

**NSLPP MEETING HELD ON 03/08/2022****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Height of Buildings
4. Design Excellence Panel Minutes
5. SEPP (Housing) 2021 Response
6. Subterranean Habitable Room Amenity Study

ADDRESS/WARD: 2 Sutherland Street, Cremorne**APPLICATION No:** DA 432/21

PROPOSAL: Demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works.

PLANS REF:

| Plan Nos. | Issue | Description | Prepared by | Dated |
|-----------|-------|--------------------------|-----------------|------------|
| DA1001 | C | Demolition Plan | MHDUNION | 24/05/2022 |
| DA1002 | D | Site and Roof Plan | | 21/07/2022 |
| DA2000 | D | Basement Level 2 Plan | | 21/07/2022 |
| DA2001 | D | Basement Level 1 Plan | | 21/07/2022 |
| DA2002 | D | Lower Ground Floor Plan | | 21/07/2022 |
| DA2003 | D | Ground Floor Plan | | 21/07/2022 |
| DA2004 | D | Level 1 Floor Plan | | 21/07/2022 |
| DA2005 | D | Level 2 Floor Plan | | 21/07/2022 |
| DA2006 | D | Level 3 Floor Plan | | 21/07/2022 |
| DA2007 | D | Roof Plan | | 21/07/2022 |
| DA3000 | D | North Elevation | | 21/07/2022 |
| DA3001 | D | South Elevation | | 21/07/2022 |
| DA3002 | D | South Elevation w/ fence | | 21/07/2022 |
| DA3003 | D | East Elevation | | 21/07/2022 |
| DA3004 | D | East Elevation w/ fence | | 21/07/2022 |
| DA3005 | C | West Elevation | | 24/05/2022 |
| DA3006 | C | West Elevation w/fence | | 24/05/2022 |
| DA3100 | C | Section A | | 24/05/2022 |
| DA3101 | C | Section B | | 24/05/2022 |
| DA3102 | C | Driveway Profile Section | | 24/05/2022 |

OWNER: Mike and Shan Pty Ltd**APPLICANT:** Platform Project Services**AUTHOR:** Michael Stephens, Senior Assessment Officer**DATE OF REPORT:** 25 July 2022**DATE LODGED:** 13 December 2021**AMENDED:** 9 June 2022**SUBMISSIONS:** Ten (10)**RECOMMENDATION:** Approval (Deferred Commencement)

EXECUTIVE SUMMARY

This development application seeks consent for demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works on land at No. 2 Sutherland Street, Cremorne.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to SEPP 65 development, seeks a variation to a development standard by more than 10% and attracted more than 10 submission by way of objection. In accordance with the Ministers direction of 1 August 2020 a public determination meeting is required because there were more than 10 Submissions.

Development for the purpose of a residential flat building is permitted within the R4 High Density Residential zone.

The proposed building results in a non-compliance with the height of buildings development standard in clause 4.3 of NSLEP 2013 by up to 5.54m or 46.16%. The extent of the variations relates primarily to the northern end of the upper two levels where the proposed floorplate overlaps the existing excavated basement parking areas and is reflective of the irregular steeply sloping topography through the site. The written request submitted pursuant to clause 4.6 in NSLEP 2013 demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The variation would be in the public interest as the proposed development is consistent with the objectives of the standard and the objectives of the R4 High Density Residential zone.

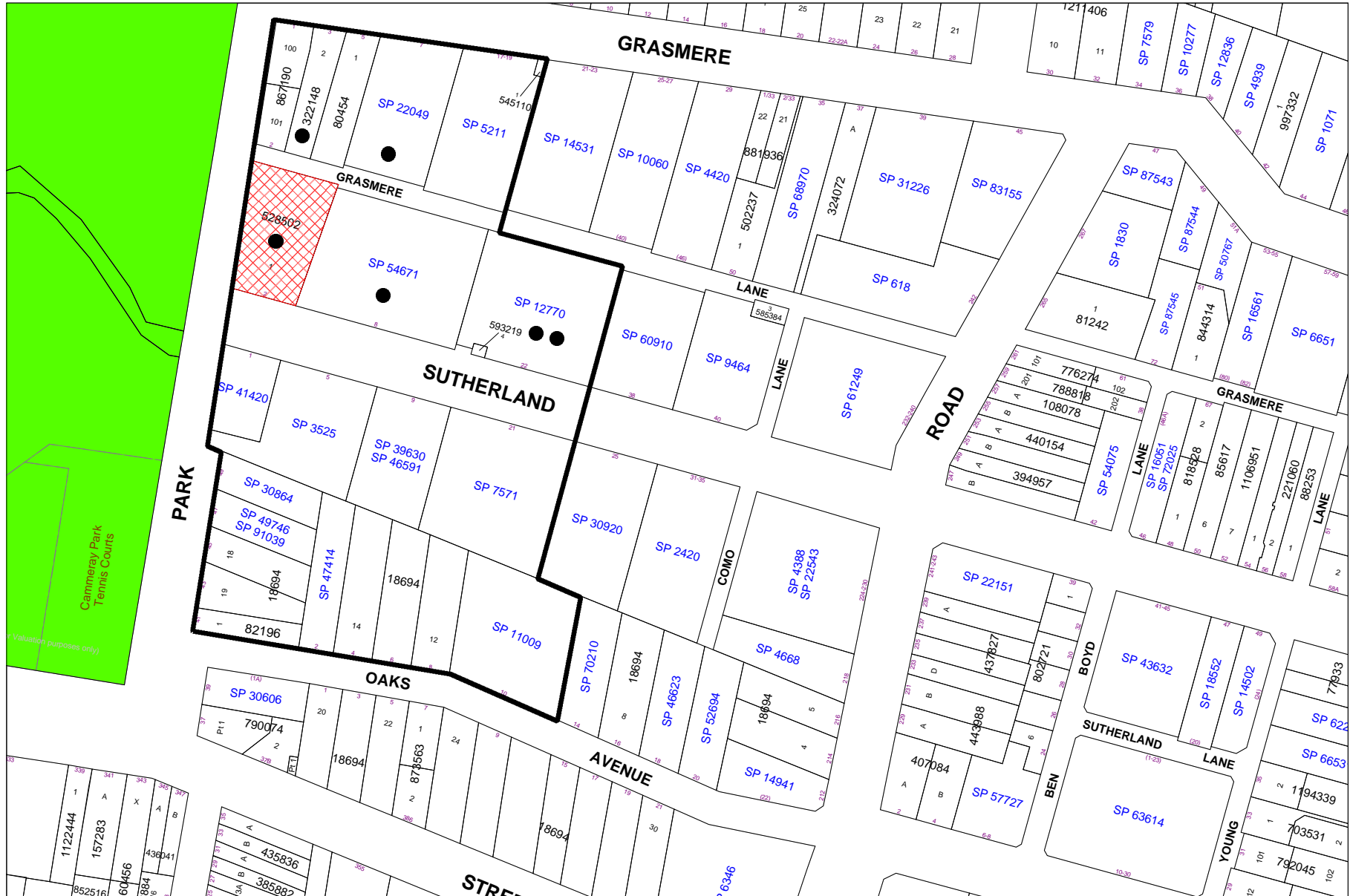
The proposed demolition of the existing building would result in a loss of 21 low-rental dwellings and the displacement of a number of potential vulnerable tenants. A contribution levied under section 7.32 of the Act in accordance with Part 3 of SEPP (Housing) 2021 is recommended to offset the loss of affordable housing within the local government area. The proponent would also be required to prepare a resident relocation plan to assist vulnerable tenants.

The proposed development meets the design principles in SEPP 65 and is consistent with the design requirements of the Apartment Design Guide. The proposed development is also generally in accordance with the objectives in NSDCP 2013.

The application was notified in accordance with the community engagement protocol where Council received ten (10) submissions objecting to issues including the proposed height variation, amenity impacts, tree removal, construction impacts including excavation, traffic congestion and insufficient on-site parking. The issues raised are considered to be generally acceptable or have been addressed through conditions of consent, particularly with regard to construction impacts including excavation.

On balance, the application is considered reasonable and is recommended for deferred commencement **approval** subject to site specific and standard conditions.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

This development application seeks consent for demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works.

The proposed works include:

Basement Level 2 – RL 66,470

- Eight resident parking spaces;
- Waste management room including a garbage chute; and
- Fire egress and lift.

Basement Level 1 – RL 69,470

- Three visitor parking spaces (including a carwash bay);
- Seven resident parking spaces;
- Switch room and four visitor bicycle parking spaces
- Secondary fire exit;
- Passageway and lift.

Lower Ground Floor Level – RL 72,470

- One x four bedroom apartment;
- One x two bedroom apartment;
- Residents storage cages with bicycle storage;
- Communal lounge and dining room; and
- Hallway, lift, and staircase.

Ground Floor Level – 75,670

- Two x three bedroom apartments;
- One x two bedroom apartment (split level);
- Plantroom;
- Hallway, lift and staircase.

Level 1 – RL 78,870

- Two x three bedroom apartments;
- One x two bedroom apartment;
- Building entry, hallway, lift and staircase.

Level 2 – RL 82,070

- Two x three bedroom apartments; and
- Hallway, lift and staircase

Level 3 – RL 85,270

- One x three bedroom apartment; and
- Lift and staircase.

Roof – RL 88,270

- Lift overrun (RL89,670)
- Skylights and photo voltaic array

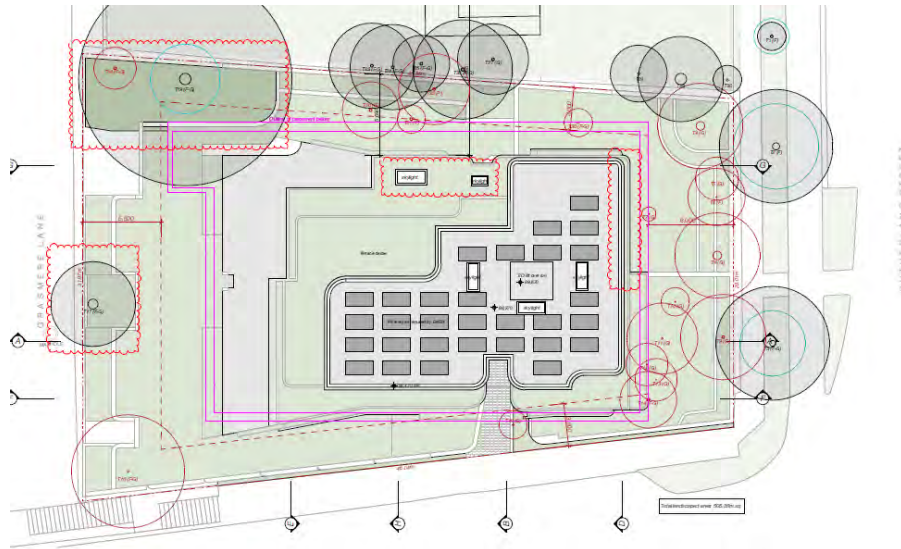


Figure 1. Proposed Site Plan



Figure 2. Proposed Western Elevation (Park Avenue)



Figure 3. Proposed Western Building Elevation (Park Avenue)



Figure 4. Proposed Southern (Sutherland Street)



Figure 5. Proposed Southern Building Elevation



Figure. 6 Proposed Eastern Building Elevation



Figure 7. Proposed Eastern Elevation with Fence



Figure 8. Proposed Northern Rear Elevation (Grasmere Lane)



Figure 9. Proposed Landscape Plan

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013

- Zoning – R4 High Density Residential
- Item of Heritage - No
- In Vicinity of Item of Heritage – 10024 “Cammeray Park”
- Conservation Area - No

Environmental Planning and Assessment Act 1979

- s7.11/12 Infrastructure Contributions
- s7.32 Affordable Housing Contributions

SEPP No. 65 - Design Quality of Residential Apartment Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Housing) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

POLICY CONTROLS

North Sydney Development Control Plan 2013

Apartment Design Guide

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 in DP 528502 and is known as 2 Sutherland Street, Cremorne. The site is located on the northern (low) side of Sutherland Street and the eastern low side of Park Avenue. The site has a rear laneway to the north, being Grasmere Lane.

The site is an irregular trapezoid shape. The site has frontages to Sutherland Street of 23.2m, Park Avenue of 46.04m, and Grasmere Lane of 31.4m and a western side boundary of 44.6m, equating to a site area of 1247.8sqm. The land falls from the front (Sutherland Street) to the rear (Grasmere Lane) by approximately 10.6-11.8m, and from the west (Park Avenue) to the eastern side boundary (adjoining No. 8 Sutherland Street) by approximately 4.0-7.2m.



Figure 10. Aerial Image of the subject site and surrounds (Nearmap captured 17 May 2022)

The site is zoned R4 High Density Residential and contains an existing four storey residential flat building containing 21 apartments. The existing building steps down the slope of the land and has multiple levels of basement and ground level parking.



Figure 11. NSLEP 2013 Land use zoning map with the subject site shown outlined in yellow.

The site has a maximum permitted building height of 12m pursuant to subclause 4.3(2) in NSLEP 2013.



Figure 12. NSLEP 2013 Height of Buildings maps within the subject site shown crosshatched in red.

The surrounding development typology includes a mix of residential development with residential flats buildings located towards the south and east and dwelling houses towards the north.

The site is located opposite Cammeray Park which is identified as a heritage item of local significance in Schedule 5 to NSLEP 2013. The subject site and surrounding residential properties are not identified as a heritage item or located within a conservation area.



Figure 13. NSLEP 2013 Schedule 5 Heritage items (Green)

Additional photos of the subject site and surrounding area are provided below.



Figure 14. Sutherland Street footpath



Figure 15. Grasmere Lane frontage



Figure 16. Park Avenue frontage



Figure 17. Park Avenue frontage



Figure 18. No. 8 Sutherland Street from Sutherland Street



Figure 19. No 8. Sutherland Street from Sutherland Street



Figure 20. Existing western side undercroft and courtyard below Park Avenue



Figure 21. Existing western side undercroft and courtyard below Park Avenue



Figure 22. Existing western side undercroft and courtyard below Park Avenue



Figure 23. Park Avenue footpath and stairs



Figure 24. Western end of Grasmere Lane towards Park Avenue



Figure 25. Existing excavated parking area



Figure 26. Existing excavated parking and undercroft area



Figure 27. Existing excavated parking area



Figure 28. Driveway and T19



Figure 29. Existing front setback area



Figure 30. T17 Grasmere Lane



Figure 31. No. 8 Sutherland Street



Figure 32. No. 8 Sutherland from southern end of existing driveway



Figure 33. Eastern side of existing building



Figure 34. Outlook to north western corner of the subject site



Figure 35. Northern outlook from existing upper level



Figure 36. Eastern outlook from existing upper level



Figure 37. Northern outlook from existing upper most level



Figure 38. Outlook to Cammeray Park



Figure 38. Front setback area



Figure 40. Eastern setback (near Sutherland Street)



Figure 41. Western side setback of No 8 Sutherland Street

RELEVANT DEVELOPMENT HISTORY

There is no relevant development history available on Council’s electronic records.

RELEVANT APPLICATION HISTORY

| Date | Assessment |
|------------------|---|
| 13 December 2021 | The application was lodged with Council via the NSW Planning Portal. |
| 22 December 2022 | The application was notified in accordance with Council’s Community Engagement Protocol from 14 January 2022 until 28 January 2022. |
| 23 December 2021 | A ‘STC’ letter was sent to the applicant requesting additional information including an excavation plan and additional sections. |

| | |
|------------------|--|
| 8 February 2022 | The application was considered by the Design Excellence Panel. |
| 14 February 2022 | The outstanding additional information requested in Council's letter dated was provided. |
| 15 March 2022 | A site inspection was undertaken by Council assessment staff. |
| 24 March 2022 | A letter was sent to the applicant outlining the issues identified in the preliminary assessment, including the loss of affordable housing, ADG non-compliances, subterranean habitable rooms, landscaping and tree removal, parking rates and finishes and materials. |
| 29 April 2022 | The applicant provided sketch plans of various proposed amendments seeking advice from Council. |
| 4 May 2022 | Council assessment staff reviewed and provided feedback on various proposed amendments. |
| 9 June 2022. | Amended Plans and supporting documentation was lodged with Council via the NSW Planning Portal. |
| 22 June 2022 | The amended application was notified in accordance with Council's Community Engagement Protocol from 1 July 2022 until 15 July 2022. |
| 15 July 2022 | The applicant submitted an amended clause 4.6 variation. |

REFERRALS

Design Excellence

The application was considered by the Design Excellence Panel on. A copy of the Minutes are provided at **Attachment_4**.

The Design Excellence Panel was generally supportive of the proposed development and addressed the Design Principles in SEPP No. 65 – Design Quality of Residential Apartment Development. The following issues and recommendations were raised by the Design Excellence Panel:

- Subterranean habitable rooms including secondary bedrooms should be deleted or reconfigured where they are located 1m or more below the adjacent ground level.
- Incorporate an attractive and functional communal area, preferably with an enclosed section for use in all weather.
- The dwelling mix should be improved by providing additional one and two bedroom apartments.
- Minor improvements to the external finishes and materials including the introduction of natural finishes.

The amended plans lodged 9 June 2022 incorporated the following changes in response to the Panel's concerns and recommendations.

- Deletion of some subterranean bedrooms, reconfiguration of apartments including the introduction of a split level design for Unit 5 to take advantage of the eastern aspect and improvements to the dwelling mix by increasing the number of two bedroom apartments from one to three.
- Amendments to the proposed communal open space and introduction of a communal dining and lounge area within the basement.

The proposed amended development remained generally consistent with the original scheme referred to the Design Excellence Panel. The proposed amendments were considered to respond, in part, to the Panel's concerns and were not considered to give rise to any new or different design issues and therefore the amended application was not referred to the Panel.

Traffic

The application was referred to Council's Traffic Engineers. The following advice was provided.

Traffic Generation

The conclusions of the Applicant's traffic report are generally concurred with regarding traffic generation. The proposed development would not have an unacceptable traffic implication in terms of the road network capacity. It is noted that the proposed development would result in a reduction in the number of residents and parking spaces.

Parking Rates

The proposed development provides 18 parking spaces and complies with the maximum permitted parking rates in Section 10.2 of Part B in NSDCP 2013.

Cycling Facilities

The proposed development provides sufficient storage space for a bicycle within either the garage or storage cage of each apartment and visitor bicycle parking at the required rates in Section 10.5 of Part B in NSDCP 2013.

Vehicle Access and On-street Restrictions

No objection is raised to the single driveway access given the site is accessed from the cul-de-sac end of a laneway and therefore is unlikely to result in any on street queuing that would disrupt the road network.

Internal traffic signals are to be provided to avoid conflicts between entering and existing vehicles given that only a single access driveway is proposed.

It is noted that, despite the claim in the Traffic Report, there would not be any additional on-site parking spaces created through the removal of the redundant vehicle crossing as the Grasmere Lane frontage has existing no-parking restrictions in place. Nevertheless, the proposed removal of redundant vehicle crossings is supported.

Standard and site specific traffic conditions were recommended

Engineering

The amended application was referred to Council's Development Engineers who raised no objection to the proposed development. Standard and site specific engineering conditions were recommended.

Landscape

The amended application was referred to Council's Landscape Development Officer who was generally supportive of the application with the exception of the following:

- *The potential impact to T19 Corymbia citriodora (17x15m) located adjacent to the proposed basement entry raises concern. The arborist report prepared by Apex Tree and Garden Experts dated 30 November 2021 provides insufficient detail and only generic tree protection measured to address the potential impact of the proposed development. A more comprehensive arborist report is to be prepared to ensure the successful retention of this tree and would likely require amendments to the proposed development to minimise the impacts of proposed structures, including the basement entry, retaining walls, underground rainwater tanks and any level changes.*
- *Removal of T17 Glochidion ferdinandii (10x10m) located within a raised planter bed on Grasmere Lane is objected to given it is a healthy, large, mature specimen.*
- *Removal of T4 Chamaecyparis spp. (12x5m) located in the south eastern corner of the subject site is objected to given it is a healthy, mature specimen, however, although protection is preferred, removal would not be objected to subject to the successful retention of T17 and T19, and suitable replacement plantings.*

The amended application and revised arborist report received 9 June 2022 were referred to Council's Landscape Development Officer. The amended plans incorporated the retention of T17 and included amendments to the built form in proximity to T19 to minimise any impact.

- *Regarding T19 Corymbia citriodora (17x15m) located adjacent to the proposed basement entry, the amended proposal and revised arborist report are considered acceptable provided that works are undertaken in strict adherence to A34607 and sensitive construction methodology are utilised, including:*
 - *All works in proximity to this tree are to be undertaken by or under supervision of the project arborist.*
 - *No roots greater than 30mm shall be cut and no canopy pruning shall be permitted.*
 - *The proposed sloping bank of gravel in proximity to the tree is to be replaced with turf (Refer to **Condition C48**).*
- *Regarding T4 Chamaecyparis spp. (12x5m), a further inspection by Council's Landscape Development Officer suggests that this tree is actually Callitiris sp, which is a native Australian conifer. The removal of such a large native tree cannot be supported. The proposed replacement Angophora costata in this location would not provide a suitable replacement and fails to consider the length of time to maturity (Refer **Condition C48**).*

Planning Comment: The applicant submitted further amended plans 22 July 2022 that incorporated the retention tree T4 *Callitiris sp* in accordance with the advice of Council's Landscape Development Officer. The landscape plans require further amendments to facilitate the retention of this tree which may be dealt with as a condition of consent as recommended below:

The following site specific condition was recommended:

C48 The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The proposed sloping bank of gravel in proximity to T19 is to be substituted with turf and only minimal paved stepping stones provided to limit pedestrian traffic.
- To reflect the reduction in paving shown in drawing Revision D in Condition A1.
- Tree T4 located within the south eastern corner of the site is to be retained. The retaining walls in proximity to the tree are to be adjusted to reflect drawings Revision D in Condition A1.

Other standard tree protection conditions were also recommended.

Waste

The application was referred to Council's Waste Operations and Education Officer, who provided relevant conditions regarding waste storage and collection.

EXTERNAL ADVICE

AUSGRID

The application was referred to AUSGRID who raised no objection and provided general advice regarding works in proximity to overhead powerlines.

SUBMISSIONS

The application was notified in accordance with Council's Community Engagement Protocol from 14 January 2022 until 28 January 2022. Seven (7) objections and five (5) submissions of support were received. The issues raised in the objections are summarised below:

Basis of Submissions:

Height

- *The proposed development does not comply with the height of buildings development standard in clause 4.3 in NSELP 2013.*
- *The written request to vary the height of building development standard pursuant to clause 4.6 is insufficient and should not be supported.*
- *The written request to vary the height of building development standard pursuant to clause 4.6 should not use the existing building envelope as justification.*

Bulk and Scale

- *The proposed development represents an overdevelopment of the site given the increased building footprint and non-compliance with the height of buildings development standard.*
- *The proposed development should provide a dwelling mix as advised by the DEP.*
- *The height of the building does not have sufficient regard to the narrow width of the laneway and as a result would have adverse acoustic and visual privacy impacts on the dwellings located opposite on Grasmere Lane.*
- *The proposed development is not in keeping with surrounding development.*

Traffic and Parking

- *The proposed development provided insufficient onsite parking for residents given that only one space is provided per dwelling.*
- *The proposed development would result in increased traffic congestion.*
- *The proposed development would result in increased on-street parking congestion.*
- *Vehicle access via Grasmere Lane is constrained and is difficult for delivery trucks or waste collection vehicles.*
- *The proposed development is unlikely to achieve additional on street parking through the removal of one of the redundant vehicle crossings given the constrained nature of Grasmere Lane.*
- *Construction traffic management should consider the existing site constraints and surrounding development including the infrastructure works to the Warringah Freeway.*

Construction Impacts

- *The use of Grasmere Lane for construction access should not be permitted given the constrained access arrangements.*
- *Excavation and construction would create significant noise impacts that should be reasonably ameliorated.*
- *Construction management should include consultation with the adjoining property to minimise impacts including the emission of dust and debris and ensure property damage is not caused.*

Landscaping

- *The large gum tree (T19) should be removed as it is likely to be impacted by the construction works.*

Amenity

- *Insufficient communal open space is provided for the future residents.*
- *The proposed development would impact the amenity of surrounding properties.*
- *The proposed balconies would have an adverse acoustic impact on the amenity of the dwellings located opposite on Grasmere Lane.*

Amended plans were received 9 June 2022 and the amended application was notified in accordance with Council's Community Engagement Protocol from 1 July 2022 until 15 July 2022. Three (3) further objections were received. The following additional or new issues raised in the objections are summarised below:

- *Previous issues as raised in original submissions.*
- *The proposed development does not provide any one bedroom apartments.*
- *Consideration should be given to the installation of electric vehicle (including e-bike) charging ports.*

The issues raised in the submissions to both notified schemes remain relevant and are 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 provided for review by NSLPP members.

CONSIDERATION

The relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

State Environmental Planning Policy (Housing) 2021

This policy requires a consent authority to consider whether there would be a loss of affordable rental housing as a consequence of the proposed development. An assessment is provided below:

Part 3 Retention of existing affordable rental housing

Section 45 Interpretation

A low-rental residential building means a dwelling that was at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling –

- (a) of the same type, and*
- (b) with the same number of bedrooms, and*
- (c) in the same local government area.*

The existing residential flat building contains 21 apartments, including 18 x studio apartments and 3 x two apartments. The building has not been Strata subdivided. The applicant has provided the following summary of the type and size of dwellings and the rental rates in December 2016, being 5 years prior to the lodgement of the subject development application. The applicant has not provided further rental data for the subsequent period up until lodgement, however, has acknowledged that the building is considered a *low-rental residential building* as it was rented for no greater than then median rental level during the relevant period (December 2016), as per the table below:

A summary of Rent and Sales Report data for the 5 years prior to DA Lodgement is provided in the table below:

| Rent and Sales Report – North Sydney LGA – Median Rental Rate | | | | |
|--|----------------|--------------|--------------|--------------|
| | Studio | 1-Bed | 2-Bed | 3-Bed |
| Average 2021 | \$ 353 | \$ 426 | \$ 676 | \$ 916 |
| Average 2020 | \$ 383 | \$ 465 | \$ 631 | \$ 886 |
| Average 2019 | \$ 420 | \$ 503 | \$ 678 | \$ 938 |
| Average 2018 | \$ 443 | \$ 523 | \$ 690 | \$ 971 |
| Average 2017 | \$ *434 | \$ 521 | \$ 691 | \$ 983 |
| Average 2016 | No Data | \$ 516 | \$ 673 | \$ 960 |

The subject building contains 21 apartments, including 18 x studio apartments and 3 x two bedroom apartments. The Rent and Sales Report does not provide data for studio apartments prior to September 2017. The applicant has provided rental data from 2016 for the subject building and compared the studio apartments to the one bedroom rental rates and accepts that all apartments would be low-rental dwelling (refer to **ATT_5**) and that a contribution is required.

It is considered that the studio apartments are comparable to the one-bedroom rental rates as the studio apartments provides the same amount of accommodation as a one bedroom dwelling.

| Unit No. | Bedrooms | Rental (Dec 2016) | Median (Dec qtr. 2016) | Low-rental dwelling |
|------------------------|----------|-------------------|------------------------|---------------------|
| Unit 1 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 2 | Studio | \$ 380 | \$ 516 | Yes |
| Unit 3 | Studio | \$ 350 | \$ 516 | Yes |
| Unit 4 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 5 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 6 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 7 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 8 | Studio | \$ 370 | \$ 516 | Yes |
| Unit 9 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 10 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 11 | Studio | \$ 375 | \$ 516 | Yes |
| Unit 12 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 13 does not exist | | | | |
| Unit 14 | 2-bed | \$ 340 | \$ 673 | Yes |
| Unit 15 | Studio | \$ 175 | \$ 516 | Yes |
| Unit 16 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 17 | 2-bed | \$ 585 | \$ 673 | Yes |
| Unit 18 | Studio | \$ 340 | \$ 516 | Yes |
| Unit 19 | Studio | \$ 375 | \$ 516 | Yes |
| Unit 20 | 2-bed | \$ 510 | \$ 673 | Yes |
| Unit 21 | Studio | \$ 375 | \$ 516 | Yes |
| Unit 22 | Studio | \$ 340 | \$ 516 | Yes |

It is noted that Unit 13 does not exist. The applicant has provided some original drawings (although did not have records of all levels) which reference the building as containing 21 units which would be consistent with unit 13 being non-existent.

Section 46 Buildings to which Part applies

The subject building, proposed to be demolished, is a *low-rental residential building* and is located on land within the Greater Sydney Region.

Section 47 Reduction of availability of affordable housing

Section 47(1)(a) provides that the demolition of a residential flat building to which this part applies requires development consent.

- (2) *In determining whether to grant development consent, the consent authority must take into account the guidelines and the following—*

(a) whether the development will reduce the amount of affordable housing in the area,

The proposed demolition of the existing residential flat building would reduce the amount of affordable rental housing in the area.

(b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,

Sufficient comparable accommodation is not available as the current vacancy rate is below 3%.

(c) whether the development is likely to result in adverse social and economic effects on the general community,

The proposed demolition of the existing residential flat building would reduce the amount of affordable rental housing in the area and is likely to cause some hardship on the existing community, however, **Conditions C23 and C24** intend to minimise the short term impact of the proposed development by ensuring that assistance is provided for residents to relocate and the ongoing provision of affordable housing is met through additional State funding.

(d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,

Condition C24 is recommended, requiring the proponent to prepare a resident relocation plan which would require the proponent to engage a social worker to assess whether any tenants requires assistance to find comparable accommodation, including monetary assistance to offset any moving any reestablishment costs.

(e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,

This is difficult to quantify, however, the proposed development is likely to contribute to the cumulative loss of affordable housing in the LGA.

(f) whether the building is structurally sound, including—
i. the extent to which the building complies with relevant fire safety requirements,
and
ii. the estimated cost of carrying out work necessary to ensure the building is structurally sound and complies with relevant fire safety requirements,

The existing building is not listed on Council's Annual Fires Safety Schedule. It is unclear the extent or cost of works should the existing building be required to be brought into conformity, however, the applicant has not made this submission.

(g) whether the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development,

A contribution is calculated below in accordance with section 46 of the SEPP and would require a levy of **\$1,071,300.00** to offset the loss of affordable housing.

(h) for a boarding house—the financial viability of the continued use of the boarding house.

The existing building is not a boarding house as defined in NSLEP 2013.

Section 48 Contributions for affordable housing—the Act, s 7.32

$$C = L \times R \times 0.05$$

Where

C = contribution

L = number of bedrooms within a low-rental dwelling

R = the replacement cost calculated as the average value of the first quartile of sales of strata properties in the local government area in which the development is to take place, as specified in the 4 most recent editions of the *Rent and Sales Report*.

To Calculate *L*

For the proposed development, the building contains 21 apartments, including 18 x studio apartments and 3 x two bedroom apartments. Each unit is rented below the median rental rate for the area. As a result, 24 bedrooms would be affected.

$$L = 24$$

To Calculate *R*

The first quartile (25th percentile) median sales price for Strata properties in the North Sydney LGA were as follows.

| Rent and Sales Report Period | 1 st Quartile Median Sale Price for Strata Properties |
|------------------------------|--|
| September 2021 | \$970,000 |
| June 2021 | \$850,000 |
| March 2021 | \$868,000 |
| December 2020 | \$883,000 |
| Average = | \$892,750 |

*Source: NSW Family and Community Services <https://www.facs.nsw.gov.au>

$$R = \$892,750$$

Therefore, the calculation is as follows.

$$C = L \times R \times 0.05$$

$$C = 24 \times \$892,750 \times 0.05$$

$$C = \$1,071,300.00$$

Section 48 Contributions for affordable housing – the Act s 7.32

Condition C23 is recommended, imposing the levy as a condition in accordance with s7.32 of the Act.

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of the SEPP requires the consent authority to consider whether the subject site is contaminated, and if so, what remediation would be required to make the site suitable for the proposed use. The subject site has previously been used for residential dwellings. Given the historical use, the subject site is unlikely to be contaminated. The applicant has also provided a preliminary site investigation report which details the existing site condition and concludes that there is low risk that the site would be contaminated. Conditions relating to the identification of asbestos and its removal would be imposed should the application be approved by the Panel. The matters for satisfaction in the SEPP are considered to be satisfied.

SEPP No. 65 - Design Quality of Residential Apartment Development

The proposal is assessed below against the Design Quality Principles in Schedule 1 of the Policy.

Principle 1: Context and neighbourhood character

The proposed building is orientated towards the north and capitalises on the favourable northern aspect for solar access and water views of Middle Harbour to the north east. The number of apartments within the building is relatively low with respect to the size of the site which assists in achieving a high level of residential amenity.

The proposed development addresses the steeply sloping and irregular topography of the site as it steps down towards the north and north east.

The proposed development would have a perceived two-three storey scale when viewed from Sutherland Street and Park Avenue respectively.

Principle 2: Built form and scale

The bulk and scale of the proposed development is considered appropriate having regard to the existing character of the Waters Neighbourhood. The height of the proposed development would exceed the height of buildings development standard although is considered to be justified, primarily due to the irregular topography of the site which is reflective of the fall of the land and previous excavation. The proposed building is set back from each boundary and provides good building separation to the adjoining dwellings. The built form of the proposed development steps down to follow the existing topography and is well proportioned and articulated to manage the visual impact of the building as viewed within the streetscape and from surrounding dwellings.

Principle 3: Density

The proposed building generally achieves a high level of residential amenity which is reflective of the density of the development as all apartments have multiple aspects. There are some apartments on the western side of the proposed building which would achieve less amenity for the bedrooms due to the partly subterranean nature of the building adjacent to the higher topography of Park Avenue, however, this has been in part managed by reducing the size of these dwellings to reduce the number of subterranean bedrooms (refer to **Condition AA1**)

Principle 4: Sustainability

The proposed development has a high proportion of apartments that receive the specified solar access and natural cross ventilation requirements which would promote passive heating and cooling of the apartments. The development would also retain a number of significant trees towards the rear and along the street which would promote urban cooling.

Furthermore, a valid multi-dwelling BASIX certificate has also been lodged to satisfy SEPP (Building Sustainability Index: BASIX) 2004.

Principle 5: Landscape

The proposed development complies with the deep soil and landscaped area requirements and includes landscaped setbacks on all sides. The proposed development also retains a number of significant trees and includes a comprehensive landscape plan to provide a landscaped setting for the proposed building that would contribute to the amenity of the apartments and the streetscape.

Principle 6: Amenity

The proposed development would achieve a high level of residential amenity with 10 of the 11 apartments receiving compliant solar access, of which nine apartments would have a favourable northerly aspect, and all apartments receive natural cross ventilation.

It is noted that there are a number of partly subterranean areas which is reflective of the existing topography of the site and particularly on the eastern side of the building. However, reasonable amenity is able to be achieved by undertaking excavation within the side setback area where the land falls away to provide a reasonable outlook and some direct solar access. The subterranean bedrooms on the western side of the building would not achieve the same level of amenity although are generally acceptable with the exception of the lower ground level which is proposed to be deleted (refer to **Condition AA1**) and as above, is reflective of the existing topography of the site as the footpath is located at a higher level than the existing internal land levels of the site.

Principle 7: Safety

The proposed development promotes reasonable levels of safety and security. Building entries and vehicle access are well defined and highly visible from the street to promote passive surveillance. The proposed fencing and landscaping also delineate the private domain from the street.

Principle 8: Housing diversity and social interaction

The proposed building provides a mix of two and three bedroom apartments. Minimal housing diversity is required under Section 1.2.1 of Part B in NSDCP 2013 for smaller developments such as this one. The proposed two and three bedroom apartments would cater for various social demographic groups and provides opportunities for causal social interaction. A communal dining and lounge area is also provided in lieu of communal open space given that there was limited scope to provide a consolidated area of communal open space that would be practical and usable.

Principle 9: Aesthetics

The proposed built form character of the building is consistent with the wider character of the Waters Neighbourhood. The use of materials is contemporary, however, the overall design and proportioning of the building is consistent with the surrounding mixed building typology and is well articulated with various building elements that express the architecture of the building. The specified materials and finishes are generally recessive in appearance, creating visual interest, and are considered to be of a high quality.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid Multi-Dwelling BASIX Certificate has been provided with the amended plans which meets the requirements of this policy.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Schedule 3 - Traffic Generating Development.

The proposed development does not meet the thresholds to be classified as traffic generating development and therefore referral to RMS is not required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

Council's Landscape Development Officer supports the proposed removal of trees on the subject site to facilitate the construction of the proposed development. Consent is required for the removal of or impact to any tree identified in Section 16 Tree and Vegetation Management of NSDCP 2013. The primary threshold triggering the requirement to obtain consent is where trees are over 5m in height or a crown width greater than 5m. The proposed development seeks to retain three existing significant mature canopy trees.

The policy is therefore considered to be satisfied as Council's Landscape Development Officer supports the proposed development, subject to site specific conditions.

Chapter 10 – Sydney Harbour Catchment

The subject site is not overly visible from Sydney Harbour or its foreshores. The proposal therefore would not impact upon the ecological significance, water quality or scenic quality of Sydney Harbour or its waterways and is considered acceptable with regard to the Chapter 10 of the Policy.

North Sydney Local Environmental Plan 2013

Permissibility

The subject site is zoned R4 High Density Residential. The proposed development for the purpose of a residential flat building is a permitted use within the zone.



Figure 42. NSLEP 2013 Land use zoning map with the subject site shown outlined in yellow.

Objectives of the zone

The objectives of the R4 High Density Residential zone are as follows:

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

The proposed development would result in the loss of the existing smaller sized affordable rental apartments, however, would provide additional larger apartments to provide for the housing needs of the community. The loss of the existing affordable rental housing is proposed to be offset by a monetary contribution levied under s 7.32 of the Act. Whilst it is undesirable to lose existing affordable rental housing, the proposed development would facilitate the redevelopment of the site and provides housing for a different demographic within a high density residential environment, hence supporting a variety of housing types.

