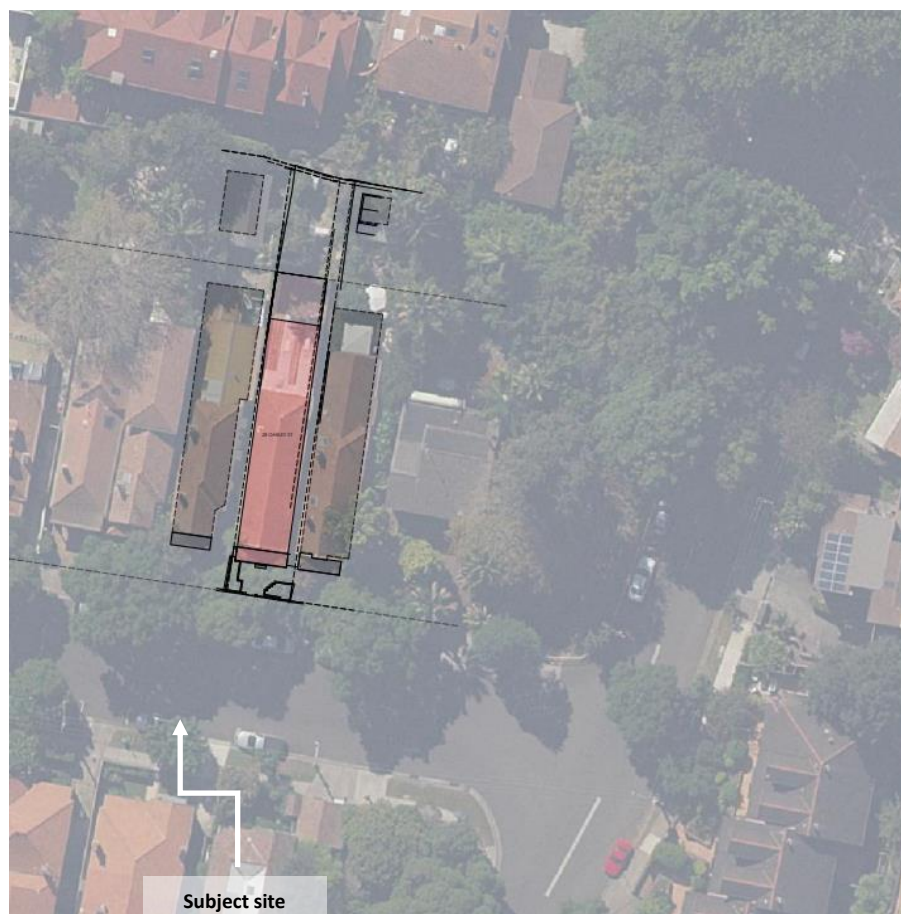


Figure 7: Aerial photograph of the subject site and surrounding developments



Figure 8: Subject site (Street elevation) ca. 2021



Figure 9: Subject site (rear elevation) Site Visit



Figure 10: Subject site (internal rear addition) Site Visit



Figure 11: Side Boundary with 26 Darley Street - Site Visit



Figure 12: Side Boundary with 26 Darley Street - Site Visit

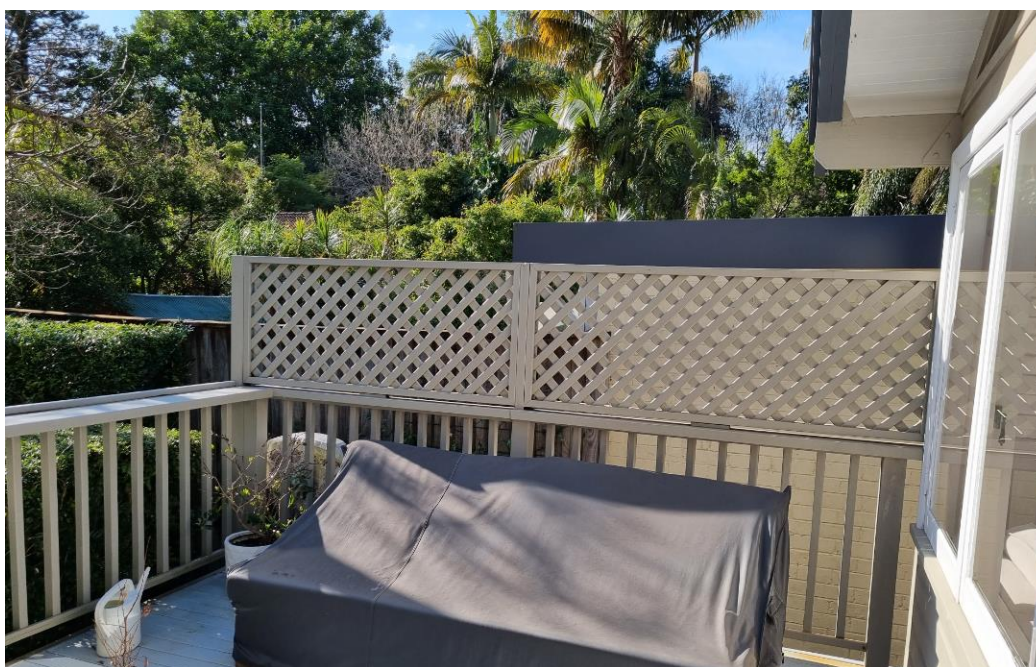


Figure 13: View from 26 Darley Street - Site Visit

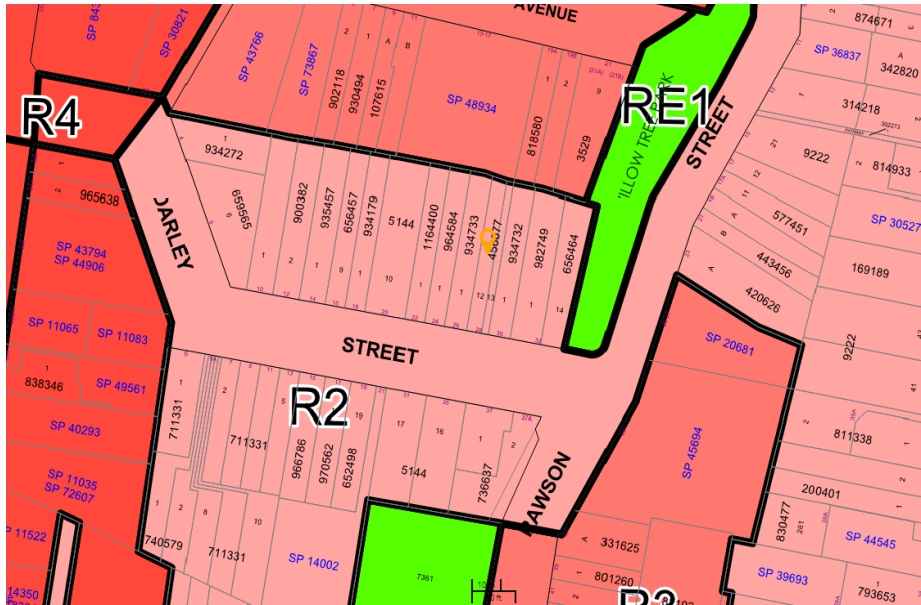


Figure 14: Zoning

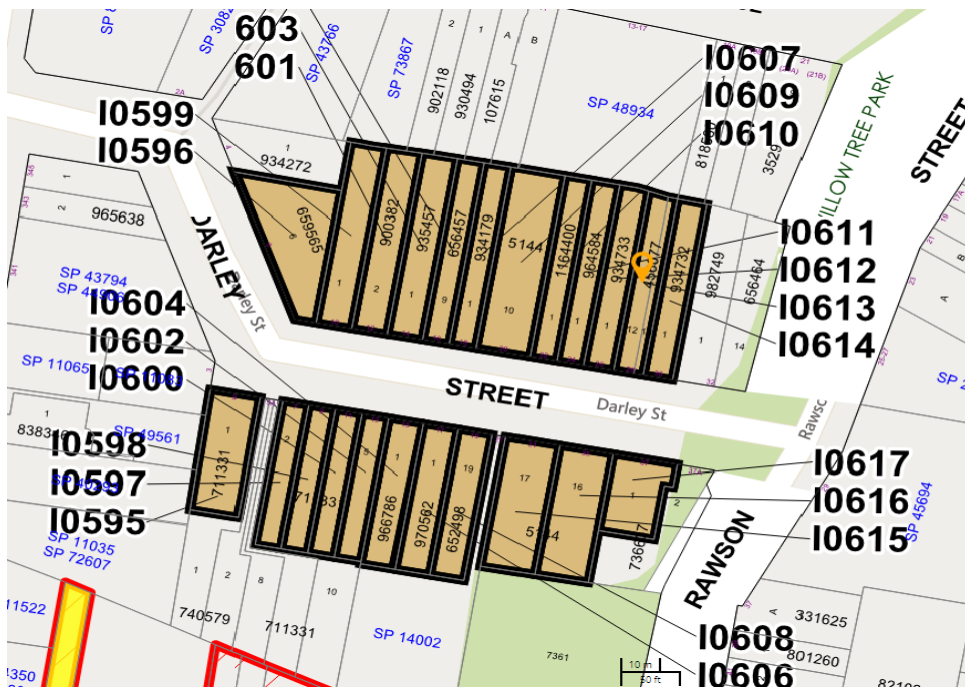


Figure 15: Heritage – Darley Street Housing Group

RELEVANT HISTORY

Previous applications

DA 47/22 was submitted through the NSW Planning Portal on 11 February 2022 seeking consent for alterations and additions to an existing dwelling house. An inspection was undertaken by Council's Compliance Officer on 17 February 2022 who observed that demolition and construction works have already commenced on site. At the recommendation of Council officers the application was withdrawn on 7 March 2022.

Current Application

- **4 May 2022** – The subject Development Application (**D115/22**) for alterations and additions to a heritage-listed detached dwelling was lodged with Council.
- **20 May to 3 June 2022** – The application was notified to the owners of the adjoining properties and the **Anderson Precinct**. The notification of the application has attracted a **submission from the adjoining neighbours at No. 26 Darley Street**.
- **24 May 2022** – A letter was sent to the applicant requesting additional information including a valid BASIX Certificate, Heritage Impact Statement, a Compliance Diagram showing Site Coverage, Landscaped Area and Unbuilt-upon Area, Shadow Diagrams, and a revised Statement of Environmental Effects.
- **14 June 2022** - The applicant submitted the requested information.
- **13 July 2022** - A site inspection was held with the applicant together with Council Officers.
- **26 July 2022** – The applicant provided a letter which addressed the issues raised in the submission received from 26 Darley Street. The applicant obtained the submission through the GIPA process.
- **August 2022** – A teleconference was held with the applicant by Michael Stephens and Robyn Pearson to discuss the issues relating to the original proposal.
- **8 August 2022** – A preliminary assessment letter was sent to the applicant. Amended plans were requested to address site coverage, landscaped area, and unbuilt upon area under Part B of NSDCP 2013. The rear building line was to be setback further from the rear boundary, to reduce the length of the rear addition, and reduce the height of the wall on the boundary. Council suggested the roof form could be altered to delete the parapet, and the internal floor area could be stepped down. The two splayed chimney breasts are required to be reinstated or reconstructed.
- **8 August 2022** – The applicant provided a revised area statement, and an Indicative rear setback change
- **10 August 2022** – The applicant was advised that the external side wall length and height was still excessive and should be reduced. The applicant was also requested to provide a plan showing a strictly compliant landscaped area with additional tree plantings, and written justification for the site coverage non-compliance.
- **10 August 2022** – The applicant provided a written statement to address landscaping with a list of species but not a landscape plan; a written justification for the site coverage non-compliance; and addressed the issue of the external wall height along the boundary.
- **10 August 2022** – DA reassigned from one assessment officer to another assessment officer for administrative purposes.
- **12 August 2022** – The applicant provided amended architectural plans to address Council's concerns.
- **17 August 2022** – The amended architectural plans were notified for one week to previous submitters from 17 August to 24 August 2022. This notification attracted a further submission from the adjoining neighbours at No.26 Darley Street.

UNAUTHORISED WORKS and INTERNAL CHANGES

Two chimneys were previously removed from the dwelling in 2015. There is one remaining chimney for the original three fireplaces.

Prior to the unauthorised works undertaken in early 2022, as outlined in the applicant's Heritage Impact Assessment, 'the skillion roofed rear extension housing a family room with kitchen, bathroom and laundry was in good condition internally'.

The HIS dated 27 April 2022 and amended on 30 May 2022 noted that the applicant has removed

the two splayed chimney breasts in the front two rooms. The original house is in good condition with some removal of original fabric. The fireplace in the dining room has been decommissioned as a fireplace with a new mantelpiece and hearth tiling. Floating timber floors have been installed throughout the front of the house. The original bathroom has been completely remodelled with new sanitaryware and finishes. The original kitchen has been converted into a laundry. Beyond the line of the original two front rooms, bathroom and dining room, the house plan is completely altered with the kitchen and toilet relocated.

The original brickwork on the front elevation has been painted over externally, including the tuck-pointed front facade, with all the original soldier course window sills poorly replaced with painted raked cement render.

Photographs taken at the site visit on 13 July 2022 show that since early 2022 major internal works have been undertaken with the removal of both bathrooms and removal of internal walls and other internal changes. The roof has been partially repaired. Council's Compliance Team have been investigating the alleged unauthorised works.

Works done prior to the date of this determination cannot be retrospectively approved other than for their use.

INTERNAL REFERRALS

Building

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

Heritage

The application was referred to Council's Conservation Planner who provided the following comments:

1. Heritage Status and Significance

The subject heritage item is a circa 1911 Edwardian brick and tile dwelling that has a generally intact primary form. It forms part of a group of similar local heritage-listed single-storey dwellings located at Nos 5-37 Darley Street that form the Darley Street Group. There is a 1970s addition at the rear with a low-pitched skillion roof. Decorative plaster ceilings appear to have been re-sheeted over the pressed metal ceilings sometime in the 1970s-1980s. The works documented in this application have already commenced on site. Significant original features have been removed including the removal of the two splayed chimney breasts and associated mantle pieces in the two front rooms. The second bedroom however, has an arched cast iron grate that remains on the site. Other non-significant fabric has been removed including the floating floors and the bathroom interior.

2. Heritage Impact Assessment

a. North Sydney LEP 2013 Clause 5.10

With the exception of the removal of the chimney breasts in the two front rooms, the proposed works are considered to retain the significance of the heritage item and satisfy clause 5.10 in NSLEP 2013.

b. North Sydney DCP 2013

An assessment of the proposal, with reference to Part B Section 13 of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:

13.4 Development in the Vicinity of Heritage Items – *The proposed works are considered to have an acceptable level of impact to the adjacent heritage items because they have lot boundary curtilage. The works will have a minor impact on the setting and significance of the Darley Street Group as the works are largely contained to the rear and are submissive in scale or, are located within the interior.*

13.5.1 Heritage Items – Objective O1 – Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item – *The demolition of the splayed chimney breasts and associated mantle pieces and removal of the cast iron grate from the second front room is not supported. It is recommended that they be reconstructed. The removal of original joinery has also detracted from the dwelling's significance and it is recommended that this be replaced as per the heritage consultant's recommendations.*

Provision P5 Locate change away from original areas of the heritage item that are intact – *As noted above, the works have removed original architectural elements/fabric without consent. A condition is recommended below to reconstruct the fireplaces.*

13.5.2 Form, Massing and Scale – Objective O1 To allow new alterations and additions to heritage items, where new work does not impact on the heritage significance of the heritage item – *The proposed form, massing and scale of the rear addition is acceptable as it is submissive to the original dwelling.*

13.5.4 Roofs – Objective O1 To ensure that original roofs, their hierarchy and materials are maintained – *The traditional descending roof hierarchy will be retained from the front to the rear. The proposed roof will be pitched to one degree and will be screened by a parapet wall. The existing chimney will be retained. The front two chimneys were removed in 2015.*

13.5.5 Interior Layouts – Objective O1 To ensure that significant interior elements are retained and preserved – The general room configuration with a primary hall and rooms to the side and a central full width room will be retained. It is recommended however, that the heritage consultant’s recommendations to reinstate the removed decorative features itemised in Table 4 of the Heritage Impact Statement be undertaken.

13.5.7 Group Heritage Items – Objective O1 Retain the significant features or characteristics of the group but allow flexibility for change where significance will not be affected – The significant primary form with the front gable and street-facing verandah will be retained.

13.9.3 Verandahs and Balconies – Objective O2 To encourage the retention and reinstatement of original verandahs and balconies, especially where they are significant or contributory to an individual, row or group of buildings – The front verandah will be retained. No objection is raised to the proposed rear deck.

13.9.4 Materials – Objective O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas - The proposed materials are acceptable. The new klip-lok roof sheeting is acceptable in this context as it will be hidden behind a parapet wall, located on a contemporary addition and is not located within a conservation area. No objection is raised to the exterior colours of ‘Pelican’, ‘Heather’ and ‘Cashmere’ by Murobond.

13.9.6 Fences – Objective O1 To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area – The existing front masonry and picket fence will be retained.

13.10.1 Single Storey Detached Houses – Provision P2 New additions should generally comply with the examples illustrated in Figures 13.35 to 13.38 – The proposed rear addition is generally compliant.

3. Conclusion

The proposal is considered to be acceptable subject to standard conditions and the following site specific condition:

Heritage Requirements

AA3 The following heritage requirement are to be met:

- a) New window W01 and door D01 to be timber-framed and not to be substituted with other materials.
- b) Mosaic tiles on front verandah to be retained.
- c) Existing cypress pine timber floors within the original dwelling to be retained and repaired with matching timber, or carpet may be laid above.
- d) Architectural features are to be reinstated as per Table 4 on pages 22-23 in the Heritage Impact Statement prepared by Chris Legge-Wilkinson and received at Council on 5 May 2022.

- e) *Splayed chimney breasts to be reconstructed in the two front rooms with the salvaged mantle pieces and cast iron fireplaces. The new cast iron fireplace is to be similar to the existing salvaged fireplace. (Exterior chimneys do not have to be replaced).*
- f) *New decorative plaster ceilings in the Edwardian style may be installed where existing ceilings are damaged by rust and/or mould.*
- g) *Rear balustrade to new deck should be timber with a painted finish.*
- h) *Existing roof tiles may be replaced to match the existing where assessed by the heritage consultant as necessary.*

The Certifying Authority must also 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 heritage significance of the dwelling and Darley Street Group is retained.)

Comment:

Council's Conservation Planner's comments in relation to the amended proposal and the unauthorised works are generally concurred with subject to the recommended site-specific conditions.

ENGINEERING

The application has been referred to Council's Development Engineer who has raised no in-principle objection to the proposed development on engineering grounds, subject to the imposition of appropriate conditions should approval be granted for the proposed development. Furthermore, the proposal does not involve on-site parking and no additional engineering requirements for new driveway crossings. (See **Condition Nos. C12 and C13**).

LANDSCAPING

The proposal has been referred to Council's Landscape Officer who has raised no in-principle objection to the proposed development on landscaping grounds subject to the imposition of appropriate conditions should the Panel be of a mind to support the application. The applicant's proposal involves a rear patio within the rear yard which is to be tiled in travertine. The patio is not roofed. On 10 August 2022, the applicant provided a list of plants proposed to be provided on site.

A condition is recommended requiring the submission of an amended landscape plan including species list and planting details to ensure a desirable landscaped outcome for the subject site and the locality (**Condition No. AA2**). In addition, appropriate conditions are also recommended requiring the protection of an existing street tree in front of the subject site, and for a street tree bond and species to be imposed, and for tree protection of existing trees on site. (See **Condition Nos. C14, C15, D1, D2**).

SUBMISSIONS

Original proposal

The application was notified to adjoining properties and the Anderson Precinct seeking comment on the proposal between 20 May 2022 to 3 June 2022. A total of one (1) submission was received from one (1) household.