The proposed development would not compromise the amenity of the surrounding area or the natural or cultural heritage of the area. The proposed building steps down the land and has a modest two-three storey appearance along the primary frontages of Sutherland Street and Park Avenue.

The proposed development would achieve a high level of residential amenity for the proposed apartments noting that nearly all apartments would receive solar access and natural cross ventilation, and are well proportioned. Whilst there are some areas of habitable subterranean bedrooms, this is reflective of the steeply sloping topography of the site and excavation below footpath level and has been minimised where possible to provide a reasonable degree of amenity for these bedrooms.

The proposed development has also been designed to ensure that the existing amenity of the surrounding dwellings is maintained, specifically where it relates to the retention of views, solar access and privacy.

The proposed development is considered to be consistent with the objectives of the zone.

Clause 4.3 - Height of buildings

The subject site has a maximum permitted building height of 12m pursuant to clause 4.3(2) in NSLEP 2013. The existing building, proposed to be demolished, has a maximum height of 16.3m.



Figure 43. NSLEP 2013 Height of buildings map

The proposed development has a maximum height of 17.54m, resulting in a variation of 5.54 or 46.16%. The proposed building does not comply with the height of building development standard at multiple points as summarised in the table below:

| | Non-compliant Building Element | Control | Height | Variation |
|----|-----------------------------------|---------|--------|----------------|
| A. | Lift overrun | 12m | 14.4m | 2.4m (20.00%) |
| B. | Level 3 – Eastern internal corner | | 13.63m | 1.63m (13.58%) |
| C. | Level 3 – Northern edge | | 17.54m | 5.54m (46.16%) |
| D. | Level 2 – Northern edge | | 14.54m | 2.54m (21.16%) |



Figure 44. Height Plane Diagram indicating proposed variations

The variations at the northern leading edge of level 2 and level 3 where the non-compliance is most severe are limited to the rear most 1-3m of the building and relates to the existing topography of the site where the proposed floorplate overlaps the previously excavation undertaken to construct the lower ground floor (basement) and ground floor parking levels which corresponds to the one-two storey variation.

It is also noted that the existing building does not comply with the height of buildings development standard. Figure 45 below compares the proposed development with the existing building form. Limited weight is provided to the retention of existing non-compliances given the proposed development seeks demolition of the existing building, however, provides a point of comparison for the proposed building form and associated impacts.



Figure 45. Comparison of proposed and existing non-compliances as illustrated on the western (Park Avenue) elevation

Clause 4.6 - Contravention of a Development Standard

A written request to contravene the development standard for height has been submitted and has been considered below.

Extent of Variation

The assessment above outlines the extent of the variation measured strictly from the existing ground level including excavated areas in accordance with the definition of existing ground level in NSLEP 2013. The written request has also provided a further assessment of the proposed building height having regard to the methodology established by Commissioner O’Neill in [Bettar v Council of the City of Sydney \[2014\] NSWLEC 1070](#) regarding the assessment of ground level for excavated sites. The judgment related to the construction of a residential flat building on a site where an existing part-basement had been excavated. The Commissioner held that once the existing building was demolished the existing ground levels would no longer be discernible and would provide limited relevance with respect to surrounding properties.

Similar to the proposed development as evident in figure 45 above, the Commission held at paragraph [40] that this would result *‘in an absurd height plane with a large and distinct full storey dip in it as it moves across the site and crosses the basement of the existing building, which relates only to a building that is to be demolished and has no relationship to the context of the site.’*. The proposed variations along the northern leading edge of Level 2 and Level 3 reflects a distinct one to two storey dip over the existing excavated parking areas and the proposed variations for the lift overrun and eastern edge of the level 3 roof also reflects a full storey dip over the existing parking area on the eastern side of the building.

The approach taken by the Commissioner to remedy this inconsistency was to extrapolate the existing ground levels found at the footpath, i.e., at the site boundaries, across the site to create a height plane to measure the proposed building against. The Commissioner explained the reasoning for this at paragraph [41] being that the *‘level of the footpath at the boundary bears a relationship to the context and the overall topography that includes the site, and remains relevant once the existing building is demolished.’*

The applicant has provided a height plane diagram utilising the extrapolation method which demonstrates that the proposed development would be compliant with the height plane across the site when measured utilising this methodology.

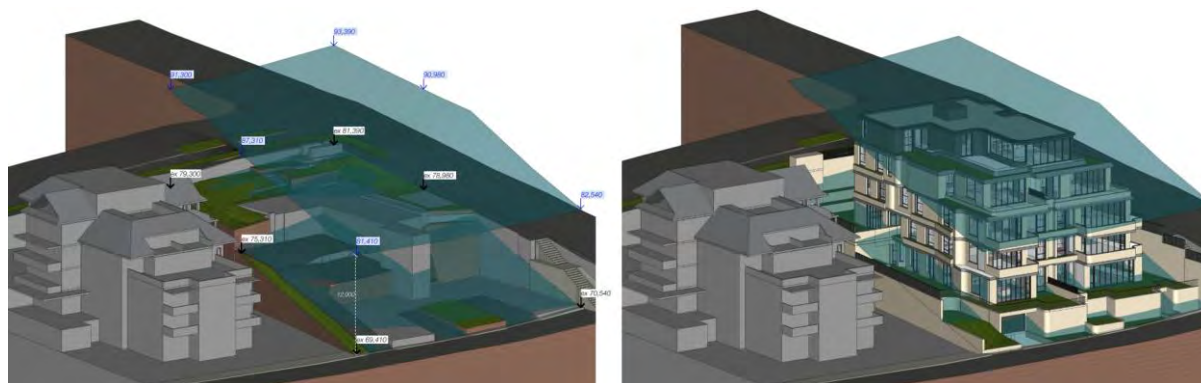


Figure 46. Compliance with extrapolated height plane (“Bettar”)

Whilst the application of this methodology may result in a perceived compliant building form, the maximum height of the proposed building is measured from the existing ground level as assessed under clause 4.3 in NSLEP 2013 above and therefore the written request deals with the proposed variations in their entirety.

Clause 4.6(3)(a)

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

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

The written request relies upon Test 1 outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42] to demonstrate whether compliance is unreasonable or unnecessary by demonstrating that the objective of objectives of the development standard are achieved notwithstanding noncompliance with the development standard.

The objectives of the development standard are addressed below:

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

The written request has demonstrated that the proposed building conforms with the existing topography of the site. The subject site has a fall of between 10.6-11.8m from the southern (Sutherland Street) boundary to the northern (Grasmere Lane) boundary and a cross fall of up to approximately 4-7.2m from the western (Park Avenue) boundary to the eastern side boundary adjoining No. 8 Sutherland Street.

The proposed building steps down the site at each level (where the variation occurs) towards the north to reflect the fall of the land. The non-compliances at the northern end of the building are limited to the rear most 1-3m of each levels 2 and 3 and relate to the existing excavation of the parking levels whilst the non-compliances for the proposed lift overrun and eastern edge of the level 3 roof form similarly relate to the existing excavated parking area on the eastern side of the building in front of the retaining wall in figure 47 below.



Figure 47. Existing retaining wall adjacent to the eastern side boundary

The proposed building also steps down from the west to east on the upper level to reflect the cross fall from west to east.

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

The written request has demonstrated that the proposed development would promote the retention of existing views. A view analysis was undertaken and appended to the written request.

The written request assesses the potential impact to the following surrounding properties utilising the Planning Principle for view sharing established by Senior Commissioner Roseth in *Tenacity Consulting v Warringah* [2004] NSWLEC 140:

- No. 1 Sutherland Street – Two storey residential flat building located opposite the subject site to the south;
- No. 5 Sutherland Street – Nine storey residential flat building located opposite the subject site to the south east; and
- No. 8 Sutherland Street – Four-five storey residential flat building adjoining the subject site to the east.

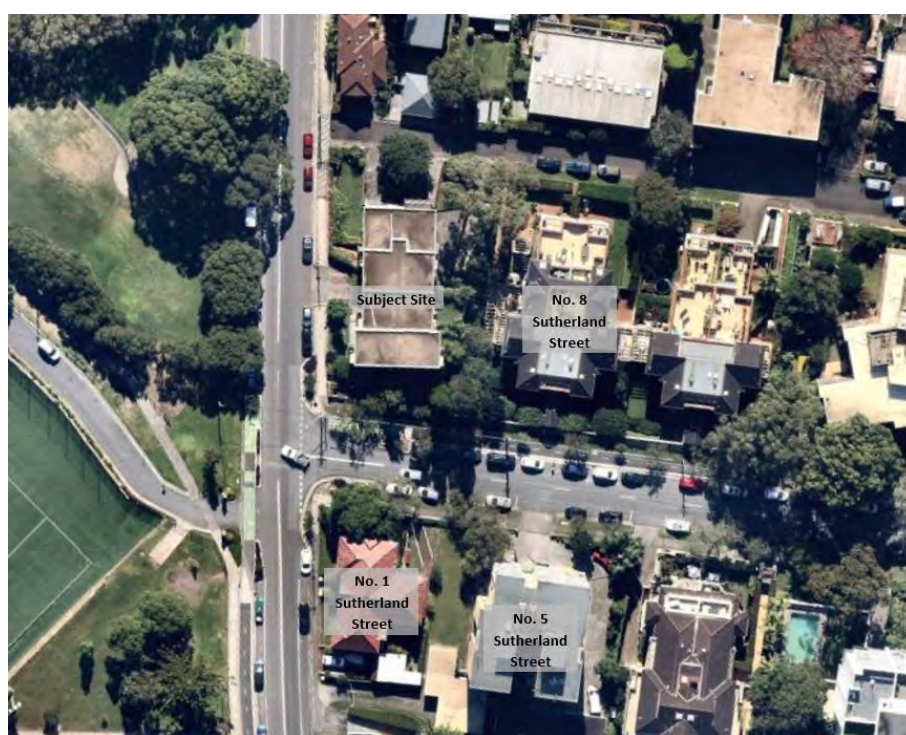


Figure 48. Aerial image showing the location of subject site and surrounding properties potential impacted



Figure 49. Site photo of the view from the subject site towards Middle Harbour

Step 1 – The view to be affected

The subject site and potentially affected properties have a northern aspect and have views of Middle Harbour towards the north east and Cammeray Park towards the west. There are less significant district views towards the north of the Cammeray peninsular. These views are obtained over the front boundaries of Nos. 1, 5 and 8 Sutherland Street and the side boundary in the case of No. 8 Sutherland Street with respect to the views of Cammeray Park.



Figure 50. Example view of Middle Harbour towards the northeast

It is noted that the views were collected from drone images and do not directly reflect the exact views from each room, however, provide a basis to understand the potential impact.

Step 2 – The part of the property where the view is available from

No. 1 Sutherland Street

The residential flat building at No. 1 Sutherland Street is two storeys and has an apartment along the northern end on each level.

Views of Middle Harbour to the north east and Cammeray Park to the north west would be available from the ground floor and first floor level living rooms and bedrooms through view corridors on each side of existing building. Views from the ground floor level are impacted by existing development along the northern side of Sutherland Street include the No. 8 Sutherland Street.

No. 5 Sutherland Street

The residential flat building at No. 5 Sutherland Street is nine-storeys with a ground floor parking level. The apartments along the northern side of the building have views towards Middle Harbour to the north east and Cammeray Park to the north west with the views of Cammeray Park being impacted by the existing building.

No. 8 Sutherland Street

The residential flat building at No. 8 Sutherland Street adjoining the subject site to the east and has views of Middle Harbour towards the north east. Some apartments on the western side of the building would also have views towards Cammeray Park across the rear set back area of the existing building on the subject site. These views, however, are nondescript and are more aptly described as a verdant outlook of the existing site and street trees within Park Avenue.

Step 3 – The extent of the impact

No. 1 Sutherland Street

The proposed development would improve the existing views given the increased eastern side setback on the upper levels. The non-compliant elements would also not cause any impact to the potential views, particularly the water views of Middle Harbour.

It is likely that there would also be marginal improvement from the ground floor level apartment.

No. 5 Sutherland Street

There would be no impact to the water views of Middle Harbour given these are obtained in the other direction towards the northeast.

The existing outlook towards Cammeray Park would not be impacted given that the proposed building largely reflects the existing building envelope with only limited rearrangement of the massing.

No. 8 Sutherland Street

There would be no impact to the water views of Middle Harbour given that the view is obtained in the other direction towards the northeast.

The existing outlook towards Cammeray Park would in part be improved from the upper levels of No. 8 Sutherland Street given the increased rear (northern) setback to Grasmere Lane, including for the upper levels where the non-compliances occur.

Step 4 – The reasonableness of the proposal

The potential impacts of the non-compliant elements are considered to be negligible from the potentially impacted properties. Any impact would relate only to the verdant outlook towards Cammeray Park which largely comprises the subject site and street trees with no material impacts to the more valuable water views of Middle Harbour.

The proposed development would be perceived to comply with the maximum height of buildings development standard with respect to the surrounding land levels as described above regarding the approach adopted in *Bettar*. The non-compliant elements are largely contained within the existing building envelope and therefore would not create any additional or unreasonable impacts notwithstanding the limited value placed on the nondescript outlook towards the northwest of Cammeray Park and the site and street trees in the vicinity.

The proposed building also complies with the setback requirements in NSDCP 2013 including the 45-degree building height plane control where the height non-compliance occurs.

Summary

The non-complying elements would not result in any material impact to the existing views available from surrounding properties. Notwithstanding the absence of any credible impacts, the proposed development is largely maintained within the existing building envelope and reduces overall height (maximum RL) of the building in comparison to the existing building.

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

The objective refers to maintaining solar access and therefore the impact of the existing building is a relevant consideration. The written request has detailed the extent of potential overshadowing caused by the non-complying elements to the western elevation of the adjoining property to the east (No. 8 Sutherland Street).

The proposed development would result in a net improvement for the adjoining residential flat building. The potential overshadowing caused by the non-complying element, being the north eastern corner of level 2, would overshadow the west facing balcony of Unit 10A from 2:00-3:00pm and the west facing balcony of Unit 15A from 2:30pm in mid-winter. However, the extent of overshadowing is less than the existing overshadowing caused by the existing building on the subject site, therefore ensuring that solar access to existing dwellings is maintained. Notwithstanding, the impacted apartments (Unit 10A and Unit 15A) would receive a minimum of 2 hr solar access throughout the day between at least 11am and 2:00pm in mid-winter which complies with the ADG requirement.

The applicant has also addressed the potential impact to surrounding streets and public reserves which would be inconsequential.

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

The written request has demonstrated that a reasonable level of privacy would be maintained for surrounding dwellings. The proposed non-compliances along the northern side of the building relate to habitable living areas and balconies, however, would not result in any material privacy impacts.

The proposed building generally complies with the setback provisions in NSDCP 2013, including the 45-degree building height plane and the building separation provisions in the Apartment Design Guide.

It is also noted that the proposed building has a greater rear setback to the northern boundary (Grasmere Lane) than the existing building and therefore the potential privacy impacts to the adjoining properties to the north (No. 3 Grasmere Road and No. 2 Grasmere Lane) would be not dissimilar or improved as demonstrated in figure 51 below. It is also observed that the properties along Grasmere Lane have limited glazing facing the subject site given the southern orientation and existing overlooking. The applicant's written request has referenced the now demolished garage of No. 3 Grasmere Road, however, the site circumstances remain relevant as the replacement dwelling house has a similar layout with garaging along Grasmere Lane.



Figure 51. Existing view from upper level to the dwellings to the north (No. 2 Grasmere Lane and No. 3 Grasmere Road)



Figure 52. Existing view from upper level to the east of No. 8 Sutherland Street.

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

The written request has detailed the existing character of the locality as being of a high density residential area which is characteristic by residential flat buildings of varying height from two to thirteen storeys. The directly adjoining residential flat building to the east (No. 8 Sutherland Street) has a four storey appearance from Grasmere Lane, although is part five-six storeys through the centre of the site given the extent of excavation undertaken to construct the building. The proposed development would be similar in scale with a four storey form to Grasmere Lane stepping back to up the slope with a five-six storey appearance.

Both No. 8 Sutherland and the proposed development would have a two storey building form as viewed from Sutherland Street.

The overall height of No. 8 Sutherland Street is lower than the proposed building, however, this is reflective of the cross fall of the site towards the east and maintains an acceptable transition in building form.

The surrounding development on the northern side of Grasmere Lane has a two-three storey appearance which is indicative of their location on the low side of the street. The laneway provides increased building separation between the developments.

The site also shares a zone boundary to Cammeray Park to the west which is zoned RE1 Public Recreation. The proposed building would have a three storey built form when viewed from Park Avenue and would provide a suitable transition in build form to the parkland.

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

The written request has identified the relevant built form and character of the Water Neighbourhood and provided an assessment to demonstrate that the proposed development would be consistent with the surrounding built form character which primarily comprises *“Predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone.”*

The proposed development results in a variation to the height of buildings development standard towards the northern end of the building, similar to the existing building. The portions of the building that do not comply with the development standard are set back away from surrounding development. The proposed development would also reduce the extent of the existing non-compliance with the development standard, of particular note, the overall building height (RL) has also been reduced which would limit the perceived scale of the building from Sutherland Street and Park Avenue to positively contribute to the locality.

Further, whilst there is no applicable Floor Space Ratio development standard, the proposed development would comply with the site coverage, unbuilt upon area and landscaped area controls which are key controls to establish the permitted scale and density of development.

The scale and density of the proposed development has also been managed to ensure that the amenity of the surrounding properties have been maintain as outlined regarding objectives (b), (c) and (d) above.

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

This objective is not relevant as the subject site is located within the R4 High Density Residential zone.

Clause 4.6(3)(b)

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The environmental planning grounds advanced in the written request are considered to be sufficient to justify the contravention of the development standard in the circumstances of the case. The applicant has provided a detailed list of environmental planning grounds on pages 35-36 (**Att_3**) of the written request that relate specifically to the variation and are in part based around the objectives in section 1.3 of the Act. The grounds relate to:

- *A key consideration of this proposal is the removal of an existing RFB, which itself does not comply with the relevant height limit under Councils current controls. The existing RFB on the site (if measured from the multiple and varied levels on the existing ground level), has a maximum building height of 14.8m (RL 75,230 – RL 90,030 and RL 70.53 - 85,330) at the northern and southern edges of the roof level. In redeveloping the site, the proposal reduces the max RL to 89,670 and likewise, the extent of the variation to the HoB development standard to ensure they are located centrally within the building envelope to ensure that where there are breaches of height, they do not cause any adverse impact. In this respect, the proposal responds to the site and its context, providing a transition in height between adjoining buildings and stepping with the topography of the land. Accordingly, the proposal provides a built form and massing which is considered to positively contribute to the quality and transitioning identity of the locality and is compatible with adjoining development.*
- *The proposed development achieves compliance with the HoB development standard if measured in accordance with Bettar. The variation to the HoB development standard is based on measuring building height from the multiple and varied levels on the existing ground level. Notwithstanding, the design carefully steps the building mass with the steep topography of the property from south (Sutherland Street) to north (Grasmere Lane).*
- *The proposed development has re-distributed the mass away from the northern and western boundary which front Grasmere Lane and the adjoining existing residential flat building at 8 Sutherland Street. This improves solar access, views, privacy, separation and the quality of landscaping when compared to the existing and a complying development. Accordingly, the proposal achieves the objective in section 1.3(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), “to promote the orderly and economic use and development of the land”.*
- *The proposed development is compatible with adjoining residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings. The upper storey of the building is carefully massed, to break up the buildings bulk and scale. Importantly, the variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views or privacy. Accordingly, the objective achieves objective 1.3 (g) of the EP&A Act, “to promote good design and amenity in the built environment”.*

The submitted justifications are generally concurred with. The proposed development seeks to manage the bulk and scale having regard to the existing development on the site and the excavation previously undertaken to construct the parking levels. The proposed works would comply with the maximum height of buildings development standard utilising the extrapolated method established in *Bettar*.

The bulk and scale of the of the proposed development steps down the site and reflects the natural slope of the land as evident along Park Avenue. The proposed development has regard to the amenity of the adjoining property (No. 8 Sutherland Street) and seeks to manage and minimise any potential amenity impacts with regard to overshadowing, overlooking and privacy, particularly where this relates to the non-complying building elements.

The environmental planning grounds raised by the applicant are considered satisfactory to justify the variation in circumstances of the case.

Clause 4.6(4)

Clause 4.6(4) states:

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - i. *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*

Clause 4.6(4)(a)(i)

It is considered that the consent authority can be satisfied that the applicant’s written request adequately addresses the matters required to be demonstrated by subclause (3) as discussed in detail above.

Clause 4.6(4)(a)(ii)

It is considered that the consent authority can be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Objectives of the standard

It is considered that the consent authority can be satisfied that the proposed development is consistent with the objectives of the height of building development standard.

It is useful to consider the interpretation that the test of “consistency” is less onerous than that of “achievement” as outlined in *Moskovich v Waverley Council* [2016] NSWLEC 1015 [53] (“*Moskovich*”).

The applicant’s written request assessed above relied on *Wehbe* Test 1 to demonstrate that compliance is unreasonable or unnecessary by demonstrating that the objectives of the development standard are **achieved** notwithstanding noncompliance with the development standard. Consistent with *Moskovich*, should it be found that the written request is acceptable then the proposed development would also be consistent with the objectives of the standard.

Notwithstanding this comparison, the proposed development is considered to be consistent with the objectives of the standard. The proposed development reasonably responds to the steeply sloping topography of the site having regard to the natural topography of the surrounding land and the excavation that has previously been undertaken to construct the existing parking levels. The proposed development promotes the retention of views, maintains solar access with reasonable levels of privacy to surrounding properties and the public domain.

The proposed development would be compatible with surrounding development having an appropriate bulk and scale, consistent with the character of the area.

Objectives of the zone

It is considered that the consent authority can be satisfied that the proposed development is consistent with the objectives of the zone as discussed above.

Clause 4.6(4)(b)

In accordance with the *Planning Circular PS20-002* dated 5 May 2020, concurrence may be assumed under clause 4.6 in NSLPP 2013 but not by a delegate because the numerical variation (maximum 46.16%) is greater than 10%. Concurrence may only be assumed by the Council's independent assessment panel (also refers to local planning panel) to ensure a greater level of public scrutiny.

The application is referred to the North Sydney Local Planning Panel for determination as the application meets the referral criteria listed in schedule 1 of the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents* dated 30 June 2020 being that the application involves a contravention to a development standard by greater than 10%.

Clause 5.10 - Heritage conservation

The subject site is located within close proximity Cammeray Park which is listed as a heritage item of local significance in Schedule 5 to NSLEP 2013. Pursuant to sub-clause 5.10(5) the consent authority may require an assessment of the potential impact that the proposed development would have on a heritage item of conservation area within the vicinity of the site. Park Avenue provides separation from the development site and the Park. The proposed development would not adversely impact the heritage significance of the park and because the proposed development would maintain a residential form as permitted by the R4 High Density Residential zoning and would appear as a three storey building form when viewed from the park which is consistent with the scale of development envisaged.

Clause 6.10 - Earthworks

Sub-clause 6.10(3) in NSLEP 2013 requires the consent authority to consider the following matters:

- (a) the likely disruption of, or any detrimental effect on:**
 - (i) drainage patterns and soil stability in the locality of the development, and**
 - (ii) natural features of, and vegetation on, the site and adjoining land,**

The proposed excavation to site the proposed building has regard to the existing topography of the site including the previously excavated areas. The proposed development includes significant excavation and some filling of the land to terrace the land levels to align with the floor levels of the proposed building and would reflect the existing fall of the land from south to north and cross fall from west to east.

The existing site has previously been developed and the proposed development would not disrupt any specific natural features and subject to conditions would not adversely impact existing trees that are recommended for retention.

Stormwater collected from the roof levels and terrace areas is to be conveyed by gravity to Council's existing stormwater network in Grasmere Lane.

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

The proposed development would not adversely impact the potential future development of the adjoining properties, particularly noting that No. 8 Sutherland Street has previously been developed.

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

The applicant has also provided a preliminary site investigation report which details the existing site condition and concludes that there is low risk that the site would be contaminated.

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

It is noted that the adjoining site to the east (No. 8 Sutherland Street) has previously been excavated to a lower level adjoining the eastern side boundary of the site. The proposed excavation in proximity to the boundary is therefore unlikely to cause any materials impacts or exaggerate any disparity between the land levels.

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

Conditions C7 and E27 are recommended relating to a waste management plan and removal of excavated material. Subject to these conditions, there is no concern regarding the source of fill and destination of excavated material.

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

The proposal is unlikely to disturb an Aboriginal objects or relics as the site has been previously developed and contains no rocky outcrops or other features that would indicate the presence of Aboriginal objects or relics.

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

The site is not located in proximity to a waterway or environmentally sensitive area.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Conditions C5 and E6 have been recommended to ensure that the proposed excavation does not adversely impact the stability and structural integrity of the surrounding properties.

Clause 6.12 - Residential flat buildings

The proposed development is zoned R4 High Density Residential and therefore this clause applies, however, the adjoining property to the west, being the only adjoining property, contains an existing residential flat building and therefore the clause is satisfied.

POLICY CONTROLS

Apartment Design Guide (ADG)

The proposed development has also been considered against the Apartment Design Guide and is generally compliant as detailed in the table below:

| Amenity | Design Criteria | Comment | Compliance |
|---------------------------------|---|---|-------------------|
| 2C- Building Height | <p><i>Consider the height of surrounding buildings that are unlikely to change (such as contributory and heritage items)</i></p> <p><i>Development should respond to desired future scale and character.</i></p> | <p>The proposed development does not comply with the height of buildings development standard in clause 4.3 in NSLEP 2013, however, the written request submitted pursuant to clause 4.6 in NSLEP 2013 has satisfactorily demonstrated that the proposed variation is acceptable in the circumstances of the case.</p> <p>The subject site is steeply sloping and the proposed building has been designed to step down the slope having a two storey built form when viewed from Sutherland Street and a stepped four storey form, with a four-six storey appearance when viewed from Grasmere Lane. The proposed development would also have a three storey form when viewed from the secondary frontage on Park Avenue.</p> <p>The surrounding development has a variable character with regard to the number of storeys, however, the proposed development is considered to satisfactorily respond to the existing character of the building and surrounding development of the same typology along Sutherland Street.</p> | Acceptable |
| 2F - Building Separation | <p><i>Minimum separation distances for buildings are: Up to four storeys (approximately 12 m):</i></p> <ul style="list-style-type: none"> <i>• 12 m between habitable rooms/balconies (6m to boundary)</i> <i>• 9 m between habitable and non-habitable rooms (4.5m to boundary)</i> <i>• 6 m between non-habitable rooms (3m to boundary)</i> | <p>Western Side Boundary</p> <p>The proposed building has a side setback of between 4.5m (southern end) to 6.5m (northern end) and does not strictly comply with the 6m separation requirement to the side boundary. The proposed setbacks correspond to between 10.2m-17m building separation having regard to the existing setbacks of the adjoining residential flat building at No. 8 Sutherland Street which is considered acceptable having regard to the level of privacy achieved as per 3F below.</p> | Acceptable |

| <p>3D- Communal Open Space</p> | <p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3.00 pm on 21 June (mid-winter)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p> | <p>The subject site has a total site area of 1,247.79sqm and therefore requires a minimum communal open space area of 311.95sqm. The applicant has specified a communal open space area adjacent to the driveway and rear laneway as communal open space. The usable area measures approximately 25sqm and would have limited amenity given the proximity to the garage entry, fencing, and retaining walls.</p> <p>Even if this space was to be expanded across the northern boundary it would still be dislocated from the apartments given the irregular topography of the site. The retention of the proposed deep soil terrace is preferable.</p> <p>The lack of communal open space is considered acceptable in the circumstances given that the proposed development is relatively small in scale containing only 11 apartments.</p> <p>Each apartment also provides ample private open space for the residents.</p> <p>The proposed development includes a communal dining room and lounge area which may contribute to social interaction between residents within the development.</p> <p>Rooftop communal open space would not be appropriate within a suburban residential area.</p> | <p>No, however considered acceptable</p> | | | | | | | | | |
|---------------------------------------|---|--|--|---------------------|-----------------------|----|----|-------------------------|----|------|---|-------------------|
| <p>3E - Deep Soil Zones</p> | <p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> • 3 m minimum width • Minimum 7% of the site area <p><i>Design Guidance 15% of the site where the site area is greater than 1,500 sqm</i></p> | <p>The subject site has a site area of 1,247.79sqm and therefore requires 87.35sqm of deep soil.</p> <p>The proposed development would provide a minimum of 340sqm, largely with a minimum width of 3m or greater and therefore exceeds the minimum requirement.</p> | <p>Yes</p> | | | | | | | | | |
| <p>3F - Visual privacy</p> | <p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <table border="1" data-bbox="422 1787 762 2004"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> </tbody> </table> | Building Height | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | <p>Western Side Boundary</p> <p>The proposed western side setbacks correspond to between 10.2m-17m building separation to No. 8 Sutherland Street taking into account the existing setbacks of the adjoining residential flat building.</p> <p>Where the proposed development would result in less than 12m building separation between balconies/habitable rooms, external louvered privacy screens have been incorporated into the western elevation to ensure the objective of the requirement is satisfied. The privacy screens are proposed for bedrooms two and three of units 6 and 9 on the first and second floor levels respectively, on the western side of the building.</p> | <p>Acceptable</p> |
| Building Height | Habitable rooms and balconies | Non-habitable rooms | | | | | | | | | | |
| Up to 12m (4 storeys) | 6m | 3m | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | |

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| | | <p>Northern Rear Boundary The proposed building form has a variable rear setback of between 10-17m from the rear boundary, due to the stepped building form, and provides compliant building separations and therefore privacy to the adjoining buildings located opposite on the northern side of Grasmere Lane.</p> | |
| <p>3G - Pedestrian Access and Entries</p> | <p><i>Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify</i></p> | <p>The proposed building entry is located along the Park Avenue frontage. The proposed entry is provided directly from the footpath at grade and would provide accessible access into the building. The proposed entry is highly visible from the street and would provide a sense of address.</p> | Yes |
| <p>3H - Vehicle Access</p> | <p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality street-scapes</i></p> | <p>Vehicle access is provided from the private laneway to the rear of the existing buildings into a central car lift basement entry. The associated vehicle waiting bay is located wholly within the subject site. The proposed vehicle access arrangement would not adversely impact the quality of the streetscapes along Grasmere Lane</p> | Yes |
| <p>3J - Bicycle and Car parking</p> | <p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> • <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i> • <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Develop-ments, or the car parking requirement prescribed by the relevant council, whichever is less.</i></p> | <p>The subject site is not located within 800m of a railway station and therefore the parking provisions in Council's DCP apply.</p> <p>The proposed development includes 15 parking spaces for residents which complies with the maximum permitted number of parking spaces per dwelling equating to 15 spaces.</p> <p>Additionally, 3 visitor parking spaces are provided which complies with the minimum rate of 0.25 per dwelling.</p> <p>Bicycle parking / storage is provided for 15 bicycles within the basement level and lower ground floor storage area at the required rates for residents and visitors.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Amenity</p> | <p>Design Criteria</p> | | |
| <p>4A - Solar and daylight access</p> | <p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00 am and 3.00 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i></p> | <p>A total of 10/11 (91%) apartments would receive adequate solar access to living rooms and private open space areas which complies with this requirement.</p> <p>Unit 5, located in the south eastern corner of the ground floor level is the only apartment that would not receive a full 2hours direct sunlight, however, would receive approximately 90mins.</p> | Yes |
| <p>4B - Natural ventilation</p> | <p><i>All habitable rooms are naturally ventilated. The layout and design of single aspect apartments maximises natural ventilation. The number of apartments with natural cross ventilation is</i></p> | <p>A total of 11/11 (100%) apartments are naturally cross ventilated which complies with this requirement.</p> | Yes |


| | | | |
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| | <i>maximised to create a comfortable indoor environment for residents - At least 60% of apartments are naturally cross ventilated</i> | | |
| 4C - Ceiling Heights | <i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7 m (habitable rooms), 2.4 m for second floor where it does not exceed 50% of the apartment area.</i> | The internal ceiling heights of all apartments comply with the relevant requirements. | Yes |
| 4D 1 - Apartment size and layout | <i>Apartments are required to have the following minimum internal areas: 50 m² (1B), 70 m² (2B), 90 m² (3B) Additional bathrooms increase the minimum internal area by 5 m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</i> | The internal floor space and configurations of all apartments comply with the requirements. Apartments generally exceed the size and dimension requirements and provide functional layouts. | Yes |
| 4D 2 - Apartment size and layout | <i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</i> | All apartments have a maximum open plan room depth of less than 8m measured from the nearest window. | Yes |
| 4D 3- Apartment size and layout | <i>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6 m for studio and 1 bedroom apartments • 4 m for 2 and 3 bedroom apartments</i> | All bedrooms comply with the minimum internal size and dimension requirements. | Yes Yes Yes |
| 4E - Private open space and balconies | <i>All apartments are required to have primary balconies as follows: Studio apartments – 4 m² 1 bedroom apartments – 8 m², minimum depth 2 m 2 bedroom apartments 10 m² minimum depth 2 m</i> | All apartments have a balcony or courtyard access directly from the living room that comply with the size and dimension requirements. All balconies have a minimum depth of 2.7m and exceed the size requirements. | Yes |

| | | | |
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| | <p>3+ bedroom apartments 12 m² minimum depth 2.4 m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1.0 m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 m² and a minimum depth of 3 m</p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p>Private open space and balcony design maximises safety.</p> | | |
| 4F - Common circulation and spaces | 1. The maximum number of apartments off a circulation core on a single level is eight | The maximum number of apartments off a single circulation core is three and therefore complies with this requirement. | Yes |
| 4G -Storage | <p>Studio apartments- 4 m³</p> <p>1 bedroom apartments- 6 m³</p> <p>2 bedroom apartments- 8 m³</p> <p>3+bedroom apartments- 10 m³</p> | Storage cages are provided within the basement levels for each apartment. | Yes |

Overall, the proposal is satisfactory having regard to the design criteria specified in the Apartment Design Guide.

North Sydney Development Control Plan 2013

| NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013 PART B - SECTION 1 - Residential Development | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------|--|----------|---------------|---------|--------------|----------|--------|-------|---|----|-----------|-------|---|----|-----------|-------|---------|-----|-------------|-------|---------|-----|
| | Complies | Comments | | | | | | | | | | | | | | | | | | | | | |
| 1.2 Function | | | | | | | | | | | | | | | | | | | | | | | |
| Section 1.2.1 - Mixed residential population | Acceptable | The proposed residential flat building contains 12 units and therefore the population mix specified in provision P1 applies and is assessed in the table below: <table border="1" data-bbox="805 1848 1380 2038"> <thead> <tr> <th>Dwelling Size</th> <th>Control</th> <th>Proposed (%)</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>Min 2</td> <td>0</td> <td>No</td> </tr> <tr> <td>1 bedroom</td> <td>Min 2</td> <td>0</td> <td>No</td> </tr> <tr> <td>2 bedroom</td> <td>Min 2</td> <td>3 (27%)</td> <td>Yes</td> </tr> <tr> <td>3 bedroom +</td> <td>Min 2</td> <td>8 (73%)</td> <td>Yes</td> </tr> </tbody> </table> | | Dwelling Size | Control | Proposed (%) | Complies | Studio | Min 2 | 0 | No | 1 bedroom | Min 2 | 0 | No | 2 bedroom | Min 2 | 3 (27%) | Yes | 3 bedroom + | Min 2 | 8 (73%) | Yes |
| Dwelling Size | Control | Proposed (%) | Complies | | | | | | | | | | | | | | | | | | | | |
| Studio | Min 2 | 0 | No | | | | | | | | | | | | | | | | | | | | |
| 1 bedroom | Min 2 | 0 | No | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | Min 2 | 3 (27%) | Yes | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom + | Min 2 | 8 (73%) | Yes | | | | | | | | | | | | | | | | | | | | |

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| | | The proposed lack of studio and 1 bedroom apartments is considered acceptable having regard to the suburban location of the subject site. The proposed development would cater more so for downsizers and families by providing larger apartments. |
| Section 1.2.2 - Universal Design and Adaptable Housing | Yes | A minimum of 20% of units are to be adaptable which equates three dwellings (rounded up). Four adaptable/liveable units have been provided with accompanying accessible parking spaces. |
| Section 1.2.3 - Maintaining residential accommodation | Acceptable | The proposed development seeks to demolish 21 dwellings, including 18 x studio apartments and 3 x two bedroom apartments. The proposed development would result in a reduction in housing stock. The loss of smaller, low-rental apartments is addressed above with regard to SEPP (Housing) 2021. |
| Section 1.2.4 - Maintaining affordable housing | No, subject to condition | In accordance with the requirements of SEPP (Housing) 2021 it has been identified that the proposed demolition of the existing building would result in a loss of affordable rental housing. In accordance with section 48 of the SEPP, a contribution has been levied that would contribute to the ongoing provision of affordable housing (Refer to Condition C23). |
| 1.3 Environmental criteria | | |
| Section 1.3.1 -Topography | Yes | <p>Subterranean Habitable Rooms</p> <p>Significant excavation has previously been undertaken on the subject site to construct the existing residential flat building and associated parking levels. As a result, there are a number of existing excavated areas.</p> <p>Due to the natural topography of the land, there is a fall from the south (Sutherland Street) to the north (Grasmere Lane) and a cross fall from the west (Park Avenue) to the eastern side boundary making the siting of the proposed development more difficult.</p> <p>The layouts of the proposed apartments are generally orientated to the rear (north) with the living areas and balconies all being located above ground level with the exception of two apartments located towards the south which are address separately below.</p> <p>Given the fall of the land, and to a lesser extent the existing excavation, some of the bedrooms of the north facing apartments on the lower two levels (Units 1, 2 and 3) are in part or completely subterranean towards the south i.e., the rear of the apartments. The amenity of each partly subterranean apartment is addressed below:</p> <p>The applicant has provided an amenity study at ATT_6.</p> <p>Unit 2 – Lower ground floor level (Eastern Side)</p> <p>The southernmost bedroom of Unit 2 is located more than 1m below existing ground level. However, the land falls away from the building towards the north and east and therefore the corresponding proposed excavation within the eastern side setback area would provide an acceptable outlook and facilitate some direct solar access even in mid-winter.</p> |
| | |  |
| | | Figure 53. Comparison of internal FFL and external excavation land levels |

The amenity of this bedroom is therefore considered acceptable. Despite the proposed excavation within the side setback area to facilitate the amenity of the proposed bedrooms, the side setback area would be at a higher level than the adjoining land across the side boundary (No. 8 Sutherland Street).



Figure 54. Solar access to rear bedroom of unit 2 at 9:00am and 10:00am in mid-winter

Unit 1 – Lower ground floor level (Western Side)

The western side of the proposed building is located adjacent to the existing retaining wall that runs along the western boundary of the site retaining the Park Avenue footpath. The internal land levels are significantly below the footpath level and are proposed to be excavated further. As a result, the second (southernmost) bedroom would be located within a narrow chasm with a poor outlook to a 7m high retaining wall which is setback only 3.5m from the bedroom window as indicated in Figure 55. below.

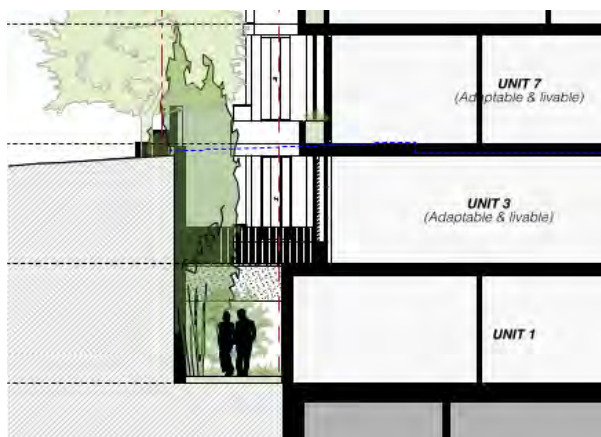


Figure 56. Extract from Section H



Figure 57. Applicant's modelling of side setback area

The applicant has provided an amenity study which models the outlook from this room and the potential solar amenity received during mid-winter. Both the outlook and solar amenity are considered unsatisfactory and are indicative of the proposed excavation to achieve additional yield. **Condition AA1** is recommended to delete this bedroom.



Unit 3 – Ground floor level (Western Side)

Both the second and third bedrooms located along the western side of the apartment would be located below the footpath level within an existing excavated area. Despite being below the footpath level, the side setback area would not have the same chasm effect as it is not as deep as the level below. The bedrooms would also have a more open outlook and receive solar access between 1:00pm and 3:00pm in mid-winter and considered acceptable in the circumstances.




Figure 58. Site photo of existing land levels within the eastern side setback adjacent to Park Avenue

There are also two apartments at the front (south) of the proposed building that are oriented towards the east and west respectively and are also in part subterranean. The amenity of each partly subterranean apartment is addressed below:

| | |
|---|--|
| | <p>Unit 5 – Split level apartment (eastern side)</p> <p>The proposed unit within the south eastern corner of the building is split over two levels with a ground floor living area and courtyard orientated towards the east and bedrooms on the level above also orientated towards the east. The apartment has secondary windows to the south which would also be subterranean, however, have an outlook to a landscaped courtyard with the retaining walls being set back 5-6m from the building line. Similar to Unit 2 above, the side setback area is also proposed to be excavated to provide an outlook towards the northeast along the eastern side setback area and would enable each level of the apartment to receive some direct solar access during the morning hours in mid-winter. Overall, the amenity of the apartment is considered acceptable despite the in part subterranean floor level as a reasonable outlook and solar amenity would be achieved.</p>  <p><i>Figure 59. Eastern elevation of split level apartment (Unit 5)</i></p> <p>Unit 8 – West and South facing</p> <p>The living area of the proposed apartment is orientated to the west and would be approximately 1m below the footpath level with a reasonable excavated setback area and would achieve adequate amenity. The proposed bedrooms and courtyard are orientated towards the south. The southern setback area is proposed to be excavated to construct a courtyard areas and provide amenity for the bedrooms. The excavated courtyard is between approximately 1-2m below the Sutherland Street and Park Avenue footpath levels and is 6-7m wide. The levels reflect the fall of the land from the south to the north and reasonable amenity is achieved, notwithstanding the southern orientation, as the associated retaining walls are setback between 5-6m from the bedroom window which is sufficient to provide an open landscaped outlook.</p> |
| <p>Section 1.3.2 - Land in Bushland Buffer</p> | <p>The subject site is located within Bushland Buffer Area B as it is less than 300m from nearby C2 Environmental Conservation zoned bushland.</p>  <p><i>Figure 60. NSDP 2013 Bushland Buffer Area Map (Blue 100-300m)</i></p> |

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| | | <p>The proposed development complies with the minimum required deep soil and landscaped area provisions and includes a satisfactory landscape plan which includes the retention of the mature gum tree located along the eastern side boundary. The proposed development would not be directly visible from the nearby bushland, however, would contribute to the suburban bushland setting of Cremorne.</p> |
| <p>Section 1.3.6 - Views</p> | <p>Consistent with View Sharing Principles</p> | <p>The subject site and surrounding properties enjoy views towards the northeast of Middle Harbour and have a verdant outlook towards the northwest of Cammeray Park given the northern aspect of the developments.</p> <p>The views to Middle Harbour are considered valuable and worthy of retention. The outlook to Cammeray Park is less valuable only so far as Provision P3 in Section 1.3.6 of Part B in NSDCP 2013 seeks to retain an outlook to trees and the sky. The outlook towards Cammeray Park is not significant as it lacks context and primarily includes the street trees along Park Avenue and site trees.</p> <p>These views may potentially be impacted for the following properties:</p> <ul style="list-style-type: none"> • No. 1 Sutherland Street – Two storey residential flat building located opposite the subject site to the south; • No. 5 Sutherland Street – Nine storey residential flat building located opposite the subject site to the south east; and • No. 8 Sutherland Street – Four-five storey residential flat building adjoining the subject site to the east. <p>The potential impact is assessed utilising the Planning Principle for view sharing established by Senior Commissioner Roseth in <i>Tenacity Consulting v Warringah</i> [2004] NSWLEC 140 (<i>'Tennacity'</i>):</p> <p><i>Step 1 – The view to be affected</i></p> <p><u>No. 1 Sutherland Street</u></p> <p>The residential flat building is two storeys and has an apartment at the northern end on each level. Views are gained towards the north east towards Middle Harbour and an outlook to Cammeray Park is available to the north west.</p> <p><u>No. 5 Sutherland Street</u></p> <p>The residential flat building is nine storeys with living areas and balconies orientated towards the north. Views are gained towards the north east towards Middle Harbour and an outlook to Cammeray Park is available to the north west.</p> <p><u>No. 8 Sutherland Street</u></p> <p>The residential flat building is part 4, part 5 storeys with living areas and balconies orientated towards the north. There are also some apartments with living areas and balconies orientated towards the west. Views are gained towards the north east towards Middle Harbour and an outlook to Cammeray Park is available to the north west.</p> <p><i>Step 2 – The part of the property where the view is available from</i></p> |

| | | |
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| | | <p><u>No. 1 Sutherland Street</u></p> <p>The views are gained over the front property boundary from the north facing first floor living rooms and bedrooms. The ground floor views are likely impacted by the existing landscaping and development (No. 8 Sutherland Street). An outlook to Cammeray Park is also available to the northwest.</p>  <p>Figure 61. Site Photo from ground level towards Middle Harbour</p> <p><u>No. 5 Sutherland Street</u></p> <p>Views are gained over the front boundary towards the northeast from the north facing living areas and balconies towards Middle Harbour and an outlook to Cammeray Park is available to the northwest.</p> <p><u>No. 8 Sutherland Street</u></p> <p>Views are gained over the front boundary towards the northeast towards Middle Harbour from the north facing living areas and balconies and an outlook to Cammeray Park is available over the side boundary to the northwest from the west facing living areas, balconies and bedrooms.</p> <p>Step 3 – The extent of the impact</p> <p><u>No. 1 Sutherland Street</u></p> <p>The views to Middle Harbour are unlikely to be impacted as the south-eastern corner of the proposed building maintains the same 5m setback to the eastern side boundary as the existing building, noting that the views are gained towards the northeast, and the height of the building is also 1.6m lower than the existing building.</p> <p>The outlook to Cammeray Park and the Park Avenue street trees would be retained in accordance with Provision P3 of Section 1.3.6 of Part B in NSDCP 2013.</p> <p><u>No. 5 Sutherland Street</u></p> <p>The proposed development would not impact views to Middle Harbour as the proposed development is located towards the northwest whereas the water views are located towards the northeast.</p> <p>The outlook to Cammeray Park and the Park Avenue street trees would be retained in accordance with Provision P3 of Section 1.3.6 of Part B in NSDCP 2013.</p> |
|--|--|--|

No. 8 Sutherland Street

The proposed development would not impact views to Middle Harbour as the proposed development is located towards the west whereas the water views are located towards the north east.

The outlook towards Cammeray Park predominantly comprises the street streets located along Park Avenue and site trees. This outlook would be impacted given that the proposed building extends closer to the eastern side boundary, however, the outlook is not considered a view in accordance with Tennacity.



Figure 62. Example outlook from No. 8 Sutherland

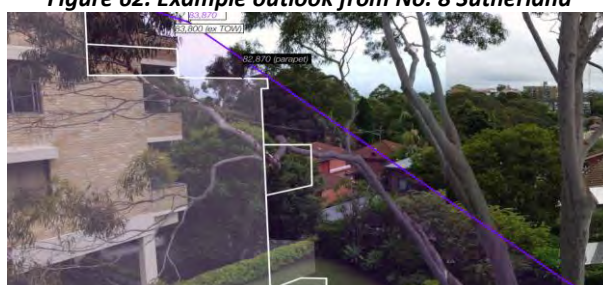


Figure 63. Example outlook from No. 8 Sutherland

Step 4 – The reasonableness of the proposal

No. 1 Sutherland Street

It is noted that there is a minor non-compliance with the side set back BHP (refer to Section 1.4.6 of Part B in NSDCP 2013 below) at the south-eastern corner of the proposed building, however, given that the building complies with the height of buildings development standard at this point and maintains the existing side setback, the proposed development would promote the retention of existing views. Strict compliance with the building height plane at this level would not have any material benefit as the non-compliance is relatively minor and the view is gained more so towards the northeast over No. 8 Sutherland Street.


No. 5 Sutherland Street


As no material impact to views were identified, no further consideration is required.

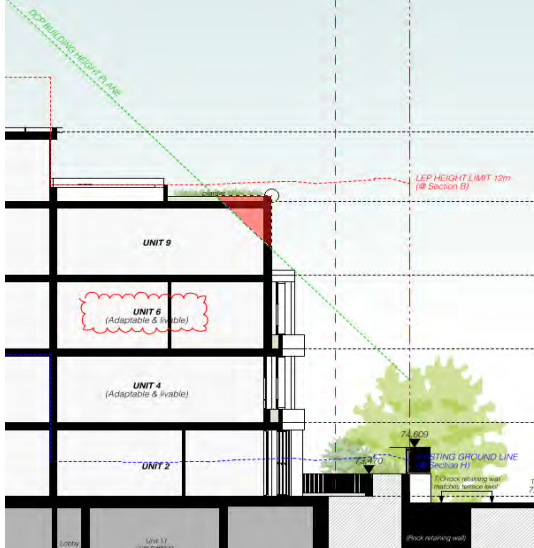
No. 8 Sutherland Street

As no material impact to views were identified, no further consideration is required. With respect to the verdant outlook to the north west, there would be some impact caused by the proposed development, however, the building elements causing the impact are considered reasonable, notwithstanding, the technical non compliances with the height and building height plane arising through the existing irregular ground level which has previously been excavated.

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| | | <p>Summary</p> <p>In summary, the proposed development would maximise the potential for view sharing with surrounding properties as the existing valuable water views towards Middle Harbour would be retained for all surrounding properties.</p> <p>The potential impact to the verdant outlooks towards Cammeray Park is considered negligible to minor in the circumstances given the non-disrupt nature of the outlook and the otherwise reasonableness of the proposed development, having regard to the key building envelope controls.</p> |
| Section 1.3.7 - Solar access | Yes | <p>The proposed development results in some overshadowing to the adjoining property to the east (No. 8 Sutherland Street), which contains a residential flat building, from 1:30pm onwards in mid-winter. The adjoining building is also orientated to the north, however, includes some apartments along the western side that have living areas and balconies that would be impacted in midwinter from approximately 1:30pm onwards. The extent of overshadowing is limited to the four apartments on the lower three levels towards the southern end of the building and the overshadowing occurs for between 30-90mins. The overshadowing impacts the west facing balconies and to a lesser extent the living room windows, however, solar access for approximately 2-3 hours between 11:00am and 2:00pm would be maintained to these balconies and living room windows.</p> <p>Notwithstanding the identified overshadowing, the adjoining residential flat building would maintain well in excess of 2hr of solar access between 9:00am to 3:00pm in mid-winter for at least 70% of the dwellings and is therefore satisfactory. Furthermore, the extent of overshadowing would be reduced in comparison to the existing building on the subject site given the proposed increased rear (northern) setback and greater building articulation, particularly the upper level setback.</p> |
| Section 1.3.8 - Acoustic privacy | Yes | <p>The layout of the apartments within the proposed building are generally orientated with living areas and balconies towards the north. Any potential impact emanating from the proposed living areas and balconies would be consistent with the R4 High Density Residential zone and is reasonably ameliorated through the provision of compliant setbacks from the side and rear boundary to achieve reasonable building separation to the surrounding dwellings in accordance with the ADG.</p> <p>The living areas and courtyards at the front (southern end) of the building are located at ground level and would not have any unreasonable acoustic impacts.</p> <p>The proposed plant and equipment are located within the basement levels and are unlikely to cause any unreasonable acoustic impacts. Condition C34 is recommended to ensure that all plant and equipment are suitably designed and installed to minimise any impact.</p> |
| Section 1.3.9 - Vibration | Yes | <p>The proposed plant and equipment are located within the basement levels and are unlikely to cause any vibration impacts. Condition C35 is recommended to ensure that all plant and equipment are suitably designed and installed to minimise any impact.</p> |

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| <p>Section 1.3.10 - Visual privacy</p> | <p>Acceptable</p> | <p>Eastern Outlook The subject site adjoins a residential flat building to the east (No. 8 Sutherland Street). The proposed eastern side setbacks generally achieve a minimum of 12m building separation between habitable rooms and/or balconies with the exception of some of the bedrooms located on the eastern side of ground floor and first floor levels where the separation is reduced to 10m given the projecting balconies of the adjoining property to the east. External louvered privacy screening has been provided where the separation is less than 12m.</p> <p>Fencing and landscaping has also been incorporated along the eastern side setback area to improve privacy between the buildings.</p> <p>Northern Outlook The subject site is located at a higher level and would overlook the dwelling houses located on the northern side of Grasmere Lane (No. 2 Grasmere Lane and No. 3 Grasmere Road). The proposed building provides a minimum of 15m building separation to the adjoining dwellings. The southern elevations of the dwellings have limited windows and are also orientated towards the northeast. The proposed building separation is considered acceptable to provide privacy via visual separation. The proposed balconies have a solid balustrade to minimise overlooking downwards.</p>  <p><i>Figure 64. Existing outlook over Grasmere Lane properties</i></p> <p>Southern and Eastern Outlooks The subject site overlooks the road to the south and west and would not result in any privacy impacts to other properties.</p> <p>Within the Development The proposed courtyards and balconies include privacy screens to ensure privacy between apartments within the proposed development.</p> |
| <p>1.4 Quality Built Form</p> | | |
| <p>Section 1.4.5 - Siting</p> | <p>Yes</p> | <p>The proposed building is sited parallel to the boundaries of the site. The layout of the apartments is generally orientated towards the favourable northern aspect and takes advantage of the views of Middle Harbour to the northeast from the upper levels.</p> |
| <p>Section 1.4.6 - Front Setback</p> | <p>Yes</p> | <p>The proposed front setback to Sutherland Street is 6m and aligns with the adjoining building to the east (No. 8 Sutherland Street). The subject site has a secondary frontage to Park Avenue and is setback between 2-4m from the boundary which is reflective of the irregular site shape and the prevailing front setbacks along Park Avenue.</p> |

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| <p>Section 1.4.6 - Setbacks (Side and Rear)</p> <p>Section 1.4.4 - Laneway</p> | <p>Yes</p> | <p>Eastern Side Setback</p> <p>The proposed development requires a minimum setback of 3m from the side boundary and compliance with a 45-degree height plane measured from 3.5m above existing ground level at the boundary (Refer to figure B-1.3 in NSDCP 2013). The eastern side setback of the building has a significant fall from the front (south) to the rear (north) with the existing ground level also been irregular given the existing retaining walls, driveway ramp and terraced areas.</p> <p>The proposed building has a minimum setback of between 4.7m (southern end) and 6.4m (northern end) at each level with the exception of the upper most (Level 3) level which has further increased side setbacks.</p> <p>The applicant has provided additional sections through the building that largely demonstrated compliance with the 45-degree building height plane, noting the irregular land levels along the eastern side boundary. Material encroachments into the 45-degree height plane would occur at the following points along the proposed building:</p> <ul style="list-style-type: none"> • Southern end of Level 3 (Section D) <p>The proposed encroachment of the BHP towards the southern end of Level 3 (Bedroom 1) is minor in nature given the irregular topography. The below extract indicates the non-compliance at its greatest given that the building setback increases towards the north as the boundary is at an angle in comparison to the building footprint. The potential impacts caused by the minor encroachment are minimal and would not adversely impact existing views or solar access.</p>  <p>Figure 65. Extract from section D</p> <ul style="list-style-type: none"> • Kitchen area of Unit 9 on Level 2 (Section H) <p>The proposed encroachment of the BHP towards for the kitchen area of Unit 9 on Level 2 is reflective of the drop in land levels along the boundary to the north of the existing retaining wall. Notwithstanding the non-compliance, a minimum setback of between 5.3-5.8m is provided to the boundary and a minimum 12m building separation is achieved to the adjoining residential flat building (No. 8 Sutherland Street). The potential impacts caused by the minor encroachment are minimal and would not adversely impact views or privacy. There would be some overshadowing caused by the north eastern corner of the roof form to a portion of the west facing balconies of Units 10A and 15A of No. 8 Sutherland) between 2:00pm-3:00pm in mid-winter, although solar access is otherwise achieved for these apartment and would improve in comparison to the impacts caused by the existing building form.</p> |
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| | |  <p>Figure 66. Extract from section H</p> <p>Rear (Grasmere Lane) Setback</p> <p>The proposed building is setback a minimum of 8m from the rear laneway boundary, with increased setbacks on the upper levels. The proposed building therefore complies, and exceeds, the minimum setback requirements including the 45-degree building height plane.</p> <p>The lower terraced area and garage entry at the rear are setback a minimum 2m from the laneway boundary and therefore comply with the minimum 1.2m setback requirement in P9 <i>Laneways</i> of Section 1.4.4 of Part B in NSDCP 2013.</p> |
| <p>Section 1.4.7 - Form, massing and scale</p> | <p>Yes</p> | <p>The proposed form, massing and scale of the building is considered acceptable having regard to the height of the building as address regarding clause 4.3 <i>Height of buildings</i> in NSLEP2013 above and the proposed siting, setbacks and articulation of the building.</p> <p>Each level within the proposed building has a minimum floor to ceiling height of 2.7m to comply with provision P4 of Section 1.4.7 of Part B in NSDCP 2013.</p> <p>The extent of glazing is broken down through the use of solid elements including wall nibs, solid balustrading and building articulation in accordance with P5 in Section 1.4.7 of Part B in NSDCP 2013.</p> <p>Provision P8 in Section 1.4.7 of Part B in NSDCP 2013 requires building with a flat roof to incorporate an additional 36-degree building height plane setback for the upper most level.</p> <p>The upper most level of the proposed building is sited towards the western and southern sides of the building where the building would have only a two to three storey appearance when viewed from the Sutherland Street and Park Avenue. Given the perceived building height would be less than the typical four storey form envisaged by the 12m height control when viewed from the street, there is less of a need to provide a full upper level setback to break down the form, massing and scale of the building. Nethertheless, the upper level includes a small setback and a change in wall cladding material to provide a visual break to limit the external massing of the building.</p> |

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| Section 1.4.8 - Built form character | Yes | <p>The proposed articulation of the building facades is well modulated in plan and elevation and expresses the elements of the buildings architecture. The use of varied wall finishes, exposed edge slabs, cantilevered balconies, solid and open balustrading, well-proportioned glazing, external screening and landscaped planters break down the visual massing and scale of the building and provide visual interest when viewed from the public domain and surrounding properties.</p> <p>The proposed development would utilise high quality materials and would positively contribute to the streetscape.</p> |
| Section 1.4.9 - Building entry | Yes | <p>The proposed building entry is located on the western side of the building off Park Avenue. Although the development has a Sutherland Street address, the proposed entry is located closer to the footpath and at grade to simplify the access arrangements. The proposed building entry is highly visible from the public domain and provides a sense of address through the visibility and scale of the multi-level void opening over the entry.</p> |
| Section 1.4.10 - Roofs | Yes | <p>The proposed building has a flat roof and would be consistent with the varied roof typology within the Waters Neighbourhood. The proposed flat roof seeks to minimise the bulk and massing of the building and the intent of the provision P8 in Section 1.4.7 of Part B in NSDCP 2013 has also been met as addressed above.</p> |
| Section 1.4.12 - Colours and materials | Yes | <p>The proposed development utilises a mix of earthy toned rendered finishes and complementary soft (bronze) metal finishes. The proposed use of materials and finishes is compatible with the surrounding development and landscaping.</p> |
| Section 1.4.13 - Balconies - apartments | Yes | <p>Each apartment has a balcony or ground level courtyard that complies with the minimum size and dimension requirements.</p> |
| Section 1.4.14 - Front fences | Yes | <p>The proposed front fencing along the Sutherland Street and Park Avenue frontages is stepped to match the sloping topography along the boundaries. The proposed fencing has a maximum height between 1-1.6m corresponding with the slope of the land. The design of the front fencing is open and is consistent with the low and open nature of fencing within the Waters Neighbourhood Character Area.</p> |
| 1.5 Quality urban environment | | |
| Section 1.5.1 - High quality residential accommodation | Yes | <p>These provisions largely mirror the ADG requirements and are considered to be achieved as outlined above (Refer to ADG compliance table above).</p> |
| Section 1.5.3 - Safety and security | Yes | <p>A reasonable level of safety and security is provided for the proposed development. The proposed building entry is located from Park Avenue and is highly visible from the public domain.</p> |
| Section 1.5.4 - Vehicle Access and Car Parking | Yes | <p>The proposed carparking is located within two levels of basement parking largely within the footprint of the proposed building. The basement parking is accessed from a single garage entry from Grasmere Lane to the rear of the site.</p> <p>Council's Traffic Engineers raised no objection to the proposed single access point, despite not providing an onsite waiting bay, given that the site is located at the end of a laneway and would not result in on street queuing that would disrupt traffic.</p> |

| <p>Section 10.2.1</p> | <p>Acceptable</p> | <p>The proposed development includes on-site parking spaces with three levels of basement.</p> <table border="1" data-bbox="794 309 1394 577"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>2 Bedroom Apartments (3) 1 per dwelling (3 spaces)</td> <td>3</td> <td>Yes</td> </tr> <tr> <td>3 Bedroom Apartments (8) 1.5 per dwelling (12 spaces)</td> <td>12</td> <td>Yes</td> </tr> <tr> <td>Visitor Parking (11 Dwellings) 0.25 per dwelling (2.75 Visitors)</td> <td>3</td> <td>No</td> </tr> </tbody> </table> <p>It is also proposed to utilise one visitor parking space as a car wash bay in accordance with P3 of Section 10.2.1 of Part B in NSDCP 2013.</p> <p>The development also provides for one accessible parking space per adaptable apartment.</p> <p>Concern is raised that the proposed single garages with accessible spaces or storage are intended to be used for a double garages which would result in each dwelling within the proposed development having two parking spaces, exceeding the maximum permitted parking rate by seven spaces. Little weight is given to the proposed justification for use as storage or accessible spaces because:</p> <ul style="list-style-type: none"> The shared spaces associated with the proposed accessible spaces as the same dimension as a parking space and provided no impediment to prevent parking two vehicles. Bollards are easily removable and do not provide a permanent impediment to restrict the number of parking spaces. <p>It is noted that a number of other developments in the locality which have proposed similar accessible parking or storage arrangements have been advertised as provided two parking spaces.</p> <p>Condition AA2 is recommended to modify the garage entries to prevent access for two vehicles.</p> <p>It is noted that other development that have adopted similar accessible parking or storage arrangements have been marketed as providing two parking spaces.</p> <p>Condition G20 is recommended to ensure that apartment and visitor parking is equitability distributed in compliance with the parking rates.</p> | Control | Proposed | Compliance | 2 Bedroom Apartments (3) 1 per dwelling (3 spaces) | 3 | Yes | 3 Bedroom Apartments (8) 1.5 per dwelling (12 spaces) | 12 | Yes | Visitor Parking (11 Dwellings) 0.25 per dwelling (2.75 Visitors) | 3 | No |
|--|----------------------|--|---------|----------|------------|---|----------------------|-----|--|----------------------|-----|---|----------------------|-----|
| Control | Proposed | Compliance | | | | | | | | | | | | |
| 2 Bedroom Apartments (3) 1 per dwelling (3 spaces) | 3 | Yes | | | | | | | | | | | | |
| 3 Bedroom Apartments (8) 1.5 per dwelling (12 spaces) | 12 | Yes | | | | | | | | | | | | |
| Visitor Parking (11 Dwellings) 0.25 per dwelling (2.75 Visitors) | 3 | No | | | | | | | | | | | | |
| <p>Section 1.5.5 - Site Coverage</p> <p>Section 1.5.6 - Unbuilt Area and Landscaped Area</p> | <p>Yes</p> | <p>The site has an area of 1,247.79sqm. Compliance with the site coverage, unbuilt upon area and landscaped area provisions for residential flat buildings is assessed in the table below:</p> <table border="1" data-bbox="794 1738 1394 1951"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage = Maximum 45%</td> <td>560.43sqm (44.9%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped Area = Minimum 40%</td> <td>505.36sqm (40.5%)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt Upon Area = Maximum 15%</td> <td>182.00sqm (14.6%)</td> <td>Yes</td> </tr> </tbody> </table> <p>The proposed development complies with the relevant site coverage, unbuilt upon area and landscaped area provisions.</p> | Control | Proposed | Compliance | Site coverage = Maximum 45% | 560.43sqm (44.9%) | Yes | Landscaped Area = Minimum 40% | 505.36sqm (40.5%) | Yes | Unbuilt Upon Area = Maximum 15% | 182.00sqm (14.6%) | Yes |
| Control | Proposed | Compliance | | | | | | | | | | | | |
| Site coverage = Maximum 45% | 560.43sqm (44.9%) | Yes | | | | | | | | | | | | |
| Landscaped Area = Minimum 40% | 505.36sqm (40.5%) | Yes | | | | | | | | | | | | |
| Unbuilt Upon Area = Maximum 15% | 182.00sqm (14.6%) | Yes | | | | | | | | | | | | |

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| <p>Section 1.5.9 Private and Communal Open Space</p> | <p>Yes</p> | <p>Private Open Space Balconies or courtyards are provided for each apartment within the development and comply with the minimum size and depth requirements.</p> <p>Communal Open Space The proposed communal open space area is somewhat impractical, however, no objection is raised given that each dwelling provides adequate private open space areas in excess of the minimum requirements as per Provision P5 of Section 1.5.9 of Part B in NSDCP 2013 and other opportunities are provided for social interaction between residents, including the proposed communal dining room and lounge area.</p> |
| <p>Section 1.5.12 - Garbage storage</p> | <p>Yes</p> | <p>The proposed development has a waste storage room within the basement that is of sufficient capacity for the number of rubbish and recycling bins that the development would be entitled to. A garbage chute and separate recycling bin storage cupboard is also provided on each level of the building.</p> <p>A temporary garbage storage area has also been provided along Grasmere Lane to facilitate weekly collection.</p> |
| <p>Section 1.5.13 - Site Facilities</p> | <p>Yes</p> | <p>The mailboxes are located adjacent to the proposed front building entry and are high accessible and visible to increase safety and security.</p> <p>Adequate storage is provided within individual apartments with ancillary storage areas provided within the basement garage or lower ground floor storage cages for each apartment.</p> |
| <p>1.6 Efficient use of resources</p> | | |
| <p>BASIX</p> | <p>Yes</p> | <p>A valid multi-dwelling BASIX certificate has been provided.</p> |

Part C – Section 5.3 Water Neighbourhood Character Statement

The subject site is located within the of **Waters Neighbourhood** the **North Cremorne Planning Area**

5.3.2 Desired Future Character

P1 Predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone.

The proposed development is for the purpose of a residential flat building and is permitted within the R4 High Density Residential zone.

P2 The density of development generally reduces the further away a property is located from Military Road.

This provision is reflected by the land zoning and the proposed development is consistent with the zoning.

5.3.3 Desired Built Form

P1 Future development of high density housing must have a sympathetic relationship to other surrounding development in terms of height, bulk and scale, privacy and access to views (for example stepping down to lower height).

The proposed development is for the purpose of high density housing and therefore this provision applies. The proposed building would have a sympathetic relationship to other surrounding development as detailed throughout this report, particularly with regard to the proposed bulk and scale, notwithstanding the proposed height variation, and would not result in undue impacts to the surrounding developments. The proposed building form steps down the site towards the north to reflect the natural topography of the area which is described under Provision 2 *Topography* of Section 5.3.1 of the Character Statement as having a gentle fall to the north from the ridge aligning with Military Road. The fall of the land across the subject site is more significant, however, the proposed development has been sited to accommodate the irregular topography of the subject site.

SECTION 7.11/12 CONTRIBUTIONS

The proposed development would result in a net decreased in the number of residents within the locality and therefore a contribution levied under section 7.11 the Act is not required under Council's Infrastructure Contributions Plan, amended 1 March 2021.

s7.11 net population increase summary

| Development Type | Dwellings | | Residents |
|-------------------------------|-----------|----------|-----------|
| | Existing | Proposed | Change |
| <i>1 bed dwelling</i> | 18 | 0 | -25.2 |
| <i>2 bed dwelling</i> | 3 | 3 | 0 |
| <i>3 or more bed dwelling</i> | 0 | 8 | +20.8 |
| Net resident change | | | -4.4 |

However, the contribution plan levies either a s7.11 or s7.12 levy, whichever is higher. The proposed development has a cost of work of \$6,790,909.00 and therefore a 1% levy would require a contribution of \$67,909.09 in accordance with s7.12 of the Act.

The total contribution payable is \$67,909.09. **Condition C44** is recommended which would require the payment to be made prior to the issue of the Construction Certificate.

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

- | | |
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| 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 |

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| 6. | Loading and Servicing facilities | Yes |
| 7. | Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |
| 8. | Site Management Issues | Yes |
| 9. | All relevant s4.15(1) considerations of Environmental Planning and Assessment (Amendment) Act 1979 | Yes |

SUBMITTERS CONCERNS

The development application was notified in accordance with Council's Community Engagement Protocol from 6 April 2021 until 20 April 2021. Seven (7) objections and five (5) submissions of support were received.

The amended application, received 9 June 2022, was notified in accordance with Council's Community Engagement Protocol from 1 July 2022 until 15 July 2022. Three (3) further submissions were received.

A total of ten (10) objections were received and are addressed below:

Height

- *The proposed development does not comply with the height of buildings development standard in clause 4.3 in NSELP 2013.*
- *The written request to vary the height of building development standard pursuant to clause 4.6 is insufficient and should not be supported.*
- *The written request to vary the height of building development standard pursuant to clause 4.6 should not be able use the existing building envelope as justification.*

The proposed variations to the height of buildings development standard have been considered having regard to the written request made pursuant to clause 4.6 in NSLEP 2013. The statutory matters in clause 4.6 are considered to be satisfied. The applicant's written request has satisfactorily demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation.

The written request, whilst making reference to, does not solely rely on the retention of the existing building envelope as justification. The variation is largely a result of the existing irregular topography of the site, including previous excavations, and is considered to have been sited and design to step down the site to reflect the existing topography.

Bulk and Scale

- *The proposed development represents an overdevelopment of the site given the increased building footprint and non-compliance with the height of buildings development standard.*

The proposed development complies with the maximum permitted site coverage provision in NSDCP 2013 and is designed to follow the slope of the land. The height of the building is considered acceptable as addressed above.

- *The proposed development should provide a dwelling mix as advised by the DEP.*

The proposed development provides larger two and three bedroom apartments and does not strictly comply with the dwelling mix requirements in NSDCP 2013 as there are no studio or one bedroom apartments included. However, given the smaller scale of the proposed development, containing only eleven apartments, the proposed dwelling mix is considered acceptable and would provide for a portion of the LGA demographic.

- *The height of the building does not have sufficient regard to the narrow width of the laneway as a result would have adverse acoustic and visual privacy impacts on the dwellings located opposite on Grasmere Lane.*

The proposed building is sited above the laneway where the maximum building height would be most evident. The proposed building has been set back from the laneway, further than the existing and the relevant setback controls, and steps down the slope of the land towards the laneway to minimise the perceived bulk and massing and any associated impacts.

- *The proposed development is not in keeping with surrounding development.*

The proposed development is more contemporary in design than some of the surrounding development, however, is considered to be compatible with the character of the area. The proposed development would have a two-three storey scale when viewed from Sutherland Street and Park Avenue respectively.

Traffic and Parking

- *The proposed development provided insufficient onsite parking for residents given that only one space is provided per dwelling.*

The proposed development provides onsite parking for residents and visitors in line with the maximum permitted parking rates in Section 10 of Part B in NSDCP 2013.

- *The proposed development would result in increased traffic congestion.*

The proposed development is unlikely to increase traffic congestion as the development would result in reduced trip generation and has fewer parking spaces than the existing development.

- *The proposed development would result in increased on-street parking congestion.*

The proposed development provides onsite parking for residents and visitors in line with the maximum permitted parking rates in Section 10 of Part B in NSDCP 2013 so the proposed development would satisfy the parking demand generated by the development.

- *Vehicle access via Grasmere Lane is constrained and is difficult for delivery trucks or waste collection vehicles.*

The proposed development benefits from having three frontages. There would be no change to the existing arrangements in Grasmere Lane and the proposed development would not increase the number of truck or waste collection vehicle movements as the proposed development would reduce the number of residents and parking spaces.

- *The proposed development is unlikely to achieve additional on street parking through the removal of one of the redundant vehicle crossings given the constrained nature of Grasmere Lane.*

The applicant's traffic report indicates that an additional on-street parking space could be accommodated in Grasmere Lane following the removal of a redundant vehicle crossing, however, Council's Traffic Engineers have confirmed that there would be no additional spaces gained as this area functions as a no parking zone to facilitate turning.

- *Construction traffic management should consider the existing site constraints and surrounding development including the infrastructure works to the Warringah Freeway.*

Council's Development Engineer has recommended **Condition B1** requiring a Construction Traffic Management Plan to be prepared prior to the applicant for any construction certificate. The standard requirements of the condition would require the applicant to consider the cumulative impact of other development and infrastructure works in the proximity.

- *Consideration should be given to the installation of electric vehicle (including e-bike) charging ports.*

Condition C50 has been recommended requiring the proposed basement to be futureproofed by incorporating infrastructure to allow individual apartment owners to install chargers for electric vehicles which would improve the sustainability of the proposed development.

Construction Impacts

- *The use of Grasmere Lane for construction access should not be permitted given the constrained access arrangements.*

The potential use of Grasmere Lane for construction access would be dealt with in preparation and assessment of the Construction Traffic Management Plan.

- *Excavation and construction would create significant noise impacts that should be reasonably ameliorated.*

Condition E19 imposes the standard construction hours which are formulated to ensure that construction impacts balance the need to undertake works and have a reasonable impact on the amenity of surrounding residents.

- *Construction management should include consultation with the adjoining property to minimise impacts including the emission of dust and debris and ensure property damage is not caused.*

Condition E29 is recommended that would require the applicant to inform surrounding residents when noisy demolition, excavation or construction activities are due to be undertaken. The Construction Traffic Management Plan required under **Condition B1** would also require residents to be notified when construction access may impact surrounding residents.

Landscaping

- *The large gum tree (T19) should be removed as it is likely to be impacted by the construction works.*

Council's Landscape Development Officer requires the retention of this significant mature canopy tree and has assessed that any impacts to the tree have been minimised to ensure its retention.

Amenity

- *Insufficient communal open space is provided for the future residents.*

The proposed development provides some communal open space although is considered acceptable given the relatively small size of the development, the quality of the proposed private open spaces, the provision of a communal dining room and lounge area, and the proximity to Cammeray Park.

- *The proposed development would impact the amenity of surrounding properties.*

The proposed development would have a reasonable impact on the amenity of the surrounding properties. The proposed development would not result in any material impact on the retention of views, solar access or privacy.

- *The proposed balconies would have an adverse acoustic impact on the amenity of the dwellings located opposite on Grasmere Lane.*

The proposed balconies are setback a minimum of 15m from the existing dwellings located opposite the subject site on Grasmere Lane. The surrounding properties would be provided a reasonable level of privacy via separation.