Amended proposal

The amended application was renotified to the adjoining neighbours at No.26 Darley Street, for one week between 17 August and 24 August 2022. This notification attracted a further submission from the same property.

The issues raised in the two submissions are summarised below and addressed later in this report.

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

The matters raised in the two submissions are listed below:

Basis of Submissions

- The DA is contrary to the LEP and DCP objectives and guidelines and therefore ought to be refused by Council
- Concerns are raised about view loss, reduced solar access, negative impact on air flows, as the proposed works would be of a significant height and length that are well above the height and length of the existing dwelling
- Concerns are raised about the likely amenity impacts and adverse effects on enjoyment of our property as the proposal will 'create an unsightly dwelling' that extends further into the rear setback of the property.
- Claim that there is an insufficient setback from the boundary.
- The proposal is likely to cause a loss of light for the residents of No. 26 Darley Street causing a loss of amenity.
- Concerns are raised about obtrusive height and length: the considerably large brick wall and structure cover[s] almost half of the backyard. Such a structure would significantly close in and destroy the natural aspect currently enjoyed and would have a detrimental effect on the property value.
- Concerns raised about stormwater management issues given the proposed increased building footprint, reduced landscaped area for absorption, and potential for excess water from the structure's roof and gutters to fall on 26 Darley Street.
- 'The preservation of heritage item: allowing the works would significantly change the external envelope of the building, resulting in an anomaly in this rare strip of Federation cottages. Visitors and occupants of Darley Street can immediately observe the subdivision patterns and consistency of age, style, form and scale in the streetscape. An important aspect of North Sydney's heritage controls is to retain elements of heritage items and to not reduce surrounding amenity.'
- The submission contained a rephrasing of the points raised above.
- Concerns raised that the ceiling height would be increased by 8 brick courses which is 'beyond the minimum height and is excessive, unnecessary and unjustifiable'.
- Impacts would occur due to 'a material obstruction of sunlight and natural aspect to multiple areas' of 26 Darley Street.

- The loss of sunlight would foreseeably cause issues in relation to mould, humidity and mildew internally, and moss and mould in the external side pathway between the properties.
- Concern over stormwater management, and the use of box gutter which are 'prone to blockages'
- Several photographs of the internal living area of No.26 Darley Street looking out the windows on the side elevation toward 28 Darley Street were included.
- Request made that any extension should be at the same height as the previous extension, with a reasonable amount of setback.

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:

On 1 March 2022, forty-five (45) State Environmental Planning Policies (SEPPs) were consolidated into one of the eleven (11) new SEPPs. These changes affect a number of SEPPs to be considered in this report.

It is however noted that the consolidation primarily involves the transfer of the repealed SEPPs to form new chapters within the new SEPPs without significant amendments (i.e. will only involve a change in clause numbers and consequently amendments such as removal of introductory/duplicated provisions). Consequently, there would be no material changes to the requirements between the repealed SEPPs and the new consolidated SEPPs.

- SEPP No 55 (Remediation of Land) – Chapter 4 in SEPP (Resilience and Hazards) 2021
- SEPP (Vegetation in Non-Rural Areas) 2017 – Chapter 2 in SEPP (Biodiversity and Conservation) 2021
- SEPP No 19 – Bushland in Urban Areas – Chapter 6 in SEPP (Biodiversity and Conservation) 2021
- SREP (Sydney Harbour Catchment) 2005 – Chapter 10 in SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021 – Chapter 4

SEPP No 55 (Remediation of Land) has been consolidated into the new **SEPP (Resilience and Hazards) 2021** and the provisions of the former SEPP are contained in Chapter 4 in the above SEPP.

The provisions of Chapter 4 in the above SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has been used for residential purposes for a long period of time and as such is unlikely to contain any contamination. Therefore, the requirements of the former SEPP 55 have been satisfactorily addressed.

SEPP (Biodiversity and Conservation) 2021 – Chapter 2

SEPP (Vegetation in Non-Rural Areas) 2017 has been consolidated into the new **SEPP (Biodiversity and Conservation) 2021** and the provisions of the former SEPP are contained under Chapter 2 of the new SEPP.

This part of the new SEPP will ensure the biodiversity offset scheme (established under the Land Management and Biodiversity reforms) will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that do not require development consent. The proposal meets the objectives of the SEPP because there would be no clearance of native vegetation or any material impact on bushland (if any) in the vicinity of the subject site.

SEPP (Biodiversity and Conservation) 2021 – Chapter 6

SEPP 19 (Bushland in Urban Areas) has been consolidated into the new **SEPP (Biodiversity and Conservation) 2021** and the provisions of the former SEPP are contained under Chapter 6 of the new SEPP.

The proposed development is consistent with the relevant objectives and provisions of the new SEPP because the proposal does not involve removal of significant vegetation. Appropriate conditions have also been recommended by Council's Landscape Development Officer to ensure protection of existing street trees. An amended landscape plan has been conditioned, to ensure new plantings are undertaken as part of the development in order to maintain the landscape setting of the subject heritage-listed property. (See **Condition No. AA2**).

SEPP (Biodiversity and Conservation) 2021 – Chapter 10

SREP (Sydney Harbour Catchment) 2005 has been consolidated into the new **SEPP (Biodiversity and Conservation) 2021** and the provisions of the former SREP are contained under Chapter 10 of the new SEPP.

Having regard to the relevant provisions of the SREP (Sydney Harbour Catchment) 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 that the dwelling is not visible from Sydney Harbour. As such, the development is acceptable having regard to the provisions contained within the above SREP and chapter 10 of SEPP (B&C).

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (No. A461266) dated 7 June 2022 has been submitted to satisfy the aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to an existing detached dwelling and are permissible in the R2 (Low Density Residential) zone with development consent. The proposed works to demolish the c.1980 extension, address unauthorised works, and construct a rear extension with a tiled patio to the existing dwelling with associated works and landscaping on the subject site can be defined as works ancillary to the detached dwelling which is a permissible form of development in an R2 Zone.

2. Objectives of the Zone

The objectives of the R2 (Low Density Residential) zone relevant to the proposed development is as follows:

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

Comment:

The proposed development promotes the character of the subject heritage item and the character of the surrounding area. The proposed amended application will result in a development that would not have adverse impacts on the significance of the subject heritage-listed dwelling as detailed in the comments from Council's Conservation Planner.

Furthermore, the proposal would cause minimal impacts on the amenity of the surrounding properties as the potential for any privacy, noise and overshadowing impacts have been addressed, and these are detailed in this report.

The proposal as amended is therefore generally consistent with the above zone objectives to maintain a high level of amenity for the surrounding area subject to the imposition of appropriate conditions.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
Site Area – 295.9m ²	Existing	Proposed	Control	Complies
Clause 4.3 – Heights of Building	5.6m to ridgeline	4.302m for rear extension	8.5m	YES

3. Height of Building

The following objectives for the permissible height limit (8.5m) pursuant to clause 4.3 in NSLP 2013 are stated below:

- 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,*
- to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- 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.*

The proposed works would have a maximum height of 4.302m under the amended application, which complies with the permissible height limit of 8.5m height limit in accordance with clause 4.3 in NSLEP 2013.

4. Heritage Conservation

The subject site is listed as a Local Heritage Item within the Darley Street Housing Group under Schedule 5 in NSLEP 2013 so the following planning objectives apply to the site:

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

As mentioned earlier in this report, the proposal satisfies Clause 5.10 of North Sydney LEP 2013 in that the proposed works will have a neutral impact upon the heritage significance of the building and will have a positive impact upon its streetscape presentation subject to the design modifications as required by **Condition No. AA1**.

5. Earthworks

The proposal does not involve new excavation within the subject site.

The proposal has been assessed against the provisions of Clause 6.10(3) of NSLEP 2013 and is unlikely to cause disruptions or detrimental effects on drainage patterns, soil stability and vegetation, subject to the imposition of appropriate engineering and construction management conditions should approval be granted for the application.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The above Development Control Plan applies to the site so an assessment has been carried out below:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix 1.2.2 Maintaining Residential Accommodation 1.2.3 Affordable Housing 1.2.4 Housing for Seniors/Persons with disability	No change	The proposal would not change the population and the supply of residential accommodation, affordable housing as well as housing for seniors/people with disabilities.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposal would not change the landform within the subject site.
1.3.6 Views	Yes	The proposed addition would be located at the rear of the dwelling at ground level. Consequently, there would be no material view impacts for the adjoining properties.

<p>1.3.7 Solar Access</p>	<p>Yes</p>	<p>The additional shadows caused by the proposed rear addition would primarily fall within the shadows of the existing building. There would be some additional shadows falling between 9am and 10am during mid-winter on the deck of the adjoining dwelling at 26 Darley Street. It is considered that the shadowing impacts from the proposed development is unlikely to have a material impact given the nature and location of the proposed works. The adjoining dwellings will receive the required 3 hours of sunlight between 9am and 3pm during mid-winter.</p>
<p>1.3.8 Acoustic Privacy</p>	<p>Yes (via condition)</p>	<p>The proposed addition is unlikely to have material noise impacts for the adjoining properties given that the structure would primarily be enclosed and any noise would be contained within the building envelope.</p> <p>The deck at the rear of the new addition is unlikely to cause unacceptable noise impacts for the adjoining properties.</p>
<p>1.3.10 Visual Privacy</p>	<p>Yes</p>	<p>The proposal under the amended application for additions and alterations to the one-storey heritage-listed dwelling provides adequate visual privacy for the residents adjoining the subject site as the proposal complies with the setback controls of the DCP, and the maximum building height control under the LEP. The proposed openings on the northern (rear) and the side elevations of the new rear addition are unlikely to cause visual privacy impacts for the adjoining properties because the screening provided by the street and boundary fencing and by the proposed landscaping which will include planting of shrubs and trees. (See Condition No. AA2).</p>
<p>1.4 Quality built form</p>		
<p>1.4.1 Context</p>	<p>Yes (via condition)</p>	<p>The design of the proposed rear addition is generally sympathetic with the existing dwelling and the Darley Street Housing Group, as indicated in the comments by Council's Conservation Planner earlier in this report. It will not alter the original roof form at the front of the dwelling and will not detract from the significance of the subject heritage item and the Darley Street Housing Group.</p>
<p>1.4.2 Subdivision Pattern</p>	<p>Yes (via condition)</p>	<p>A condition will be imposed for the consolidation of the 2 lots into 1 lot prior to issue of Occupation Certificate. (See Condition No. G1)</p>
<p>1.4.3 Streetscape</p>	<p>Yes (via condition)</p>	<p>The proposal would not require changes to the design of Council's footpath, kerb and gutter as well as other roadside infrastructure. The proposal would enhance the street, with the retention of the existing front masonry and picket fence, and repairs and refinishing of timber, brickwork and stucco on the front elevation, including removal of previous paintwork, painting of elements, and tuckpointing works.</p>
<p>1.4.5 Siting</p>	<p>No change</p>	<p>The proposal would not change the orientation and siting of the existing detached dwelling.</p>

<p>1.4.6 Setback – P2 Side</p>	<p>No (acceptable on merit)</p>	<p>Compliance with DCP’s side boundary setback requirements are detailed in the compliance table below:</p> <table border="1" data-bbox="858 302 1428 542"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="4">Zone R2 (Low Density Residential)</td> </tr> <tr> <td>R2 -1st storey (Up to 4m) 900mm</td> <td>Western 200mm</td> <td>Western 200mm</td> <td>No</td> </tr> <tr> <td>R2 -1st storey (Up to 4m) 900mm</td> <td>Eastern 960mm-1m</td> <td>Eastern 960mm-1.1m</td> <td>N/A</td> </tr> </tbody> </table> <p>Whilst not strictly a nil setback on western side elevation, the applicant advised in response to Council dated 25 July 2022 that existing setback of the brick wall is approximately 100-200mm as confirmed by the Site Survey, and this setback is common on the adjoining houses in Darley Street.</p> <p>Given that the development proposes a near nil setback (200mm from the boundary on the western side elevation), the <i>Planning Principle - Galea v Marrickville Council 2003</i> applies to the application where the relevant matters for consideration are addressed below:</p> <p>Is the street characterized by terrace housing? The street is characterised by detached housing c.1910 in Queen Anne style with nil setback for one side elevation.</p> <p>What is the height and length of the wall on the boundary? The proposal is to replace a rear extension constructed c.1980 which was located 15.996m from the rear boundary. The proposed height of the proposed rear addition to the dwelling which is to be setback 100-200mm from one side boundary is 4.302m measured from natural ground level, and the roof ridgeline on the front portion of the dwelling is 5.6m. The side elevation wall on the amended application is located 12.596m from the rear boundary. The side wall measured along the face of the side elevation from front verandah and the building line of the rear extension is 27.0m in length. A condition is recommended for a reduction in the length of the rear extension by 1030mm. This will create a reduction of 5.4m² in internal floor area, which will ensure that the 50% site coverage requirement is met, and that the controls for landscaping area and unbuilt-upon area are compliant under NSDCP 2013. (See Condition No. AA1).</p> <p>Has the applicant control over the adjoining site(s) or the agreement of their owners? The applicant does not have control over adjoining sites or the agreement of their owners. This is a civil matter between the property owners.</p> <p>What are the impacts on the amenity and/or development potential of adjoining sites? There is the potential for impacts in relation to visual privacy, noise impacts, and minor overshadowing for adjoining sites. These have been addressed in the amended application and conditions are recommended additional landscaping along the side setback to mitigate against noise impacts. (See Conditions No. AA1 and AA2).</p> <p>Are there arrangements in place for the maintenance of the wall or gutters?</p>	Control	Existing	Proposed	Compliance	Zone R2 (Low Density Residential)				R2 -1 st storey (Up to 4m) 900mm	Western 200mm	Western 200mm	No	R2 -1 st storey (Up to 4m) 900mm	Eastern 960mm-1m	Eastern 960mm-1.1m	N/A
Control	Existing	Proposed	Compliance															
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R2 -1 st storey (Up to 4m) 900mm	Eastern 960mm-1m	Eastern 960mm-1.1m	N/A															

		There are no formal arrangements or positive covenants in relation to the creation of a maintenance easement on the adjoining property. Notwithstanding this, the dwellings have been maintained over their 110 year existence.
P1 Front setback	No change	The proposed works would not change the building setback from the front (Darley Street) Property boundary.
P5 Rear Setback – Rear	Yes	<p>Whilst the subject property is located between two detached dwelling houses which are similarly set on their lots with a zero setback on one side boundary. The proposed rear extension with a patio at the rear of the dwelling has a 12.596m setback from the rear (northern) property boundary that is a minor variation to the rear building setbacks of adjoining dwellings at 26 and 30 Darley Street. One of the neighbouring properties (no.26) has a studio within the rear setback and does overshadow the private open space of the subject site. It was constructed without development consent, but nevertheless a Building Certificate was issued by Council.</p> <p>Given the variations in housing typology in the vicinity, the proposal is generally considered to be acceptable having regard to the rear building setback. However, as the amended proposal is not compliant with the 50% site coverage requirement, a further amendment is recommended to reduce the length of the rear extension by 1030mm (see previous comments) which will further increase the rear setback from 12.596m to 13.626m. (See Condition No. AA1).</p>
1.4.7 Form Massing Scale		As indicated in Council’s Conservation Planner’s comments earlier in this report, the proposed external building form will not have an adverse impact on the significance of the heritage item and will satisfy clause 5.10 of NSLEP 2013.
<ul style="list-style-type: none"> Floor to ceiling height 2.97m 		<p>The form and scale of the dwelling extension will be very similar to the existing, noting that the c.1980s addition at the rear with a low-pitched skillion roof will be replaced with a very similar structure, within the existing lot boundary curtilage, with the works largely contained to the rear and which are submissive in scale or are located within the interior.</p> <p>The proposed extension extends a further 3.3m than the existing structure which will be demolished.</p> <p>The proposed form, massing and scale of the rear addition is acceptable as it is submissive to the original dwelling.</p>
1.4.8 Built Form Character		<p>The proposed rear extension is considered not to detract from the heritage item and the works are largely contained to the rear and are submissive in scale or, are located within the interior will have a negligible impact on the setting and significance of the Darley Street Housing Group.</p> <p>The internal built form and character of the front section of the dwelling has been altered over time. The demolition of the splayed chimney breasts and associated mantle pieces and removal of the cast iron grate from the second front room was not supported by Council’s Conservation Planner. The removal of joinery has also detracted from the dwelling’s significance, and it is recommended this be replaced. Conditions have been included for the reconstruction of the fireplaces, and the replacement of the removed architectural elements fabric. (See Condition No. AA3)</p> <p>Conditions relating to heritage requirements are to be imposed to ensure the heritage significance of the dwelling and the Darley Street Housing Group is retained.</p>

1.4.9 Dwelling Entry	No change	The proposal would not change the existing dwelling entry on the front elevation.																
1.4.10 Roofs	Yes	<p>The applicant has proposed a skillion roof for the proposed rear extension and is considered to be acceptable. The traditional descending roof hierarchy will be retained from the front to the rear. The proposed roof will be pitched to one degree and will be screened by a parapet wall.</p> <p>Council's Conservation Planner has noted that the front two chimneys were removed in 2015. The exterior chimneys do not have to be replaced. There is one extant chimney which is satisfactory as agreed by the Conservation Planner.</p>																
1.4.12 Materials	Yes (via condition)	<p>The applicant has proposed colours and materials which have been reviewed by Council's Conservation Planner, and are considered to be generally acceptable.</p> <p>A condition is recommended to ensure that characteristic materials are to be used, in addition to the site-specific conditions as recommended by Council's Conservation Planner. This is to ensure that timber-framing is used; the mosaic tiles on the front verandah are retained; the existing cypress pine timber floors are retained and repaired, and architectural features are reinstated.</p>																
1.4.14 Front Fences	Yes	The existing front masonry and picket fence will be retained.																
1.5 Quality Urban Environment																		
1.5.4 Vehicle Access and Parking	No change	There is no on-site parking.																
1.5.5 Site Coverage		<p>A table is provided below showing the level of compliance with the DCP's site coverage, unbuilt upon area, and landscaped area requirements. The site area is 295.9m².</p> <p>The amended proposal does not comply with the DCP site coverage requirements as indicated in the compliance table above, being 51.84% of the site, which exceeds the maximum of 50% of the site, or an area of 5.4m².</p> <p>A condition is recommended requiring the applicant to increase the rear setback by 1030mm in order to achieve compliance with DCP site coverage requirements. This would have the effect of reducing the length of the addition to the dwelling by 1030mm and subsequently reduce site coverage to 50% compliant with NSDCP 2013. This will result in a loss of 5.4m² of internal floor space within the rear extension. As a result, the proposed floor area will be reduced from 135.8m² to 130.2m². The existing floor area is 112.4m². (See Condition No. AA1).</p> <p>This will ensure that the proposal is acceptable, achieving compliance with site coverage requirements.</p>																
1.5.6 Landscape Area		<table border="1" data-bbox="858 1697 1433 1993"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage (Max 50%)</td> <td>137.2m² (46.37%)</td> <td>153.4m² (51.84%)</td> <td>No</td> </tr> <tr> <td>Landscaped area (Min 20%)</td> <td>91.6m² (31%)</td> <td>85.6m² (28.9%)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area (Max 20%)</td> <td>67.1m² (22.68%)</td> <td>56.9m² (19.23%)</td> <td>Yes</td> </tr> </tbody> </table> <p>The existing development does not comply with the DCP unbuilt upon area.</p>	Control	Existing	Proposed	Compliance	Site coverage (Max 50%)	137.2m ² (46.37%)	153.4m ² (51.84%)	No	Landscaped area (Min 20%)	91.6m ² (31%)	85.6m ² (28.9%)	Yes	Unbuilt-upon area (Max 20%)	67.1m ² (22.68%)	56.9m ² (19.23%)	Yes
Control	Existing	Proposed	Compliance															
Site coverage (Max 50%)	137.2m ² (46.37%)	153.4m ² (51.84%)	No															
Landscaped area (Min 20%)	91.6m ² (31%)	85.6m ² (28.9%)	Yes															
Unbuilt-upon area (Max 20%)	67.1m ² (22.68%)	56.9m ² (19.23%)	Yes															

		The proposal complies with the DCP unbuilt upon and landscaped requirements.
1.5.7 Excavation	N/A	The proposal does not involve new excavation/earthworks within the subject site.
1.5.8 Landscaping	Yes (via condition)	The proposal will reduce the soft landscaped area by 6m ² . A condition is recommended requiring an amended landscape plan to be provided prior to issue of construction certificate. This is to include the planting of trees, shrubs and groundcovers within the front setback and the rear garden. The amended landscape plan will ensure that there is suitable landscaping within the front and rear areas and ensure adequate landscape screening is provided to address privacy impacts, and to ensure that the character of the locality is preserved. (Condition No. AA2) . Council's Landscape Officer has recommended a street tree bond condition. (Condition No. C14) .
1.5.9 Front Gardens	Yes (via condition)	Two garden beds within the front setback are shown on the landscape plan, and details have been provided of drought resistant native plantings to be planted within these garden beds.
1.5.13 Garbage Storage	Yes (via condition)	A standard condition requiring the provision of adequate storage for general waste and recyclable materials can be imposed should approval be granted for the proposed development.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency		The applicant has submitted a valid BASIX certificate.