SITE SUITABILITY

The subject site contains an existing residential flat building and is zoned R4 High Density Residential. The proposed development is permitted in the zone and has been design having regard to the constraints and context of the site and is considered suitable.

PUBLIC INTEREST

There are no matters raised in which approval of the application would not be in the public interest.

HOW THE COMMUNITY VIEWS WERE TAKEN INTO CONSIDERATION

The application, and subsequent amended application were notified in accordance with Council Community Engagement Protocol from 6 April 2021 until 20 April 2021 and 1 July 2022 until 15 July 2022 and ten objections were received. The issues raised in objections have been addressed in this assessment report and various conditions recommended to ensure that construction impacts are minimised.

CONCLUSION + REASONS

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013 subject to the written request to vary the height of buildings development standard made pursuant to clause 4.6 of NSLEP 2013.

The extent of the height variations relate primarily to the northern end of the upper two levels where the floorplate overlaps the existing excavated basement parking area and is reflective of the irregular sloping topography through the site. The clause 4.6 submitted demonstrates that in the particular circumstances of the case that strict compliance is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the variation.

The proposed demolition of the existing building would result in a loss of 21 low-rental dwellings and the displacement of a number of potential vulnerable tenants. A contribution levied under section 7.32 of the Act in accordance with Part 3 of SEPP (Housing) 2021 is recommended to offset the loss of affordable housing within the local government area. The proponent would also be required to prepare a resident relocation plan to assist vulnerable tenants.

The proposed development meets the design principles in SEPP 65 and is consistent with the design requirements of the Apartment Design Guide. The proposed development is also generally in accordance with the objectives in NSDCP 2013.

The proposed development would achieve a high level of residential amenity for the proposed apartments noting that nearly all apartments would receive solar access and natural cross ventilation and are well proportioned. Whilst there are some areas of habitable subterranean bedrooms, this is reflective of the steeply sloping topography of the site and existing excavation below the footpath level and has been minimised where possible to provide a reasonable degree of amenity for these bedrooms.

The proposed development has also been designed to ensure that the existing amenity of the surrounding dwellings is maintained, specifically where it relates to the retention of views, solar access and privacy.

The application was notified in accordance with the community engagement protocol where Council received ten (10) submissions objecting to issues including the proposed height variation, amenity impacts, tree removal, construction impacts including excavation, traffic congestion and insufficient on-site parking. The issues raised are considered to be generally acceptable or have been addressed through conditions of consent, particularly with regard to construction impacts including excavation.

On balance, the proposed development is considered reasonable and is recommended for deferred commencement **approval** subject to various site specific and standards conditions of consent.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 2013 and grant deferred commencement consent to Development Application No. 67/20 for demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works on land at No 2. Sutherland Street, Cremorne, subject to the following

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 4.53(6) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

Deletion of Subterranean Bedroom

AA1 The plans are to be amended to delete bedroom 2 of Unit 2 on Lower Ground Floor level and deleted the associated excavation within the proposed western side setback area.

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

(Reason: To ensure that all habitable rooms receive a reasonable degree of amenity)

Amendments to Garages

AA2 The basement plans are to be amended to incorporate the following requirements:

- a) The garage opening for Units 3, 4, 6 and 7 are to be reduced to 4.5m with a masonry wall return installed in front of the shared space for the accessible parking spaces.
- b) The depth of the garage for Unit 5 is to be reduced by 1.5m with the rear wall being constructed of masonry.

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

(Reason: To ensure that the onsite parking is consistent with the maximum permitted parking rates in Section 10.2 of Part B in NSDCP 2013.

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition 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 following site specific and attached standard conditions:

Section 7.32 Contributions for affordable housing

C23. Prior to the issue of a Construction Certificate, the proponent shall make a monetary contribution of **\$1,071,300.00** to North Sydney Council as a contribution towards providing affordable housing pursuant to Section 7.32(2) of the Environmental Planning & Assessment Act 1979, as calculate by Section 48 of State Environmental Planning Policy (Housing) 2021.

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

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

(Reason: To mitigate the loss of low-rental accommodation within the State)

Resident Relocation Plan

C24. Prior to the issue of any Construction Certificate, all tenants of Nos 22 and 24 Spruson Street are required to be notified in writing by way of an additional term on their lease agreements that they would be entitled to relocate in general accordance with the terms of Council's Resident Relocation Plan, as set out below:

Council's Resident Relocation Plan is as follows:

- (a) Minimum 12 weeks' notice to vacate to residents; notice to provide full details of support mechanisms, including professional assistance to those determined to require it.

- (b) Needs assessment to be carried out by a qualified social worker with experience in housing issues (Assuming a vulnerable tenant(s) are identified, estimate 4 weeks part time for a typical boarding house in North Sydney, inclusive of liaising with relevant agencies); social worker to be engaged 5 working days prior to notice being given (to allow them to commence work on the day that notice is advertised).
- (c) Application of the Plan to all residents who apply, with provision of assistance based on individual needs as assessed;
- (d) Liaison with the Department of Housing and LINK Housing Lower North Shore, or similar in support of residents experiencing difficulties in relocating, and use of a social worker to provide or coordinate such assistance;
- (e) Liaison between the social worker and the NSW Tenants Advice and Advocacy Service to provide assistance to residents for whom the first language is not English;
- (f) Information to residents, including lists of comparable accommodation, and assistance in negotiations with real estate agents where reasonably possible, and supportive references;
- (g) Practical assistance to be given to those residents who have been assessed as not requiring any support from other agencies to manage but who may require practical assistance such as transport, bond assistance, and the like;
- (h) Payment of removal costs and bonds for new accommodation and the first months' rent for vulnerable tenants (up to \$940 per couple); may be waived if costs for Social Worker exceed \$5,000
- (i) Commencement, interim progress, and completion dates for implementation of the Plan, in relation to estimated site preparation or construction start date;
- (j) Advising Council's Community Development Department of commencement, interim progress, and final advice on the implementation of the Plan.

The Relocation Plan must be implemented to the written satisfaction of the Manager of Council's Development Services Department. No relocation shall commence until Council's Community Development Department has provided written confirmation that the Resident Relocation Plan is satisfactory.

The preparation and implementation of a Resident Relocation Plan for any tenant/s displaced through the sale of any unit is to be at no cost to Council. Any costs associated with the engagement/employment of a recruitment consultant and/or social worker, and any financial/monetary assistance to residents provided under the Plan, is to be at no cost to Council.

(Reason: Pursuant to section 47(2)(d) of SEPP (Housing) 2021 to assist any displaced tenants in finding suitable comparable accommodation and to ensure the costs of mitigating the loss of affordable housing supply resulting from the development is at no cost to Council.)

MICHAEL STEPHENS
SENIOR ASSESSMENT OFFICER

ROBYN PEARSON
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER OF DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
2 SUTHERLAND STREET, CREMORNE
DEVELOPMENT APPLICATION NO. 432/21

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 4.53(6) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

Deletion of Subterranean Bedroom

AA1 The plans are to be amended to delete bedroom 2 of Unit 2 on Lower Ground Floor level and deleted the associated excavation within the proposed western side setback area.

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

(Reason: To ensure that all habitable rooms receive a reasonable degree of amenity)

Amendments to Garages

AA2 The basement plans are to be amended to incorporate the following requirements:

- a) The garage opening for Units 3, 4, 6 and 7 are to be reduced to 4.5m with a masonry wall return installed in front of the shared space for the accessible parking spaces.
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The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure that the onsite parking is consistent with the maximum permitted parking rates in Section 10.2 of Part B in NSDCP 2013.

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition 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 following standard conditions 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 Nos. | Issue | Description | Prepared by | Dated | |
|-----------|-------|---------------------------------|-------------|-------------------------|------------|
| DA1001 | C | Demolition Plan | MHDUNION | 24/05/2022 | |
| DA1002 | D | Site and Roof Plan | | 21/07/2022 | |
| DA2000 | D | Basement Level 2 Plan | | 21/07/2022 | |
| DA2001 | D | Basement Level 1 Plan | | 21/07/2022 | |
| DA2002 | D | Lower Ground Floor Plan | | 21/07/2022 | |
| DA2003 | D | Ground Floor Plan | | 21/07/2022 | |
| DA2004 | D | Level 1 Floor Plan | | 21/07/2022 | |
| DA2005 | D | Level 2 Floor Plan | | 21/07/2022 | |
| DA2006 | D | Level 3 Floor Plan | | 21/07/2022 | |
| DA2007 | D | Roof Plan | | 21/07/2022 | |
| DA3000 | D | North Elevation | | 21/07/2022 | |
| DA3001 | D | South Elevation | | 21/07/2022 | |
| DA3002 | D | South Elevation w/ fence | | 21/07/2022 | |
| DA3003 | D | East Elevation | | 21/07/2022 | |
| DA3004 | D | East Elevation w/ fence | | 21/07/2022 | |
| DA3005 | C | West Elevation | | 24/05/2022 | |
| DA3006 | C | West Elevation w/fence | | 24/05/2022 | |
| DA3100 | C | Section A | | 24/05/2022 | |
| DA3101 | C | Section B | | 24/05/2022 | |
| DA3102 | C | Driveway Profile Section | | 24/05/2022 | |
| DA3103 | C | Section D | | 24/05/2022 | |
| DA3104 | C | Section E | | 24/05/2022 | |
| DA3105 | C | Section F | | 24/05/2022 | |
| DA3106 | D | Section G | | 21/05/2022 | |
| DA3107 | C | Section H | | 24/05/2022 | |
| 601_DA_01 | B | Landscape Plans | | Myles Baldwin Design | 31/06/2022 |
| 601_DA_02 | B | Plant Schedule | | | 31/06/2022 |
| 601_DA_05 | B | Site Plan | 31/06/2022 | | |
| 601_DA_10 | B | Landscape Plan 1 (Lower Ground) | 31/06/2022 | | |
| 601_DA_11 | B | Landscape Plan 1 (Ground) | 31/06/2022 | | |

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| | | | |
|-----------|---|----------------------------|------------|
| 601_DA_12 | B | Landscape Plan 1 (Level 1) | 31/06/2022 |
| 601_DA_13 | B | Landscape Plan 1 (Level 2) | 31/06/2022 |
| 601_DA_14 | B | Landscape Plan 1 (Level 3) | 31/06/2022 |
| 601_DA_45 | B | Typical Details | 31/06/2022 |
| 601_DA_50 | B | General Specifications | 31/06/2022 |

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule DA 6000 C, dated 24 May 2022 and prepared by MNDUNION and received by Council unless otherwise modified by Council in writing.

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

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

B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

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

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

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

Notes:

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

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

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

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

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

Shoring for Adjoining Property

- C3. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

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

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

Structural Adequacy of Adjoining Properties - Excavation Works

- C4. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties **No. 8 Sutherland Street**, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

Geotechnical Report

- C5. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

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- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

Sediment Control

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

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

- a) All details of drainage to protect and drain the site during the construction processes;

- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

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

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

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

Waste Management Plan

- C7. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Skylight(s)

- C8. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 200 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)

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External Finishes and Colours

- C9. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

Reflectivity Index of Glazing

- C10. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Roofing Materials - Reflectivity

- C11. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

No External Service Ducts

- C12. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Work Zone

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

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C14. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Bicycle Storage and Parking

- C15. The bicycle storage area must accommodate a minimum of 11 bicycles, and a visitor parking bicycle rail shall be provided for 4 bicycles. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Accessible Parking Spaces to be Provided

C16. A total of 3 accessible parking spaces shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads. All details shall be prepared in consideration of, and construction completed in accordance with applicable Australian Standards to achieve compliance with the Disability Discrimination Act. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

Basement Car Park to comply with relevant standards

C17. Sightlines for pedestrian safety are to be provided as per Figure 3.2 of AS 2890.1 for the driveway access to Grasmere Lane.

An internal traffic signal system must be provided to accommodate vehicles entering and existing the carpark via the single driveway. The internal traffic signal system shall be designed by a suitably qualified consultant. The design should include the waiting bay line marking and signposting arrangements.

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

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C18. Prior to issue of any Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via a direct connection to Council's stormwater gully pit in Grasmere Lane which has to be reconstructed. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.

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- c) All civil and drainage works within the road reserve must be designed and built in accordance with Council's current "Infrastructure Specification". Prior to issue of the Construction Certificate the applicant must have engineering plans and specifications, prepared by a qualified civil drainage design engineer. Council must approve the plans and specifications, in writing, prior to issue of any Construction Certificate by the Certifying Authority. The documentation must provide engineering construction detail for the following public infrastructure works that must be completed as part of the approved development. Council reserve the right of keeping all bonds on infrastructure works for 12 month defects liability period.
- d) All redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.
- e) Any footpath panel on Grasmere Lane disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- f) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
- g) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- h) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- i) Provide subsoil drainage to all necessary areas with pump out facilities if required.

Details demonstrating compliance are to be submitted with the Construction Certificate.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

Required Infrastructure Works – Roads Act 1993

- C19. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

Drainage Works

Connection of the site stormwater system must be made directly to the existing grated gully pit (with lintel to be added), to front the site on Grasmere Lane. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:-

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- a) Replacement of the existing grated gully pit with standard grated gully pit with extended kerb inlet (1.8m lintel) in the kerb fronting the subject site in Grasmere Lane. The pit must be constructed in accordance with Councils "Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works".
- b) The connection pipeline within the footpath area shall have a minimum cover of 300mm.

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

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

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

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

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

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

- C20. Prior to the issue of the Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works permit to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable permit issue. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on the designing engineer or whoever is chosen to be applicant's engineering representative. The civil design drawings shall detail the following infrastructure construction requirements of Council in relation to the consent.

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

- a) The proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor.
- b) All redundant layback crossings on Grasmere Lane and Park Avenue must be reinstated as upright kerb gutter and concrete footpath on Park Avenue and kerb & gutter and concrete slab in Grasmere Lane.
- c) The width of the new vehicular layback in Grasmere Lane must be 5.0m (including the wings).
- d) The vehicular laybacks must be set square to the kerb.
- e) The boundary footpath levels in Grasmere Lane and Park Avenue must match the existing levels and must not be altered unless agreed to by Council.
- f) The gutter levels and road shoulder levels on Grasmere Lane must stay unchanged.
- g) The kerb gutter, and 600 mm road shoulder wide- strip, adjacent to all new layback and kerb & gutter works, on both streets must be reconstructed, to ensure uniformity in the road reserve.
- h) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
- i) The design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed.
- j) A longitudinal section along the gutter line of Grasmere Lane at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, **both** existing and proposed.
- k) A longitudinal section along the footpath property boundary in Grasmere Lane at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
- l) The sections must show the calculated clearance to the underside of any overhead structure.
- m) All details of internal ramps between parking levels.
- n) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".
- o) Any footpath or concrete panel on Grasmere Lane that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

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

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

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Foundations Adjacent to Drainage Easements

C21. The foundations for building structures and walls adjacent to the drainage easement are to be constructed in such a manner that does not affect stormwater drainage lines. 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 allow maintenance without affecting the building and to ensure there is no damage to public assets)

Pump-Out System Design for Stormwater Disposal

C22. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the one in 20-year storm;
- b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

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

Section 7.32 Contributions for affordable housing

C23. Prior to the issue of a Construction Certificate, the proponent shall make a monetary contribution of **\$1,071,300.00** to North Sydney Council as a contribution towards providing affordable housing pursuant to Section 7.32(2) of the Environmental Planning & Assessment Act 1979, as calculate by Section 48 of State Environmental Planning Policy (Housing) 2021.

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

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

(Reason: To mitigate the loss of low-rental accommodation within the State)

Resident Relocation Plan

C24. Prior to the issue of any Construction Certificate, all tenants of No 2 Sutherland Street are required to be notified in writing by way of an additional term on their lease agreements that they would be entitled to relocate in general accordance with the terms of Council's Resident Relocation Plan, as set out below:

Council's Resident Relocation Plan is as follows:

- (a) Minimum 12 weeks' notice to vacate to residents; notice to provide full details of support mechanisms, including professional assistance to those determined to require it.
- (b) Needs assessment to be carried out by a qualified social worker with experience in housing issues (Assuming a vulnerable tenant(s) are identified, estimate 4 weeks part time for a typical boarding house in North Sydney, inclusive of liaising with relevant agencies); social worker to be engaged 5 working days prior to notice being given (to allow them to commence work on the day that notice is advertised).
- (c) Application of the Plan to all residents who apply, with provision of assistance based on individual needs as assessed;
- (d) Liaison with the Department of Housing and LINK Housing Lower North Shore, or similar in support of residents experiencing difficulties in relocating, and use of a social worker to provide or coordinate such assistance;
- (e) Liaison between the social worker and the NSW Tenants Advice and Advocacy Service to provide assistance to residents for whom the first language is not English;
- (f) Information to residents, including lists of comparable accommodation, and assistance in negotiations with real estate agents where reasonably possible, and supportive references;
- (g) Practical assistance to be given to those residents who have been assessed as not requiring any support from other agencies to manage but who may require practical assistance such as transport, bond assistance, and the like;
- (h) Payment of removal costs and bonds for new accommodation and the first months' rent for vulnerable tenants (up to \$940 per couple); may be waived if costs for Social Worker exceed \$5,000

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- (i) Commencement, interim progress, and completion dates for implementation of the Plan, in relation to estimated site preparation or construction start date;
- (j) Advising Council's Community Development Department of commencement, interim progress, and final advice on the implementation of the Plan.

The Relocation Plan must be implemented to the written satisfaction of the Manager of Council's Development Services Department. No relocation shall commence until Council's Community Development Department has provided written confirmation that the Resident Relocation Plan is satisfactory.

The preparation and implementation of a Resident Relocation Plan for any tenant/s displaced through the sale of any unit is to be at no cost to Council. Any costs associated with the engagement/employment of a recruitment consultant and/or social worker, and any financial/monetary assistance to residents provided under the Plan, is to be at no cost to Council.

(Reason: Pursuant to section 47(2)(d) of SEPP (Housing) 2021 to assist any displaced tenants in finding suitable comparable accommodation and to ensure the costs of mitigating the loss of affordable housing supply resulting from the development is at no cost to Council.)

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

- C25. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$23,000.00 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.

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

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

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

Tree Bond for Public Trees

C26. Prior to the issue of any construction certificate, security in the sum of \$25,000.00 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 | Bond |
|---|--|-------------|
| T1, T2 & T3 <i>Callistemon viminalis</i> | Sutherland Street verge | \$20,000 |
| 1 x <i>Lagerstroemia indica</i> and associated underplantings | Roadside garden bed on the corner of Park Avenue and Sutherland Street | \$5,000 |

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

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

C27. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The design must include (but is not limited to) the following:

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

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

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

Tree Protection Measures to be shown on Construction Drawings

C28. The tree protection measures contained in the arborist reports prepared by Apex Tree and Garden Experts dated 30 November 2021 and 26 May 2022.

- A project arborist shall be appointed to supervise all works within the TPZ of any protected tree.
- Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footing shall be carried out within the TPZ of any protected tree.
- No stormwater or utilities shall be directed through the TPZ of any protected tree.
- No roots greater than 30mm shall be severed.

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

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Protection of Trees

- C29. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

| Tree | Location | Height (m) |
|-------------------------------------|--|------------|
| T19 <i>Corymbia citriodora</i> | North eastern corner of the subject site | 17x15m |
| T17 <i>Glochidion ferdinandii</i> | North side subject of the site | 10x10m |
| T4 <i>Callitiris sp</i> | South eastern corner of the subject site | 12x5m |
| T18 <i>Callistemon viminalis</i> | No. 8 Sutherland Street | 5x3m |
| T23 <i>Lagerstroemua indica</i> | No. 8 Sutherland Street | 8x6m |
| T24 <i>Murraya paniculate</i> | No. 8 Sutherland Street | 8x6m |
| T25 <i>Murraya paniculate</i> | No. 8 Sutherland Street | 6x4m |
| T26 <i>Bauhinia spp.</i> | No. 8 Sutherland Street | pX7m |
| T27 <i>Murraya paniculate</i> | No. 8 Sutherland Street | 7xm |
| T28 <i>Murraya paniculate</i> | No. 8 Sutherland Street | 7x4m |
| T29 <i>Casuarina cunninghamiana</i> | No. 8 Sutherland Street | 18x7m |
| T30 <i>Plumeria indica</i> | No. 8 Sutherland Street | 4x2m |

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)

Pruning of Trees

- C30. No pruning shall be permitted to any of the protected trees nominated under this consent, and nor shall any pruning to any public trees be permitted for the purposes of obtaining site access. Except where expressly permitted as per marker-up pictures submitted to Council's Landscape Development Officer for approval. All pruning works shall be carried out by a qualified arborist in accordance with AS4373:

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

Garbage and Recycling Facilities

- C31. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:

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- a) all internal walls of the storage area must be rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area must be adequately screened from the street, with the entrance to the enclosures no more than 2 m from the street boundary of the property;
- d) if a storage facility is to be provided at another suitable location within the building, a complementary garbage bin holding bay must be provided no more than 2 m from the street boundary of the property;
- e) garbage enclosures serving residential units are not to be located within areas designated for non-residential uses; and
- f) garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

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

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

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

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

Asbestos Material Survey

- C32. 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;

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- 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)

Location of Plant

C33. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Noise from Plant and Equipment

C34. The use of all plant and equipment installed on the premises must not:

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

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

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

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

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

Vibration from Plant and Equipment

- C35. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

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

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

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

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

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

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

Air Conditioners in Residential Premises

- C36. 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

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- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

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

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

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

- C37. Noise levels in sole occupancy units of residential apartments must not exceed the following:

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

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

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

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

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

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

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

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

- C38. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Mechanical Exhaust Ventilation

- C39. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Construction Noise Management Plan

- C40. A Construction Noise Management Plan must be prepared by an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, and must include the following:
- (a) Identification of noise affected receivers near to the site.
 - (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
 - (c) Details of work schedules for all construction phases;
 - (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
 - (e) Representative background noise levels should be submitted in accordance with the ICNG.

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- (f) Confirmation of the level of community consultation that is to be undertaken by occupants at noise affected receivers likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (g) Confirmation of noise monitoring methodology that is to be undertaken during the noise intensive stages of work including details of monitoring to be undertaken at the boundary of any noise affected receiver.
- (h) What course of action will be undertaken following receipt of a complaint concerning offensive noise?
- (i) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupants at noise affected receivers.
- (j) Details of selection criteria for any plant or equipment that is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on occupants at noise affected receivers and other less intrusive technologies available; and
- (k) Details of site induction to be carried out for all employees and contractors undertaking work at the site.

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

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

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

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

Provision of Accessible Paths of Travel

- C41. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

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

Underground Electricity and Other Services

- C42. All electricity and telecommunication provision to the site is to be designed in conjunction with Energy Australia and any other relevant authority so that it can be easily connected underground when the street supply is relocated underground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Adaptable Housing

- C43. Proposed apartments 3 are to be designed with accessible features for disabled persons and must incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps. These features are to be designed generally in accordance with the relevant Australian Standard 4299-1995. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Section 7.12 Contributions

- C44. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$67,909.09**.

Indexation

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

Timing of Payment

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

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

- C45. 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) | \$25,000.00 |
| Footpath and Asphalt Potential Damage Bond | \$10,000.00 |
| Drainage Construction Bond | \$3,500.00 |
| Engineering Construction Bond | \$9,500.00 |
| TOTAL BONDS | \$48,000.00 |

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

Note: The following contributions are applicable

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| | |
|----------------------------|-----------------------|
| Fees | |
| Section 7.12 Contribution | \$67,909.09 |
| Section 7.32 Contribution | \$1,071,300.00 |
| TOTAL CONTRIBUTIONS | \$1,139,209.09 |

(Reason: Compliance with the development consent)

BASIX Certificate

C46. 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. 1256357M_2 dated 26 July 2022 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)

Outdoor Lighting

C47. All outdoor lighting must comply with, where relevant AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. Details demonstrating compliance with these requirements must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

Amendments to the Landscape Plan

C48. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The proposed sloping bank of gravel in proximity to T19 is to be substituted with turf and only minimal paved stepping stones provided to limit pedestrian traffic.
- To reflect the reduction in paving shown in drawing Revision D in Condition A1.
- Tree T4 located within the south eastern corner of the site is to be retained. The retaining walls in proximity to the tree are to be adjusted to reflect drawings Revision D in Condition A1.

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

(Reason: To ensure residential amenity)

Telecommunication Infrastructure provision

- C49. Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for;
- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
 - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

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

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

Charging Facility for Electric Vehicles

- C50. Appropriate provisions/infrastructure must be incorporated in the design of the basement carpark to allow the installation of charging facilities for electric vehicles at each designated parking spot.

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

(Reason: To promote sustainability and energy efficiency)

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)

Tree Protection Measures

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised Tree protection measures)

Project Arborist to be engaged

- D3. The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.

The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.

The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.

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The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Protection of Public Trees

- D4. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

| Tree | Location | Protection |
|---|--|---|
| T1, T2 & T3 <i>Callistemon viminalis</i> | Sutherland Street verge | 1.8 m high steel mesh tree protection fencing |
| 1 x <i>Lagerstroemia indica</i> and associated underplantings | Roadside garden bed on the corner of Park Avenue and Sutherland Street | 1.8 m high steel mesh tree protection fencing |

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

(Reason: Protection of existing environmental and community assets)

Temporary Fences and Tree Protection

- D5. All protected trees on-site that are specifically nominated as per condition C46 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

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

| Tree | Location | Protection |
|-----------------------------------|--|---|
| T19 <i>Corymbia citriodora</i> | North eastern corner of the subject site | Section of driveway slab over TPZ to be retained throughout bulk excavation. Then tree protection fencing to be installed around TPZ. |
| T17 <i>Glochidion ferdinandii</i> | North side subject of the site | 1.8 m high steel mesh tree protection fencing around TPZ |
| T4 <i>Callitiris sp</i> | South eastern corner of the subject site | 1.8 m high steel mesh tree protection fencing around TPZ |

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

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Public Liability Insurance - Works on Public Land

- D6. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Notification of New Addresses

- D7. Prior to the commencement of any building works, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/or unit numbers of the completed project.

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

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

Sydney Water Approvals

- D8. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

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Asbestos Material Survey

- D9. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Commencement of Works' Notice

- D10. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Service Adjustments

- E3. 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)

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)

Structures Clear of Drainage Easements

- E5. It is the full responsibility of the Developer and their contractors to:
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

- E6. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the reported prepared to satisfy condition C5 and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

Council Inspection of Public Infrastructure Works

E7. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Vehicular Access and associated road civil works; and
- b) Stormwater connection to Council's system.

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

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

Progress Survey

E8. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, must be prepared by a Registered Surveyor showing the following:

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

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

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

E9. 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

E10. 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

E11. 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)

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Compliance with Construction Noise Management Plan

E12. All works conducted on site which form part of this development must be carried out in accordance with the submitted Construction Noise Management Plan submitted with the Construction Certificate and all conditions of consent.

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

No Work on Public Open Space

E13. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

E14. The applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

E15. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

E16. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Apex Tree and Garden Experts, dated 26 May 2022 must be implemented for the duration of the works.

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

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Notes:

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

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

Benchmarks

E17. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

E18. 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)

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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

E19. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

| Standard Construction Hours | | |
|------------------------------------|------------------------|-------------------|
| Location | Day | Hours |
| R4 zone | 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)

Out-of-Hours' Work Permits

E20. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

Installation and Maintenance of Sediment Control

E21. 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.

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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

E22. 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

E23. 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

E24. 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

E25. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

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Plant and Equipment Kept Within Site

- E26. 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

- E27. 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

- E28. 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)

Community Information

- E29. The surrounding properties must be kept regularly informed regarding the progress and likely timeframes for all stages of demolition, excavation and construction. Prior to the commencement of any noisy building works, as defined by the EPA including demolition and excavation, a minimum of 48 hours notice must be given to the residents of properties identified in this condition. The project manager for the development must keep the residents informed by way of either public meetings, letters or site notices. The name of the project manager including a contact number to be answered at all times when site activities are occurring must be provided to all residents identified by this condition. Any justifiable complaints made by any resident must be immediately addressed by the Project Manager to minimise impacts on the surrounding residents.

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

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)

Mandatory 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)

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

Protection of Public Places

- F8. 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

- F9. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

(Reason: Prescribed - Statutory)

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

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

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

(Reason: Maintain quality of public assets)

Line Marking

- G2. A certificate prepared by an appropriately qualified and practising Civil Engineer certifying the construction, paving, line marking and signposting of 18 off-street carparking spaces, together with access driveways, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate must be submitted to, and approved by, the Certifying Authority prior to issue of any Occupation Certificate.

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

Noise Certification

- G3. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

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Certification - Civil Works

- G4. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Works as Executed Drawings and Video

- G5. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

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

(Reason: Compliance with the Consent)

Damage to Adjoining Properties

- G6. 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:
- whether any damage to adjoining properties has occurred as a result of the development;
 - the nature and extent of any damage caused to the adjoining property as a result of the development;
 - the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
 - the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and

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- 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)

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

Utility Services

- G7. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Covenant and Restriction (Stormwater Control Systems)

- G8. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 2 Sutherland Street requiring the ongoing retention, maintenance and operation of the stormwater facility (basement pump-out system);
- b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c) the wording on the Instrument making reference to the Council file/s which hold:
 - i. the Construction plans; and
 - ii. the "Work-as-Executed" (as built) plans;

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

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The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-Out Maintenance

- G9. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

Notification of New Address Developments

- G10. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

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

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

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Asbestos Clearance Certificate

G11. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

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

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

Certification of Tree Condition

G12. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

| Tree | Location | Height |
|---|--|--------|
| T19 <i>Corymbia citriodora</i> | North eastern corner of the subject site | 17x15m |
| T17 <i>Glochidion ferdinandii</i> | North side subject of the site | 10x10m |
| T4 <i>Callitiris sp</i> | South eastern corner of the subject site | 12x5m |
| T18, T23-T30 | No. 8 Sutherland Street | Varies |
| T1, T2 & T3 <i>Callistemon viminalis</i> | Sutherland Street verge | 6m |
| 1 x <i>Lagerstroemia indica</i> and associated underplantings | Roadside garden bed on the corner of Park Avenue and Sutherland Street | |

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

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

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Sydney Water

- G13. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development.

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

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

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

BASIX Completion Certificate

- G14. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

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

House Numbering (Dwellings)

- G15. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

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Landscaping

- G16. The landscaping shown in the approved landscape plan referenced 601; DA_01, DA_02, DA_05, DA_10, DA_11, DA_12, DA_13, DA_14, DA_45, DA_50, prepared by Myles Baldwin Design, dated 31 June 2022 and received by Council 9 June 2022 as modified by **Condition C48** must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Verification Statement (External Finishes and Materials)

- G17. 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)

Unpaved Verge

- G18. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council.

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

Intercom

- G19. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to issue of any occupation Certificate.

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

Allocation of Spaces

- G20. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:

| Residential (Including a minimum of 3 Accessible Parking Spaces) | Parking Spaces |
|--|-----------------------|
| Two Bedroom Apartments | 3 |
| Three Bedroom Apartments | 12 |
| Visitor (Including carwash bay) | 3 |
| Total | 18 |

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The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lots' unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Compliance with Certain conditions

G21. Prior to the issue of any Occupation Certificate, **Condition C50** 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

Noise and Vibration Impact

I1. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

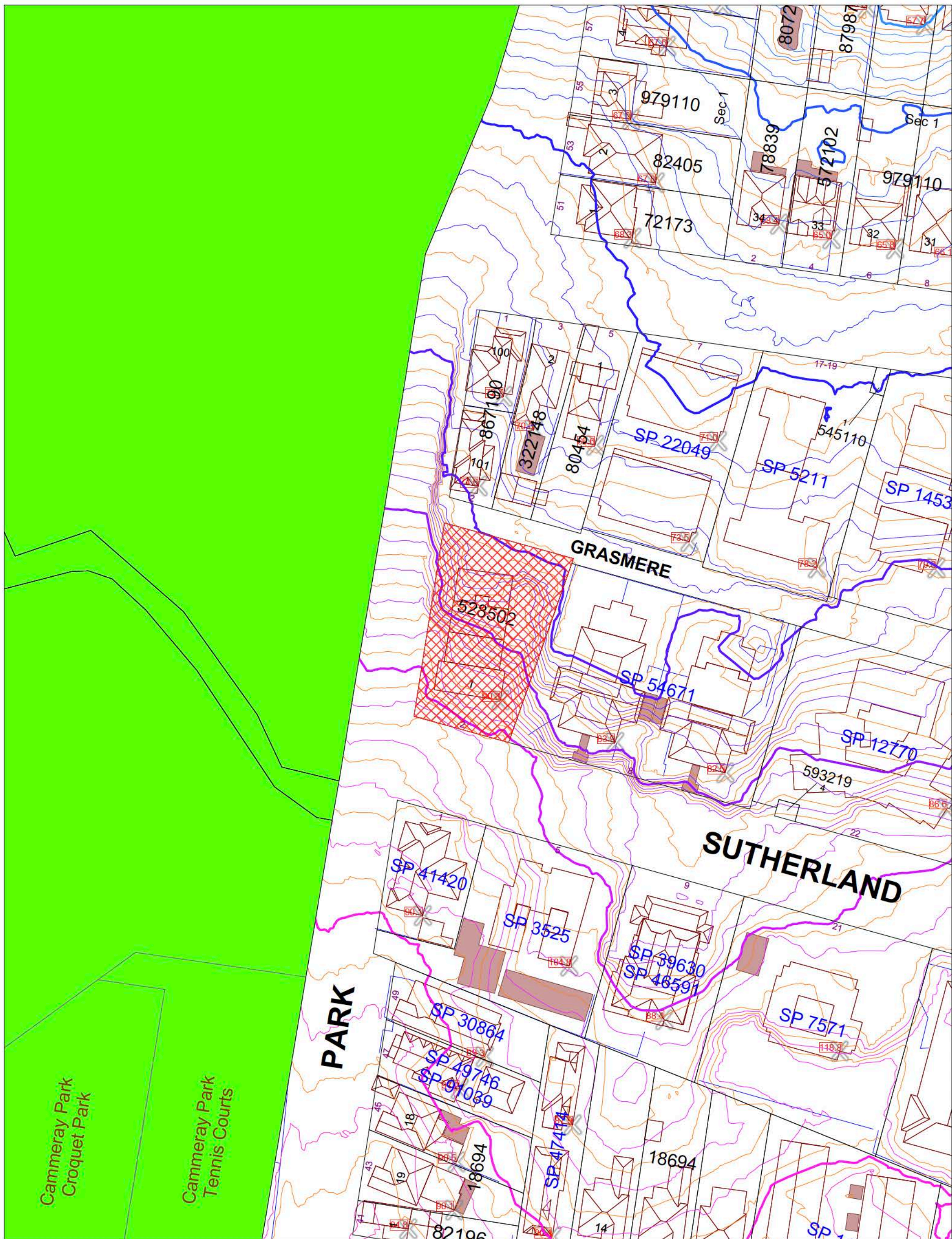
(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Maintenance of Approved Landscaping

I2. The owner of the premises at No. 2 Sutherland Street is to maintain the landscaping approved by this consent generally in accordance with Landscape Plans referenced 601; DA_01, DA_02, DA_05, DA_10, DA_11, DA_12, DA_13, DA_14, DA_45, DA_50, prepared by Myles Baldwin Design, dated 31 June 2022 and received by Council 9 June 2022, as modified by **Condition C48**.