CHARACTER STATEMENTS – PART C

Neutral Bay Planning Area – Anderson Precinct (Darley Street Housing Group)

The design and architectural style of the proposed rear addition with patio tiled in travertine would be generally sympathetic with the built form of the existing detached Queen Anne style dwelling. Council's Conservation Planner has raised no objections to the proposal subject to conditions, because the significance of the Darley Street Housing Group would not be compromised by the proposal.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 218,387 including GST
(payment amount subject to indexing at time of payment)	Contribution:	\$ 2,183 including GST

The proposal does not increase the population; it remains a 3-bedroom dwelling. The contribution is based on calculation of 1% of the development cost including GST.

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

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	No
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Anderson Precinct between 20 May 2022 and 3 June 2022. Council received a submission from one (1) household at 26 Darley Street. Following receipt of the amended application, the application was re-notified to the previous submitter between 17 August 2022 and 24 August 2022. An additional submission was received from one (1) household at 26 Darley Street. The issues raised in the two submissions have been addressed below.

- ***Assertion that the DA is contrary to the LEP and DCP objectives and guidelines and therefore ought to be refused by Council***

The amended application has been assessed within this report against the objectives and guidelines of the LEP and DCP. Following this assessment, suitable conditions of consent have been recommended to ensure that the amended proposal is fully compliant with the LEP and the DCP, and to address the potential for amenity impacts on surrounding dwellings. This includes an amended landscape plan to be provided that includes details of plantings of trees and shrubs, and drought-resistant groundcovers (see **Condition No. AA2**). The recommended conditions will ensure any privacy issues, noise issues or overlooking issues for adjoining neighbours are minimised.

- ***Concerns raised about view loss, reduced solar access, impact on air flow, as the proposed works would be of a significant height and length that are well above the height and length of the existing dwelling***

There are no significant views in the vicinity that would be blocked by the rear addition.

Shadow diagrams have been provided which demonstrate compliance with DCP solar access requirements, with a shadow shown at 9am and 10am in mid-Winter on the deck of 26 Darley Street. We note that the rear of the dwellings on this side of Darley Street are facing north.

A BASIX certificate has been provided and a condition will be imposed in relation to the NCC/BCA to ensure ventilation requirements have been met.

- ***Concerns are raised about amenity and adverse effects on enjoyment of their property as the proposal will 'create an unsightly dwelling' that extends a considerable distance into the rear of the property***

The proposed height of the rear addition complies with the LEP maximum building height control of 8.5m, being 4.302m in height. The length of the side elevation of the proposed addition will be further reduced by 1030mm to ensure that the DCP site coverage requirement of 50% is met. A condition has been recommended for plan amendment: **Condition No. AA1**. It is noted that the length of the proposal is similar to additions at Nos. 14, 18 and 20 Darley Street.

Council's Conservation Planner has examined the original proposal and the amended proposal and is satisfied that the additions and alterations to the heritage-listed dwelling are acceptable, as the proposed form, massing and scale of the rear addition is submissive to the original dwelling, and notes that the works will have a negligible impact as they are largely contained to the rear and are submissive in scale or are located within the interior.

To address amenity impacts including privacy we have recommended an amended landscape plan be provided to address plantings of shrubs, trees and groundcovers within the front setback and rear garden: **Condition No. AA2**.

- ***Assertion that an insufficient setback from the boundary is provided***

The setback of the c.1980 rear addition is 100-200mm as shown on the survey which is a setback which is common on the adjoining houses within the Darley Street Housing Group. The proposed setback matches this and meets Part B 1.4.6 Setbacks P3(c) of the DCP. There are no formal arrangements or positive covenants in relation to the creation of a maintenance easement on the adjoining property. Notwithstanding this, the dwellings have been maintained over their 110 year existence. A condition has not been proposed in relation to access for maintenance, given this.

- ***Concerns raised about light being significantly diminished into 26 Darley Street which will materially affect the amenity of the property***

The shadow diagrams demonstrate compliance with the solar access requirements under the DCP. There will be negligible difference in solar access and shadowing given the north-facing aspect of the rear elevation of the dwelling and the adjoining dwellings.

- ***Concerns raised about the 'obtrusive' height and length: 'the considerably large brick wall and structure cover[s] almost half of the backyard. Such a structure would significantly close in and destroy the natural aspect currently enjoyed and would have a detrimental effect on the property value'.***

It is recommended that a condition be imposed requiring a further rear setback to ensure compliance with the DCP site coverage requirements. This will result in a reduction in the length of the extension of 1030mm. The height of the rear addition complies with the maximum building height control at clause 4.3 of the LEP. Conditions have been imposed for an amended landscape plan to be provided, which includes additional plantings of shrubs, trees and ground cover which will improve the natural aspect of the subject site. With respect to property values, this is not a consideration under assessment under the Environmental Planning and Assessment Act 1979.

- ***Concerns raised about stormwater management issues given the proposed increased building footprint, reduced landscaped area for absorption, and potential for excess water from the structure's roof and gutters to fall on 26 Darley Street.***

Council's Engineering Section have examined the application and have no objection to the proposal, noting that the existing stormwater drains to the street and this will remain unchanged. Standard engineering conditions have been recommended to ensure compliance with Council's Engineering Guide to Development.

- ***The preservation of heritage item: allowing the works ... would significantly change the external envelope of the building, resulting in an anomaly in this rare strip of Federation cottages. Visitors and occupants of Darley Street can immediately observe the subdivision patterns and consistency of age, style, form and scale in the streetscape. An important aspect of North Sydney's heritage controls is to retain elements of heritage items and to not reduce surrounding amenity.***

Council's Conservation Planner has reviewed the original proposal and the amended application, and states that with respect to Clause 5.10 of NSLEP, 'With the exception of the removal of the chimney breasts in the two front rooms, the proposed works are considered to retain the significance of the heritage item and satisfy clause 5.10.' A condition is recommended to reconstruct the fireplaces. The removed joinery is recommended to be replaced as per the Heritage Consultant's recommendations, and a condition is recommended to this effect. There is no alteration to the significant primary form with the front gable and street-facing verandah which will be retained. There is no alteration to the front elevation, with works proposed to remove previous paintwork and reinstate tuck-pointing on the front façade, repair stucco render and repaint elements in heritage colours. Landscaping within the front setback will provide suitable embellishment for the heritage-listed dwelling. The existing front masonry and picket fence will be retained.

Additional Submission received 24 August 2022

A courtesy notification to the submitter was made between 17 August 2022 and 24 August 2022, enclosing the amended architectural plans. An additional submission was received from one (1) household at 26 Darley Street. The issues raised are addressed below.

- ***The submission contained a rephrasing of the points raised above.***

Please refer to responses provided above.

- ***Concerns raised that the ceiling height would be increased by 8 brick courses which is 'beyond the minimum height and is excessive, unnecessary and unjustifiable'.***

The proposed height of the building complies with clause 4.3 of the LEP, being 4.302m, and is submissive in character to the building form, with the front portion of the dwelling having an overall height of 5.6m at the roof ridgeline.

- ***Impacts would occur due to 'a material obstruction of sunlight and natural aspect to multiple areas' of 26 Darley Street.***

The shadow diagrams demonstrate compliance with the solar access requirements of the DCP. We note that the rear of the dwellings on this side of Darley Street face north. The landscaping amendments will ensure that the natural aspect of the subject site is ameliorated, with the planting of shrubs, trees and groundcovers within the front setback and the rear garden and provide a suitable natural screening between the two properties to ensure privacy is maintained.

- ***The loss of sunlight would foreseeably cause issues in relation to mould, humidity and mildew internally, and moss and mould in the external side pathway between the properties.***

The shadow diagrams demonstrate compliance with the solar access requirements. There is no impact on air flow or ventilation of the adjoining dwelling. Any reduced light falling on the external side pathway will be negligible, at 9am and 10am in mid-Winter.

- ***Concerns are raised about stormwater management, and the use of box gutter which are 'prone to blockages'***

Refer to comments above in relation to stormwater management. We note that Council's Engineering section has no objection to the proposal, and has recommended standard engineering conditions be imposed, noting that the site falls to the street, and the existing stormwater drainage system is adequate.

- ***Several photographs of the internal living area of No.26 Darley Street looking out the windows on the side elevation toward 28 Darley Street were included.***

These have been noted. No date for these photographs was provided. A similar external photograph looking towards 28 Darley Street is included above.

- ***Request made that any extension should be at the same height as the previous extension, with a reasonable amount of setback.***

This is a civil matter between the parties. The side setback is addressed in the report above, and is satisfactory, and in line with the adjoining properties within the Darley Street Housing Group.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal is located in the R2 Low Density Residential zone where alterations and additions to a Dwelling House are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report, subject to the recommended conditions of consent to address concerns raised by submitters, and to ensure the local character of the area is maintained, and to ensure any impacts in relation to noise or privacy or overshadowing are minimised, and that the heritage values of the item and the locality are maintained.

CONCLUSION AND REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory subject to the amendments as outlined in the conditions of consent to ensure that the site coverage is compliant and that privacy impacts are addressed.

The proposal involves alterations and additions to an existing detached dwelling which is a local heritage-listed item, to provide a ground floor rear addition, which is a permissible form of development in the R2 Low Density Residential zone.

The proposal complies with the LEP maximum height development standard of 8.5m, proposing a height of 4.302m for the rear extension. The height of the existing retained ridgeline over the front portion of the dwelling is 5.6m. The non-compliance with the DCP site coverage of approximately 2% (exceedance of 5.4m²) has been addressed by way of condition, requiring the length of the amended rear extension to be further reduced by 1030mm. This will ensure that the proposal is fully compliant with the DCP control for site coverage of 50%, to ensure that it will be acceptable and have no material impacts on the amenity of the surrounding properties. Suitable conditions have been imposed to address the potential for any privacy or noise impacts.

Appropriate conditions have been recommended to provide additional soft landscaping within the rear yard in addition to the front setback as well as the submission of a detailed landscape plan. This is in order to ensure that the landscaping quality of the subject site and the locality will be maintained.

The issues raised in the submission have been addressed in this report and also with recommendations for appropriate conditions of consent.

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 the application is considered to be satisfactory, and therefore is recommended for approval subject to appropriate site specific and standard conditions provided below.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Anderson Precinct for 14 days between 20 May and 3 June 2022. One submission was received where a number of issues were raised that have been addressed in this report.

Amended Proposal

The applicant submitted amended architectural plans on 12 August 2022. These were notified as a courtesy notification to the adjoining property who had objected, for 7 days between 17 August and 24 August 2022. One submission was received where a number of issues were raised that have been addressed in this report.

Appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and the Darley Street Housing Group.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, **grant deferred commencement consent** to Development Application No. 115/22 for alterations and additions to a detached dwelling on land at No. 28 Darley Street, Neutral Bay, subject to the following site-specific and attached standard conditions:-

AA. Deferred Commencement Conditions

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent it will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

Design Modifications (Length of Rear Addition)

AA1 The applicant must submit amended architectural drawings showing the rear elevation reduced in length by 1030mm, in order to reduce the floor area by 5.4m², and achieve compliance with site coverage of 50% of the site as required by NSDCP 2013.

Plans and specifications of the modified design must be submitted for the written approval of Council's Team Leader Assessments in consultation with Council's Conservation Planner to ensure that the requirements of the conditions are satisfied.

(Reason: To retain the character of the existing dwelling and protect the heritage significance of the Darley Street Housing Group, and to ensure compliance with the requirement for site coverage to not exceed 50% of the site.)

Amended Landscape Plan

AA2 An amended landscape plan must be prepared and submitted for approval prior to the issue of a construction certificate. The landscape plan is to show the landscaping treatment for the front garden and rear garden including the species names, number and pot size of new planting.

The amended landscape plan must include the following:

- (a) Details on planting within the front setback including Australian East Coast native plant palette of ornamental grasses, perennials and shrubs as outlined in Letter from James Bowman, Archicode Architect, dated 10 August 2022, subject: 'Strictly compliant landscaped area and additional tree plantings'.
- (b) The provision of a winding path in traditional paving within front setback.
- (c) A suitable selection and number of shrubs and trees within both the front and rear setbacks in order to provide suitable landscaping embellishment and mitigate privacy impacts with adjoining neighbours
- (d) Details on protection of existing trees to be retained is to be provided
- (e) Details on protection of existing street trees is to be provided
- (f) Details on all new planting including name of the species, numbers and pot sizes, and planting details, establishment and maintenance is to be provided.

The revised landscape plan must be submitted for the written approval of Council's Manager Development Services in consultation with Council's Landscape Officer to ensure that the requirements of the condition are satisfied.

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

(Reason: To ensure a desirable landscaping outcome for the subject site and the locality.)

Heritage Requirements

AA3 The following heritage requirement are to be applied to the proposed development:

- (a) New window W01 and door D01 to be timber-framed and not to be substituted with other materials.
- (b) Mosaic tiles on front verandah to be retained.
- (c) Existing cypress pine timber floors within the originally dwelling to be retained and repaired with matching timber, or carpet may be laid above.
- (d) Architectural features are to be reinstated as per Table 4 on pages 22-23 in the *Heritage Impact Statement* prepared by Chris Legge-Wilkinson and received at Council on 5 May 2022.
- (e) Splayed chimney breasts to be reconstructed in the two front rooms with the salvaged mantle pieces and cast iron fireplaces. The new cast iron fireplace is to be similar to the existing salvaged fireplace. (Exterior chimneys do not have to be replaced).
- (f) New decorative plaster ceilings in the Edwardian style may be installed where existing ceilings are damaged by rust and/or mould.
- (g) Rear balustrade to new deck to be timber with a painted finish.

(h) Existing roof tiles may be replaced to match the existing where assessed by the heritage consultant as necessary.

(Reason: To ensure the heritage significance of the dwelling and Darley Street Group is retained.)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of the condition(s) have been satisfied.

Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following standard and site-specific conditions:

Terms of the Consent

A5 Nothing in the approval of DA 115/22 grants consent for any physical works that have been carried out prior to the determination of this application (DA 115/22)

(Reason: To comply with Section 4.2 (*Development that needs consent*) in the EPA Act 1979)

Consolidation of Lots

G1 Prior to issue of Occupation Certificate, the lots shall be consolidated into one title which shall be registered with the NSW Land Registry Services (LRS)

(Reason: Orderly development of the land)

Ruth Bennett
SENIOR ASSESSMENT OFFICER

Robyn Pearson
TEAM LEADER ASSESSMENTS

Stephen Beattie
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
28 DARLEY STREET, NEUTRAL BAY
DEVELOPMENT APPLICATION NO. 115/22

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement conditions have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 Months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 Months of the date of the grant of this consent this consent will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

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The revised landscape plan must be submitted for the written approval of Council's Manager Development Services in consultation with Council's Landscape Officer to ensure that the requirements of the condition are satisfied.

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

(Reason: To ensure a desirable landscaping outcome for the subject site and the locality.)

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- (g) Rear balustrade to new deck to be timber with a painted finish.
- (h) Existing roof tiles may be replaced to match the existing where assessed by the heritage consultant as necessary.

The Certifying Authority must also 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 heritage significance of the dwelling and Darley Street Group is retained.)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of the condition(s) have been satisfied.

to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following standard and site-specific conditions:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Rev No.	Description	Prepared by	Dated
A2.001	C	Site Analysis/Site Plan	Archicode Architects	12/08/2022
A1.002	B	Existing Ground Floor Plan & Roof Plan	Archicode	28/04/2022
A1.003	B	Existing Elevations	Archicode	28/04/2022
A1.004	B	Demolition Plans Ground & Roof (BIC)	Archicode	28/04/2022
A1.005	B	Demolition Plans Ground & Roof	Archicode	28/04/2022
A1.006	B	As-Built (BIC)	Archicode	28/04/2022
A1.007	B	Site Plan	Archicode	28/04/2022
A2.001	B	Site Analysis	Archicode	28/04/2022
A2.002	C	Proposed Plans Ground & Roof	Archicode	12/08/2022
A2.003	C	Proposed Elevations East & West	Archicode	12/08/2022
A2.004	C	Proposed Elevations North and South Sections	Archicode	12/08/2022
A2.005	C	Landscape Plan	Archicode	12/08/2022
DA01	D	Area Statement	Archicode	7/08/2022

Note: The final drawing numbers and associated details in this condition are subject to further updates to reflect the changes required by the relevant deferred commencement conditions where applicable.

(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)

Terms of the Consent

A4. Nothing in the approval of DA 115/22 grants consent for any physical works that have been carried out prior to the determination of this application (DA 115/22)

(Reason: To comply with Section 4.2 (*Development that needs consent*) in the EPA Act 1979

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

Dilapidation Report Damage to Public Infrastructure

C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the 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 Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining properties Nos. (26 and 30 Darley 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)

Structural Adequacy (Semi-detached and Terrace Buildings)

- C3. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining properties Nos. [26 and 30 Darley Street] which certifies their ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises 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.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

(Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised)

Structural Adequacy of Existing Building

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

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

Sediment Control

- C5. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

C6. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

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

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

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

Colours, Finishes and Materials (Heritage Item)

C7. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the exterior colours, finishes and materials are sympathetic to the significance of the heritage item)

Heritage Architect to be Commissioned

C8. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: If advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require an application under s96 of the Environmental Planning and Assessment Act 1979 or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

Skylight(s)

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

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

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

Roofing Materials - Reflectivity

- C10. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

- C11. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Stormwater Disposal

- C12. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)

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

- C13. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$3,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.

- c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Tree Bond for Public Trees

- C14. Prior to the issue of any construction certificate, security in the sum of \$8,000.00 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	Location	Height (m)
1 x Street tree, Jacaranda Mimosifolia	Council verge in front of the subject site	1.8m

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

- C15. The following tree is required to be protected as per AS 4970-2009 high steel mesh tree protection fencing to enclose grass verge; tree protection zone installed; no pruning permitted a bond of \$8,000.00 to be applied.:

Tree	Location	Height (m)
1 x Street tree, Jacaranda Mimosifolia	Council verge in front of the subject site	1.8m

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.

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

C16. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. 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 the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Asbestos Material Survey

C17. 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)

Air Conditioners in Residential Premises

C18. 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)

Section 7.12 Contributions

- C19. The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (amended). The required contribution has been calculated in accordance with the applicable contribution rate of **\$2,183.00** including GST.

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

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

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

Security Deposit/Guarantee Schedule

- C20. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$3,000.00
Footpath Damage Bond	\$5,000.00
TOTAL BONDS	\$8,000.00

Note: The following fees applicable

Fees	
S7.12 contributions	\$2,183.00
TOTAL FEES	\$2,183.00

(Reason: Compliance with the development consent)

BASIX Certificate

C21. 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. A461266 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)

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

Protection of Trees

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

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

Temporary Fences and Tree Protection

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

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

Schedule

Tree	Location	Height (m)
1 x Street tree, Jacaranda Mimosifolia	Council verge in front of the subject site	1.8m

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

Public Liability Insurance - Works on Public Land

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

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

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

Commencement of Works' Notice

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

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

E. During Demolition and Building Work

Service Adjustments

- E1. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Parking Restrictions

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Progress Survey

- E5. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:
- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
 - b) at the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials; and
 - c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) 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)

Removal of Extra Fabric

- E6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

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)

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)

No Work on Public Open Space

E9. 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)

Developer's Cost of Work on Council Property

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

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

No Removal of Trees on Public Property

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

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

Special Permits

E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

E13. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

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

Installation and Maintenance of Sediment Control

- E14. 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

- E15. 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

- E16. 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

- E17. 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)

Prohibition on Use of Pavements

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

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

Plant and Equipment Kept Within Site

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

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

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

Waste Disposal

- E20. 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

- E21. 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 condition is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

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

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

Protection of Public Places

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

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

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

Site Sign

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

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Consolidation of Lots

- G1. Prior to issue of occupation certificate, the lots shall be consolidated into one title which shall be registered with the NSW Land Registry Services (LRS).

(Reason: Orderly development of the land)

Damage to Adjoining Properties

- G2. 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

- G3. 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)

Asbestos Clearance Certificate

G4. 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)

Disposal Information

G5. 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 docket); and
- (b) the disposal points and methods used.

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

BASIX Completion Certificate

G6. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

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

Landscaping

- G7. The landscaping shown in the approved landscape plan as required under Condition AA2 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

- G8. 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;
 - 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)

- G9. 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

G10. 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

Tree Species	Location	Pot Size
1 x Jacaranda Mimosifolia	Council verge in front of the subject site	15L

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)

Required Screen Plantings

G11. The screen planting required by this consent must be completed prior to the issue of any Occupation Certificate. The specified landscape elements must be provided and maintained in accordance with the requirements of this consent at all times.

(Reason: To ensure privacy is maintained)

Compliance with Certain conditions

G12. Prior to the issue of any Occupation Certificate, Conditions AA2, AA3, C7 and C8 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. Ongoing/Operational Conditions

Single Occupancy

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

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



North Sydney Council

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

28 DARLEY STREET, NEUTRAL BAY

DRAWING NUMBER	SHEET NAME	SCALE	SHEET SIZE	REVISION
A0.000	COVER SHEET	NTS	A3	B
A1.000	SURVEY PRE-BIC	1:100	A3	B
A1.001	SURVEY - BIC	1:100	A3	B
A1.002	EXISTING GROUND FLOOR PLAN & ROOF PLAN	1:100	A3	B
A1.003	EXISTING ELEVATIONS	1:100	A3	B
A1.004	DEMOLITION PLANS GROUND & ROOF (BIC)	1:100	A3	B
A1.005	DEMOLITION PLANS GROUND & ROOF	1:100	A3	B
A1.006	AS-BUILT (BIC)	1:100	A3	B
A1.007	SITE PLAN	1:500	A3	B
A2.001	SITE ANALYSIS	NTS	A3	B
A2.002	PROPOSED GROUND & ROOF PLANS	1:100	A3	B
A2.003	PROPOSED ELEVATIONS EAST & WEST	1:100	A3	B
A2.004	PROPOSED ELEVATIONS NORTH & SOUTH SECTIONS AA & BB	1:100	A3	B
A3.000	EXISTING SHADOW DIAGRAMS	1:100	A3	B
A3.001	PROPOSED SHADOW DIAGRAMS	1:100	A3	B

ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 402 F 030
 A.B.N. 85 281 378 520
 JAMES BOWMAN SYDNEY EDU.AU

ALL LEVELS TO AUSTRALIAN HEIGHT DATUM
 THE CONTRACTORS RESPONSIBILITY IS TO CONFIRM ALL MEASUREMENTS ON SITE AND REFER ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK
 DRAWINGS SHOULD NOT BE SCALED
 WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS
 DESIGN AND DRAWINGS REMAIN THE COPYRIGHT OF
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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

CLIENT/PROJECT

28 DARLEY ST
 NEUTRAL BAY 

TITLE
 COVER SHEET

DATE	REVISION
28.04.22	B
PROJECT NUMBER	DRAWN/CHECKED
2021.22	JB
SCALE	DRAWING NUMBER
---- @ A3	A0.000

NOTES:

- BOUNDARY SURVEY HAS BEEN UNDERTAKEN, SURVEY MARKS SHOULD BE PLACED IF EXCAVATION, CONSTRUCTION OR STRUCTURES ARE TO BE ERECTED ON OR NEAR THE BOUNDARIES. PLEASE REFER TO ALL NOTES AT THE BOTTOM OF THIS PAGE.
- EXCEPT WHERE SHOWN BY DIMENSIONS LOCATION OF DETAIL WITH RESPECT TO BOUNDARIES IS INDICATIVE ONLY.
- TREE SPREADS & HEIGHTS ARE INDICATIVE ONLY.
- ONLY VISIBLE SERVICES HAVE BEEN SHOWN.
- UNDERGROUND SERVICES HAVE NOT BEEN LOCATED. NOTIFICATION OF ALL RELEVANT AUTHORITIES SHOULD BE UNDERTAKEN BEFORE CARRYING OUT ANY CONSTRUCTION ACTIVITY IN OR NEAR THE SURVEYED AREA. DIAL BEFORE YOU DIG SERVICES (91100) SHOULD BE CONTACTED.
- CONTOUR INTERVAL - 1 METRE. CONTOURS ARE INDICATIVE ONLY. SPOT LEVELS SHOULD BE ADOPTED FOR DESIGN AND CALCULATION PURPOSES. CRITICAL SPOT LEVELS SHOULD BE CONFIRMED WITH SURVEYOR.
- DO NOT SCALE FROM THIS PLAN. DIMENSIONS SHOULD BE USED.
- NO PART OF THIS SURVEY MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER EXCEPT AS PERMITTED BY THE COPYRIGHT ACT 1968.
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- THIS NOTICE MUST NOT BE ERASED.
- ORIGIN OF LEVELS: S.S.M.21827 R.L. 318 A.H.D. (SCMS)
- COPYRIGHT © ADAM CLERKE SURVEYORS PTY LTD 2021
- THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PERI WEBB
- PLAN PREPARED BY REGISTERED SURVEYOR FOR DEVELOPMENT APPLICATION PURPOSES ONLY.

A. Webb
 Adam Clarke
 Registered surveyor No8490

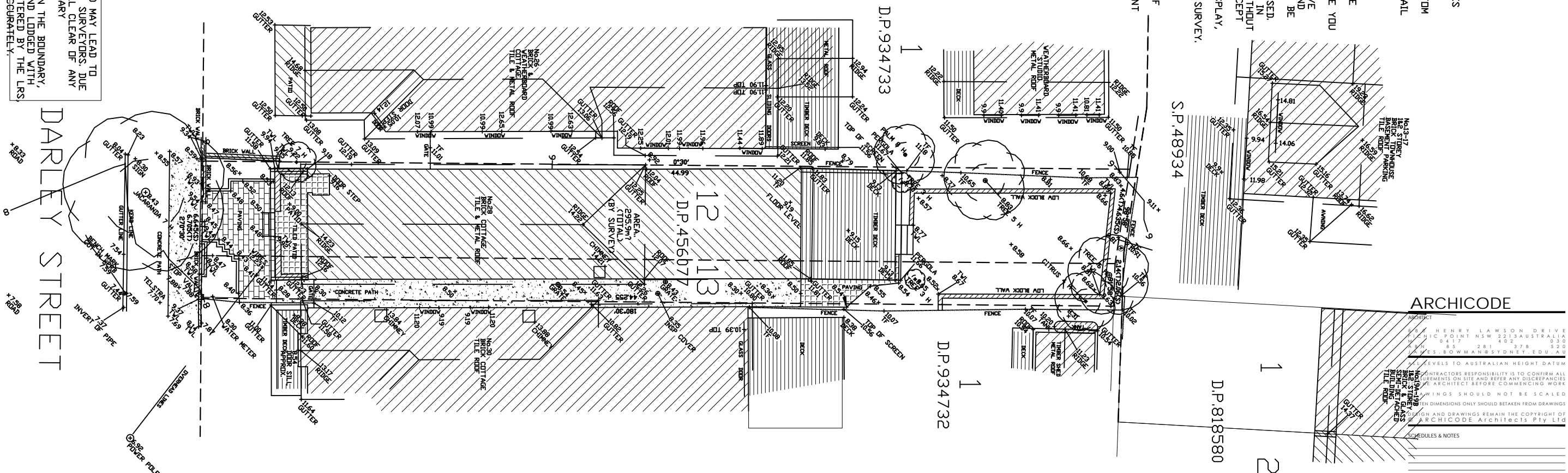
- 1) TOP OF WALL
- 2) TOP OF FENCE
- 3) FENCE
- 4) INDICATIVE POSITION OF SEWER MAIN (NOT BLEY) POSITION TO BE CONFIRMED BY SYDNEY WATER. JOY, RIDGE & GUTTER HEIGHTS HAVE BEEN OBTAINED BY RECT METHOD AND ARE ACCURATE TO ± 0.05m.
- 5) DENOTES BOUNDARY DIMENSION BY SURVEY
- 6) DENOTES BOUNDARY DIMENSION BY TITLE
- 7) DENOTES BOUNDARY DIMENSION BY TITLE
- 8) PROJECT LAND AFFECTED BY COVENANT (694318)
- 9) INDICATIVE TREE SPREAD AND TRUNK DIAMETERS

PLEASE NOTE: THE BOUNDARIES OF THE SITE ARE VERY OLD AND MAY LEAD TO DIFFERENT INTERPRETATION AND OPINION BY OTHER REGISTERED SURVEYORS. DUE TO THIS, PLEASE ENSURE THAT ANY PROPOSED WORKS ARE WELL CLEAR OF ANY BOUNDARIES TO ALLOW FOR DISCREPANCIES IN POSSIBLE BOUNDARY DETERMINATIONS.

IF PROPOSED STRUCTURES NEED TO BE BUILT CLOSE OR ON THE BOUNDARY, WE RECOMMEND THAT A PLAN OF REDEFINITION BE PREPARED AND LODGED WITH LAND REGISTRY SERVICES (LRS). ONCE THE PLAN IS REGISTERED BY THE LRS, BOUNDARIES OF THE SUBJECT LOT CAN BE ESTABLISHED ACCURATELY.

IF UNIDENTIFIED LAND, THIS PART IS OUTSIDE OUR BOUNDARY AND MAY BE CLAIMED BY REGISTRATION.

A PLAN OF REDEFINITION WITH THE LRS, ON SUBJECT TITLE NOTATION, OF ANY LOTS IN DP456077 MAY REQUIRE REGISTRATION OF A DEPOSITED PLAN OF SURVEY SUAMT TO SECTION 114 OF THE REAL PROPERTY ACT.



ARCHICODE
 ARCHITECT
 12 HENRY LAWSON DRIVE
 SYDNEY NSW 2213 AUSTRALIA
 PH 02 9550 4117
 FAX 02 9550 3378
 PO BOX 281 4002 SYDNEY NSW 1585
 WWW.ARCHICODE.COM.AU

ALL LEVELS TO AUSTRALIAN HEIGHT DATUM

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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
 NEUTRAL BAY**

TITLE
 SURVEY PRE-BIC

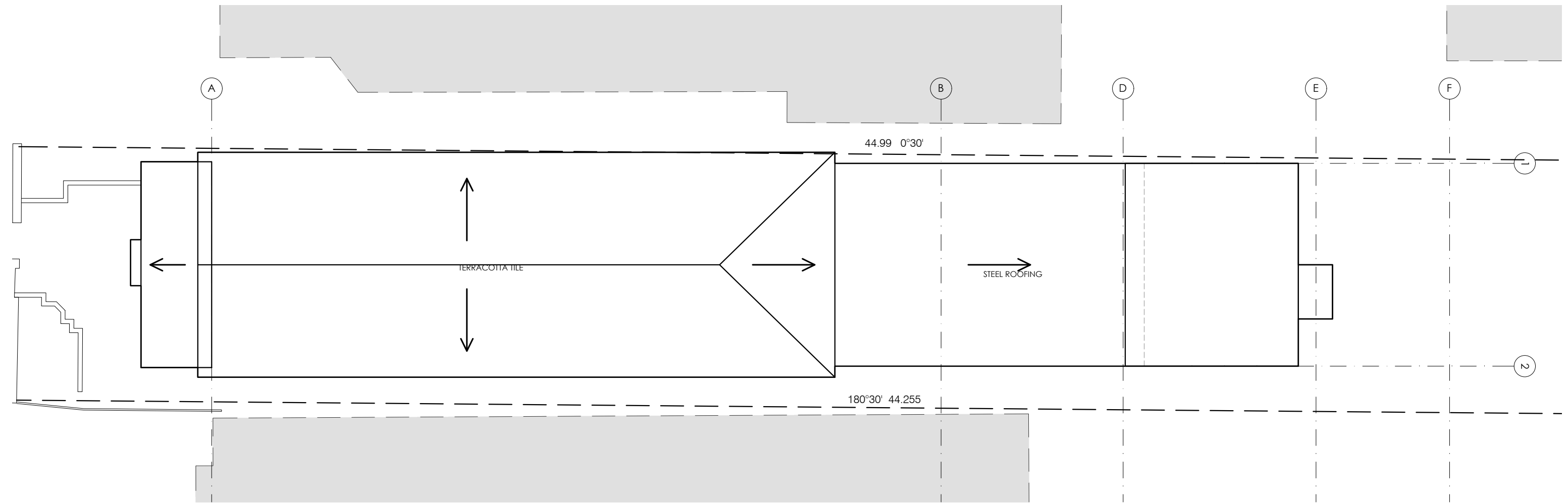
DATE	REVISION
28.04.22	B
2021.22	JB

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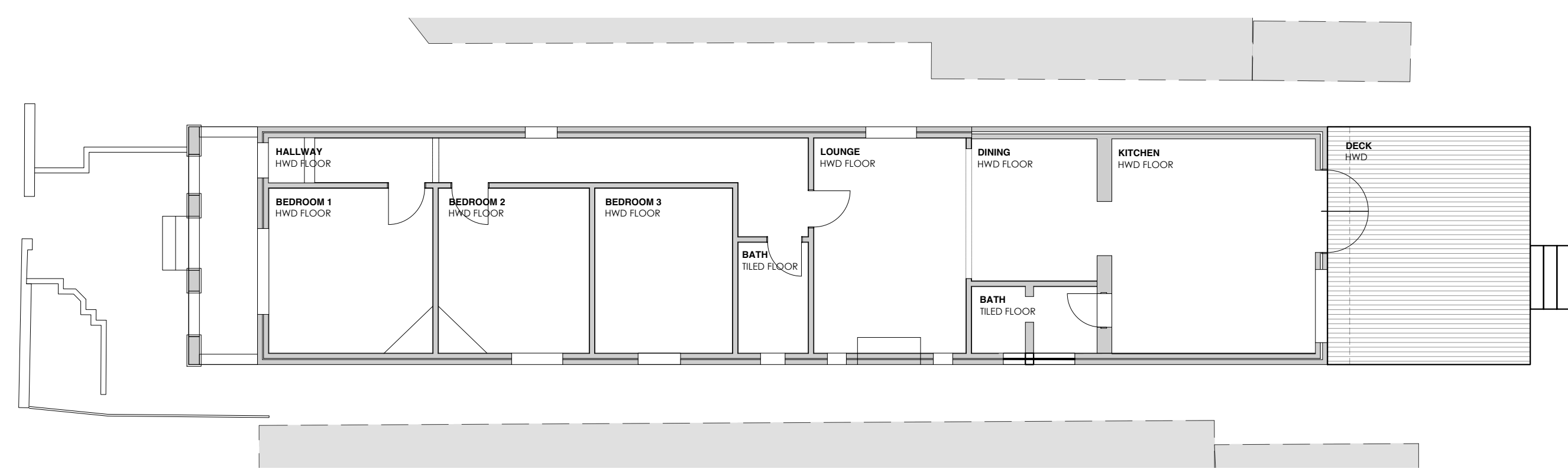
A1.000

ADAM CLERKE SURVEYORS PTY LTD
 Incorporated in NSW
 P.O. BOX 175 NEWPORT NSW 2106
 TEL. 9918 4111 E.adam@adamclerkesurvey.com.au

28 DARLEY STREET, NEUTRAL BAY
 DETAILS AND LEVELS OVER
 LOTS 12 & 13 IN DP.456077
 DATE: 14/12/21 REF: 10421
 SCALE: 1:100(A1) DATUM: A.H.D.