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

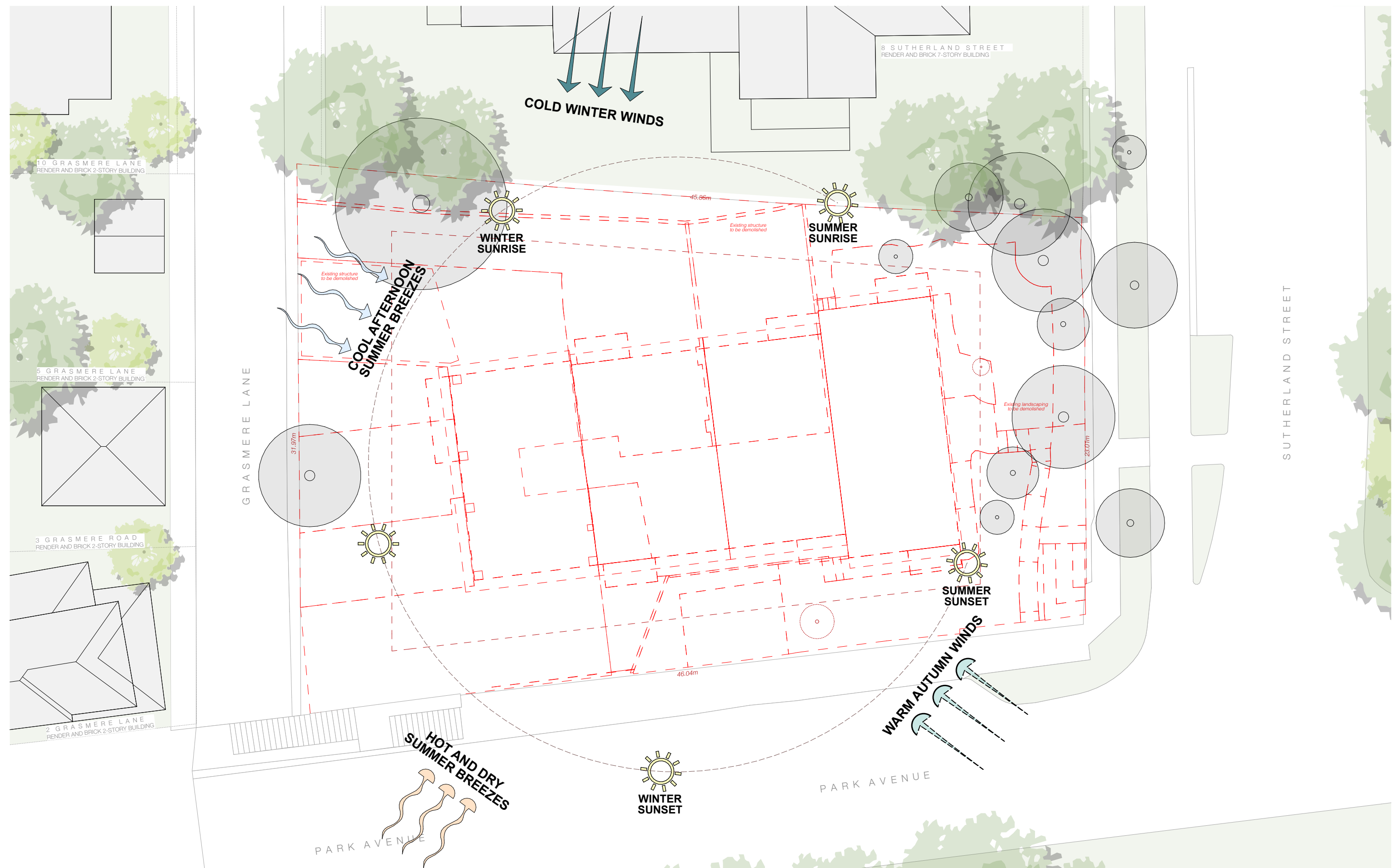
(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)



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| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPERTIES
 SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.12 SEPARATION OF EQUIPMENT
 CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C2.3 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D1.16 DISCHARGE FROM EXITS
 CLAUSE D2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D2.14 LANDINGS
 CLAUSE D2.15 THRESHOLDS
 CLAUSE D2.16 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.8 IDENT. OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D3.9 TACTILE INDICATORS
 CLAUSE F1.3 WATERPROOFING OF WET AREAS
 CLAUSE F1.9 F1.10 DAMP PROOFING
 CLAUSE F2.2 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4 LIGHTING AND VENTILATION
 CLAUSE F5.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/ELECTROMECHANICAL: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS/NZS
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTROMECHANICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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 Accreditation No. DUN 13/1545
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 MHN Design Urban Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

DRAWING TITLE:
SITE ANALYSIS PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **C**
 DWG NUMBER: **DA 1001**



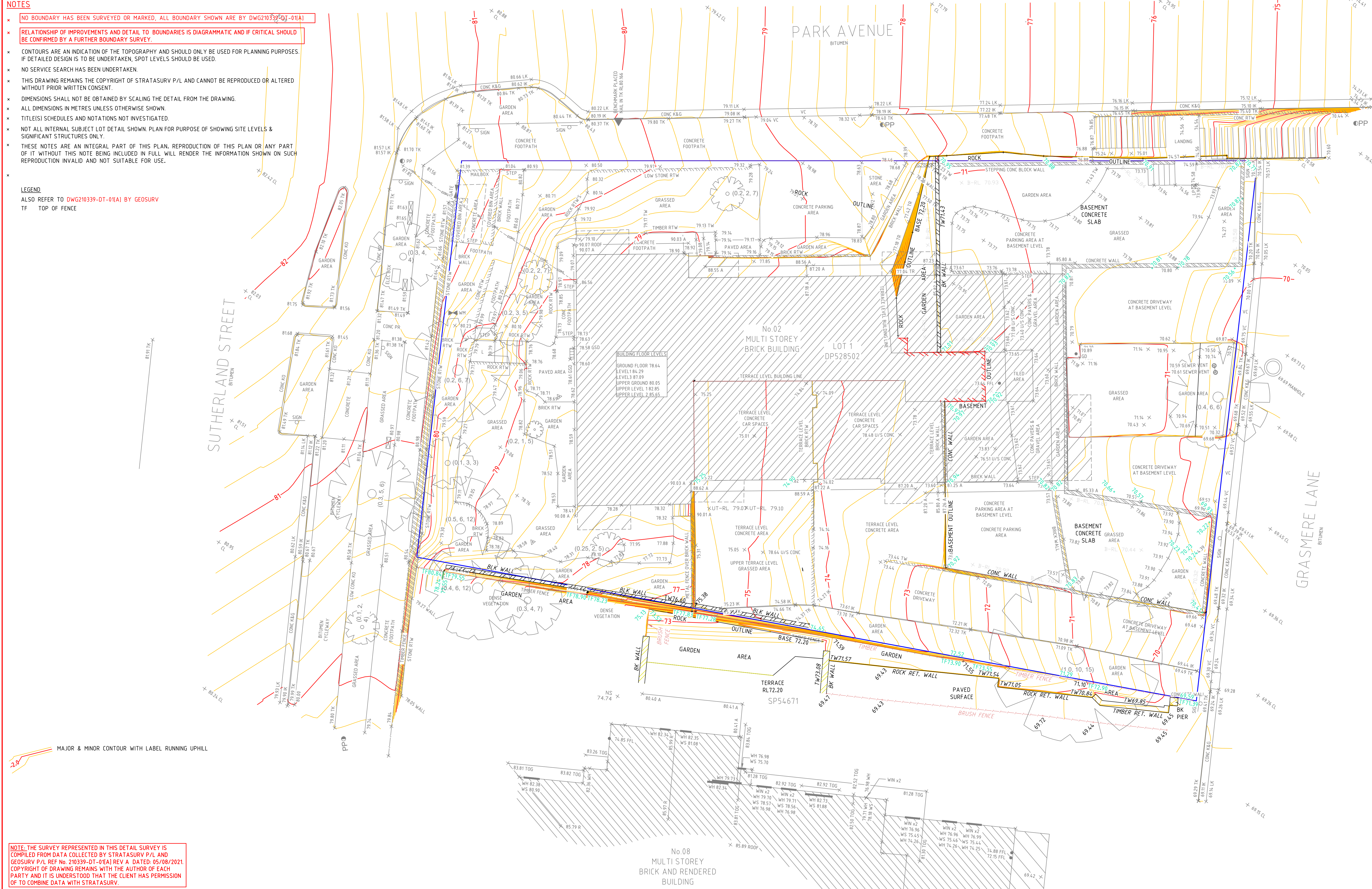
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NOTES

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| REV | DATE | REVISION DETAILS | DESIGN | SURV | DWN | CHK |
|-----|------------|---|--------|------|-----|-----|
| A | 19/04/2022 | PLAN ISSUED | | | | |
| | | ADDITIONAL DETAIL ADDED TO DWG210339-DT-01(A) | PS | PS | PS | |

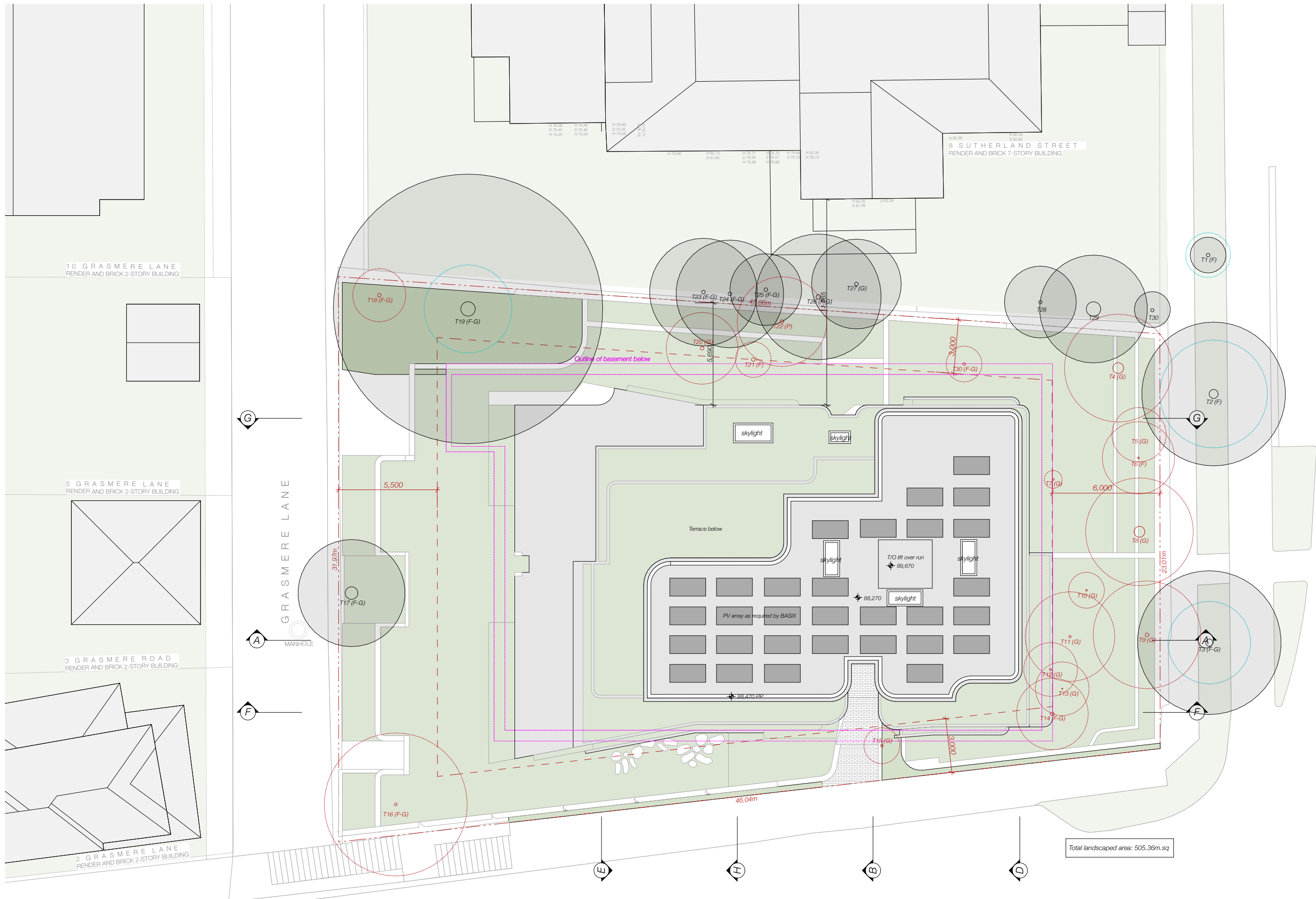
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| CLIENT DETAILS | | | | | | |
| PLATFORM | | | | | | |

| | |
|-------------------|------------------------|
| DATE OF SURVEY | 14/07/2021.. |
| ORIGIN OF RL'S | BM RL80.166 BY GEOSURV |
| DATUM/CLASS/ORDER | AHD |
| CONTOUR INTERVAL | 0.2m |
| CAD REF FILE: | 4562DT01a3.dwg |

PROJECT:
2 SUTHERLAND STREET, CREMORNE

STRATASURV
REGISTERED SURVEYORS
DEVELOPMENT CONSTRUCTION STRATUM
Sydney · Melbourne · Brisbane · Newcastle · Gold Coast
Ph: 97127111 Fax: 97127333
EMAIL: ssurveyors@stratasurv.com.au

| | | | | |
|----------------|---|--------|----------|----------|
| DRAWING TITLE | PLAN SHOWING DETAIL, LEVELS AND CONTOURS OVER LOT 1 IN DP528502 | | | |
| DRAWING NUMBER | Sheet | Sheets | SCALE | REVISION |
| 4562DT01A1 | 1 | OF 1 | 1:100@A1 | A1 |



| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC C1.1 FIRE RESISTING CONSTRUCTION
 SPEC C1.10 FIRE HAZARD PROPERTIES
 SPEC C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C2.8 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.12 SEPARATION OF EQUIPMENT
 CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C3.1 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D1.16 DISCHARGE FROM EXITS
 CLAUSE D2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D2.13 GOINGS AND RISERS
 CLAUSE D2.14 LANDINGS
 CLAUSE D2.15 THRESHOLDS
 CLAUSE D2.16 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.8 IDENT. OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D3.9 TACTILE INDICATORS
 CLAUSE F1.3 WATERPROOFING OF WET AREAS
 CLAUSE F1.9F.13 DAMP PROOFING
 CLAUSE F2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4.1 LIGHTING AND VENTILATION
 CLAUSE F5.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.5.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/ELECTRICAL: TO COMPLY WITH AS/NZS 3000.4.2005
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1566 & AS1572
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 8 & SPEC E2.2 & AS3795
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

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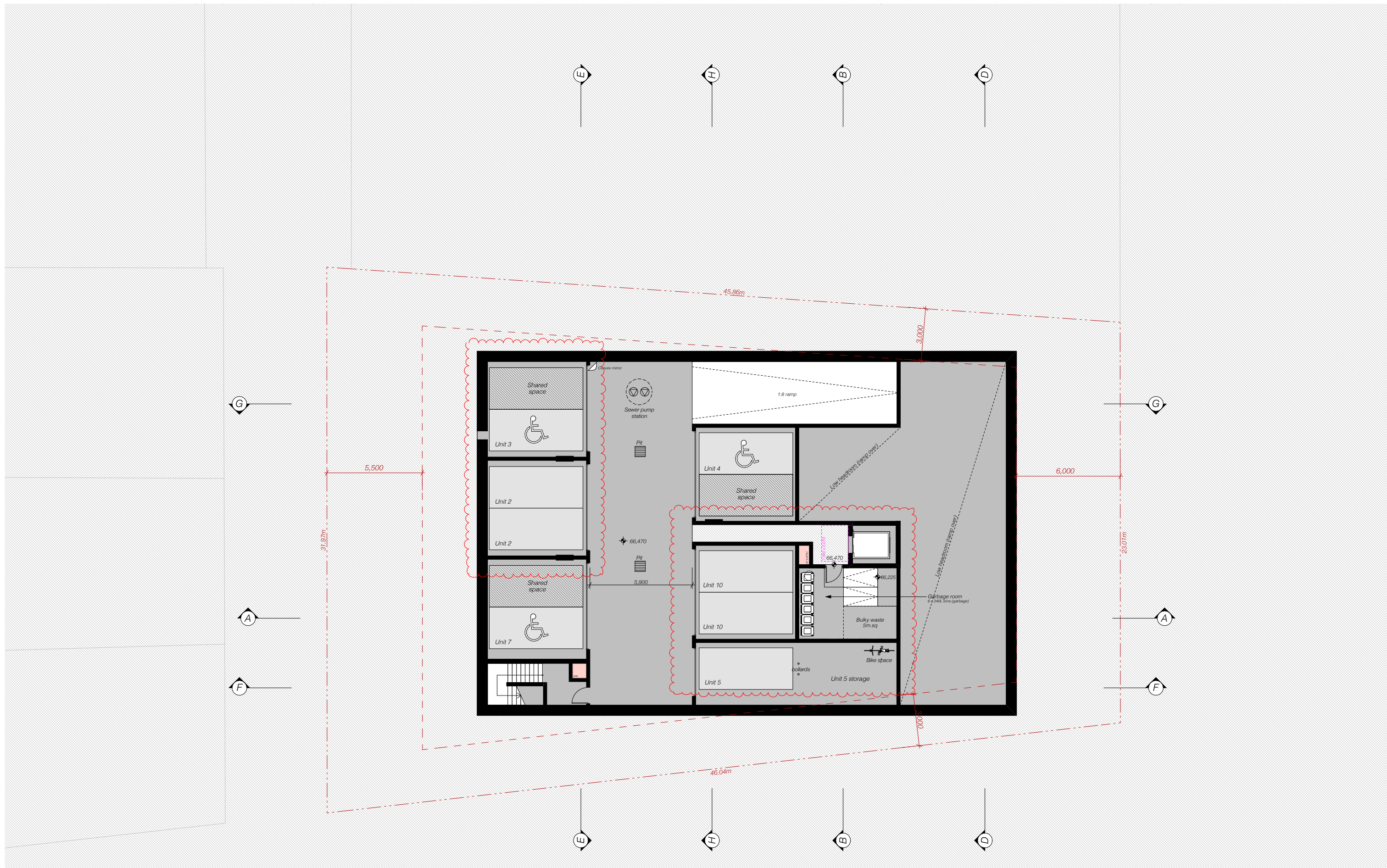
DRAWING TITLE:
SITE & ROOF PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
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 REVISION: **C**
 DWG NUMBER: **DA 1002**

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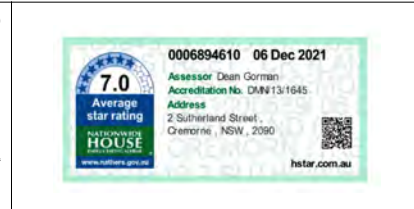
| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.13 SEPARATION OF EQUIPMENT
 SPEC. C 1.14 ELECTRICITY SUPPLY SYSTEM
 SPEC. C 1.15 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C 1.16 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C 1.17 DISCHARGE FROM EXITS
 SPEC. C 1.18 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.19 GOINGS AND RISERS
 SPEC. C 1.20 LANDINGS
 SPEC. C 1.21 THRESHOLDS
 SPEC. C 1.22 BALUSTRADES

CLAUSE D2 17 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 3 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 8 IDENT. OF ACCESSIBLE FACIL/SERVICES FEATURES
 CLAUSE D3 9 TACTILE INDICATORS
 CLAUSE D3 10 WATERPROOFING OF WET AREAS
 CLAUSE D3 11 DAMP PROOFING
 CLAUSE D3 12 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE D3 13 SOUND INSULATION OF FLOORS
 CLAUSE D3 14 SOUND INSULATION OF WALLS
 CLAUSE D3 15 SOUND INSULATION OF SERVICES
 CLAUSE D3 16 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES F 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16
 DRAINAGE GUTTERS & DOWNSPIES: TO COMPLY WITH AS/NZS 3509 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: BCA CLAUSE C3 15 & AS1530 4.2005
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 25 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS912
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2 2 & AS3799
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3 15 & AS1530 4.2005
 STAIR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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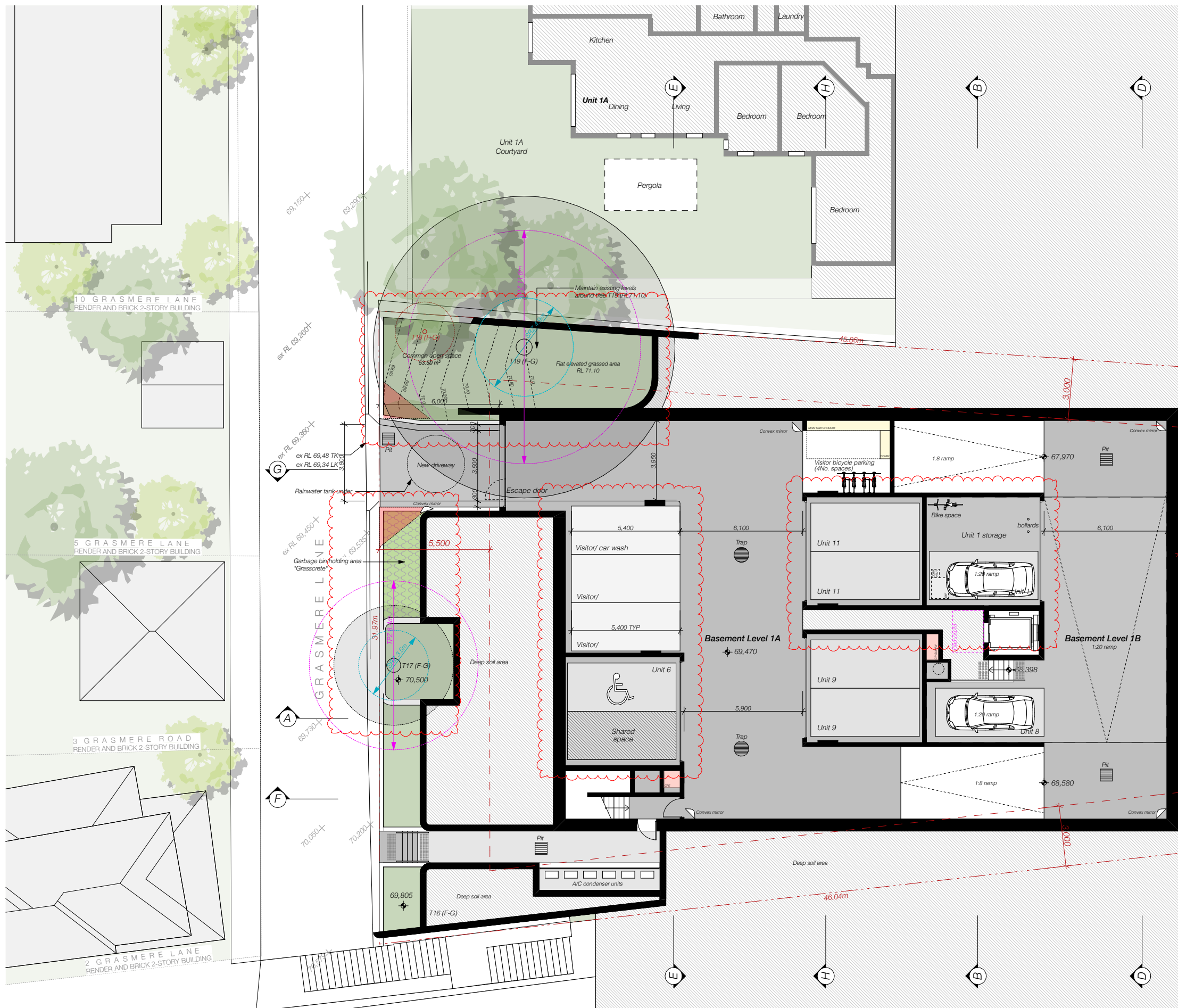
DRAWING TITLE:
BASEMENT LEVEL 2 PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 2000**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for ArchiCAD 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



| Maximum car parking rates | | |
|--|--------------|-----------|
| | Control | Proposed |
| 1- Bed & 2-Bed (1 space per unit) | 3 | 3 |
| 3-Bed or more (1.5 spaces per unit) | 12 | 12* |
| Visitor spaces (0.25 spaces per unit) | 2.75 | 3 |
| Total spaces | 17.75 | 18 |
| * Includes 4 disabled car spaces associated with the 4 adaptable units. | | |
| No. bicycle spaces | | |
| | Control | Proposed |
| Apartments (1 Space per dwelling) | 11 | 11* |
| Visitor spaces | 4 | 4 |
| *Resident bicycle spaces (other than Unit 1,3 & 5) are located within unit storage cages at the Lower Ground Floor level | | |

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| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 CLAUSE B 2.1 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPERTIES
 SPEC. C1.11 FIRE RESISTING CONSTRUCTION
 CLAUSE C2.8 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.12 SEPARATION OF EQUIPMENT
 CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C2.14 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D1.16 DISCHARGE FROM EXITS
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 CLAUSE D2.16 LANDINGS
 CLAUSE D2.18 THRESHOLDS
 CLAUSE D2.19 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.8 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D3.9 TACTILE INDICATORS
 CLAUSE F1.9 WATERPROOFING OF WET AREAS
 CLAUSE F1.9F.15 DAMP PROOFING
 CLAUSE F2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4 LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.4 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.5.2
 ENERGY EFFICIENCY: TO COMPLY WITH 4.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 NOT WATER SYSTEMS TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/ELECTRICAL: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS1662
 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE 4.5 & SPEC E2.2 & AS3700
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700



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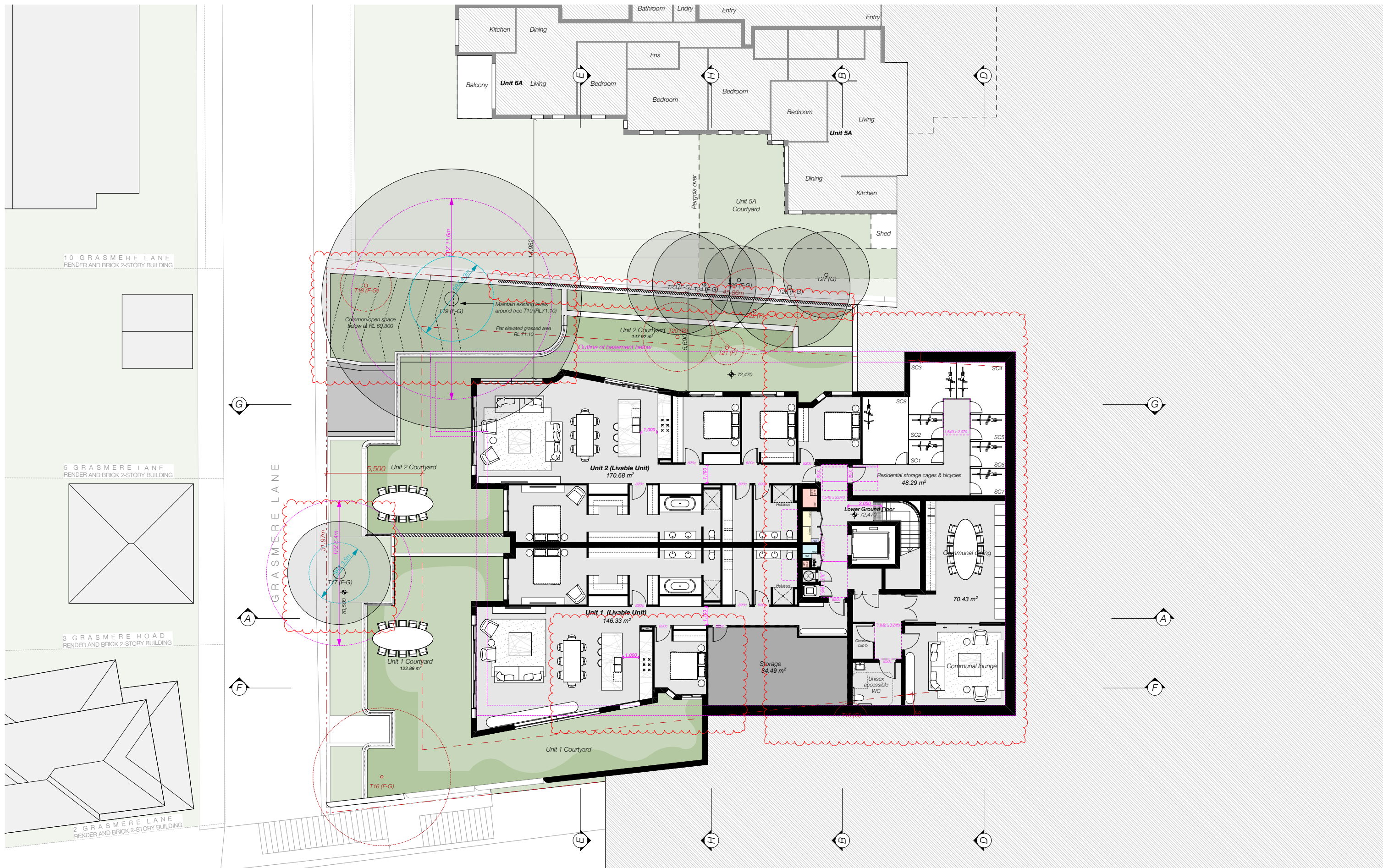
DRAWING TITLE:
BASEMENT LEVEL 1 PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 2001**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



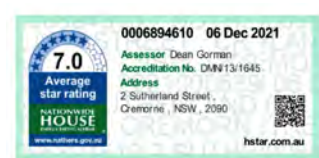
| REV | DESCRIPTION | DATE |
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 SPEC. C 1.20 LANDINGS
 SPEC. C 1.21 THRESHOLDS
 SPEC. C 1.22 BALUSTRADES

CLAUSE D 2.1 HANDRAILS
 CLAUSE D 2.2 OPERATION OF LATCH
 CLAUSE D 2.3 SIGNS ON DOORS
 CLAUSE D 2.4 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 2.5 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 2.6 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D 2.7 TACTILE INDICATORS
 CLAUSE D 2.8 WATERPROOFING OF WET AREAS
 CLAUSE D 2.9 DAMP PROOFING
 CLAUSE D 2.10 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE D 2.11 PART F4 LIGHTING AND VENTILATION
 CLAUSE D 2.12 SOUND INSULATION OF FLOORS
 CLAUSE D 2.13 SOUND INSULATION OF WALLS
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ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.5.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 FLOOD LIGHTING: TO COMPLY WITH PART 2.1 OF BCA
 GAS: TO COMPLY WITH AS1959
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1959
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1959
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1959
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELECTRICAL PENETRATIONS: TO COMPLY WITH BCA CLAUSE C3.15 & AS1930.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
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 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS1940



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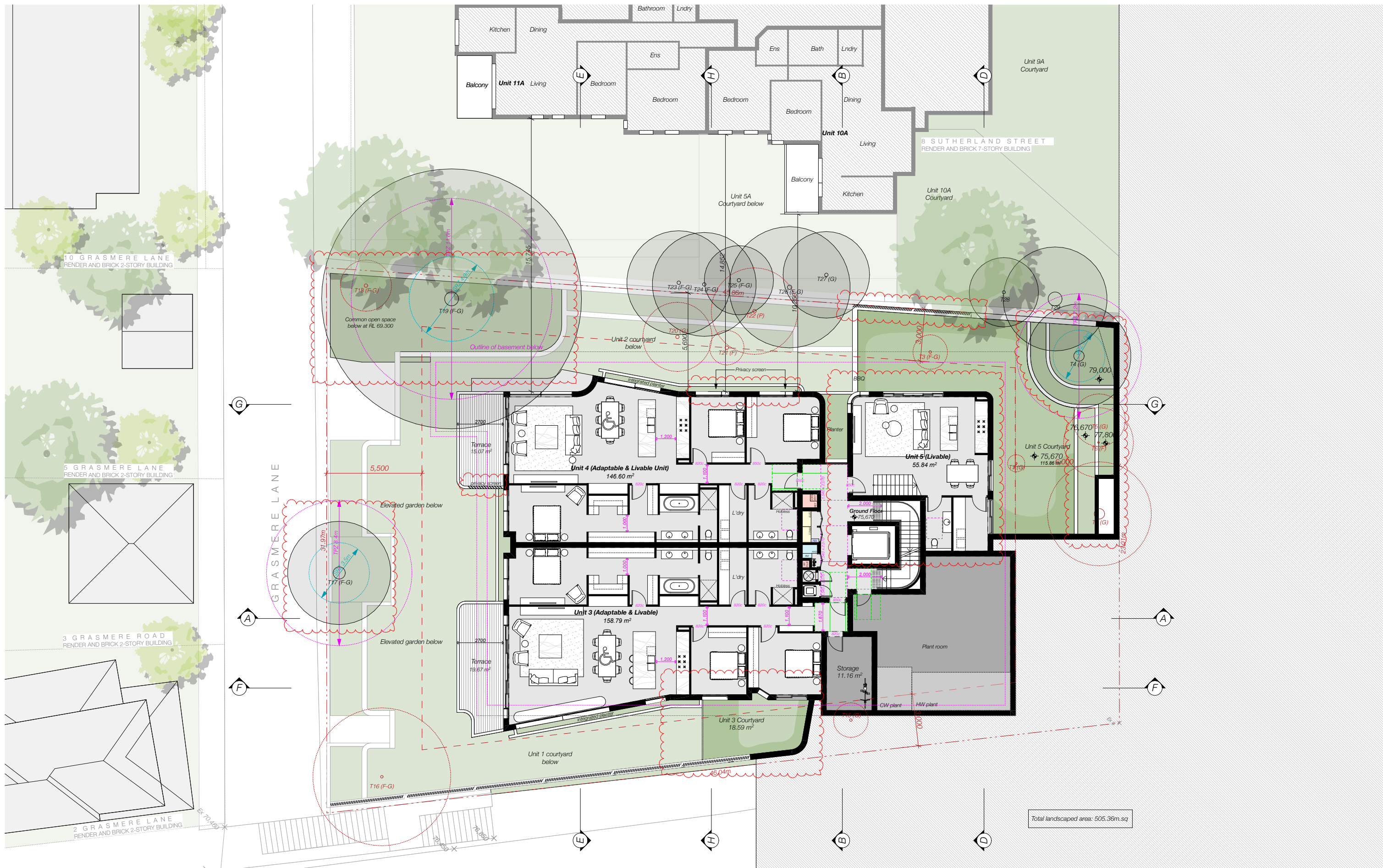
DRAWING TITLE:
LOWER GROUND FLOOR PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
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 REVISION: **D**
 DWG NUMBER: **DA 2002**

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| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPERTIES
 SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C2.1 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.12 SEPARATION OF EQUIPMENT
 CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C2.14 ACCESSIBLE METHODS OF PROTECTION OF OPENINGS
 CLAUSE C2.15 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C2.16 DISCHARGE FROM EXITS
 CLAUSE C2.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE C2.18 GOINGS AND RISERS
 CLAUSE C2.19 LANDINGS
 CLAUSE C2.20 THRESHOLDS
 CLAUSE C2.21 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.8 IDENT. OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D3.9 TACTILE INDICATORS
 CLAUSE D3.10 WATERPROOFING OF WET AREAS
 CLAUSE F1.9F.15 DAMP PROOFING
 CLAUSE F2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4. LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.5.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: BCA CLAUSE C3.15 & AS1330.4.2005
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1568 & AS1562
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS1562
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH & ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1330.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
GROUND FLOOR PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
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 DWG NUMBER: **DA 2003**

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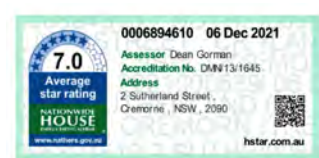
| REV | DESCRIPTION | DATE |
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| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIALS & FORMS CONSTRUCTIONS
 SPEC. C1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPAGATION
 SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C2.1 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.2 SEPARATION OF EQUIPMENT
 CLAUSE C2.3 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C2.4 ACCESSIBLE METHODS OF PROTECTION OF OPENINGS
 CLAUSE C2.5 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE C2.6 DISCHARGE FROM EXITS
 CLAUSE C2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE C2.8 GOINGS AND RISERS
 CLAUSE C2.14 LANDINGS
 CLAUSE C2.15 THRESHOLDS
 CLAUSE C2.16 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.1 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.2 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.3 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D3.4 WATERPROOFING OF WET AREAS
 CLAUSE F1.1 DAMP PROOFING
 CLAUSE F1.2 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4 LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/MECHANICAL: BCA CLAUSE C3.15 & AS1530.4.2005
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 4 & SPEC E2.2 & AS3785
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
LEVEL 1 FLOOR PLAN

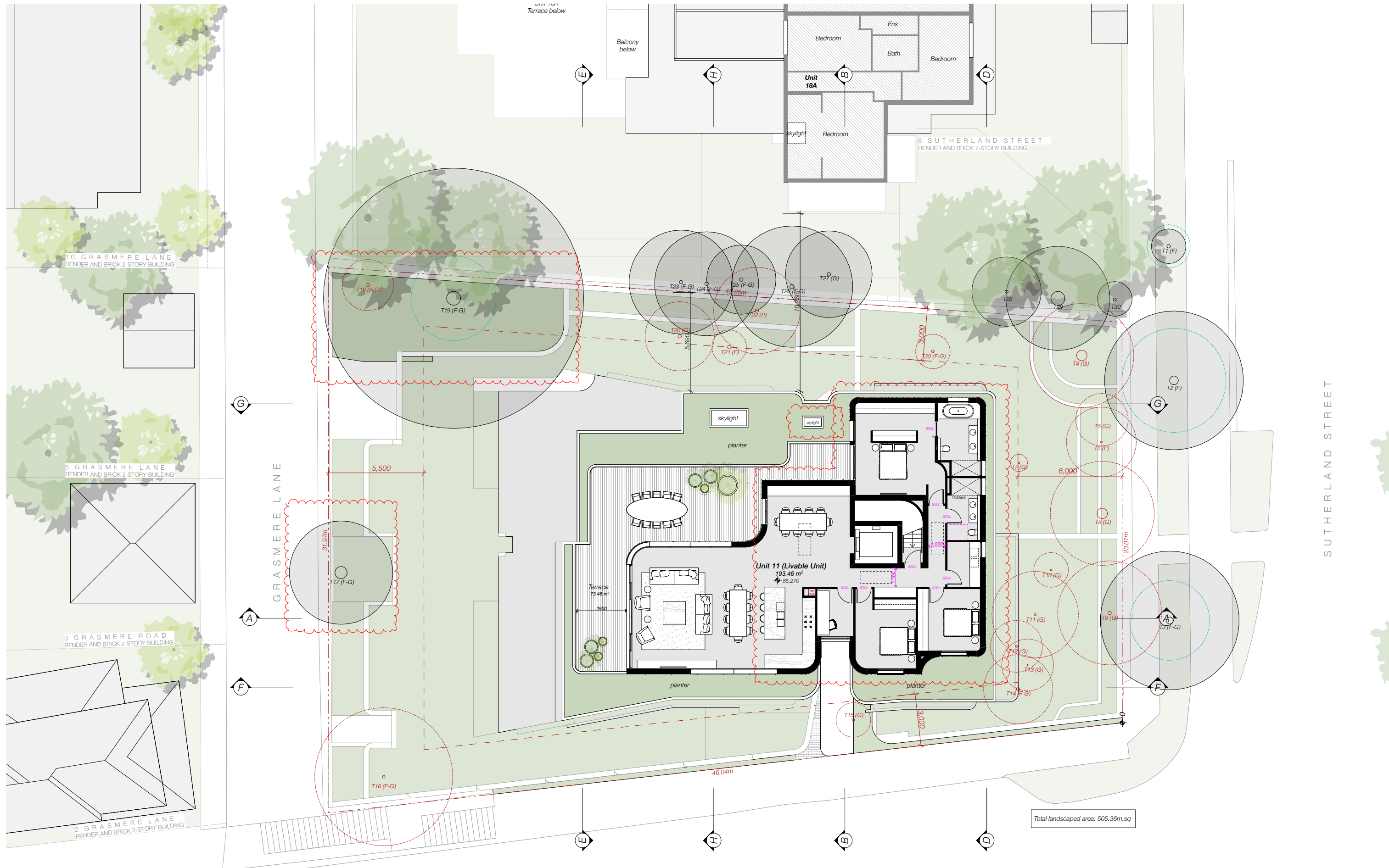
PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 2004**



REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for ArchiCAD 2421-080 2 Sutherland St, Cremorne - DA - OPTION 1



| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.13 SEPARATION OF EQUIPMENT
 SPEC. C 1.14 ELECTRICAL SUPPLY SYSTEM
 SPEC. C 1.15 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C 1.16 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C 1.17 DISCHARGE FROM EXITS
 SPEC. C 1.18 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.19 GOINGS AND RISERS
 SPEC. C 1.20 LANDINGS
 SPEC. C 1.21 THRESHOLDS
 SPEC. C 1.22 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.1 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 3.2 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 3.3 IDENT. OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D 3.4 TACTILE INDICATORS
 CLAUSE D 3.5 WATERPROOFING OF WET AREAS
 CLAUSE D 3.6 DAMP PROOFING
 CLAUSE D 3.7 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE D 3.8 PART F4 LIGHTING AND VENTILATION
 CLAUSE F 4.4 SOUND INSULATION OF FLOORS
 CLAUSE F 4.5 SOUND INSULATION OF WALLS
 CLAUSE F 4.6 SOUND INSULATION OF SERVICES
 CLAUSE F 4.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.17
 BALUSTRADE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 2900 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 NOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASCONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: BCA CLAUSE C 3.15 & AS1530 4-2005
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH AS1566 & AS1570
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E 2.2 & AS3799
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4-2005
 STAIR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
LEVEL 3 FLOOR PLAN

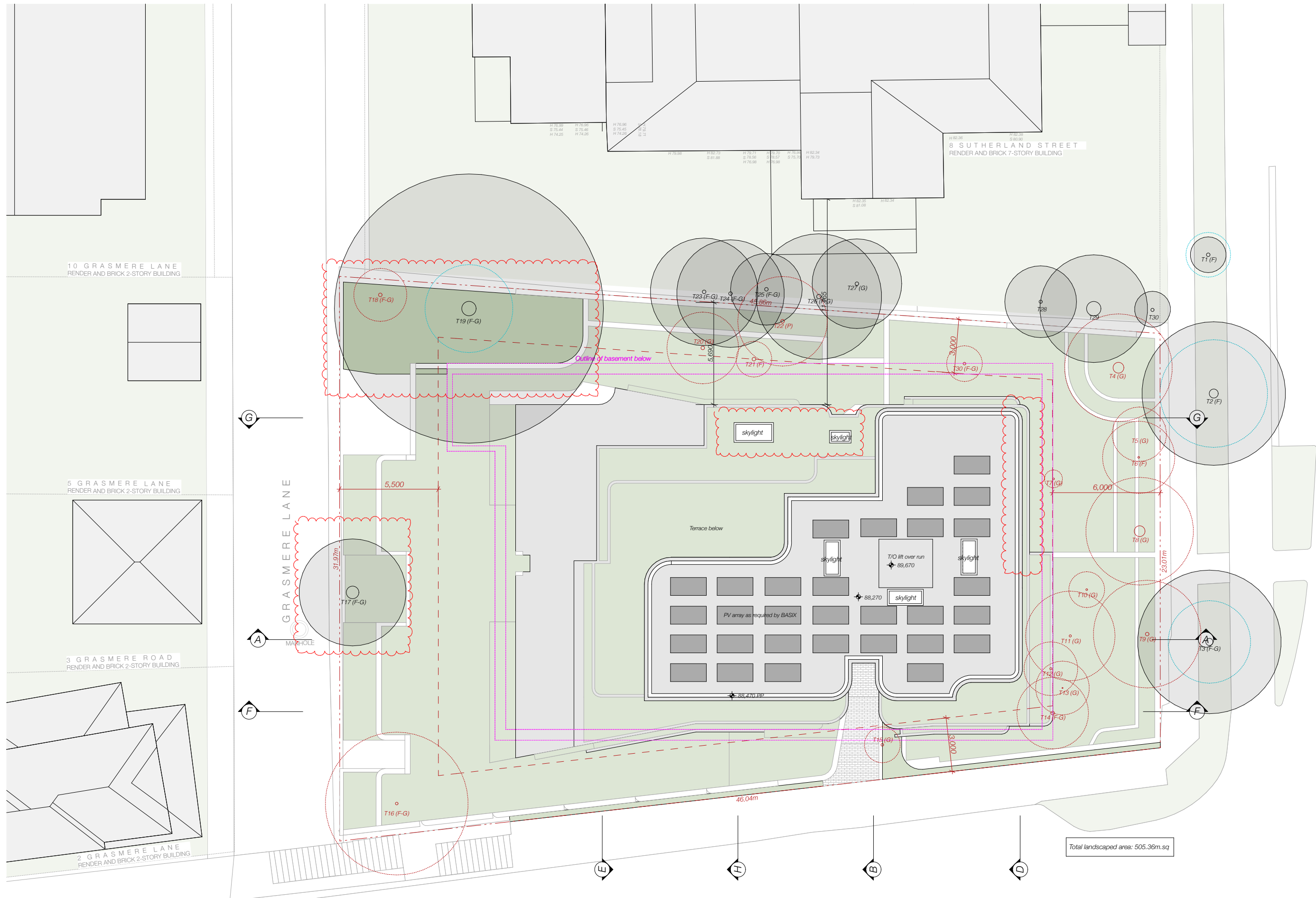
PROJECT ADDRESS:
**2 SUTHERLAND STREET,
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SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

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 DWG NUMBER: **DA 2006**



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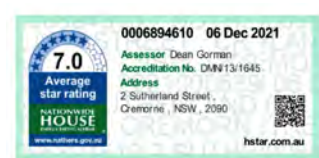
| REV | DESCRIPTION | DATE |
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| B | ADDITIONAL INFORMATION | 28/04/2022 |
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC C 1.10 FIRE HAZARD PROPERTIES
 SPEC C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC C 1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC C 1.13 SEPARATION OF EQUIPMENT
 SPEC C 1.14 OPENING IN FIRE ISOLATED EXITS
 SPEC C 1.15 OPENING FOR SERVICE INSTALLATIONS
 SPEC C 1.16 DISCHARGE FROM EXITS
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 SPEC C 1.18 GOINGS AND RISERS
 SPEC C 1.19 LANDINGS
 SPEC C 1.20 THRESHOLDS
 SPEC C 1.21 BALUSTRADES

CLAUSE D 2.1 HANDRAILS
 SPEC D 2.2 OPERATION OF LATCH
 SPEC D 2.3 SIGNS ON DOORS
 SPEC D 2.4 GENERAL BUILDING ACCESS REQUIREMENTS
 SPEC D 2.5 PARTS OF BUILDING TO BE ACCESSIBLE
 SPEC D 2.6 IDENT. OF ACCESSIBLE FACILITY FEATURES
 SPEC D 2.7 TACTILE INDICATORS
 SPEC D 2.8 WATERPROOFING OF WET AREAS
 SPEC D 2.9 DAMP PROOFING
 SPEC D 2.10 CONSTRUCTION OF SANITARY COMPARTMENTS
 SPEC D 2.11 LIGHTING AND VENTILATION
 SPEC D 2.12 SOUND INSULATION OF FLOORS
 SPEC D 2.13 SOUND INSULATION OF WALLS
 SPEC D 2.14 SOUND INSULATION OF SERVICES
 SPEC D 2.15 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/MECHANICAL: TO COMPLY WITH AS1556 & AS1557
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1556 & AS1557
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 8 & SPEC E2.2 & AS3785
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005
 STAR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
ROOF FLOOR PLAN

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

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 DWG NUMBER: **DA 2007**

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| NATHERS Thermal Performance Specification - Cremorne | | | |
|--|---------------------|--------------------|---|
| External Walls | | | |
| Wall Type | Insulation | Colour | Comments |
| Hebel | R2.5 | Light - SA < 0.475 | Throughout except top floor |
| Hebel | R2.5 | Dark - SA > 0.70 | Top floor |
| SA - Solar Absorbance | | | |
| Internal Walls | | | |
| Wall Type | Insulation | Colour | Comments |
| Plasterboard Stud | None | | Internally in units |
| Hebel, plaster on studs | None | | Party walls between dwellings |
| Hebel, plaster on studs | None | | Shared walls with lobby/corridor |
| Concrete, plaster on studs | None | | Shared walls with lift/stairs |
| Floors | | | |
| Floor Type | Insulation | Colour | Comments |
| Suspended concrete slab | R0.5 | | Units 1 & 2 with suspended slab over carpark |
| Concrete | None | | All units with adjoining unit below |
| Ceilings | | | |
| Ceiling Type | Insulation | Colour | Comments |
| Plasterboard | None | | Unit above |
| Plasterboard | R2.5 | | All exposed ceiling throughout |
| Insulation loss due to downlights has been modified in this assessment. A sealed exhaust fan has been included in every kitchen, bathroom, laundry and ensuite. | | | |
| Roof | | | |
| Roof Type | Insulation | Colour | Comments |
| Concrete with waterproofing membrane | None | Light - SA < 0.475 | All exposed roof throughout (no roof space) |
| SA - Solar Absorbance | | | |
| Glazing | | | |
| Opening type | U-Value | SHGC | Glazing & Frame Type |
| Sliding + fixed + double hung throughout | 4.3 | 0.53 | e.g. Single glazed clear low-e Aluminium frame (high performance) |
| U and SHGC values are based on the AFRC Default Windows Set. Glazing systems to be installed must have an equal or lower U value and a SHGC value ± 10% of the above specified values. | | | |
| Skylights | | | |
| Skylight Type | Frame Type | Comments | |
| Fixed - Double glazed | Timber & Aluminium | UP & 11 | |
| Ceiling Fans | | | |
| Size | Location | Comments | |
| 1200mm in diameter | Living/Dining of U6 | na | |



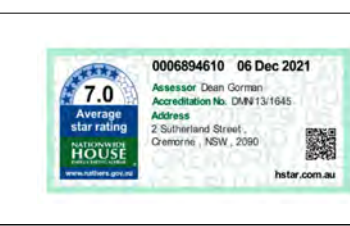
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
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 SPEC. C 1.14 ELECTRICITY SUPPLY SYSTEM
 SPEC. C 1.15 ACCEPTABLE METHODS OF PROTECTION OF OPENINGS
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 SPEC. C 1.17 DISCHARGE FROM EXITS
 SPEC. C 1.18 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.19 GOINGS AND RISERS
 SPEC. C 1.20 LANDINGS
 SPEC. C 1.21 THRESHOLDS
 SPEC. C 1.22 BALUSTRADES

CLAUSE D2 11 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 3 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3 8 TACTILE INDICATORS
 CLAUSE D3 9 WATERPROOFING OF WET AREAS
 CLAUSE D3 10 DAMP PROOFING
 CLAUSE D3 15 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE D3 16 SOUND INSULATION OF WALLS
 CLAUSE D3 17 SOUND INSULATION OF FLOORS
 CLAUSE D3 18 SOUND INSULATION OF SERVICES
 CLAUSE D3 19 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 5.2
 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.0 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 45 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS2296
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3 15 & AS1304-2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
NORTH ELEVATION

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: @A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 3000**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for ArchiCAD 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



South Elevation

| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTION
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 SPEC. C 1.1 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 2.12 SEPARATION OF EQUIPMENT
 CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.1 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.16 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE C 3.18 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
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 CLAUSE D 2.16 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS
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 CLAUSE D 3.4 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D 3.8 TACTILE INDICATORS
 CLAUSE D 3.9 WATERPROOFING OF WET AREAS
 CLAUSE F 1.9 F.1.9 DAMP PROOFING
 CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F 4.1 LIGHTING AND VENTILATION
 CLAUSE F 5.4 SOUND INSULATION OF FLOORS
 CLAUSE F 5.5 SOUND INSULATION OF WALLS
 CLAUSE F 5.6 SOUND INSULATION OF SERVICES
 CLAUSE F 5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES F 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4.2005
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1959 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS2296
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



ARCHITECT:
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MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

DRAWING TITLE:
SOUTH ELEVATION

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**



SCALE: @A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 3001**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



th Elevation w boundary fence

| REV | DESCRIPTION | DATE | ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS | ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 & AS1680 | 0006894610 06 Dec 2021 | ARCHITECT: | DRAWING TITLE: | SCALE: | DRAWN BY: | CHECKED: |
|-----|-------------------------|----------|---|---|---|--|--|---|----------------------------------|---|
| A | Development Application | 06/12/21 | CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 FIRE RESISTING CONSTRUCTION SPEC. C1.10 FIRE HAZARD PROPERTIES SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 SEPARATION OF EQUIPMENT CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM CLAUSE C3.1 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.16 DISCHARGE FROM EXITS CLAUSE D2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.14 LANDINGS CLAUSE D2.15 THRESHOLDS CLAUSE D2.16 BALUSTRADES | CLAUSE D2.17 HANDRAILS CLAUSE D2.21 OPERATION OF LATCH CLAUSE D2.23 SIGNS ON DOORS CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 IDENT. OF ACCESSIBLE FACIL. SERV. FEATURES CLAUSE D3.9 TACTILE INDICATORS CLAUSE D3.11 WATERPROOFING OF WET AREAS CLAUSE F1.9F.15 DAMP PROOFING CLAUSE F2.5 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4.1 LIGHTING AND VENTILATION CLAUSE F5.4 SOUND INSULATION OF FLOORS CLAUSE F5.5 SOUND INSULATION OF WALLS CLAUSE F5.8 SOUND INSULATION OF SERVICES CLAUSE F5.7 SOUND INSULATION OF PUMPS | <p>Assessor: Dean Gorman Accreditation No. DUN 13/1645 Address: 2 Sutherland Street, Cremorne, NSW, 2090 hstar.com.au</p> | <p>ARCHITECT: MHNDUNION 35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>Non-Registered Architect Bryan Mervin NSW Registration Number 4907</p> | <p>SOUTH ELEVATION w/ fence</p> <p>PROJECT ADDRESS: 2 SUTHERLAND STREET, CREMORNE 2090</p> | <p>@A3</p> <p>21/07/2022</p> <p>PROJECT NUMBER: 21-080</p> | <p>DRAWN BY:</p> <p>CHECKED:</p> | <p>REVISION: D</p> <p>DWG NUMBER: DA 3002</p> |

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East Elevation

| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 2.12 SEPARATION OF EQUIPMENT
 CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.1 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.9 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D 1.6 DISCHARGE FROM EXITS
 CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D 2.16 LANDINGS
 CLAUSE D 2.18 THRESHOLDS
 CLAUSE D 2.19 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 3.4 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D 3.8 TACTILE INDICATORS
 CLAUSE F 1.1 WATERPROOFING OF WET AREAS
 CLAUSE F 1.9 F1.10 DAMP PROOFING
 CLAUSE F 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F 4.1 CONTINUING VENTILATION
 CLAUSE F 5.4 SOUND INSULATION OF FLOORS
 CLAUSE F 5.5 SOUND INSULATION OF WALLS
 CLAUSE F 5.8 SOUND INSULATION OF SERVICES
 CLAUSE F 5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 4.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4.2005
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1968 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E 2.2 & AS3796
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4.2005
 STAIR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
EAST ELEVATION

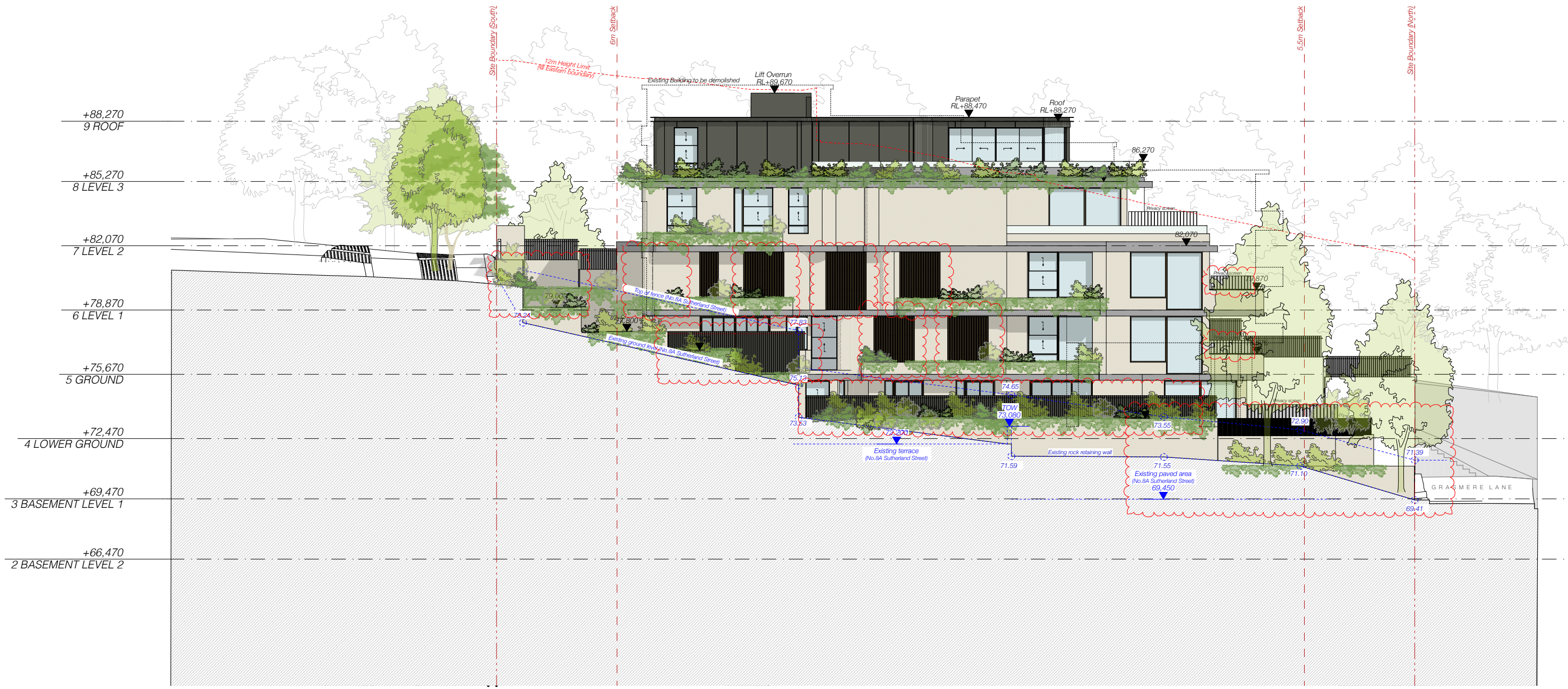
PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: @A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 3003**



REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-01001



East Elevation w boundary fence

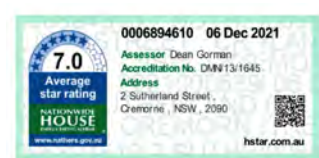
| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.8 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 12 SEPARATION OF EQUIPMENT
 CLAUSE C 13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.1 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.9 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D 1.8 DISCHARGE FROM EXITS
 CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D 2.14 LANDINGS
 CLAUSE D 2.15 THRESHOLDS
 CLAUSE D 2.16 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 3.4 IDENT. OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D 3.8 TACTILE INDICATORS
 CLAUSE D 3.9 WATERPROOFING OF WET AREAS
 CLAUSE F 1.1 DAMP PROOFING
 CLAUSE F 1.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F 4.1 LIGHTING AND VENTILATION
 CLAUSE F 5.4 SOUND INSULATION OF FLOORS
 CLAUSE F 5.5 SOUND INSULATION OF WALLS
 CLAUSE F 5.8 SOUND INSULATION OF SERVICES
 CLAUSE F 5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICO-HYDRAULIC: TO COMPLY WITH PART 4.2 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS3700
 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE & SPEC E2.2 & AS3700
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4-2005
 STAIR CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
EAST ELEVATION w/ fence

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: @A3
 ISSUE DATE: 21/07/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **D**
 DWG NUMBER: **DA 3004**



REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



West Elevation

| REV | DESCRIPTION | DATE | ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS | ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 4 & AS1680 | 0006894610 06 Dec 2021 | ARCHITECT: | DRAWING TITLE: | SCALE: | DRAWN BY: | CHECKED: |
|-----|-------------------------|------------|--|--|--|---|---|--|--|----------|
| A | Development Application | 06/12/21 | CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC. C 1.1 FIRE RESISTING CONSTRUCTION SPEC. C 1.10 FIRE HAZARD PROPERTIES CLAUSE C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 1.2 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 1.2.1 SEPARATION OF EQUIPMENT CLAUSE C 1.2.2 ELECTRICITY SUPPLY SYSTEM CLAUSE C 1.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 1.3.1 OPENING FOR SERVICE INSTALLATIONS CLAUSE C 1.3.2 DISCHARGE FROM EXITS CLAUSE C 1.3.3 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C 1.3.4 LANDINGS AND RISERS CLAUSE C 1.3.5 GROUNDING AND RISERS CLAUSE C 1.3.6 THRESHOLDS CLAUSE C 1.3.7 BALUSTRADES | CLAUSE D 2.17 HANDRAILS CLAUSE D 2.21 OPERATION OF LATCH CLAUSE D 2.23 SIGNS ON DOORS CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.4 IDENTIFICATION OF ACCESSIBLE FACILITY FEATURES CLAUSE D 3.5 TACTILE INDICATORS CLAUSE D 3.6 WATERPROOFING OF WET AREAS CLAUSE F 1.9 F1.9.1 DAMP PROOFING CLAUSE F 1.9.2 CONSTRUCTION OF SANITARY COMPARTMENTS PART F 1.1 LIGHTING AND VENTILATION CLAUSE F 4.4 SOUND INSULATION OF FLOORS CLAUSE F 5.4 SOUND INSULATION OF WALLS CLAUSE F 5.5 SOUND INSULATION OF SERVICES CLAUSE F 5.7 SOUND INSULATION OF PUMPS | <p>Assessor Dean Gorman Accreditation No. DUN 13/1645 Address 2 Sutherland Street Cremorne, NSW, 2090 hstar.com.au</p> | <p>ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>Notified Architect Brahm Mervin NSW Registration Number 4907</p> | <p>WEST ELEVATION</p> <p>PROJECT ADDRESS: 2 SUTHERLAND STREET, CREMORNE 2090</p> | <p>@A3</p> <p>ISSUE DATE: 24/05/2022</p> <p>PROJECT NUMBER: 21-080</p> | <p>DRAWN BY:</p> <p>CHECKED:</p> <p>REVISION: C</p> <p>DWG NUMBER: DA 3005</p> | |
| B | ADDITIONAL INFORMATION | 28/04/2022 | | | | | | | | |
| C | ADDITIONAL INFORMATION | 24/05/2022 | | | | | | | | |

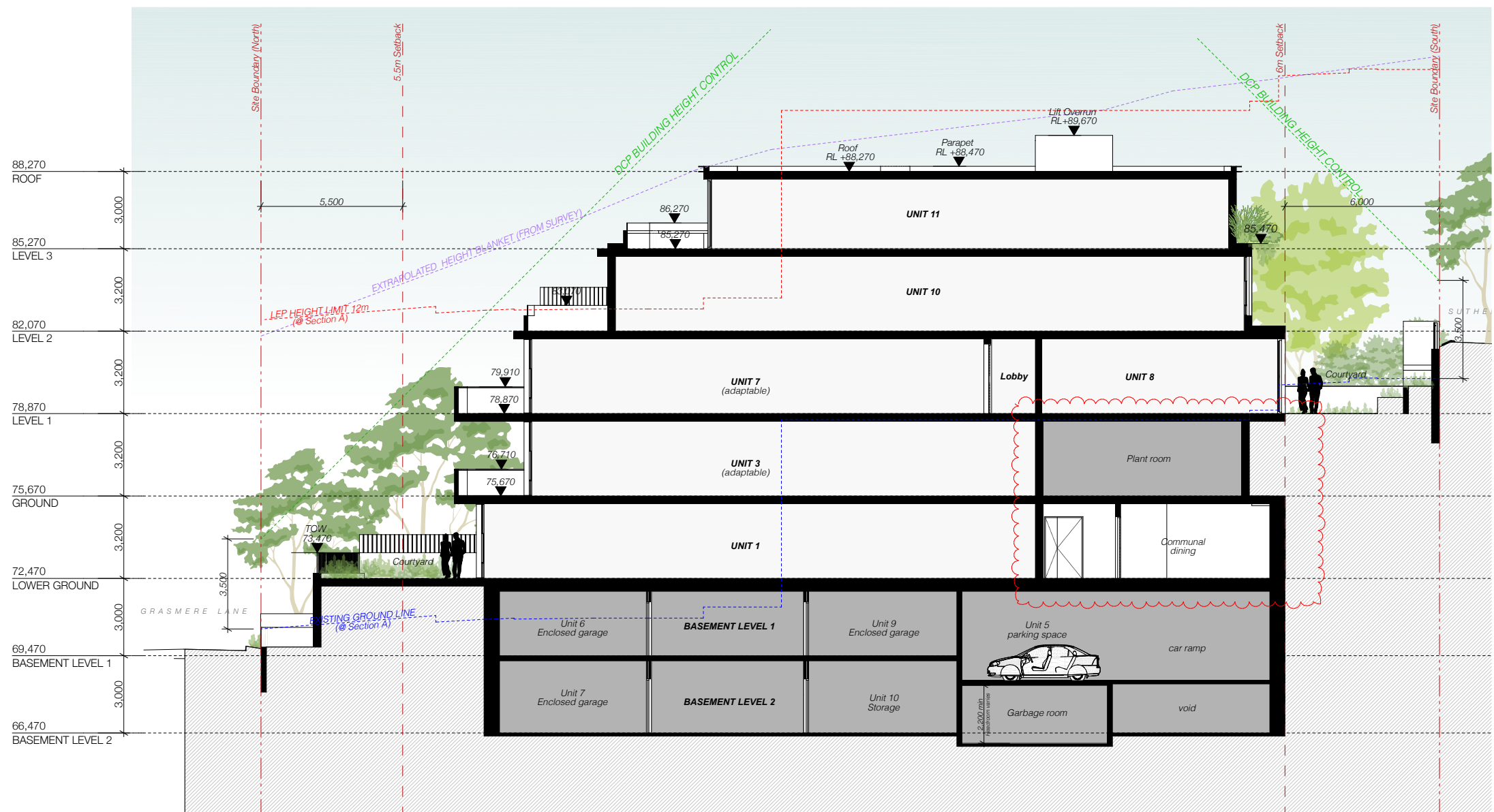
REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for ArchiCAD 2421-080 2 Sutherland St, Cremorne - DA - OPTION 1



West Elevation w boundary fence

| REV | DESCRIPTION | DATE | ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS | ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680 | 0006894610 06 Dec 2021 | ARCHITECT: | DRAWING TITLE: | SCALE: | DRAWN BY: | CHECKED: |
|-----|-------------------------|----------|---|---|--|---|---|---|----------------------------------|---|
| A | Development Application | 06/12/21 | CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC. C 1.1 FIRE RESISTING CONSTRUCTION SPEC. C 1.10 FIRE HAZARD PROPERTIES SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 1.2 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 1.2.1 SEPARATION OF EQUIPMENT CLAUSE C 1.2.2 ELECTRICITY SUPPLY SYSTEM CLAUSE C 1.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 1.3.1 OPENING FOR SERVICE INSTALLATIONS CLAUSE C 1.3.2 DISCHARGE FROM EXITS CLAUSE C 1.3.3 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C 1.3.4 GOINGS AND RISERS CLAUSE C 1.4 LANDINGS CLAUSE C 1.5 THRESHOLDS CLAUSE C 1.6 BALUSTRADES | CLAUSE D2 17 HANDRAILS CLAUSE D2 21 OPERATION OF LATCH CLAUSE D2 23 SIGNS ON DOORS CLAUSE D3 2 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3 4 IDENT. OF ACCESSIBLE FACILITY FEATURES CLAUSE D3 8 TACTILE INDICATORS CLAUSE F1 3 WATERPROOFING OF WET AREAS CLAUSE F1 3F 1.10 DAMP PROOFING CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 LIGHTING AND VENTILATION CLAUSE F5 4 SOUND INSULATION OF FLOORS CLAUSE F5 5 SOUND INSULATION OF WALLS CLAUSE F5 6 SOUND INSULATION OF SERVICES CLAUSE F5 7 SOUND INSULATION OF PUMPS | <p>Assessor Dean Gorman Accreditation No. DUN 13/1645 Address 2 Sutherland Street Cremorne, NSW, 2090 hstar.com.au</p> | <p>MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>Notified Architect Dean Mervin NSW Registration Number 4907</p> | <p>WEST ELEVATION w/ fence</p> <p>PROJECT ADDRESS: 2 SUTHERLAND STREET, CREMORNE 2090</p> | <p>@A3</p> <p>24/05/2022</p> <p>PROJECT NUMBER: 21-080</p> | <p>DRAWN BY:</p> <p>CHECKED:</p> | <p>REVISION: C</p> <p>DWG NUMBER: DA 3006</p> |

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for ArchiCAD 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 2.12 SEPARATION OF EQUIPMENT
 CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.1 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.9 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE C 10.16 DISCHARGE FROM EXITS
 CLAUSE C 10.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE C 12.1 LANDINGS
 CLAUSE C 12.15 THRESHOLDS
 CLAUSE C 12.16 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 3.8 IDENT. OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D 3.9 TACTILE INDICATORS
 CLAUSE F 1.1 WATERPROOFING OF WET AREAS
 CLAUSE F 1.9 F 1.10 DAMP PROOFING
 CLAUSE F 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F 4.1 LIGHTING AND VENTILATION
 CLAUSE F 4.4 SOUND INSULATION OF FLOORS
 CLAUSE F 5.4 SOUND INSULATION OF WALLS
 CLAUSE F 5.8 SOUND INSULATION OF SERVICES
 CLAUSE F 5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH D2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 2 OF BCA
 MASONRY: TO COMPLY WITH SECTION E OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1672
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 25 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1672
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3796
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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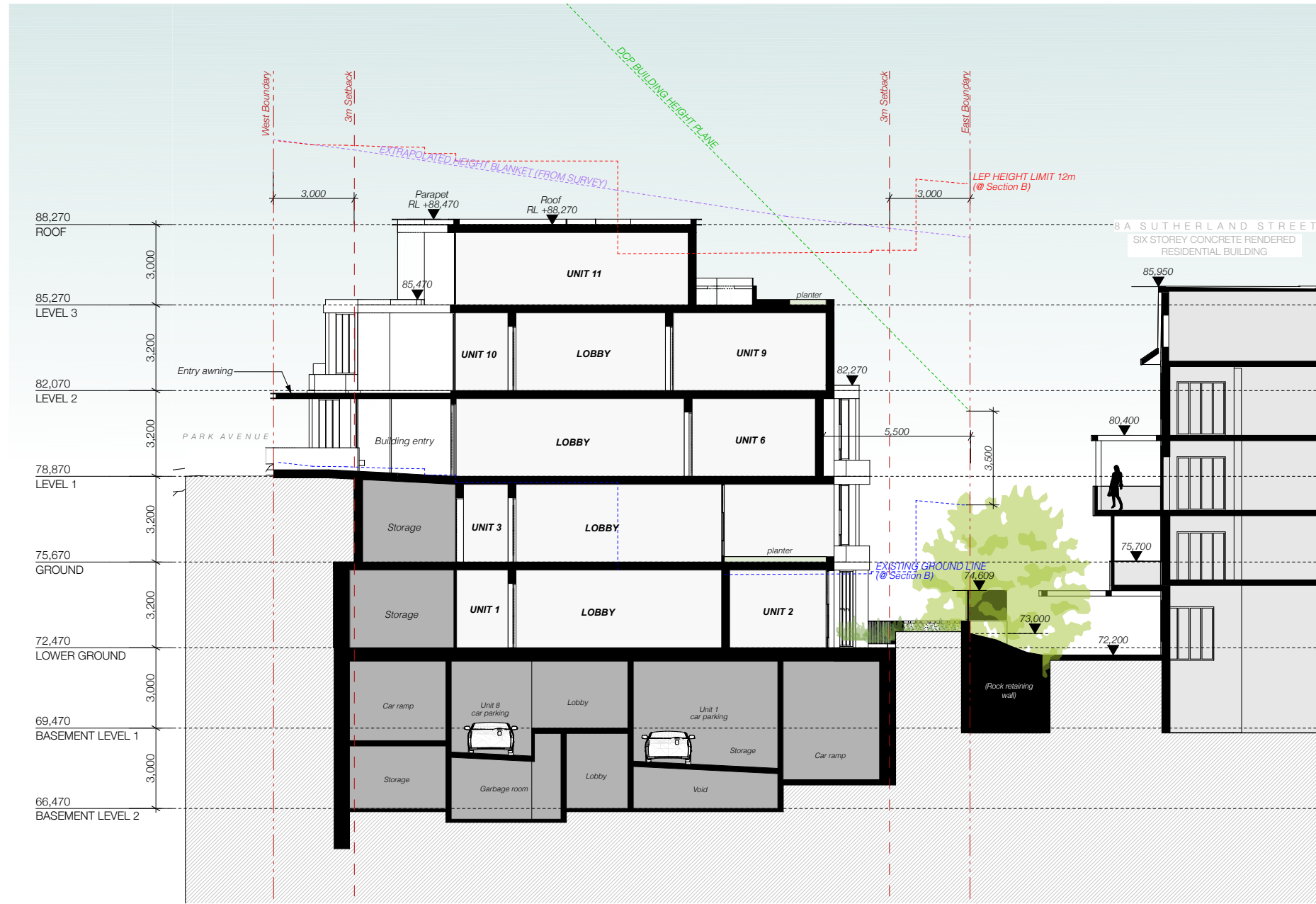
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SECTION A

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **C**
 DWG NUMBER: **DA 3100**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 2.12 SEPARATION OF EQUIPMENT
 CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.3 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE C 3.16 DISCHARGE FROM EXITS
 CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D 2.13 GOINGS AND RISERS
 CLAUSE D 2.14 LANDINGS
 CLAUSE D 2.15 THRESHOLDS
 CLAUSE D 2.16 BALUSTRADES

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3795
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



ARCHITECT:
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 MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

DRAWING TITLE:
SECTION B

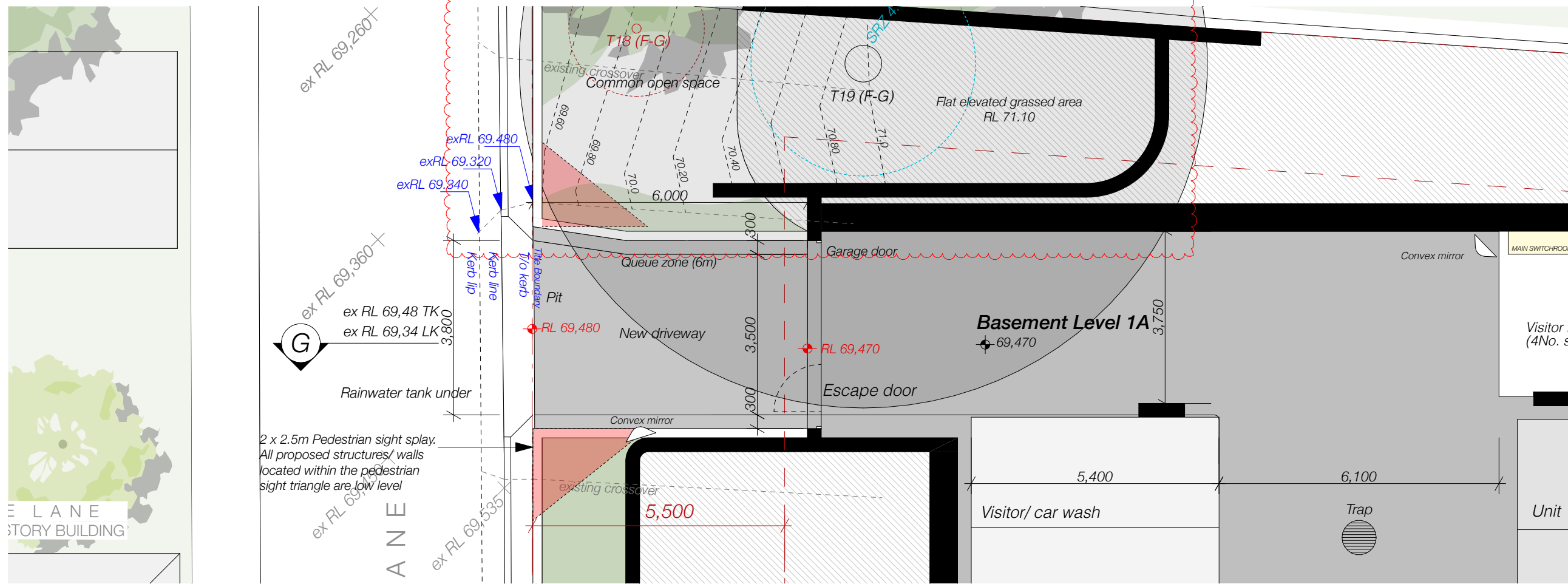
PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