2 ROOF PLAN - EXISTING
SCALE 1:100



1 PLAN - EXISTING
SCALE 1:100

ARCHICODE

ARCHITECT
880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 402 030
A.B.N. 65 281 378 520
JAMES BOWMAN SYDNEY EDU.AU

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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
EXISTING PLANS
GROUND FLOOR & ROOF PLAN

DATE	REVISION
28.04.22	B
2021.22	JB

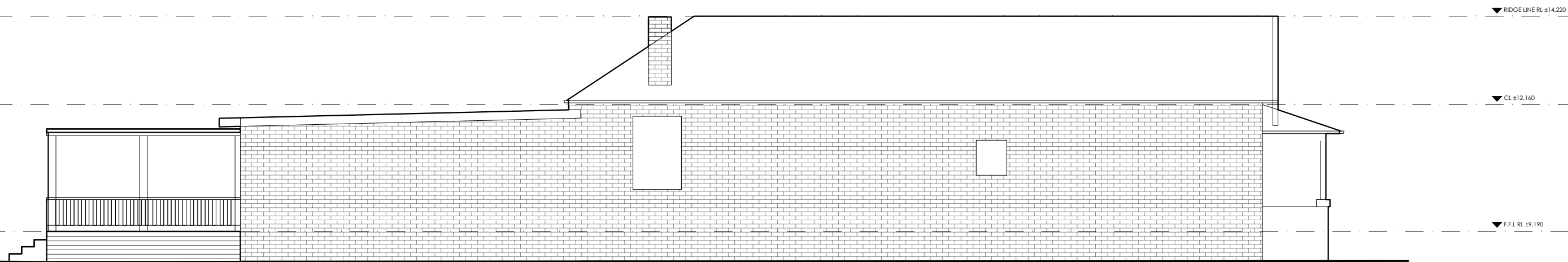
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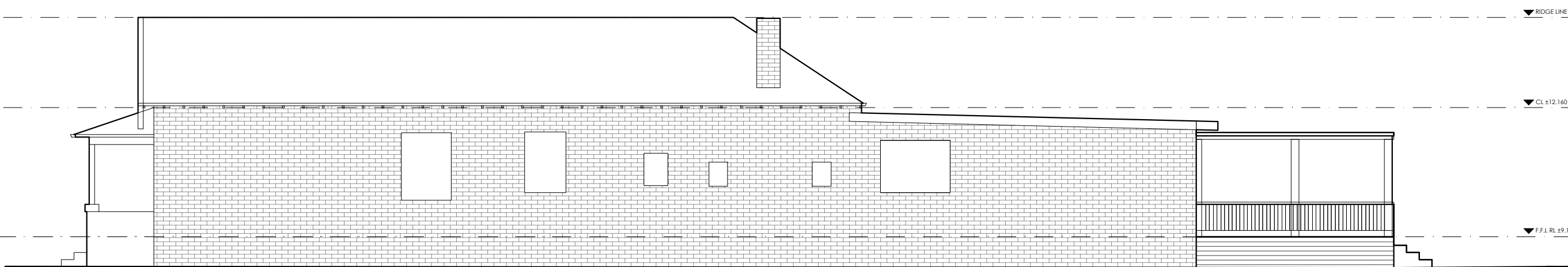
3 ELEVATION - EXISTING SOUTH
SCALE 1:100



4 ELEVATION - EXISTING NORTH
SCALE 1:100



2 ELEVATION - EXISTING WEST
SCALE 1:100



1 ELEVATION - EXISTING EAST
SCALE 1:100

ARCHICODE

ARCHITECT
880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 402 030
A.B.N 65 281 378 520
JAMES BOWMAN@SYDNEY.EDU.AU

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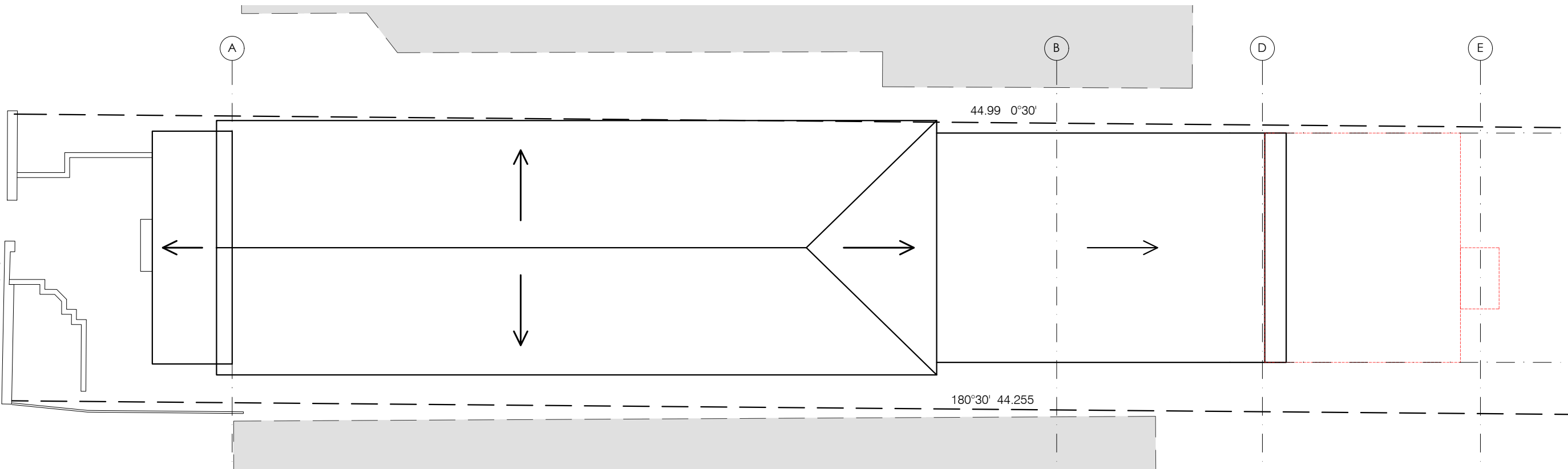
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A	DA ISSUE	JB	05.02.22

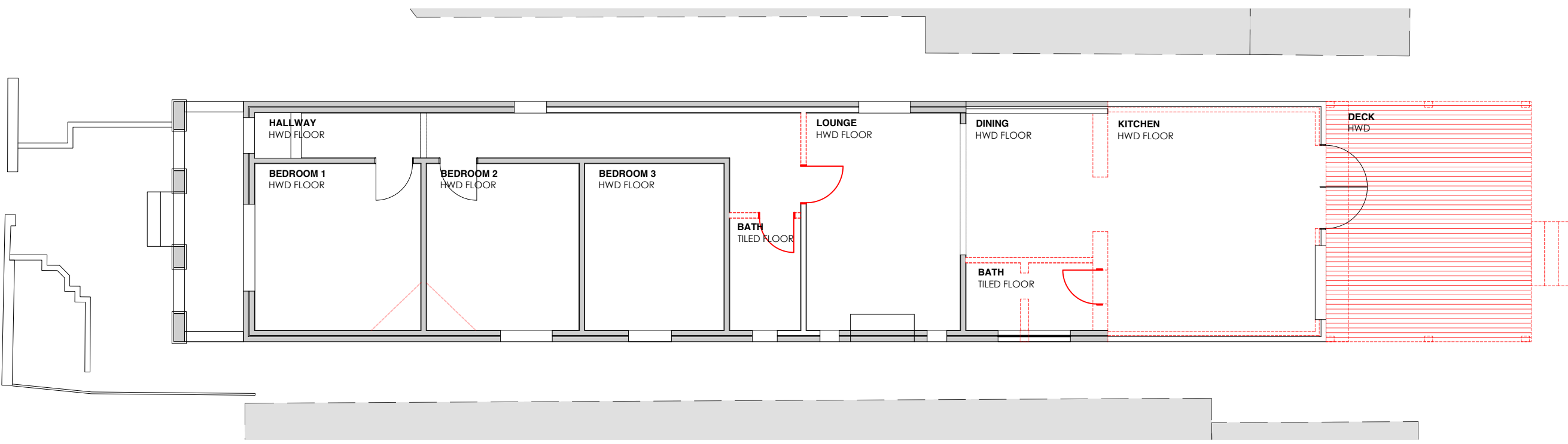
CLIENT/PROJECT
28 DARLEY ST
NEUTRAL BAY

TITLE
EXISTING
ELEVATIONS EAST & WEST

DATE	REVISION
28.04.22	B
2021.22	JB
SCALE	DRAWING NUMBER
1:100 @ A3	A1.003



2 PLAN ROOF - DEMOLITION
SCALE 1:100



1 PLAN GROUND FLOOR - DEMOLITION
SCALE 1:100

ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 4023 F 030
 A 85 281 4023 F 520
 JAMES.BOWMAN@SYDNEY.EDU.AU

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NO	DATE	REVISION

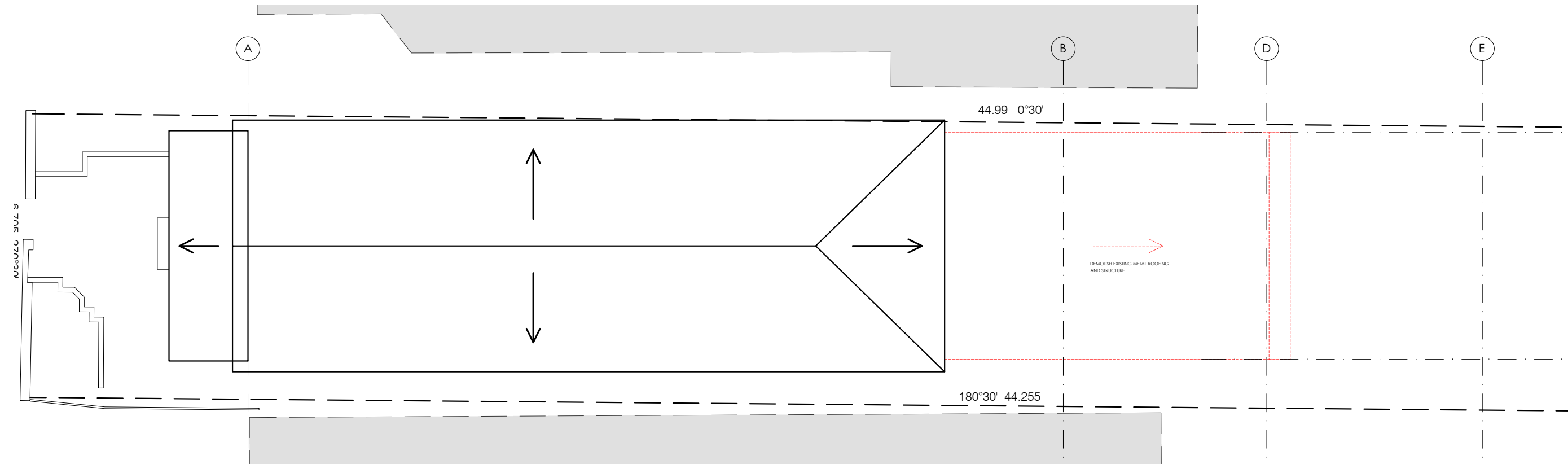
CLIENT/PROJECT
 28 DARLEY ST
 NEUTRAL BAY

TITLE
 DEMOLITION PLAN (BIC)

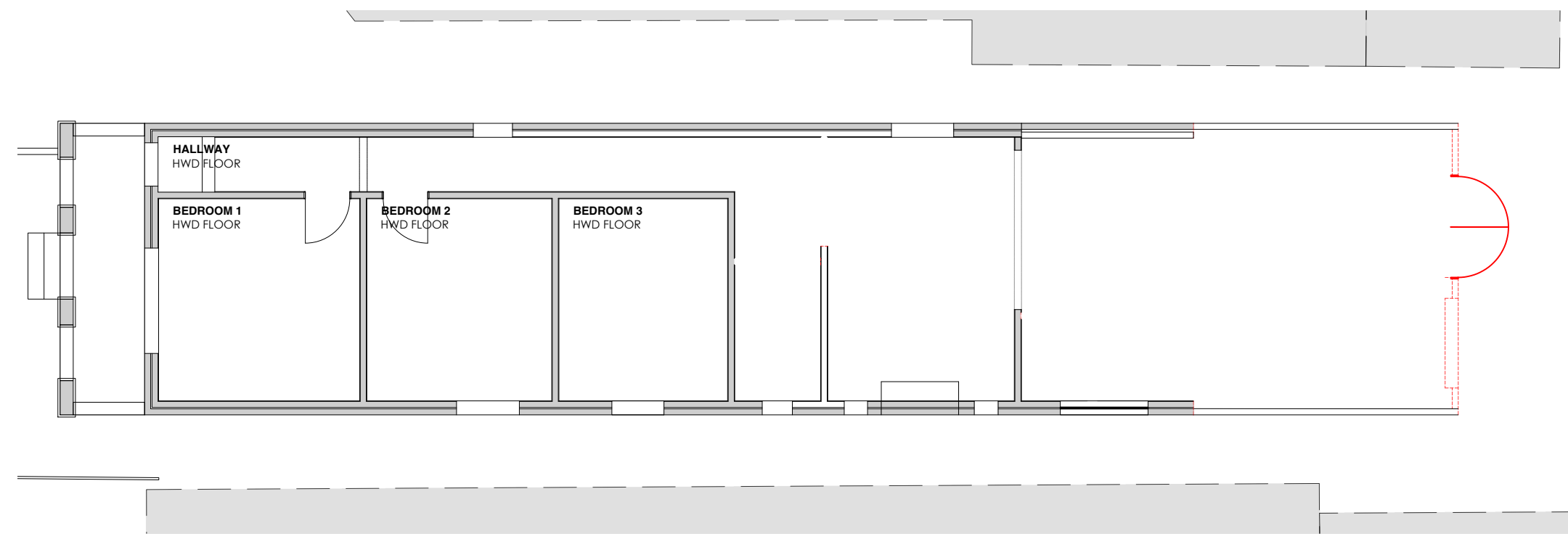
DATE	REVISION
28.04.22	B
2021.22	JB

SCALE
 1:100 @ A3

A1.004



2 PLAN ROOF - DEMOLITION
SCALE 1:100



1 PLAN GROUND FLOOR - DEMOLITION
SCALE 1:100

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ARCHITECT
880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 4023 F 030
A 85 85 281 4023 F 520
JAMES.BOWMAN@SYDNEY.EDU.AU
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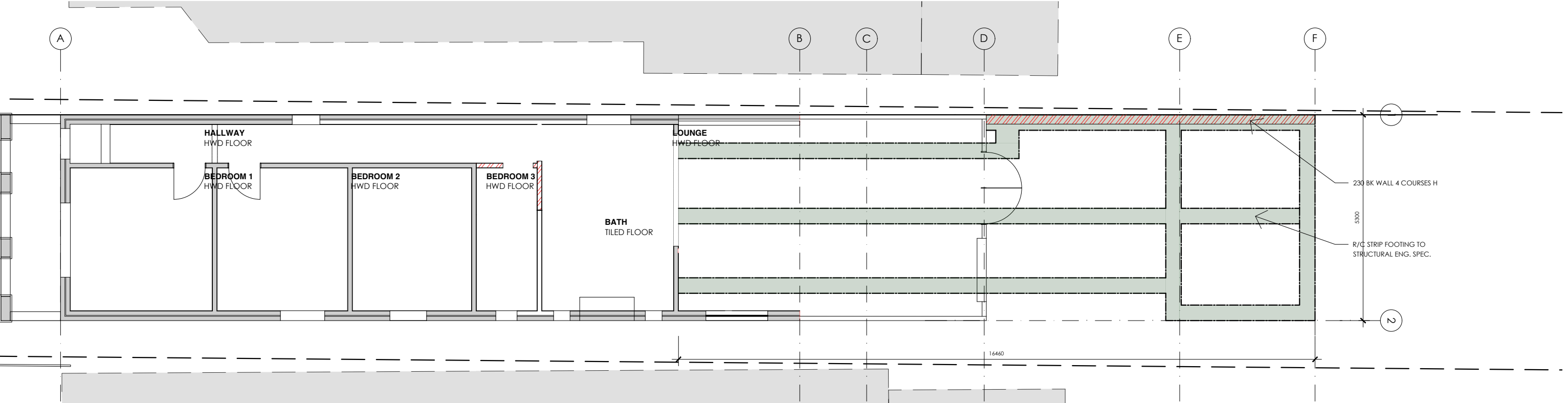
SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	09.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
DEMOLITION PLAN

DATE	REVISION
28.04.22	A
PROJECT NUMBER	DRAWN/CHECKED
2021.22	JB
SCALE	DRAWING NUMBER
1:100 @ A3	A1.005



1 PLAN GROUND FLOOR - AS-BUILT (BIC)
SCALE 1:100

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ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 4023 F 030
 A 85 281 4023 F 520
 JAMES.BOWMAN@SYDNEY.EDU.AU
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B	D/A ISSUE (BIC)	JB	28.04.22
A	D/A ISSUE	JB	09.02.22
REV	DESCRIPTION	BY	DATE

CLIENT/PROJECT
28 DARLEY ST
NEUTRAL BAY

TITLE
 AS-BUILT (BIC)

DATE	REVISION
28.04.22	B
PROJECT NUMBER	DRAWN/CHECKED
2021.22	JB
SCALE	DRAWING NUMBER
1:100 @ A3	A1.006



1 SITE PLAN
SCALE 1:500

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ARCHITECT
880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 402 030
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SCHEDULES & NOTES

B	DA ISSUE (BC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

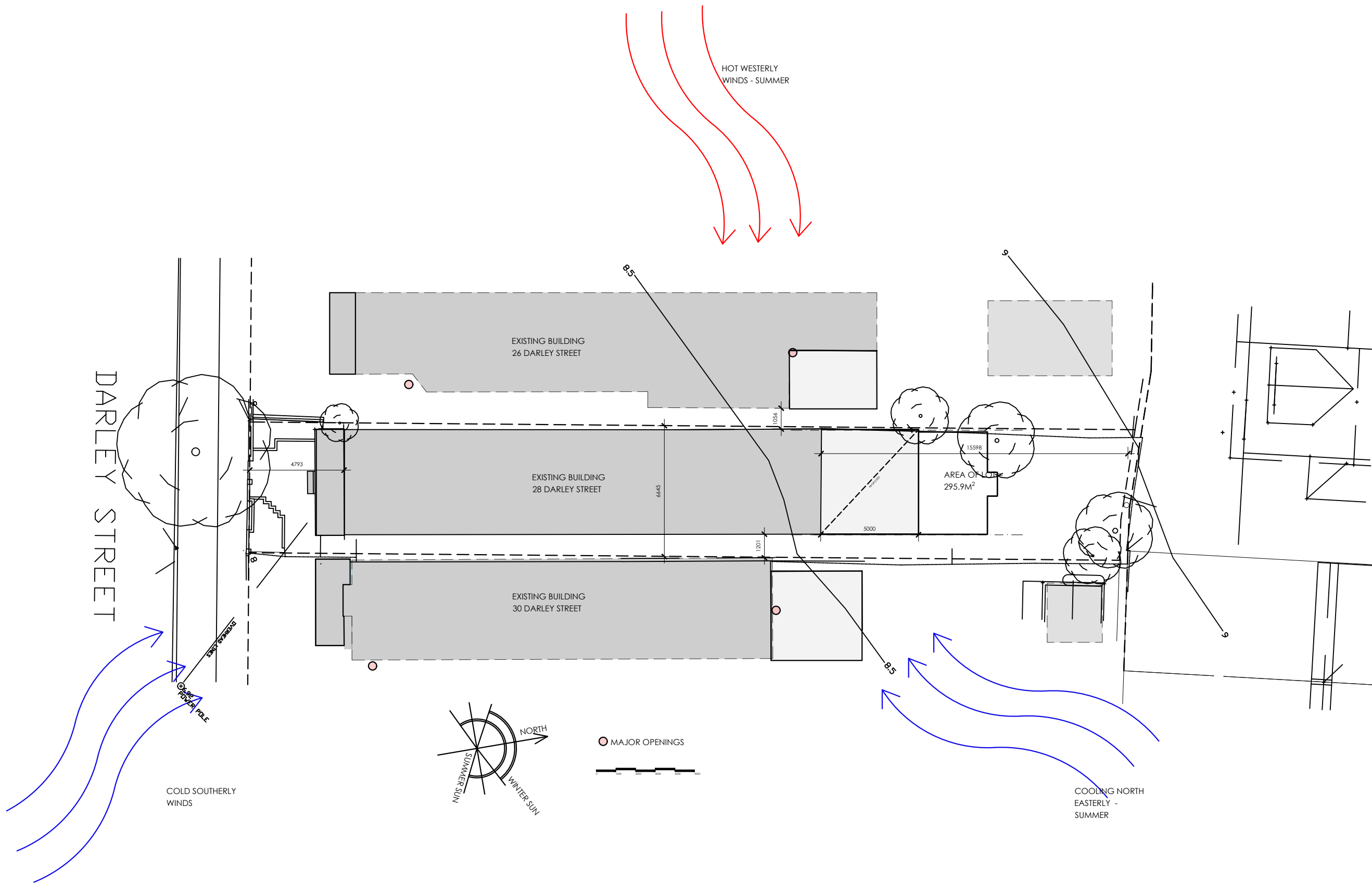
REV DESCRIPTION BY DATE

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
SITE PLAN

DATE	28.04.22	REVISION	B
PROJECT NUMBER	2021.22	DRAWN/CHECKED	JB
SCALE	1:500 @ A3	DRAWING NUMBER	A1.007

SITE AREA 295.9M²
 EXISTING FLOOR AREA = 112.4M²
 PROPOSED FLOOR AREA = 135.8M²
 FSR: 0.45:1
 ALLOWABLE 1:1



ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 402 F 030
 A.B.N 65 281 378 520
 JAMES BOWMAN SYDNEY EDU AU

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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

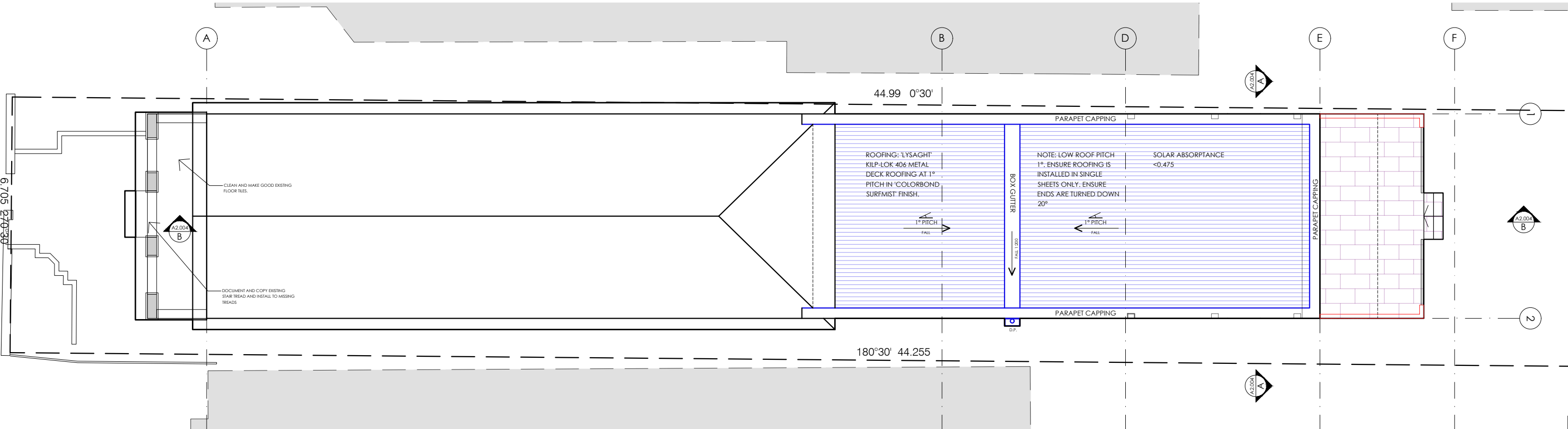
CLIENT/PROJECT
28 DARLEY ST
NEUTRAL BAY

TITLE
 SITE ANALYSIS

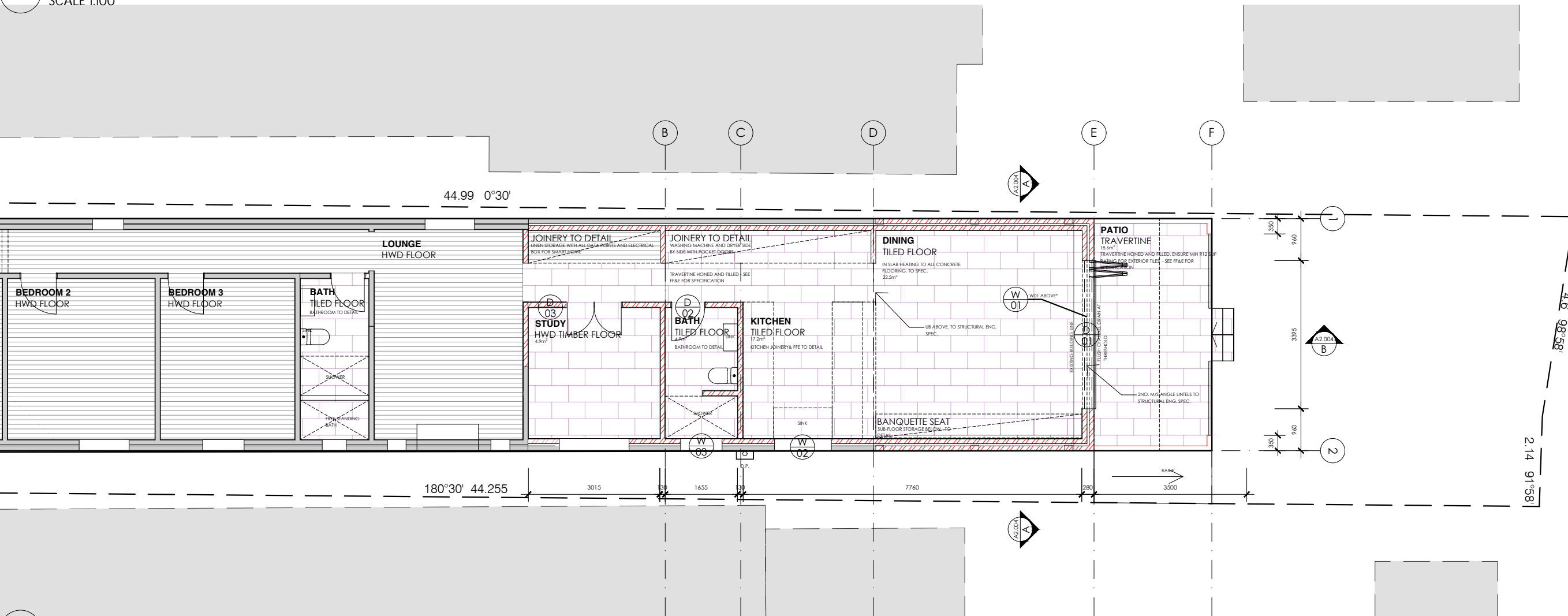
DATE	REVISION
28.04.22	B
2021.22	JB

SCALE 1:200 @ A3 **A2.001**

1 SITE ANALYSIS/SITE PLAN
 SCALE 1:200



2 ROOF PLAN - PROPOSED
SCALE 1:100



1 FLOOR PLAN - PROPOSED GROUND
SCALE 1:100

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ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
A B N 85 281 378 S 20
JAMES BOWMAN SYDNEY EDU A U

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SCHEDULES & NOTES

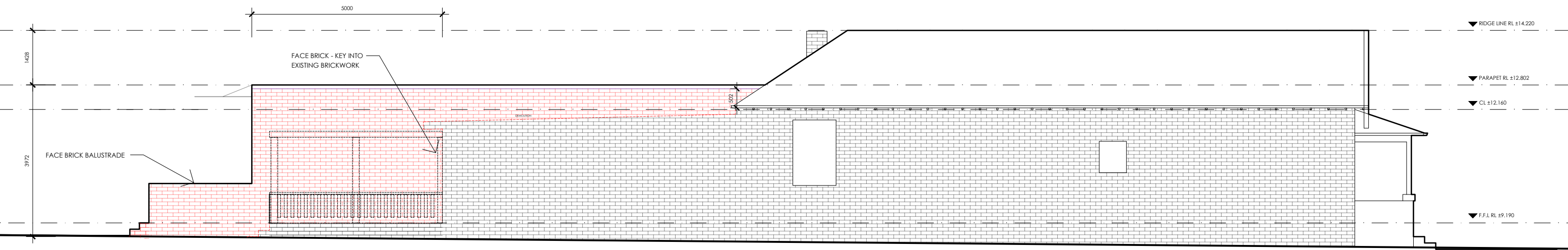
REV	DESCRIPTION	BY	DATE
B	D.A. ISSUE (BIC)	JB	28.04.22
A	D.A. ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

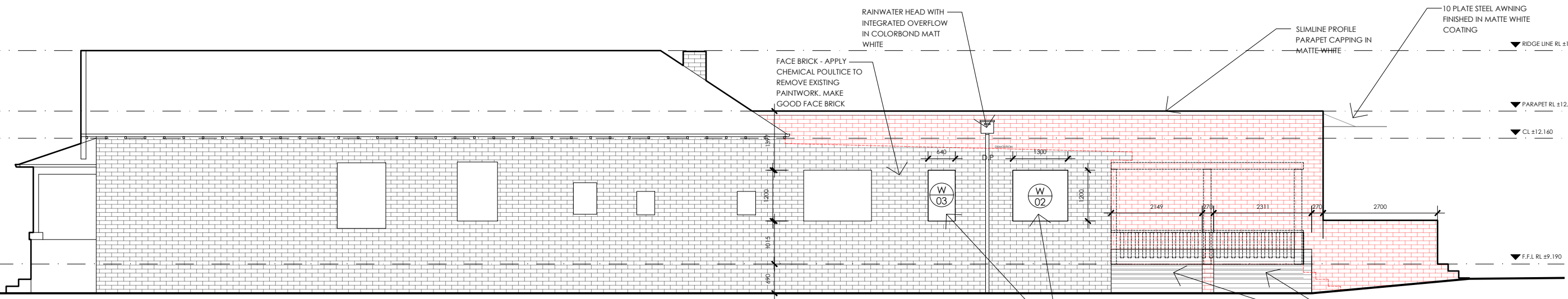
TITLE
PROPOSED PLANS
GROUND & ROOF

DATE	REVISION
28.04.22	B
2021.22	JB

SCALE: 1:100 @ A3 **A2.002**



2 ELEVATION - PROPOSED WEST
SCALE 1:100



1 ELEVATION - PROPOSED EAST
SCALE 1:100

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ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
ABN 85 281 378 520
JAMES BOWMAN@SYDNEY.EDU.AU

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SCHEDULES & NOTES

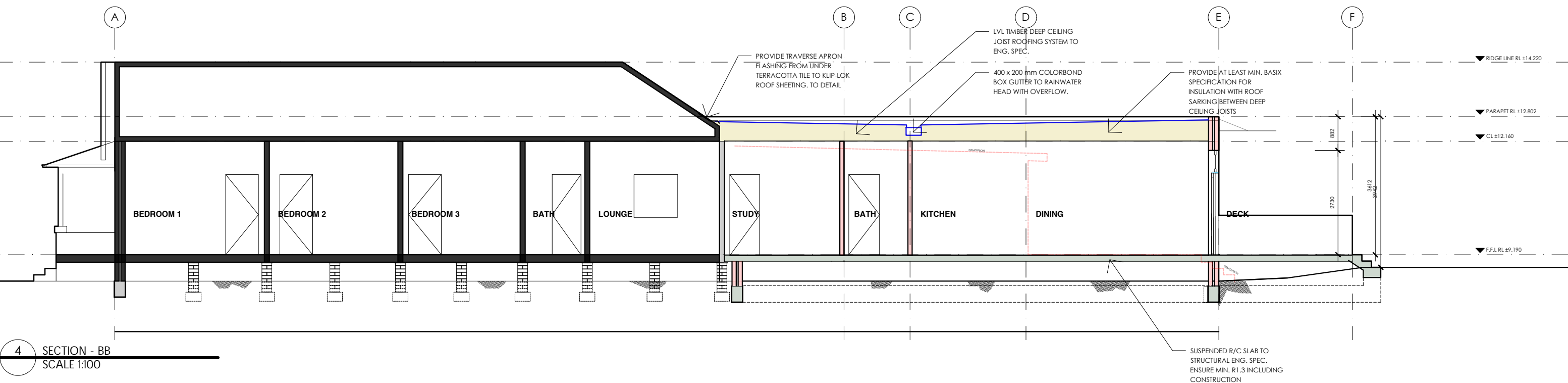
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B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

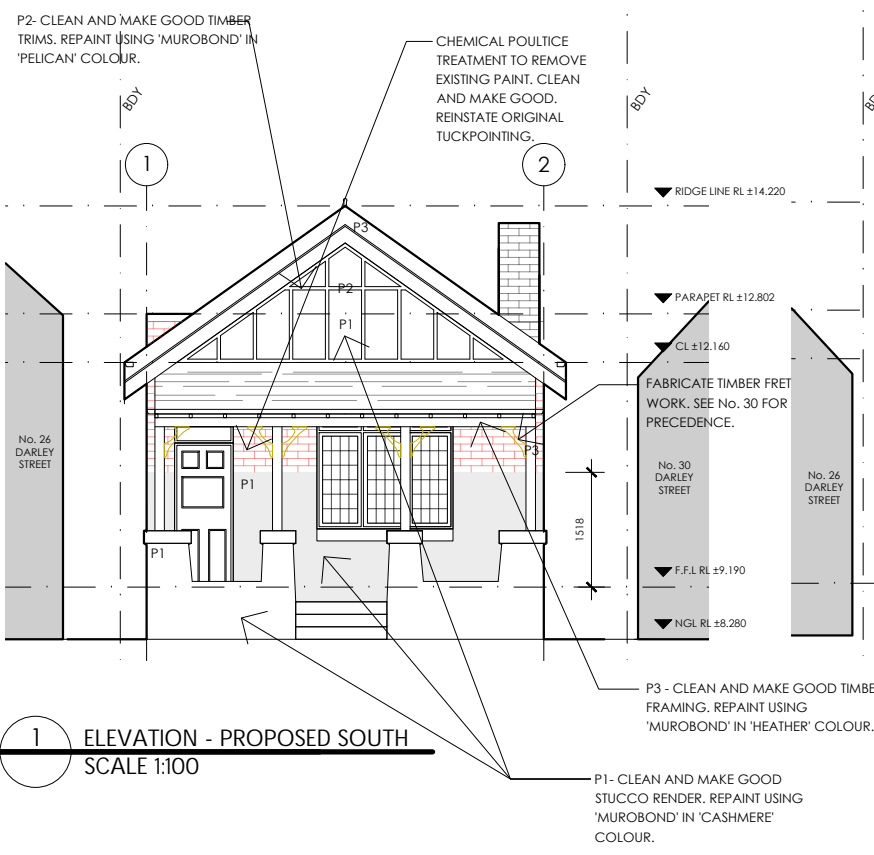
TITLE
PROPOSED
ELEVATIONS EAST & WEST

DATE	REVISION
28.04.22	B
2021.22	JB

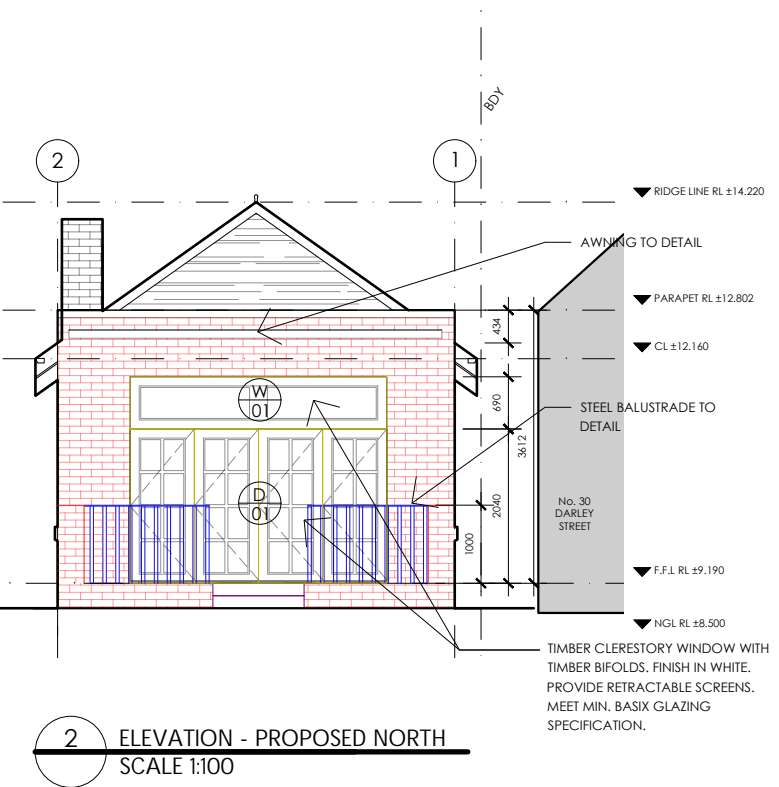
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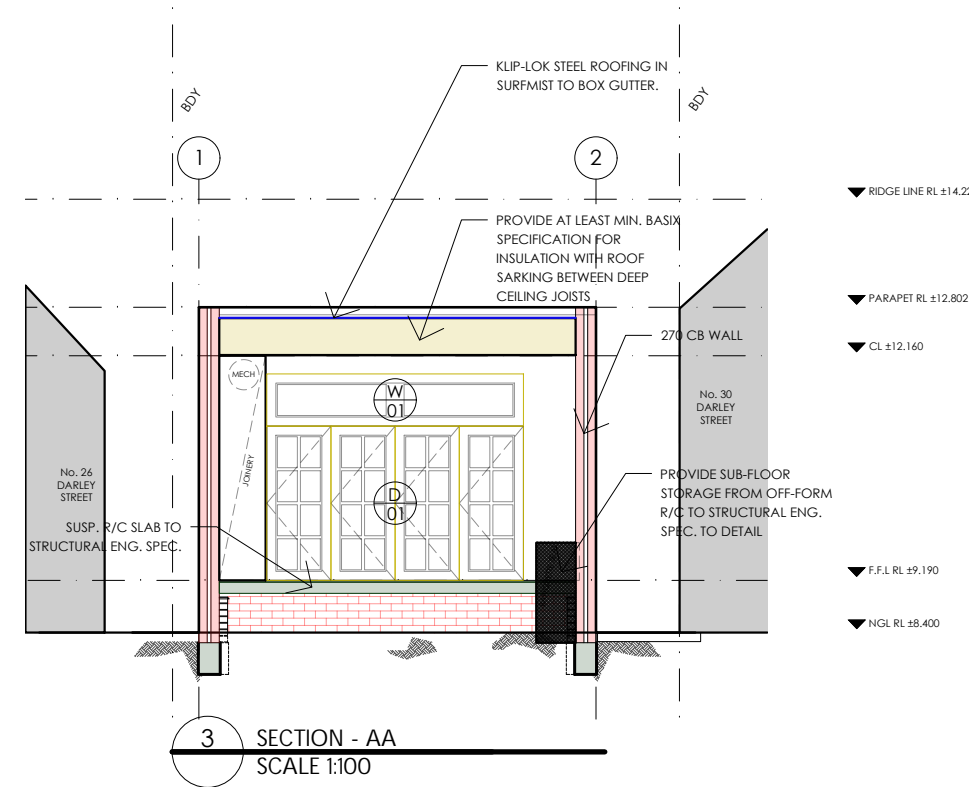
4 SECTION - BB
SCALE 1:100



1 ELEVATION - PROPOSED SOUTH
SCALE 1:100



2 ELEVATION - PROPOSED NORTH
SCALE 1:100



3 SECTION - AA
SCALE 1:100

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ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
ABN 85 281 378 530
JAMES BOWMAN SYDNEY, EDU, AU

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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
PROPOSED
ELEVATIONS NORTH & SOUTH
SECTIONS