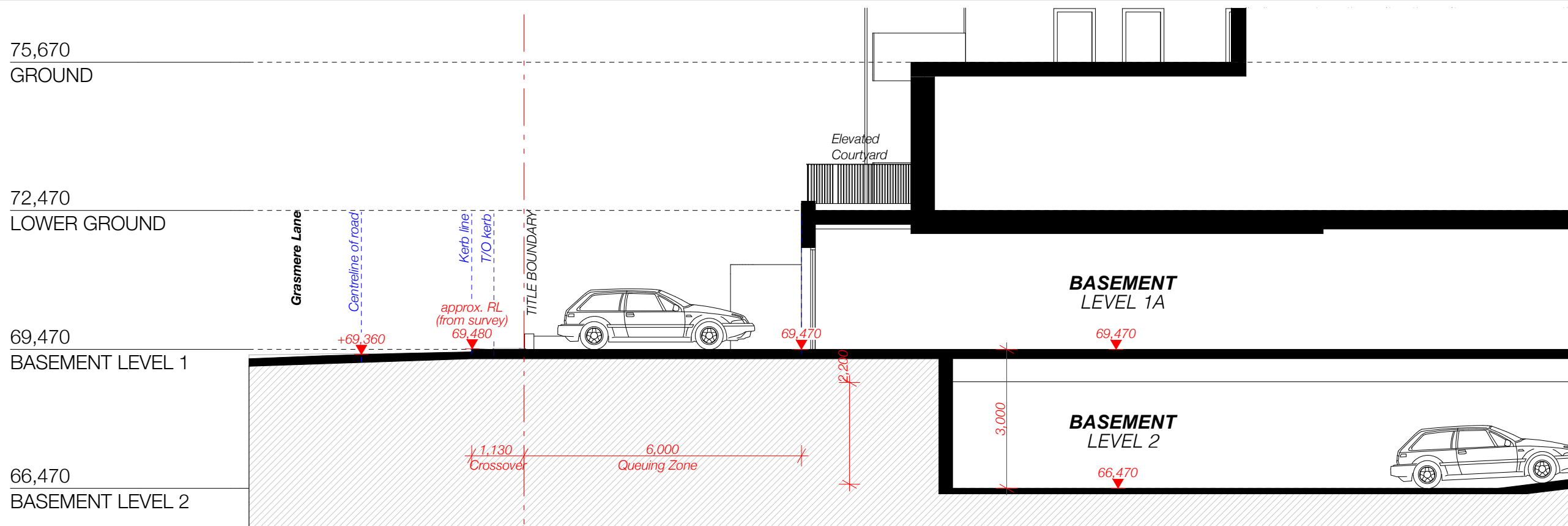
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 REVISION: **C**
 DWG NUMBER: **DA 3101**



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DRIVEWAY PROFILE - PART PLAN



DRIVEWAY PROFILE - SECTION

| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 CLAUSE B 1.5 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPERTIES
 SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C2.8 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C2.12 SEPARATION OF EQUIPMENT
 CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C2.14 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C2.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE C2.16 DISCHARGE FROM EXITS
 CLAUSE C2.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE C2.18 GOINGS AND RISERS
 CLAUSE C2.19 LANDINGS
 CLAUSE C2.20 THRESHOLDS
 CLAUSE C2.21 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.8 TACTILE INDICATORS
 CLAUSE D3.9 IDENTIFICATION OF ACCESSIBLE FACILITY FEATURES
 CLAUSE D3.10 WATERPROOFING OF WET AREAS
 CLAUSE F1.9 F1.10 DAMP PROOFING
 CLAUSE 2.5.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4.1 LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F5.8 SOUND INSULATION OF SERVICES
 CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 2.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 2.5 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS/NZS 3500.3.2
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 4 & SPEC E2.2 & AS/NZS 3500.3.2
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH
 ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700

0006894610 06 Dec 2021
 Assessor Dean Gorman
 Accreditation No. DUN 13/1545
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DRAWING TITLE:
DRIVEWAY PROFILE SECTION

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

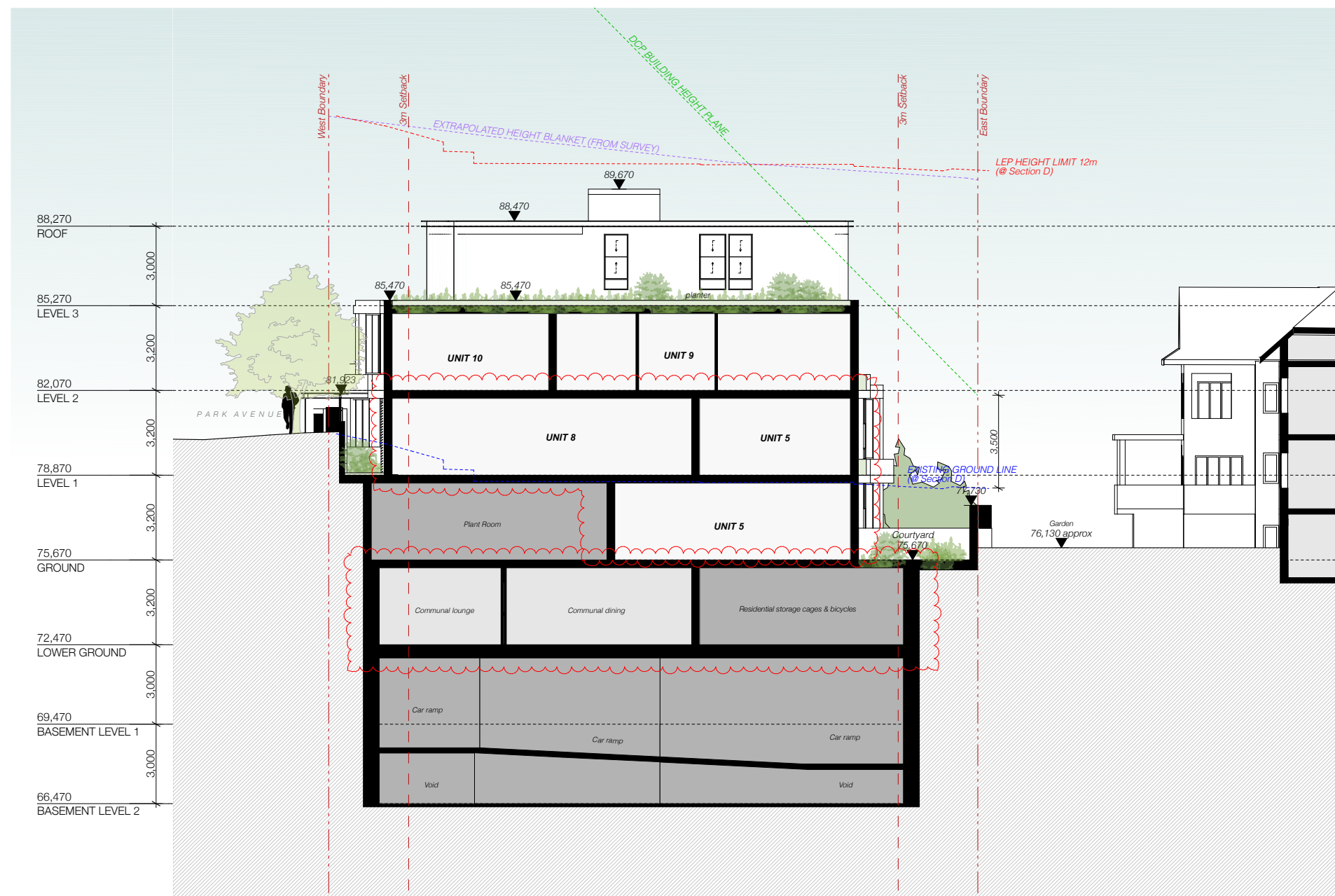
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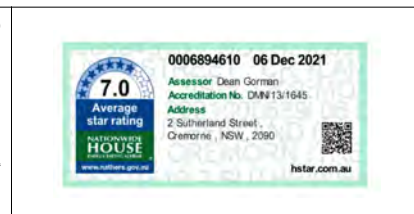


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| B | ADDITIONAL INFORMATION | 26/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C1.10 FIRE HAZARD PROPERTIES
 SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C1.13 SEPARATION OF EQUIPMENT
 SPEC. C1.14 ELECTRICITY SUPPLY SYSTEM
 SPEC. C1.15 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C1.16 OPENING IN FIRE ISOLATED EXITS
 SPEC. C1.17 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C1.18 DISCHARGE FROM EXITS
 SPEC. C1.19 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C1.20 GOINGS AND RISERS
 SPEC. C1.21 LANDINGS
 SPEC. C1.22 THRESHOLDS
 SPEC. C1.23 BALUSTRADES

CLAUSE D2.17 HANDRAILS
 CLAUSE D2.21 OPERATION OF LATCH
 CLAUSE D2.23 SIGNS ON DOORS
 CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3.4 IDENT. OF ACCESSIBLE FACIL. SERV. FEATURES
 CLAUSE D3.5 TACTILE INDICATORS
 CLAUSE D3.6 WATERPROOFING OF WET AREAS
 CLAUSE F1.9F1.10 DAMP PROOFING
 CLAUSE F1.9 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4.1 CONTINGENT VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F4.5 SOUND INSULATION OF WALLS
 CLAUSE F4.6 SOUND INSULATION OF SERVICES
 CLAUSE F4.7 SOUND INSULATION OF PUMPS



ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.17
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 4.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE & SPEC E2.2 & AS3799
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH. ELEC. & HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4-2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

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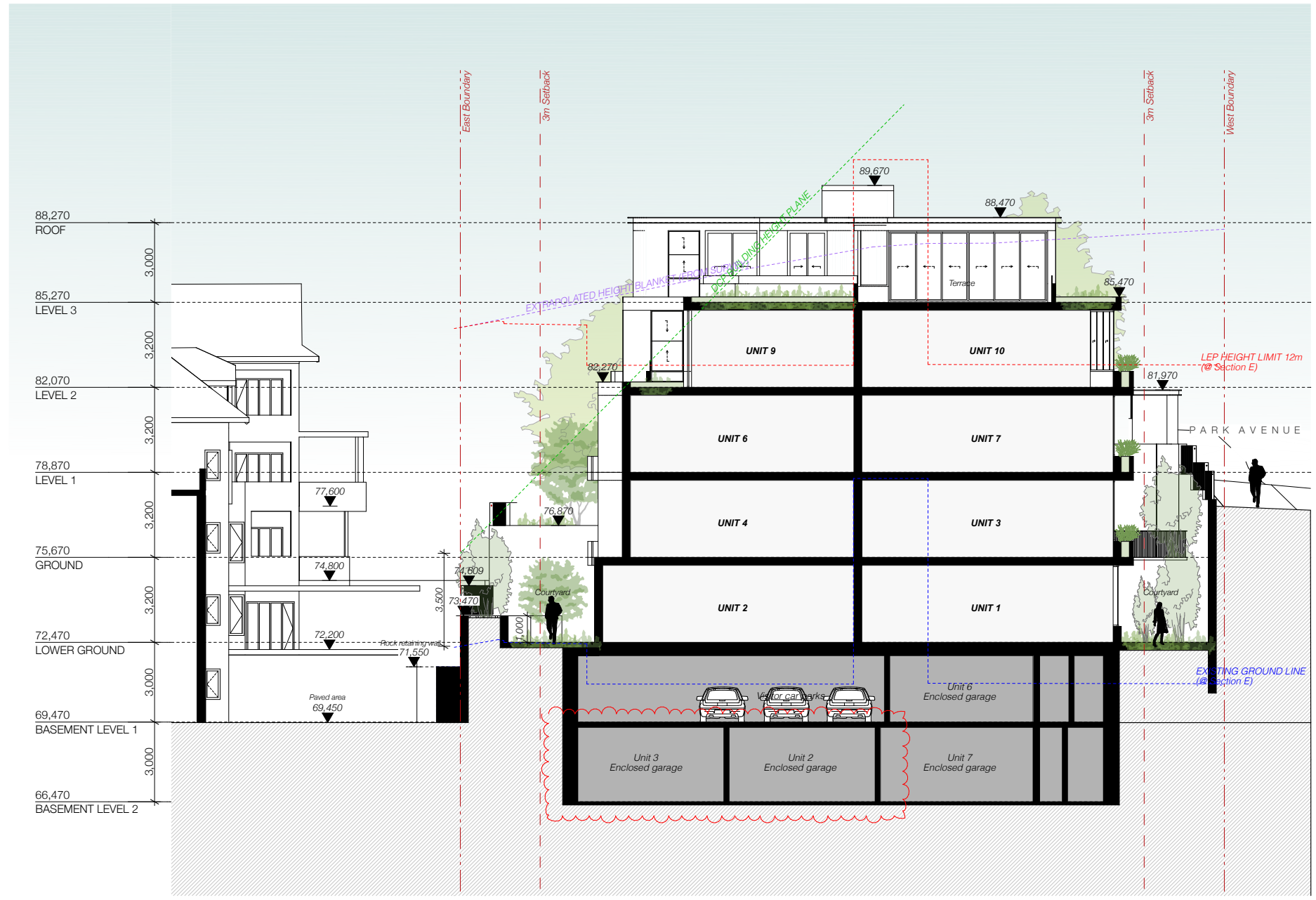
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SECTION D

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

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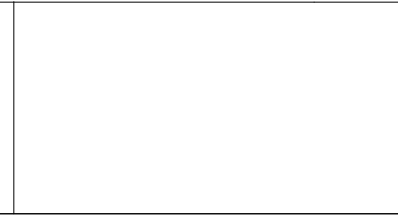
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| B | ADDITIONAL INFORMATION | 26/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.2 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.3 SEPARATION OF EQUIPMENT
 SPEC. C 1.4 ELECTRICITY SUPPLY SYSTEM
 SPEC. C 1.5 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C 1.6 OPENING IN FIRE ISOLATED EXITS
 SPEC. C 1.7 DISCHARGE FROM EXITS
 SPEC. C 1.8 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.9 GOINGS AND RISERS
 SPEC. C 1.10 LANDINGS
 SPEC. C 1.11 THRESHOLDS
 SPEC. C 1.12 BALUSTRADES

CLAUSE D2 17 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3 4 IDENT. OF ACCESSIBLE FACIL. SERV. FEATURES
 CLAUSE D3 5 TACTILE INDICATORS
 CLAUSE D3 6 WATERPROOFING OF WET AREAS
 CLAUSE F1 9F 1.10 DAMP PROOFING
 CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE F4 4 SOUND INSULATION OF FLOORS
 CLAUSE F5 5 SOUND INSULATION OF WALLS
 CLAUSE F6 6 SOUND INSULATION OF SERVICES
 CLAUSE F5 7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES F4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 17
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 21 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: TO COMPLY WITH BCA CLAUSE C3 15 & AS1530 4 2005
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 25 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE & SPEC E2 2 & AS3786
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH. & ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3 15 & AS1530 4 2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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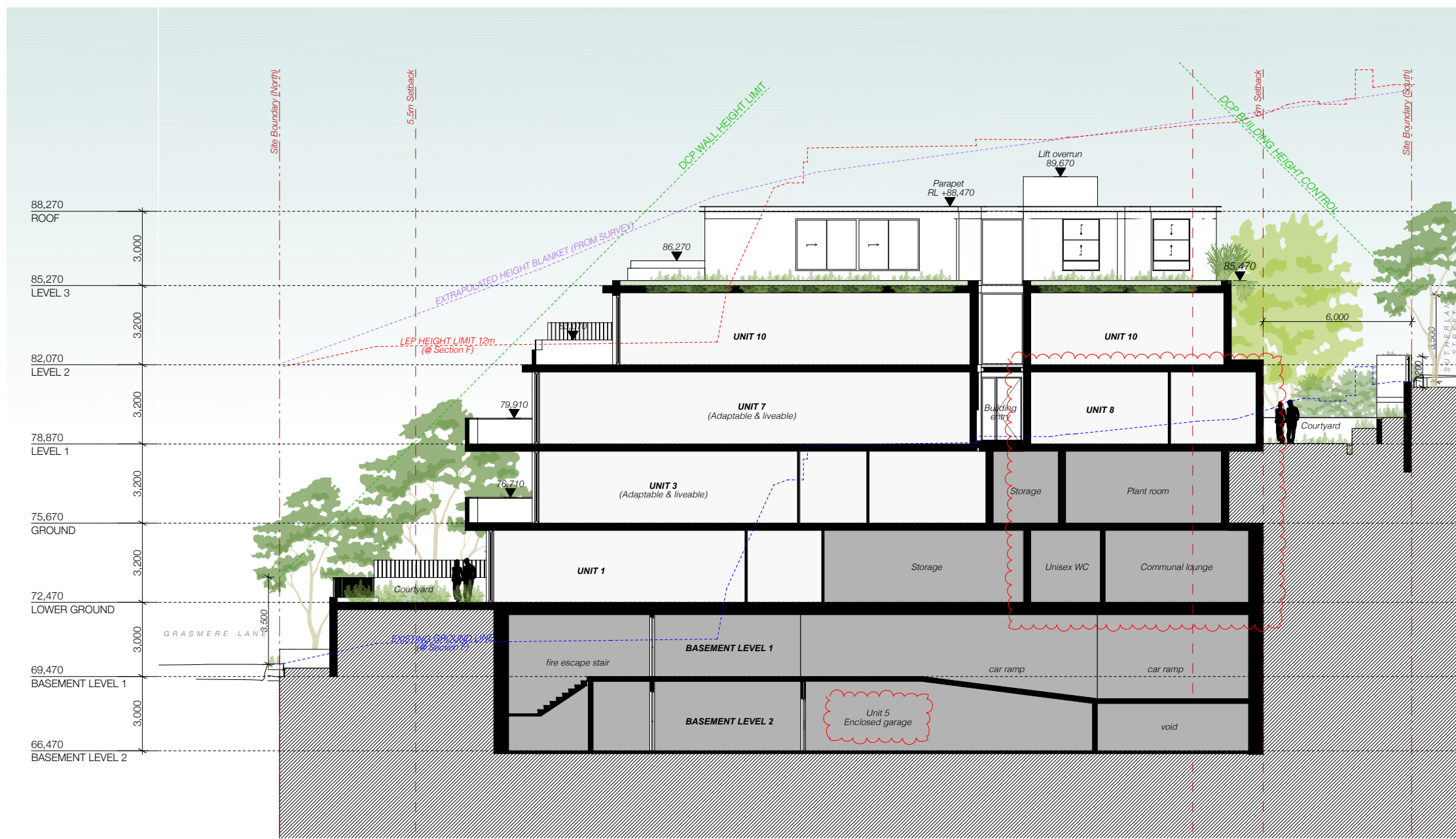
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SECTION E

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
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SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
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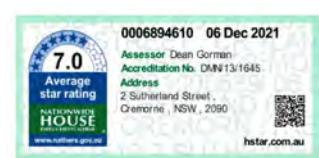
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| B | ADDITIONAL INFORMATION | 26/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.13 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C 1.14 ELECTRICAL SUPPLY SYSTEM
 SPEC. C 1.15 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C 1.16 DISCHARGE FROM EXITS
 SPEC. C 1.17 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.18 LANDINGS
 SPEC. C 1.19 THRESHOLDS
 SPEC. C 1.20 BALUSTRADES

CLAUSE D2 17 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 3 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3 8 TACTILE INDICATORS
 CLAUSE D3 9 WATERPROOFING OF WET AREAS
 CLAUSE F1 9F1.15 DAMP PROOFING
 CLAUSE F1.5 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4.1 LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F4.5 SOUND INSULATION OF WALLS
 CLAUSE F4.6 SOUND INSULATION OF SERVICES
 CLAUSE F4.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & 4.5/1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 22 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 41 OF BCA
 MECHANICAL/MECHANICAL: TO COMPLY WITH PART 45 OF BCA
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 45 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1970
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3795
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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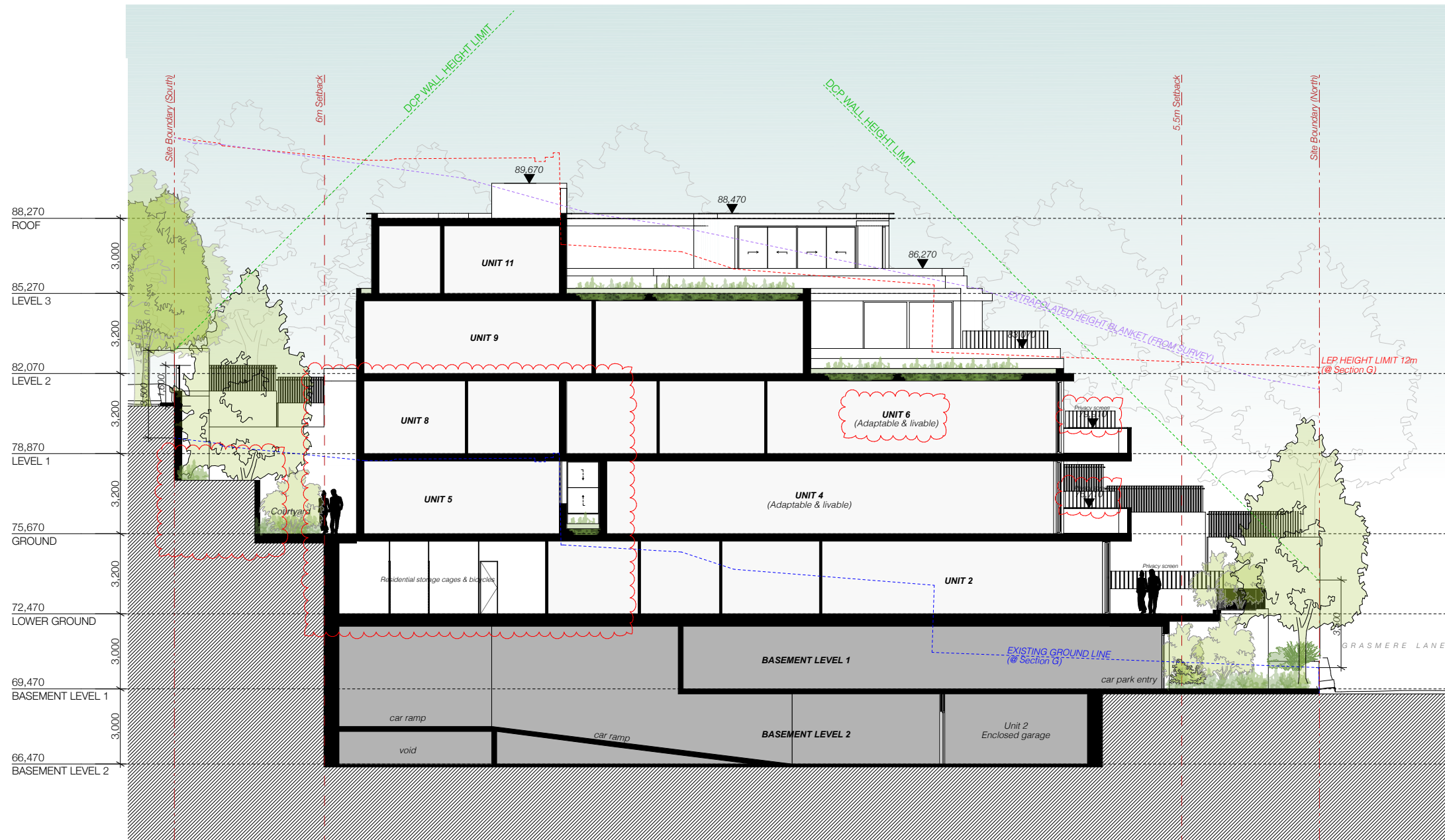
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PROJECT ADDRESS:
**2 SUTHERLAND STREET,
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SCALE: 1:200@A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

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| B | ADDITIONAL INFORMATION | 26/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |
| D | ADDITIONAL INFORMATION | 21/07/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTION
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.12 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.13 SEPARATION OF EQUIPMENT
 SPEC. C 1.14 ELECTRICITY SUPPLY SYSTEM
 SPEC. C 1.15 ACCEPTABLE METHODS OF PROTECTION OF OPENINGS
 SPEC. C 1.16 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C 1.17 DISCHARGE FROM EXITS
 SPEC. C 1.18 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 1.19 GOINGS AND RISERS
 SPEC. C 1.20 LANDINGS
 SPEC. C 1.21 THRESHOLDS
 SPEC. C 1.22 BALLUSTRADES

CLAUSE D2 17 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 3 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3 8 IDENTIFICATION OF ACCESSIBLE FACILITIES/FEATURES
 CLAUSE D3 9 TACTILE INDICATORS
 CLAUSE D3 10 WATERPROOFING OF WET AREAS
 CLAUSE F1 9 F1.10 DAMP PROOFING
 CLAUSE 2.2 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F4 LIGHTING AND VENTILATION
 CLAUSE F4 4 SOUND INSULATION OF FLOORS
 CLAUSE F4 5 SOUND INSULATION OF WALLS
 CLAUSE F4 6 SOUND INSULATION OF SERVICES
 CLAUSE F4 7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES F4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH D2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART J1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1972
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3796
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3 15 & AS1300 4 2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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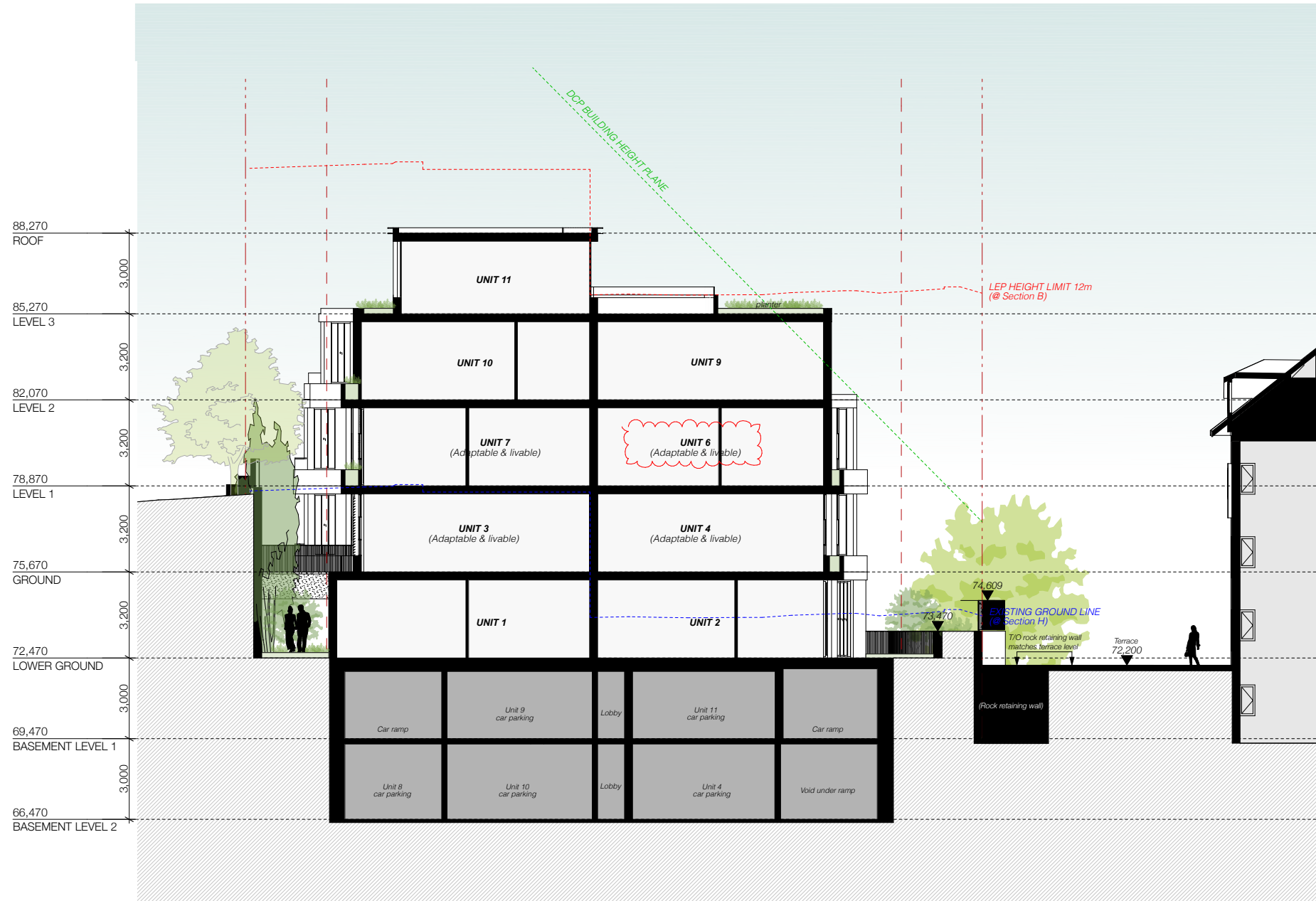
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**2 SUTHERLAND STREET,
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SCALE: 1:200@A3
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 PROJECT NUMBER: 21-080

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 DWG NUMBER:
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| REV | DESCRIPTION | DATE |
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| B | ADDITIONAL INFORMATION | 26/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 SPEC. C 1.2 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 SPEC. C 1.3 SEPARATION OF EQUIPMENT
 SPEC. C 1.4 ELECTRICITY SUPPLY SYSTEM
 SPEC. C 1.5 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 SPEC. C 1.6 OPENING IN FIRE ISOLATED EXITS
 SPEC. C 1.7 OPENING FOR SERVICE INSTALLATIONS
 SPEC. C 1.8 DISCHARGE FROM EXITS
 SPEC. C 1.9 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 SPEC. C 2.1 GOINGS AND RISERS
 SPEC. C 2.2 LANDINGS
 SPEC. C 2.3 THRESHOLDS
 SPEC. C 2.4 BALUSTRADES

CLAUSE D2 17 HANDRAILS
 CLAUSE D2 21 OPERATION OF LATCH
 CLAUSE D2 23 SIGNS ON DOORS
 CLAUSE D3 2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D3 3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D3 8 IDENT. OF ACCESSIBLE FACIL-SERVICES/FEATURES
 CLAUSE D3 9 TACTILE INDICATORS
 CLAUSE D3 10 WATERPROOFING OF WET AREAS
 CLAUSE F1 9 F1.10 DAMP PROOFING
 CLAUSE 2.2 CONSTRUCTION OF SANITARY COMPARTMENTS
 CLAUSE F4 LIGHTING AND VENTILATION
 CLAUSE F4.4 SOUND INSULATION OF FLOORS
 CLAUSE F5.5 SOUND INSULATION OF WALLS
 CLAUSE F8.8 SOUND INSULATION OF SERVICES
 CLAUSE F8.9 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 2 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/HYDRAULIC: BCA CLAUSE C3.15 & AS1530.4.2005
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 25 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1959 & AS192
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3795
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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SECTION H

PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

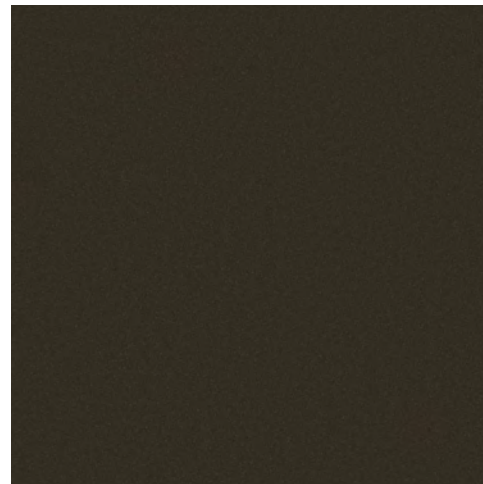
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 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: **C**
 DWG NUMBER: **DA 3107**

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1



RN-1 External render
Application: Base building



PC-1 Dark bronze powdercoat
Application: Door & window frames
External Venetian blinds
Metal cladding (Level 3)
Entry awning



RN-2 Smooth grey render
Application: Slab edges



MT-1 Metal cladding
Application: Wall cladding (Level 3)
Colour: Dark bronze



LV-1 External Venetian blinds
Application: West Elevation (all levels)



RN-3 Earth-tone render
Application: Boundary walls

REV B - Material changed

| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
| B | ADDITIONAL INFORMATION | 28/04/2022 |
| C | ADDITIONAL INFORMATION | 24/05/2022 |

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS
 CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 CLAUSE C 1.1 FIRE RESISTING CONSTRUCTION
 SPEC. C 1.10 FIRE HAZARD PROPERTIES
 SPEC. C 1.1 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE C 2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE C 2.12 SEPARATION OF EQUIPMENT
 CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM
 CLAUSE C 3.1 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS
 CLAUSE C 3.15 OPENING FOR SERVICE INSTALLATIONS
 CLAUSE D 1.8 DISCHARGE FROM EXITS
 CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE D 2.12 GOINGS AND RISERS
 CLAUSE D 2.14 LANDINGS
 CLAUSE D 2.15 THRESHOLDS
 CLAUSE D 2.16 BALUSTRADES

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 2.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA
 MASONRY: TO COMPLY WITH AS3700
 MECHANICAL/MECHANICAL: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1969 & AS1970
 SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE & SPEC E2.2 & AS2796
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1300.4.2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740



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DRAWING TITLE:
EXTERNAL FINISHES
 PROJECT ADDRESS:
**2 SUTHERLAND STREET,
 CREMORNE 2090**

SCALE: @A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080
 DRAWN BY: [Signature]
 CHECKED: [Signature]
 REVISION: C
 DWG NUMBER: DA 6000

REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1

SEPP 65 Compliance Diagrams

Solar Access

| | | |
|-----------------------------------|-------------|----------|
| TOTAL UNITS | 11 | |
| 2hr WINTER SUN ACCESS (9am - 3pm) | 10/11 (91%) | COMPLIES |

Cross Ventilation

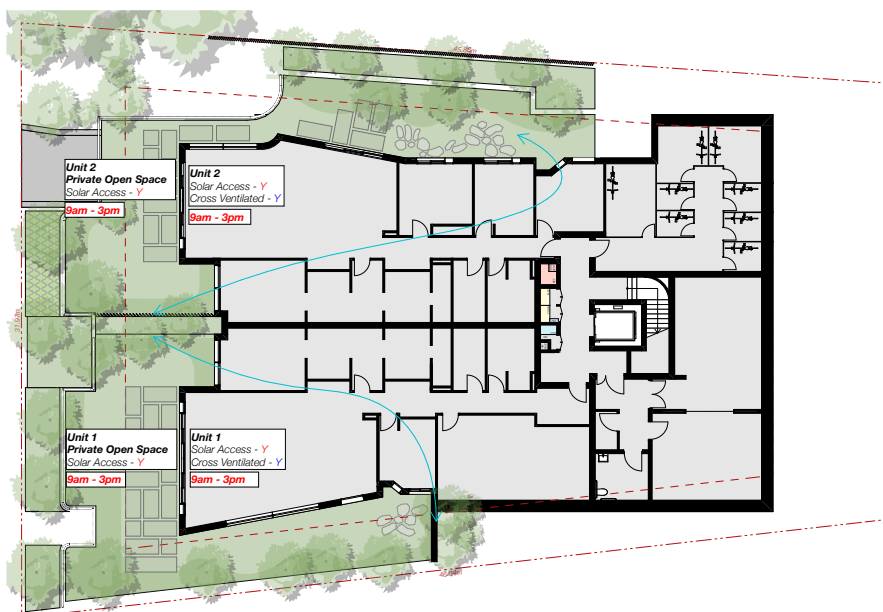
| | | |
|---------------------------------|--------------|----------|
| TOTAL UNITS | 11 | |
| 60% of units required to comply | 11/11 (100%) | COMPLIES |

Unit Mix

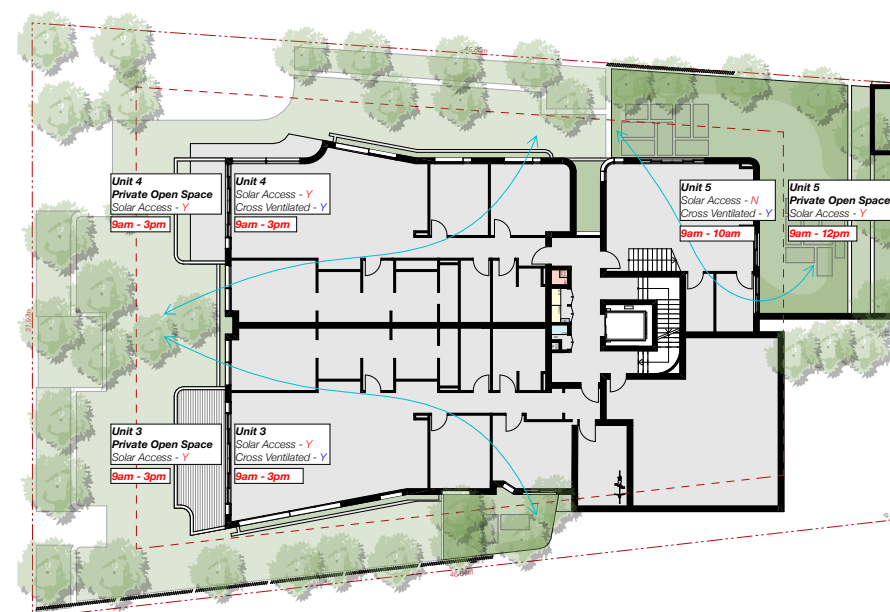
| | | | |
|-------|-------|-------|-------|
| 4 BED | 3 BED | 2 BED | TOTAL |
| 1 | 7 | 3 | 11 |

Adaptable Units

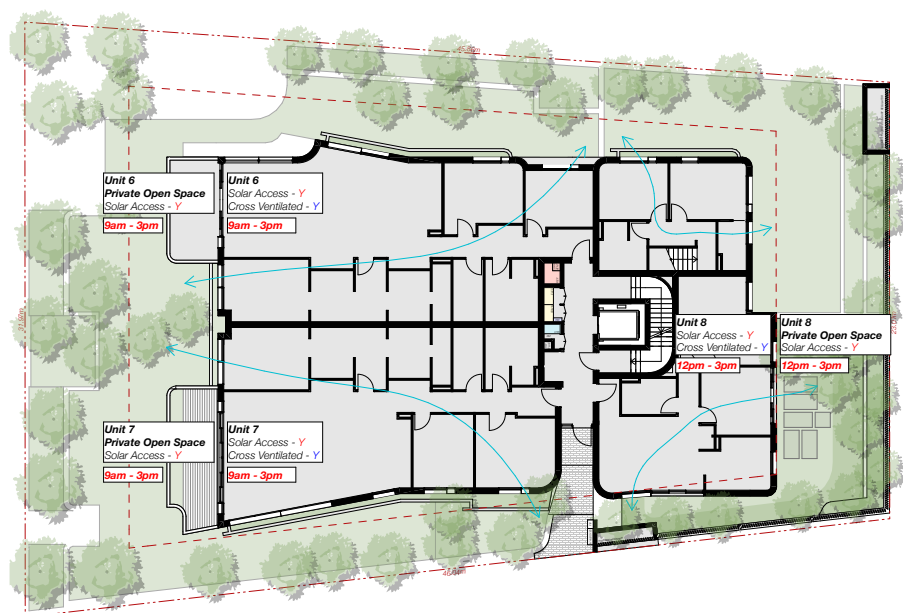
ADAPTABLE UNITS 4/11 (36%) - Units 3, 4, 6 and 7