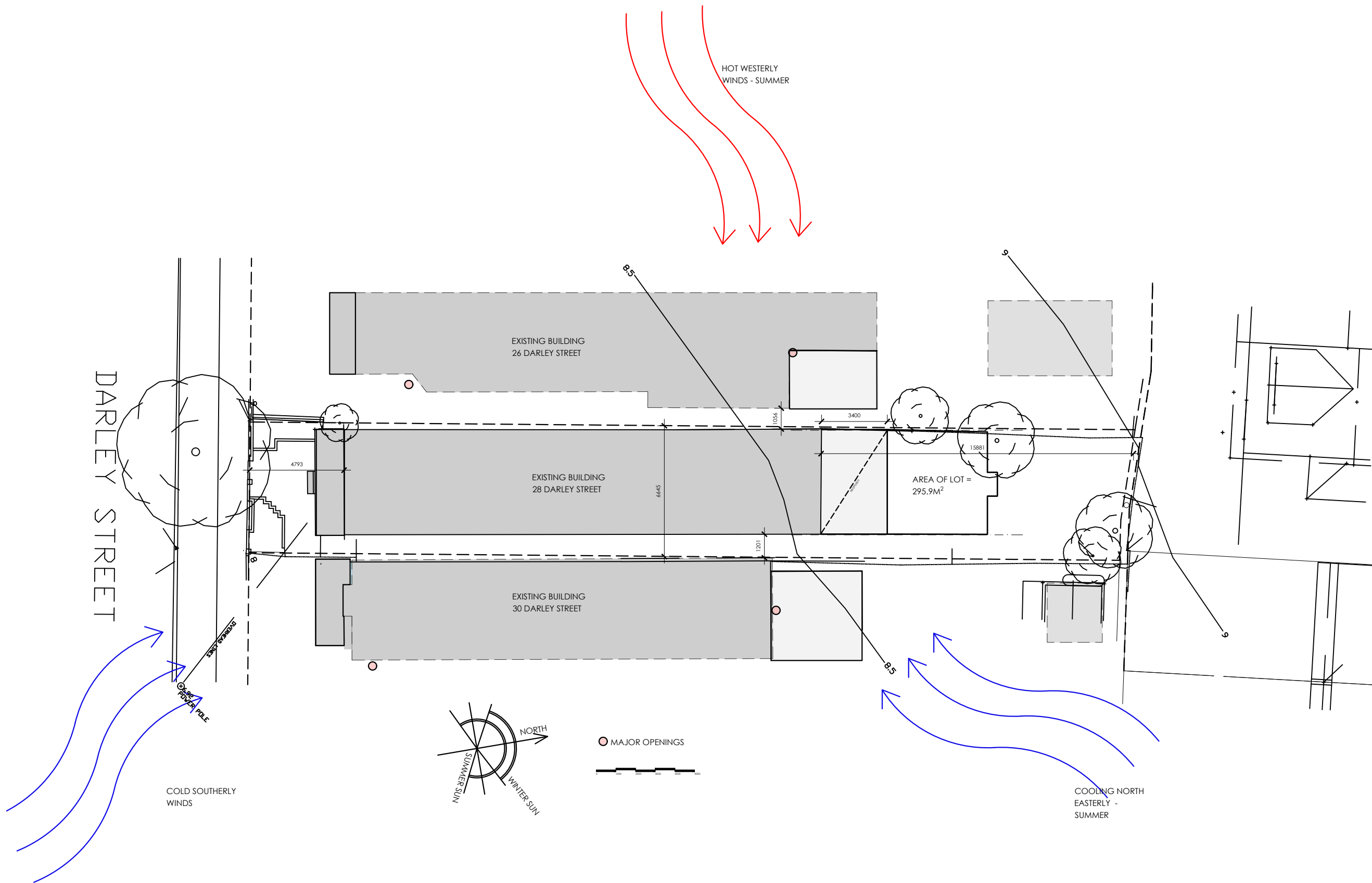
DATE	REVISION
28.04.22	B

PROJECT NUMBER
202122

SCALE
1:100 @ A3

DRAWING NUMBER
A2.004

SITE AREA 295.9M²
 EXISTING FLOOR AREA = 112.4M²
 PROPOSED FLOOR AREA = 135.8M²
 FSR: 0.45:1
 ALLOWABLE 1:1



ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 402 F 030
 A.B.N 65 281 378 520
 JAMES BOWMAN SYDNEY EDU AU

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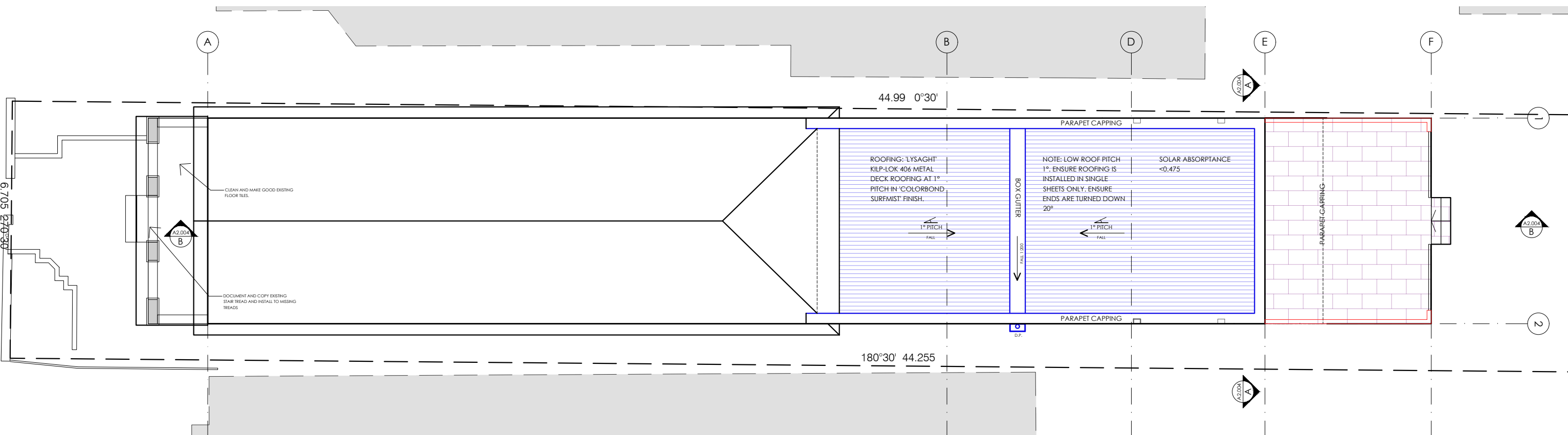
SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
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B	D.A ISSUE (BC)	JB	28.04.22
A	D.A ISSUE	JB	05.02.22

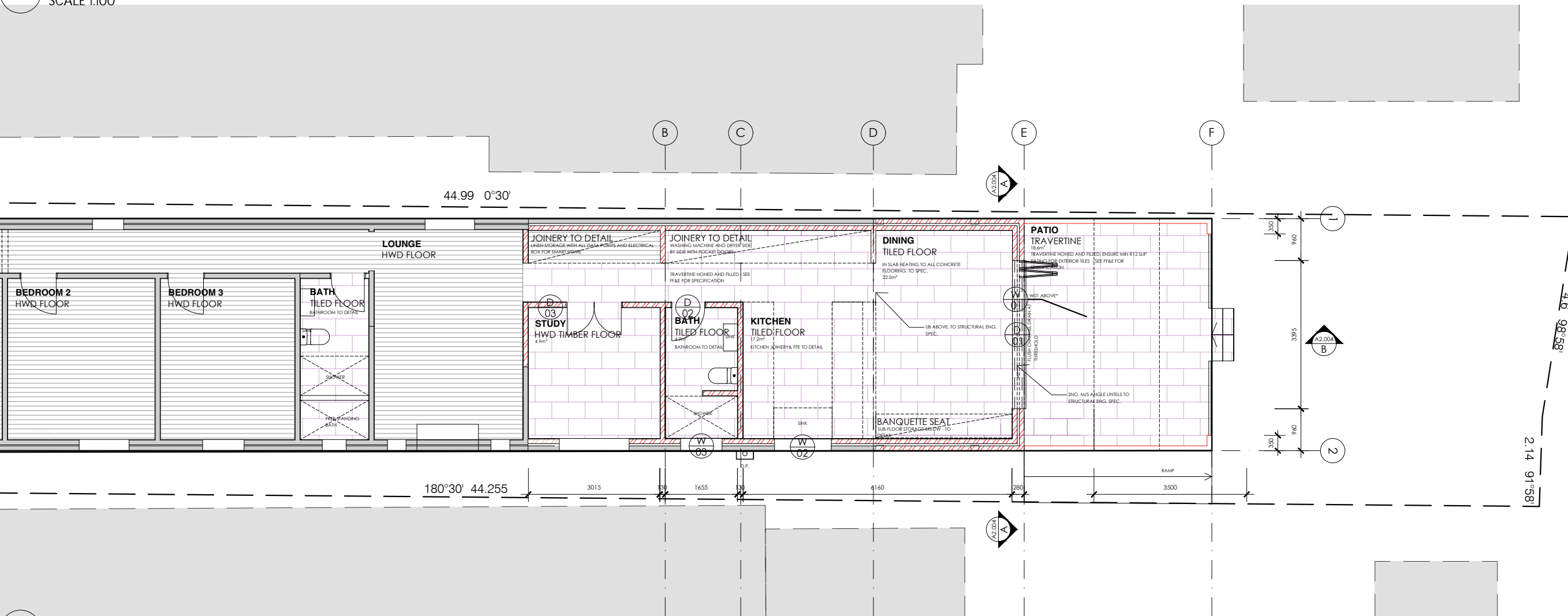
CLIENT/PROJECT
28 DARLEY ST
NEUTRAL BAY

TITLE
 SITE ANALYSIS

DATE	REVISION
12.08.22	C
PROJECT NUMBER	DRAWN/CHECKED
2021.22	JB
SCALE	DRAWING NUMBER
1:200 @ A3	A2.001



2 ROOF PLAN - PROPOSED
SCALE 1:100



1 FLOOR PLAN - PROPOSED GROUND
SCALE 1:100

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ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 402 630
A B N 85 281 378 520
JAMES BOWMAN@SYDNEY.EDU.AU

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SCHEDULES & NOTES

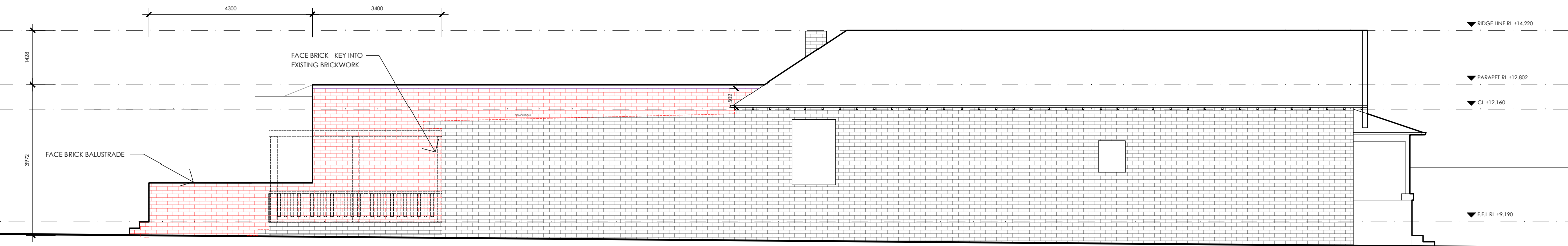
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A	D/A ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

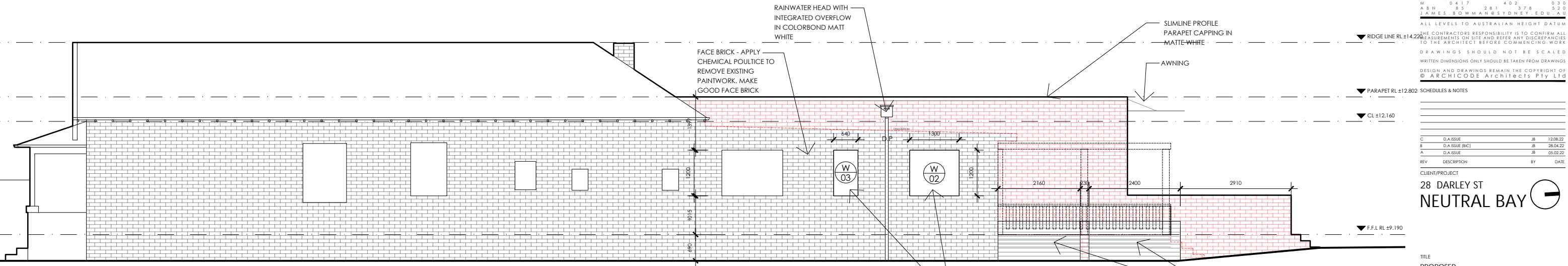
TITLE
PROPOSED PLANS
GROUND & ROOF

DATE	REVISION
12.08.22	C
2021.22	JB

SCALE: 1:100 @ A3 **A2.002**



2 ELEVATION - PROPOSED WEST
SCALE 1:100



1 ELEVATION - PROPOSED EAST
SCALE 1:100

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ARCHITECT
880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
A B N 8 5 2 8 1 3 7 8 5 2 0
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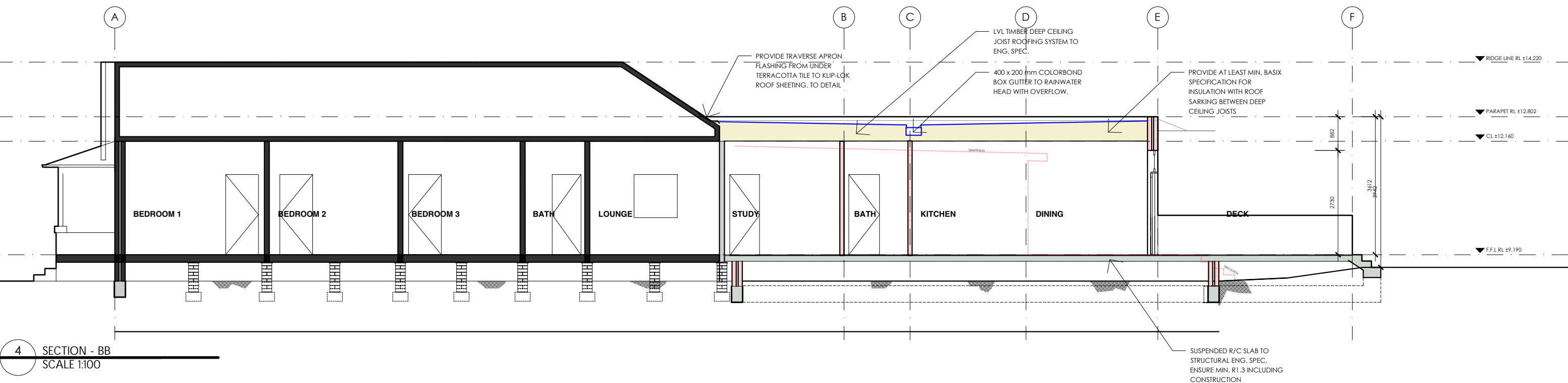
SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
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B	DA ISSUE (BIC)	JB	28.04.22
A	DA ISSUE	JB	05.02.22

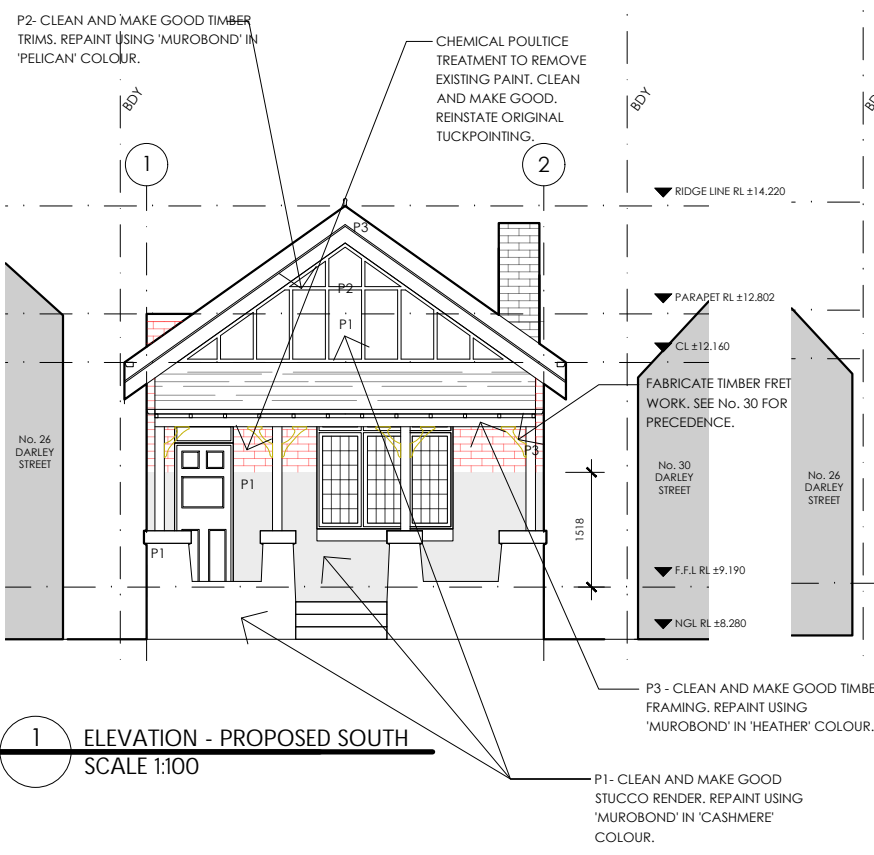
CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
PROPOSED
ELEVATIONS EAST & WEST

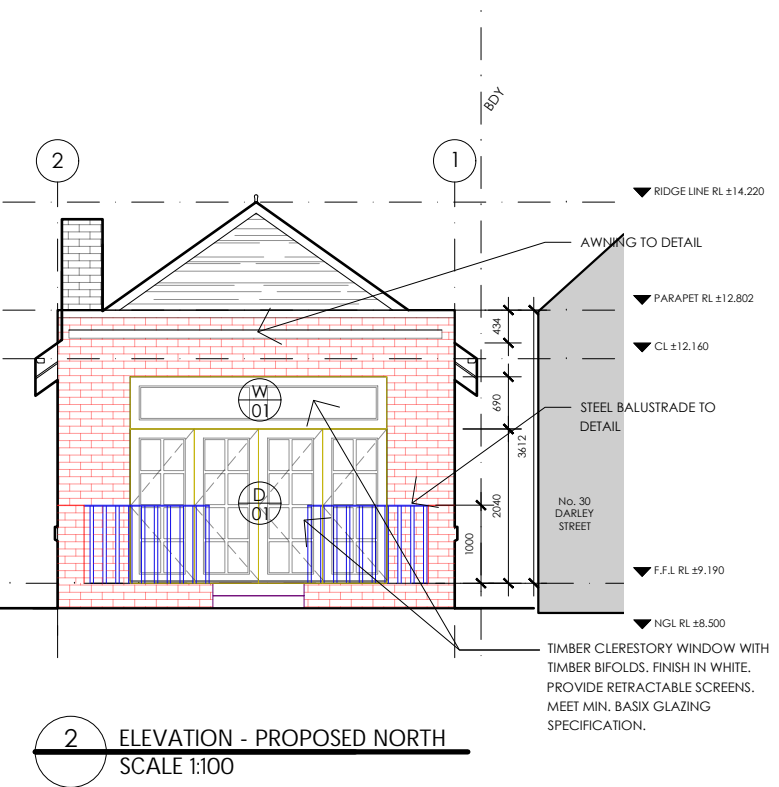
DATE	REVISION
12.08.22	C
PROJECT NUMBER	DRAWN/CHECKED
202122	JB
SCALE	DRAWING NUMBER
1:100 @ A3	A2.003



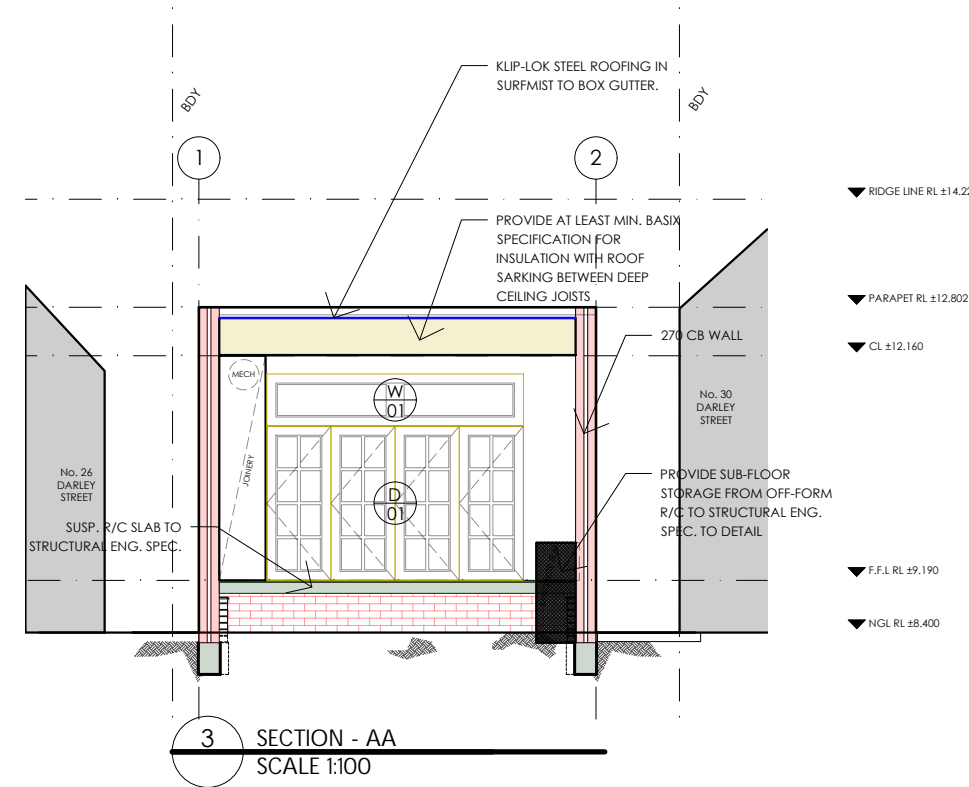
4 SECTION - BB
SCALE 1:100



1 ELEVATION - PROPOSED SOUTH
SCALE 1:100



2 ELEVATION - PROPOSED NORTH
SCALE 1:100



3 SECTION - AA
SCALE 1:100

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ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
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SCHEDULES & NOTES

REV	DESCRIPTION	BY	DATE
C	D.A. ISSUE	JB	12.08.22
B	D.A. ISSUE (BIC)	JB	28.04.22
A	D.A. ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

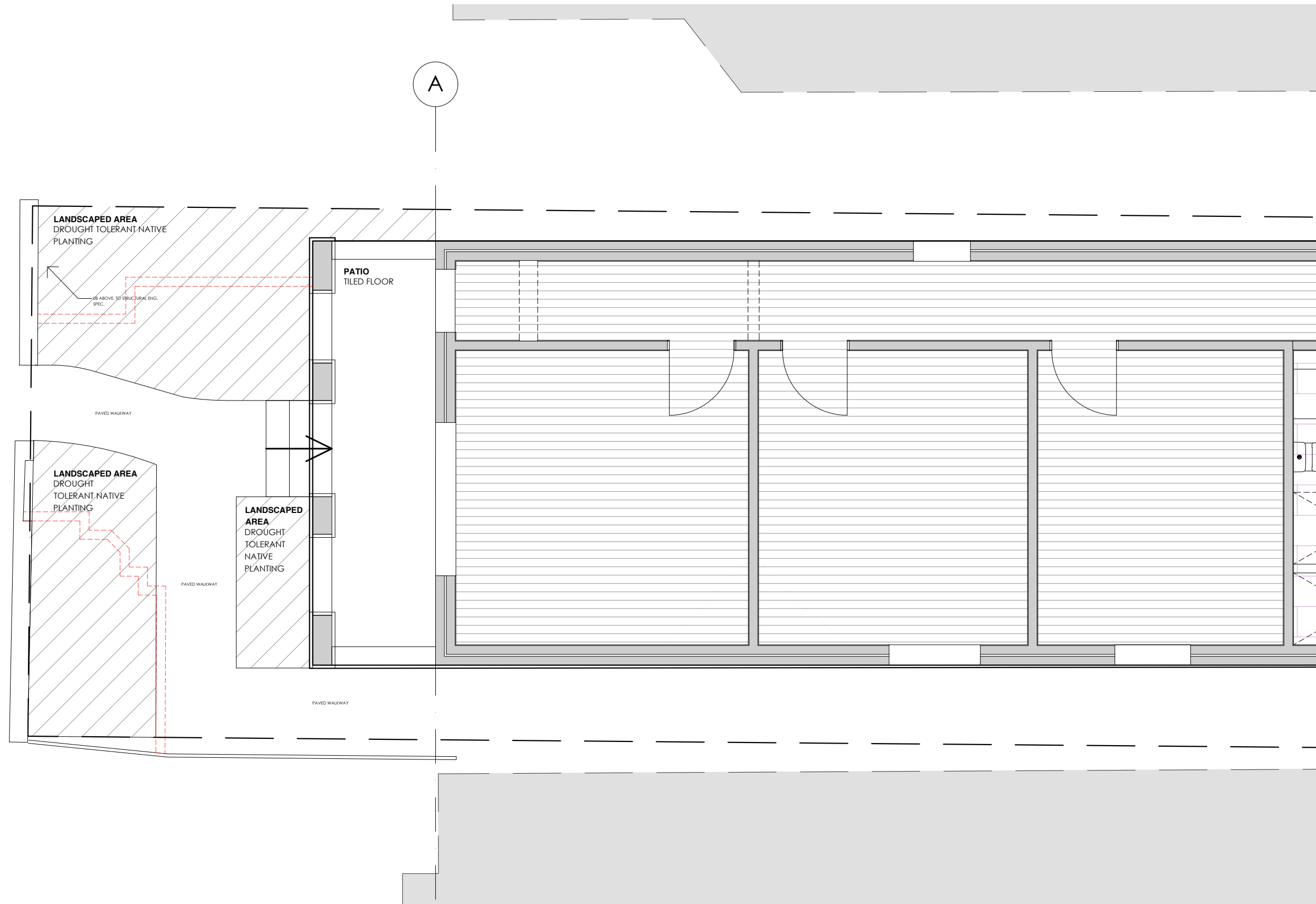
TITLE
PROPOSED
ELEVATIONS NORTH & SOUTH
SECTIONS

DATE	REVISION
12.08.22	C

PROJECT NUMBER
202122

SCALE
1:100 @ A3

DRAWING NUMBER
A2.004



ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 281 402 F 030
 A.B.N 65 281 378 520
 JAMES BOWMAN SYDNEY EDU AU

ALL LEVELS TO AUSTRALIAN HEIGHT DATUM
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SCHEDULES & NOTES

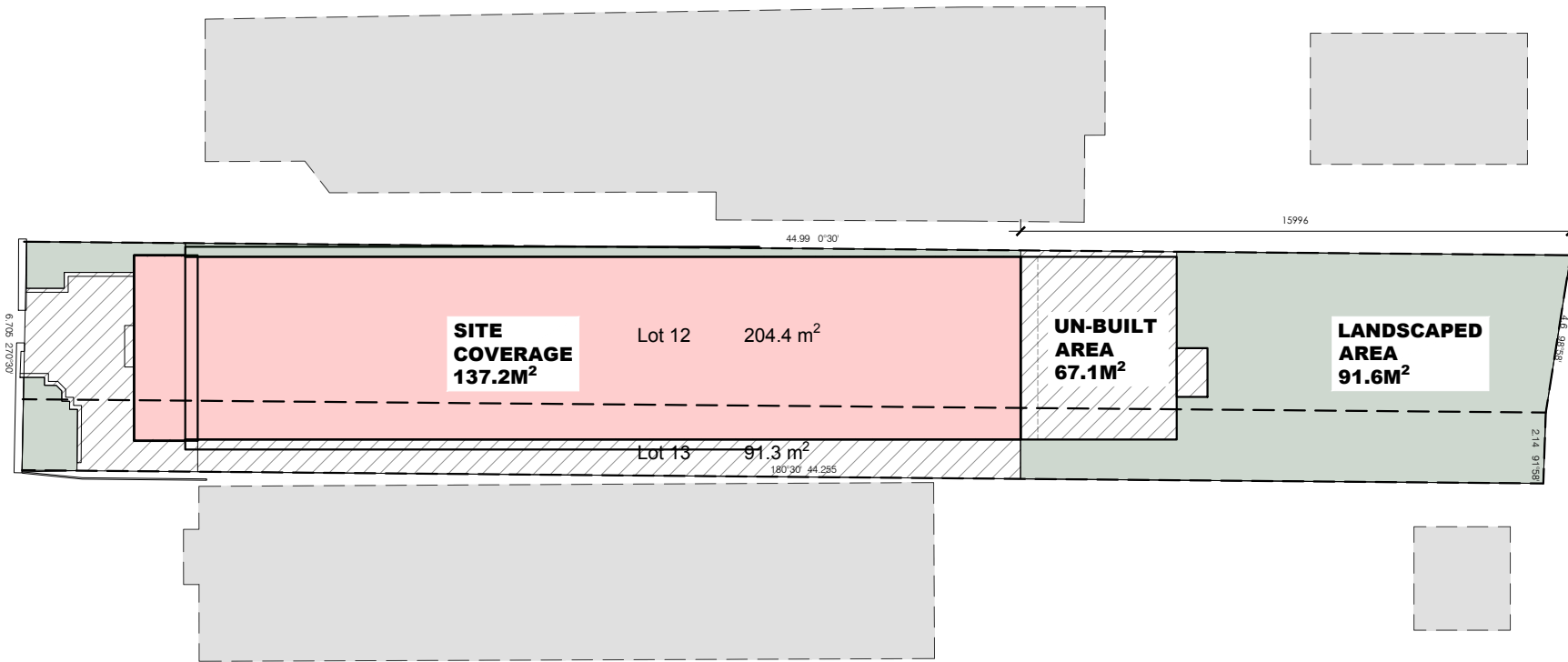
REV	DESCRIPTION	BY	DATE
C	D.A. ISSUE	JB	12.08.22
B	D.A. ISSUE (BIC)	JB	11.08.22
A	D.A. ISSUE	JB	05.02.22

CLIENT/PROJECT
 28 DARLEY ST
 NEUTRAL BAY

TITLE
 LANDSCAPE PLAN

DATE	REVISION
12.08.22	C
2021.22	JB

SCALE 1:100 @ A3 **A2.005**



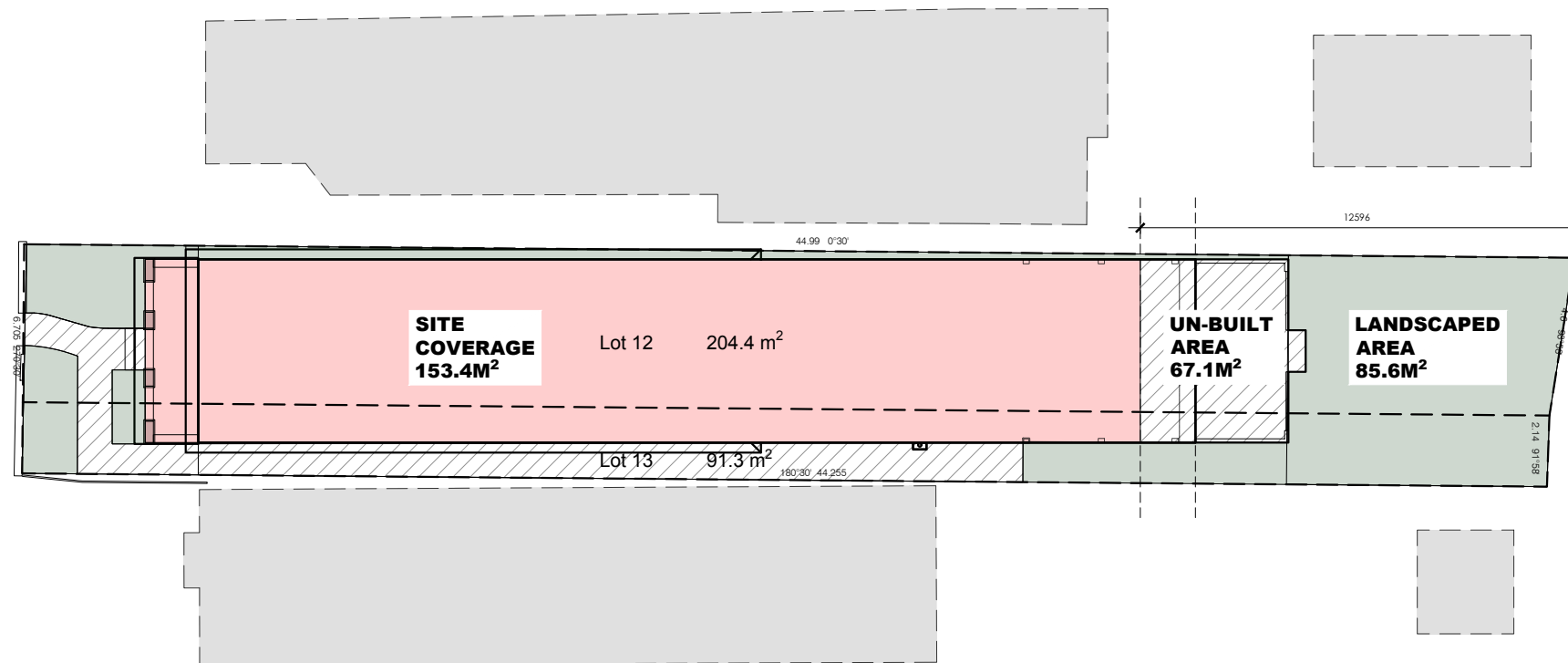
AREA STATEMENT	SITE AREA		295.9		COMPLIANCE
FSR (NOT APPLICABLE)					
	MAXIMUM				
	EXISTING				
		GROUND			
		TOTAL			N/A
	PROPOSED				
		GROUND			
		TOTAL			N/A
LANDSCAPED AREA	MINIMUM		59.2	20%	
	EXISTING		91.6	31.0%	YES
	PROPOSED		85.6	28.9%	YES
SITE COVERAGE	MAXIMUM		148.0	50%	
	EXISTING		137.2	46.37%	YES
	PROPOSED		153.4	51.84%	-
UN-BUILT	MAXIMUM		59.2	20%	
	EXISTING		67.1	22.68%	-
	PROPOSED		56.9	19.23%	YES

2 AREA CALCULATION - EXISTING
SCALE 1:200

3 AREA STATEMENT
-

LEGEND

- LANDSCAPED AREA
- UN-BUILT AREA
- SITE COVERAGE



1 AREA CALCULATION- PROPOSED
SCALE 1:200

ARCHICODE

ARCHITECT
 880 HENRY LAWSON DRIVE
 PICNIC POINT NSW 2213 AUSTRALIA
 M 0417 402 030
 A B N 8 5 2 8 1 3 7 8 5 2 0
 JAMES BOWMAN SYDNEY EDUCAR
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SCHEDULES & NOTES

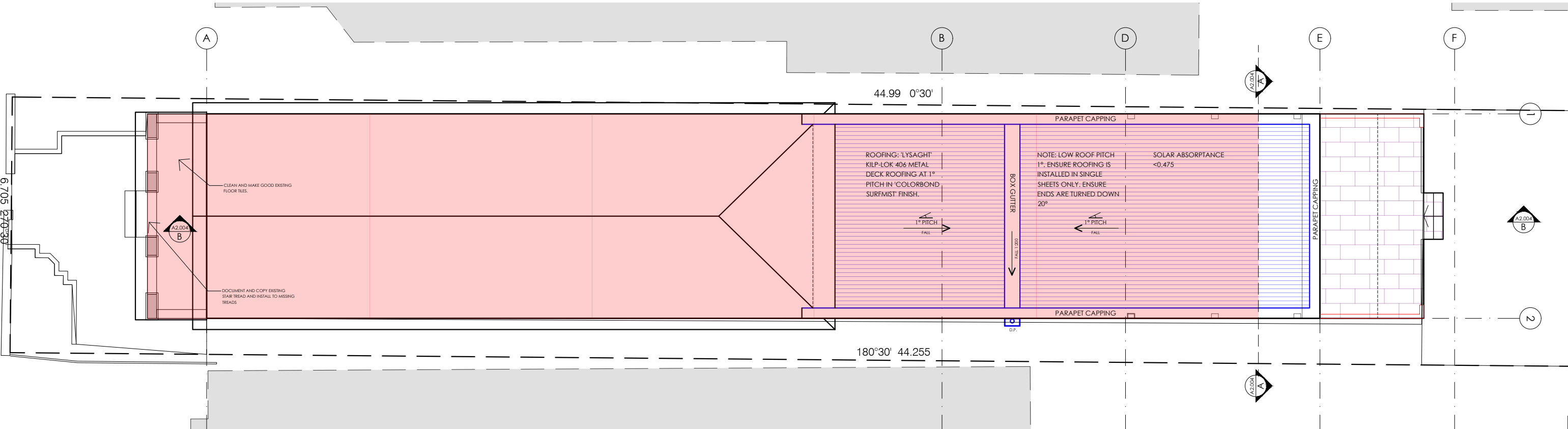
REV	DESCRIPTION	BY	DATE
D	D/A PLANNING RESPONSE	JB	07.08.22
C	D/A PR RESPONSE	JB	04.06.22
B	D/A ISSUE (R/C)	JB	26.04.22
A	D/A ISSUE	JB	05.02.22

CLIENT/PROJECT

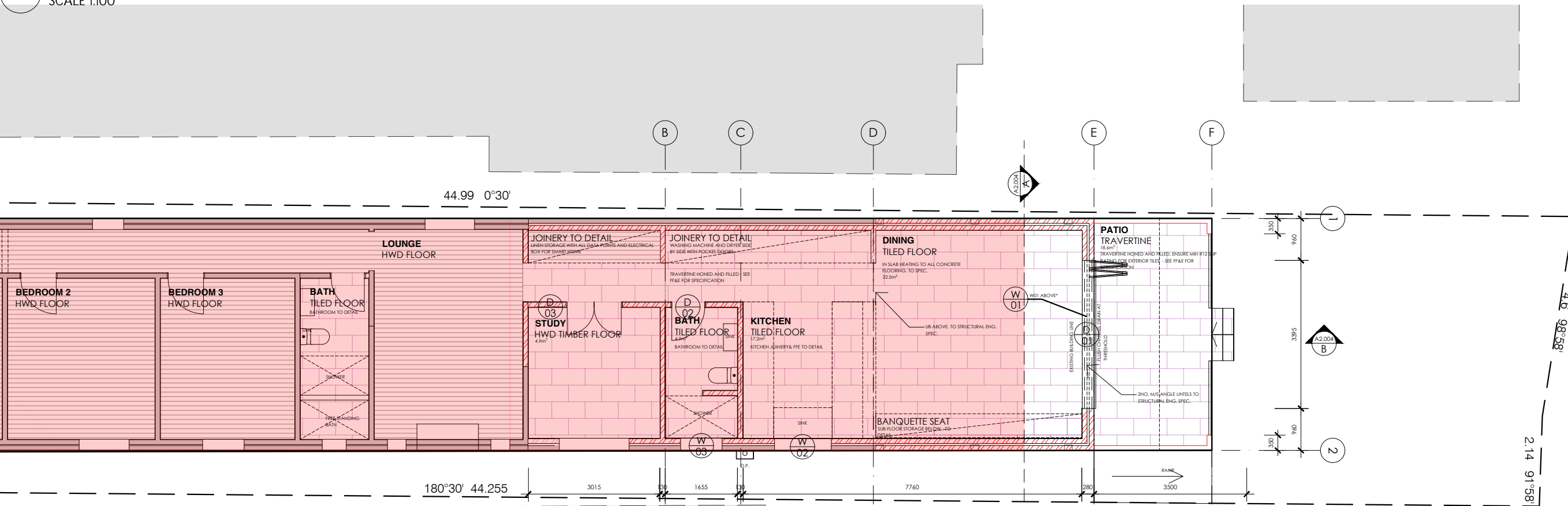
28 DARLEY ST
 NEUTRAL BAY

TITLE
 AREA STATEMENT

DATE	REVISION
07.08.22	C
2021.22	JB
1:200 @ A3	DA01



2 ROOF PLAN - PROPOSED
SCALE 1:100



1 FLOOR PLAN - PROPOSED GROUND
SCALE 1:100

ARCHICODE
ARCHITECT

880 HENRY LAWSON DRIVE
PICNIC POINT NSW 2213 AUSTRALIA
M 0417 281 402 F 030
A B N 85 281 378 S 20
JAMES BOWMAN SYDNEY EDU A U

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REV	DESCRIPTION	BY	DATE
D	D.A PLANNING RESPONSE	JB	07.08.22
B	D.A ISSUE (BIC)	JB	28.04.22
A	D.A ISSUE	JB	05.02.22

CLIENT/PROJECT
**28 DARLEY ST
NEUTRAL BAY**

TITLE
PROPOSED PLANS
GROUND & ROOF

DATE	REVISION
07.08.22	B
2021.22	JB

SCALE: 1:100 @ A3 **A2.002**