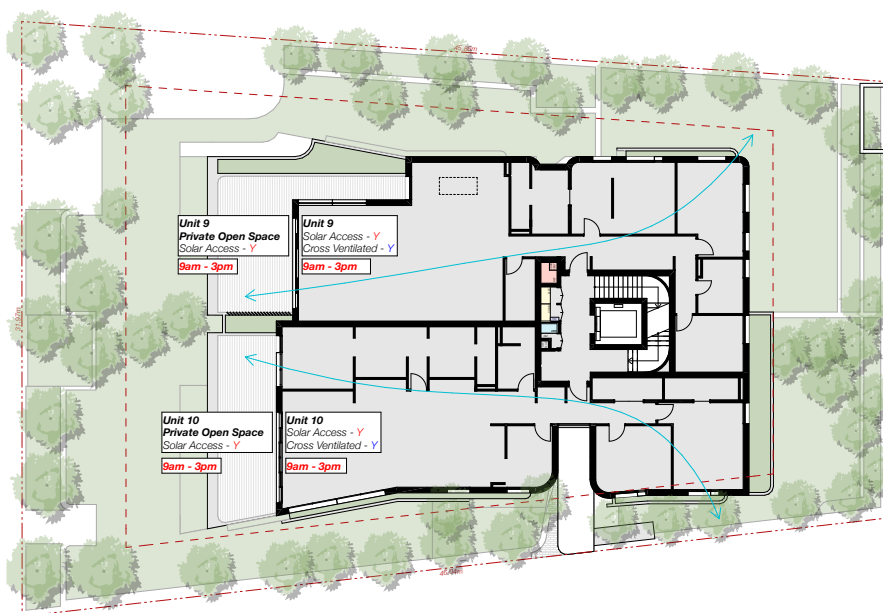
LOWER GROUND



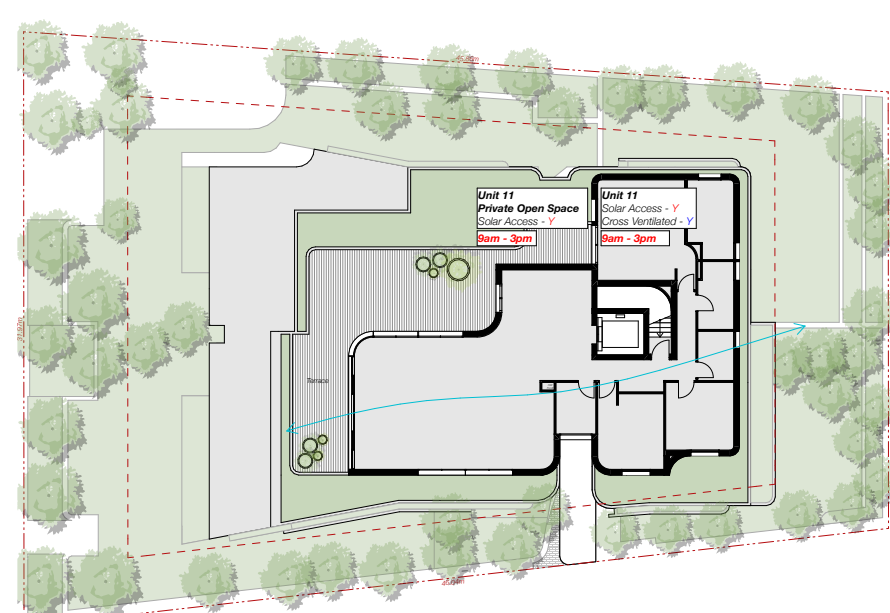
GROUND



LEVEL 1



LEVEL 2



LEVEL 3

| REV | DESCRIPTION | DATE |
|-----|-------------------------|------------|
| A | Development Application | 06/12/21 |
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CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
 SPEC. C 1.1 FIRE RESISTING CONSTRUCTION
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 CLAUSE D 2.16 BALUSTRADES

CLAUSE D 2.17 HANDRAILS
 CLAUSE D 2.21 OPERATION OF LATCH
 CLAUSE D 2.23 SIGNS ON DOORS
 CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS
 CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE D 3.8 TACTILE INDICATORS
 CLAUSE D 3.9 WATERPROOFING OF WET AREAS
 CLAUSE F 1.9 F 1.10 DAMP PROOFING
 CLAUSE F 1.15 CONSTRUCTION OF SANITARY COMPARTMENTS
 PART F 4.1 LIGHTING AND VENTILATION
 CLAUSE F 5.4 SOUND INSULATION OF FLOORS
 CLAUSE F 5.5 SOUND INSULATION OF WALLS
 CLAUSE F 5.8 SOUND INSULATION OF SERVICES
 CLAUSE F 5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 4.2 OF BCA
 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
 HOT WATER SYSTEMS: TO COMPLY WITH PART 4.2 OF BCA
 MASONSRY: TO COMPLY WITH AS3700
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA
 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 4.6 OF BCA
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1569 & AS/NZS 4200
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

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MHN Design Union Pty Ltd. ABN 94 003 717 682
 Nominated Architect
 NSW Registration Number 4907

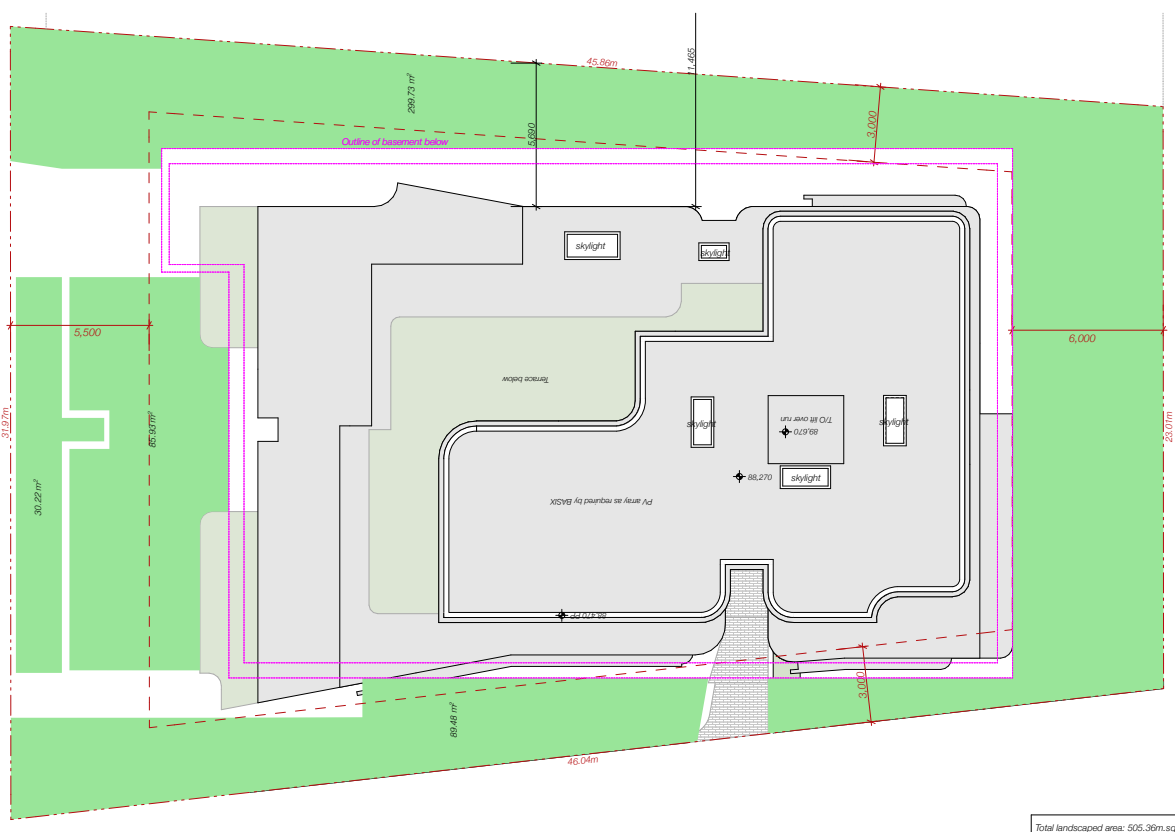
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SEPP 65 COMPLIANCE DIAGRAMS
 PROJECT ADDRESS:
2 SUTHERLAND STREET, CREMORNE 2090



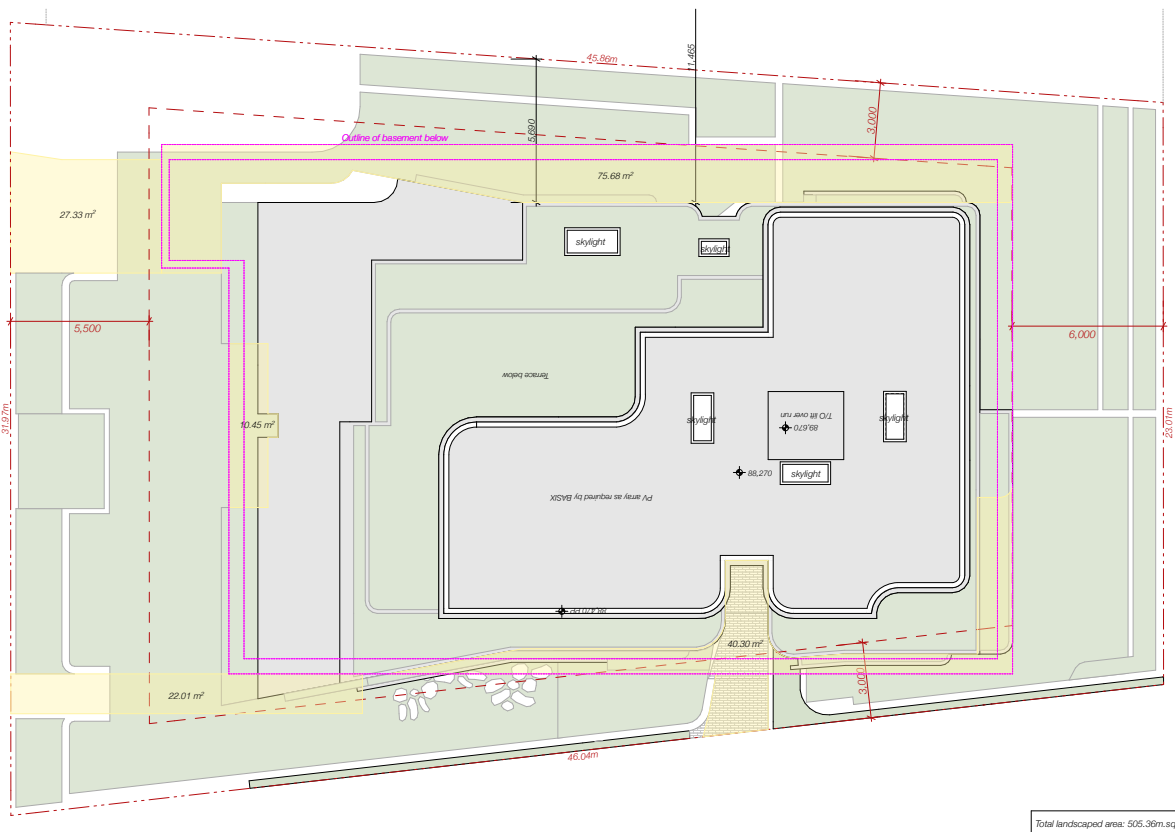
SCALE: @A3
 ISSUE DATE: 24/05/2022
 PROJECT NUMBER: 21-080

DRAWN BY:
 CHECKED:
 REVISION: C
 DWG NUMBER: DA 9006

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LANDSCAPE AREA DIAGRAM



UN-BUILT AREA DIAGRAM

North Sydney DCP 2013

1.5.6 Landscape Area

P2 (a) Landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area,

(b) The area of any access handle, access way or right of carriage way is to be excluded from the calculation of site area, landscaped area and un-built upon areas

North Sydney LEP 2013

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

- R4 High Density Housing - 40% minimum Landscaped area
- 15% Un-built upon area 15% max

COMPLIANCE SUMMARY

| | |
|---------------------------------|---|
| Site Area: | 1247.79m ² |
| Required Landscape Area (min): | 499.12m ² = 40% of site area |
| Proposed Landscape area: | 505.36m² = 40.5% of site area |

LANDSCAPED AREA

North Sydney DCP 2013

1.5.6 Un-built upon area

P2 (c) the following items are considered to constitute **un-built upon area**:

- (i) any part of a basement which does not comprise site coverage;
- (ii) unenclosed balconies, decks, pergolas and the like;
- (iii) paving and patios (porous and non-porous);
- (iv) driveways and car stand areas (porous and non-porous); or
- (v) water features.

However, un-built upon area excludes:

- (vi) anything else defined as site-coverage; or
- (vii) anything else comprising landscaped area.

COMPLIANCE SUMMARY

| | |
|--------------------------------|---|
| Site Area: | 1247.79m ² |
| Unbuilt area control (max): | 187.17m ² = 15% of site area |
| Proposed un-built area: | 175.7 m² = 14% of site area |

UN-BUILT UPON AREA

| | | | | | |
|---|---|---|--|--|---|
| <p>REV DESCRIPTION DATE</p> <p>A Development Application 06/12/21</p> <p>B ADDITIONAL INFORMATION 28/04/2022</p> <p>C ADDITIONAL INFORMATION 24/05/2022</p> | <p>ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS</p> <p>CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS</p> <p>CLAUSE C 1.1 FIRE RESISTING CONSTRUCTION</p> <p>SPEC. C 1.10 FIRE HAZARD PROPERTIES</p> <p>SPEC. C 1.1 PERFORMANCE OF EXTERNAL WALLS IN A FIRE</p> <p>CLAUSE C 1.8 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL</p> <p>CLAUSE C 1.2 SEPARATION OF EQUIPMENT</p> <p>CLAUSE C 1.3 ELECTRICITY SUPPLY SYSTEM</p> <p>CLAUSE C 1.4 ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS)</p> <p>CLAUSE C 1.5 OPENING FOR SERVICE INSTALLATIONS</p> <p>CLAUSE C 1.6 DISCHARGE FROM EXITS</p> <p>CLAUSE C 1.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL</p> <p>CLAUSE C 1.8 GOINGS AND RISERS</p> <p>CLAUSE C 1.9 LANDINGS</p> <p>CLAUSE C 2.15 THRESHOLDS</p> <p>CLAUSE C 2.16 BALUSTRADES</p> <p>CLAUSE C 2.17 HANDRAILS</p> <p>CLAUSE C 2.21 OPERATION OF LATCH</p> <p>CLAUSE C 2.23 SIGNS ON DOORS</p> <p>CLAUSE C 3.1 GENERAL BUILDING ACCESS REQUIREMENTS</p> <p>CLAUSE C 3.2 PARTS OF BUILDING TO BE ACCESSIBLE</p> <p>CLAUSE C 3.3 IDENT. OF ACCESSIBLE FACILITY FEATURES</p> <p>CLAUSE C 3.4 TACTILE INDICATORS</p> <p>CLAUSE C 3.5 WATERPROOFING OF WET AREAS</p> <p>CLAUSE F 1 SF 1.9 DAMP PROOFING</p> <p>CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS</p> <p>PART F 4 LIGHTING AND VENTILATION</p> <p>CLAUSE F 4 SOUND INSULATION OF FLOORS</p> <p>CLAUSE F 5 SOUND INSULATION OF WALLS</p> <p>CLAUSE F 6 SOUND INSULATION OF SERVICES</p> <p>CLAUSE F 7 SOUND INSULATION OF PUMPS</p> | <p>ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & AS1680</p> <p>BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16</p> <p>DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2</p> <p>ENERGY EFFICIENCY: TO COMPLY WITH 2.2 OF BCA</p> <p>FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA</p> <p>MELBOURNE MECHANICAL: TO COMPLY WITH PART 2.5 OF BCA</p> <p>MASONRY: TO COMPLY WITH AS3700</p> <p>MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 2.5 OF BCA</p> <p>MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1959 & AS/NZS 2</p> <p>SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3795</p> <p>PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1930-2005</p> <p>SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA</p> <p>STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13</p> <p>STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13</p> <p>WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740</p> | <p>ARCHITECT:</p> <p>MHNDUNION</p> <p>35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>Notified Architect Strath Moremon NSW Registration Number 4907</p> | <p>DRAWING TITLE:</p> <p>LANDSCAPE AREA & UNBUILT AREA</p> <p>PROJECT ADDRESS:</p> <p>2 SUTHERLAND STREET, CREMORNE 2090</p> | <p>SCALE: 1:300@A3</p> <p>ISSUE DATE: 24/05/2022</p> <p>PROJECT NUMBER: 21-080</p> <p>DRAWN BY:</p> <p>CHECKED:</p> <p>REVISION: C</p> <p>DWG NUMBER: DA 9102</p> <p>REF: BIMcloud: bch.mhndu.com - BIMcloud Basic for Archcad 2421-080 2 Sutherland St, Cremorne - DA-OPTION 1</p> |
|---|---|---|--|--|---|

North Sydney DCP 2013

1.5.5 Site Coverage

P2 For the purposes of P1, the following items are considered to constitute site coverage:

- (a) buildings are defined by the EP&A Act 1979;
- (b) garages and carports;
- (c) sheds;
- (d) enclosed/covered balconies, decks, pergolas and the like;
- (e) swimming pools, spa pools and the like;
- (f) other structures including:
 - (i) permanent BBQ structures;
 - (ii) cabanas;
 - (iii) external staircases;
 - (iv) gazebos;
 - (v) greenhouse/glasshouse;
 - (vi) plantrooms;
 - (vii) rainwater tanks;
 - (viii) ramps;
 - (ix) garbage storage facilities.

However, site coverage excludes:

- (g) any basement;
- (h) any part of an awning that is outside the subject site;
- (i) any eaves;
- (j) unenclosed balconies, decks, pergolas and the like;
- (k) paving and patios (porous and non-porous);
- (l) driveways and car stand areas (porous and non-porous);
- (m) water features; or
- (n) anything else defined as landscaped area.

Maximum site coverage for Residential Flat Building - 45%

North Sydney LEP 2013

Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage –

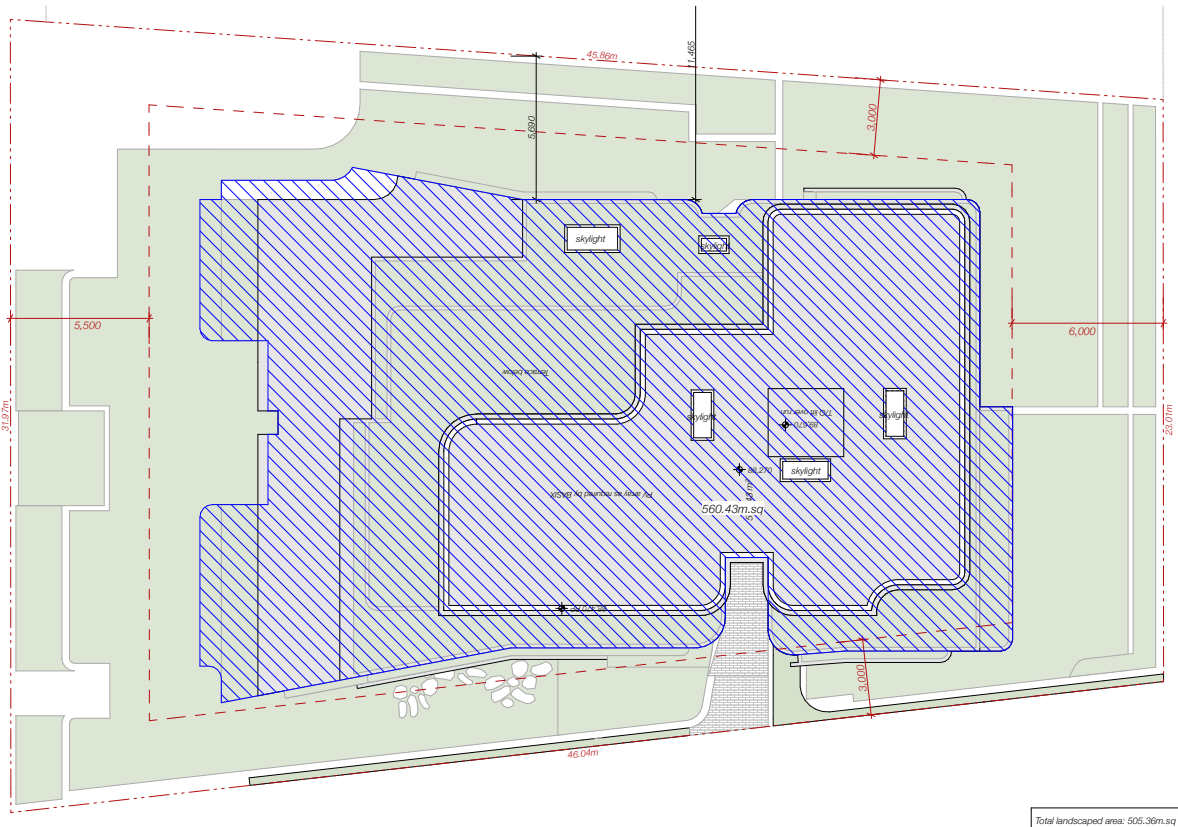
- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Maximum site coverage for R4 High Density Housing - 45%

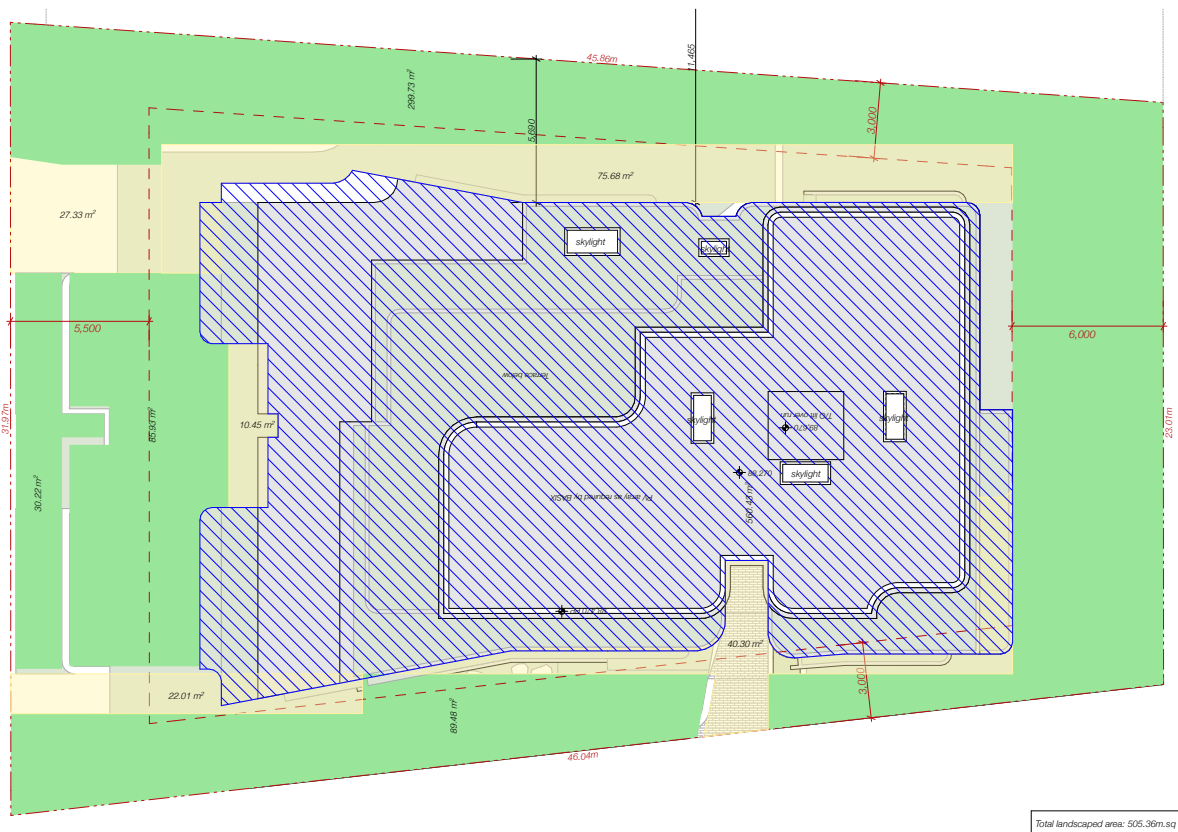


COMPLIANCE SUMMARY

| | |
|--------------------------------|--|
| Site Area: | 1247.79m ² |
| Allowable site coverage: | 561.50m ² = 45% of site area |
| Proposed site coverage: | 560.43 m² = 44.9% of site area |



SITE COVERAGE DIAGRAM



COMBINED SITE DIAGRAM

COMPLIANCE SUMMARY

| | | |
|--------------------------------|-----------------------------|----------------------|
| Site Area: | 1247.79m² | |
| Allowable site coverage: | 561.50m ² | = 45% of site area |
| Total site coverage: | 560.43 m ² | = 44.9% of site area |
| Required Landscape Area (min): | 499.12m ² | = 40% of site area |
| Proposed Landscape area: | 505.36m ² | = 40.5% of site area |
| Maximum un-built area: | 187.17m ² | = 15% of site area |
| Proposed un-built area: | 175.7 m ² | = 14% of site area |

| | | | | | | | | | | |
|--------------|---|-----------------------------|---|---|--|--|---|--|--|--|
| <p>REV A</p> | <p>DESCRIPTION</p> <p>Development Application</p> | <p>DATE</p> <p>06/12/21</p> | <p>ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS</p> <p>CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS</p> <p>CLAUSE C 1.1 FIRE RESISTING CONSTRUCTION</p> <p>SPEC. C 1.10 FIRE HAZARD PROPERTIES</p> <p>SPEC. C 1.1 PERFORMANCE OF EXTERNAL WALLS IN A FIRE</p> <p>CLAUSE C 2.1 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL</p> <p>CLAUSE C 2.12 SEPARATION OF EQUIPMENT</p> <p>CLAUSE C 2.13 ELECTRICITY SUPPLY SYSTEM</p> <p>CLAUSE C 2.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)</p> <p>CLAUSE C 3.8 OPENING IN FIRE ISOLATED EXITS</p> <p>CLAUSE C 3.15 OPENING FOR SERVICE INSTALLATIONS</p> <p>CLAUSE D 1.16 DISCHARGE FROM EXITS</p> <p>CLAUSE D 2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL</p> <p>CLAUSE D 2.14 LANDINGS</p> <p>CLAUSE D 2.15 THRESHOLDS</p> <p>CLAUSE D 2.16 BALUSTRADES</p> | <p>CLAUSE D 2.17 HANDRAILS</p> <p>CLAUSE D 2.21 OPERATION OF LATCH</p> <p>CLAUSE D 2.23 SIGNS ON DOORS</p> <p>CLAUSE D 3.2 GENERAL BUILDING ACCESS REQUIREMENTS</p> <p>CLAUSE D 3.3 PARTS OF BUILDING TO BE ACCESSIBLE</p> <p>CLAUSE D 3.4 IDENT. OF ACCESSIBLE FACILITIES/FEATURES</p> <p>CLAUSE D 3.8 TACTILE INDICATORS</p> <p>CLAUSE D 3.1 WATERPROOFING OF WET AREAS</p> <p>CLAUSE F 1.9 F 1.10 DAMP PROOFING</p> <p>CLAUSE F 2.2 CONSTRUCTION OF SANITARY COMPARTMENTS</p> <p>PART F 4 LIGHTING AND VENTILATION</p> <p>CLAUSE F 5.4 SOUND INSULATION OF FLOORS</p> <p>CLAUSE F 5.5 SOUND INSULATION OF WALLS</p> <p>CLAUSE F 5.8 SOUND INSULATION OF SERVICES</p> <p>CLAUSE F 5.7 SOUND INSULATION OF PUMPS</p> | | | <p>ARCHITECT:</p> <p>MHNDUNION</p> <p>35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>Notified Architect Brahm Mervin NSW Registration Number 4907</p> | <p>DRAWING TITLE:</p> <p>SITE COVERAGE</p> <p>PROJECT ADDRESS:</p> <p>2 SUTHERLAND STREET, CREMORNE 2090</p> | <p>SCALE:</p> <p>1:300@A3</p> <p>ISSUE DATE:</p> <p>24/05/2022</p> <p>PROJECT NUMBER:</p> <p>21-080</p> | <p>DRAWN BY:</p> <p>CHECKED:</p> <p>REVISION:</p> <p>C</p> <p>DWG NUMBER:</p> <p>DA 9103</p> |
|--------------|---|-----------------------------|---|---|--|--|---|--|--|--|

GYDE

Amended – Clause 4.6 Variation Request

Height of buildings (Cl 4.3)

2 Sutherland Street, Cremorne

submitted to North Sydney Council

on behalf of A P Development No 1 Pty Ltd

**CI 4.6 Variation Request – Height of buildings**

This report was prepared by:

Executive Director: Sue Francis
Project Planner: Theo Wilkinson
Project No. 21-335
Report Version: Final - Amended post lodgement

Disclaimer

This report has been prepared by Gyde Consulting with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. Gyde Consulting accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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CI 4.6 Variation Request – Height of buildings

1. EXECUTIVE SUMMARY

This request has been prepared to justify a variation to Clause 4.3 Height of Buildings of the *North Sydney Local Environmental Plan 2013* (NSLEP) that is proposed in a Development Application (DA) for a residential flat building (RFB) development at 2 Sutherland Street, Cremorne (the site).

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development. As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application.

Clause 4.3 of the NSLEP prescribes a maximum building height of 12m.

A key consideration of this proposal is that the site is located on steeply sloping land. Significantly, if building height is measured in accordance with *Bettar v Council of City of Sydney* [2014] NSWLEC 1070 at [39] - [41] ('Bettar'), the proposal complies with the maximum Height of Building (HoB) development standard that applies to the site. If the consent authority applies the decision in Bettar, consent may be granted without considering this request. However, if the consent authority does not consider that Bettar is directly relevant to this matter, the consent authority may grant development consent in reliance on this Clause 4.6 Variation Request.

Disregarding the calculation of building height set out under Bettar, and when measured from the multiple and varied levels on the existing ground level, the proposed development has a maximum HoB of 17.54m (measured from RL70,930 (existing ground level) to RL88,470). This equates to a 5.54m (41.7%) variation of the development standard. The majority of the bulk and scale of the development is located under the 12m height of building development standard and the extent of the variations proposed are minor, as detailed below:

- 2.4m variation at the lift overrun measured from RL 75,250 (existing ground level) to RL 89,670.
- 1.16m - 1.63m variations at the eastern edge of the roof level above Unit 11 (Level 3) measured from RL 75,310 and RL 74,840 (existing ground level) to RL 88,470.
- 5.540m variation at the northern edge of the roof level above Unit 11 (Level 3), measured from RL 70,930 (existing ground level) to RL 88,470.
- 2.540m variation at the eastern edge of the planter adjacent to Unit 9 (Level 2), measured from RL 70,930 (existing ground level) to RL 85,470.
- 2.540 variation at the northern edge of the planter adjacent to Unit 10 (Level 2), measured from RL 70,930 (existing ground level) to RL 85,470.

In very brief terms, the requirement to comply with the HoB development standard is unreasonable and unnecessary in the circumstances because:

- The proposal satisfies the objectives of the HoB development standard.



CI 4.6 Variation Request – Height of buildings

There are sufficient environmental planning grounds to justify the variation, which include but are not limited to the following considerations:

- A key consideration of this proposal is the removal of an existing RFB, which itself does not comply with the relevant height limit under Councils current controls. The existing RFB on the site (if measured from the multiple and varied levels on the existing ground level), has a maximum building height of 14.8m (RL 75,230 – RL 90,030 and RL 70.53 - 85,330) at the northern and southern edges of the roof level. In redeveloping the site, the proposal reduces the max RL to 89,670 and likewise, the extent of the variation to the HoB development standard to ensure they are located centrally within the building envelope to ensure that where there are breaches of height, they do not cause any adverse impact. In this respect, the proposal responds to the site and its context, providing a transition in height between adjoining buildings and stepping with the topography of the land. Accordingly, the proposal provides a built form and massing which is considered to positively contribute to the quality and transitioning identity of the locality and is compatible with adjoining development.
- The proposed development achieves compliance with the HoB development standard if measured in accordance with Bettar. The variation to the HoB development standard is based on measuring building height from the multiple and varied levels on the existing ground level. Notwithstanding, the design carefully steps the building mass with the steep topography of the property from south (Sutherland Street) to north (Grasmere Lane).
- The proposed development has re-distributed the mass away from the northern and eastern boundary which front the dwellings at 2 Grasmere Lane and 3 Grasmere Road and the adjoining existing residential flat building at 8 Sutherland Street. This improves solar access, views, privacy and separation when compared to the existing RFB and a complying development. Accordingly, the proposal achieves the objective in section 1.3(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), *“to promote the orderly and economic use and development of the land”*.
- The proposed development is compatible with adjoining residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings. The upper storey of the building is carefully massed, to break up the buildings bulk and scale. Importantly, the variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views, or privacy. Accordingly, the objective achieves objective 1.3 (g) of the EP&A Act, *“to promote good design and amenity in the built environment”*.

The variation is also in the public interest because the development satisfies the objectives of the R4 High Density zone that applies to the land as well as the HoB development standard.

This request has been prepared under clause 4.6 of the NSLEP and demonstrates that compliance with the HoB development standard is unreasonable and unnecessary in the circumstances of this case, and there are sufficient environmental planning grounds to justify the variations. Further, the proposal is consistent with the objectives of the zone for the site and the development standard, and is therefore, in the public interest. This request also addresses the requirement for the concurrence of the Secretary.



CI 4.6 Variation Request – Height of buildings

2. INTRODUCTION

This is a formal request that has been prepared in accordance with clause 4.6 of the *North Sydney Local Environmental Plan 2013* (NSLEP) to justify a variation to the Height of Building development standard proposed in a DA submitted to North Sydney Council for a residential flat building development at 2 Sutherland Street, Cremorne (the site).

The objectives of clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and various relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal (NSWLEC / Court).

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (see *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245) at [23] and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 at [76]-[80] and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31]:

1. That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [clause 4.6(3)(a)];
2. That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [clause 4.6(3)(b)];
3. That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out [clause 4.6(4)]

This request also addresses the requirement for the concurrence of the Secretary as required by clause 4.6(4)(b).

CI 4.6 Variation Request – Height of buildings

3. STANDARD TO BE VARIED

The standard that is proposed to be varied is the Height of Building development standard which is set out in Clause 4.3 of the *North Sydney Environmental Plan 2013* (NSLEP) as follows:

4.3 Height of Buildings

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



Figure 1: NSLEP Height of Buildings Map, location of the site outlined in red (Source: NSW Legislation)

The numerical value of the development standard applicable in this instance is 12 metres.

The development standard to be varied is not excluded from the operation of clause 4.6 of the NSLEP.



4. EXTENT OF VARIATION

Clause 4.3 of the NSLEP prescribes a maximum height of building of 12m for the site.

4.1. Calculation of building height ('Bettar')

For clarity the NSLEP definitions for "building height (or height of building)", "ground level (existing)" and "basement" are extracted below:

"building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) means the existing level of a site at any point.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)."

It should be noted that the site is located on sloping land. The original and therefore leading decision on determining "ground level (existing)" on land that is sloping (as is the case for the subject site) is the decision of Commissioner O'Neill in *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 ('Bettar').

In *Bettar*, consent was sought for, amongst other things, a four and five storey residential flat building on a site where an existing building already occupied the entire site, meaning there was no longer any "ground" for determining the existing ground level. In addition, there was an existing part-basement excavated into one part of the site.

The Commissioner determined that once the existing building is demolished, the ground levels of that prior building would no longer be discernible or relevant as a starting point for measuring the height of any new building, and that it would be conceivable that surrounding properties (with differing ground floor levels) could have starkly different height limits arising from the same development standard. The Commissioner held at paragraph [40] that this would result *'in an absurd height plane with a large and distinct full storey dip in it as it moves across the site and crosses the basement of the existing building, which relates only to a building that is to be demolished and has no relationship to the context of the site.'*

In summary, the Commissioner's decision in *Bettar* was that for developments on sloping sites or those in which there is a basement in an existing building, the "ground level (existing)" of the site should be determined by extrapolating the ground levels found on the footpath (i.e. – outside the site) across the entire site to measure the vertical distance to the highest point of the building. The Commissioner's reasoning for this, given at paragraph [41], was that the *'level of the footpath at the boundary bears a relationship to the context and the overall topography that includes the site, and remains relevant once the existing building is demolished.'* This is commonly known as the extrapolation method

CI 4.6 Variation Request – Height of buildings

for determining “ground level (existing)”.

The Bettar case, is similar in circumstances to the proposed development, which comprises of a six (6) level residential flat building, on a steeply sloping site, already occupied by an existing building, with an existing part-basement excavated into the southern part of the site. Accordingly, the building height for development on the site should be measured in accordance with the Bettar extrapolation method.

If building height is measured as set out under Bettar, the proposed building is wholly located under the 12m Height of Building development standard as detailed in Figure 2 and Figure 3. As a result, If the consent authority applies the decision in Bettar, consent may be granted without considering this request.

Nonetheless, on a without prejudice basis and disregarding the accepted practice for the calculation of building height by the NSWLEC under Bettar this request has been prepared to support the proposed development using an analysis of HoB measurement from all various existing ground level points to the highest part of the building immediately above that point.

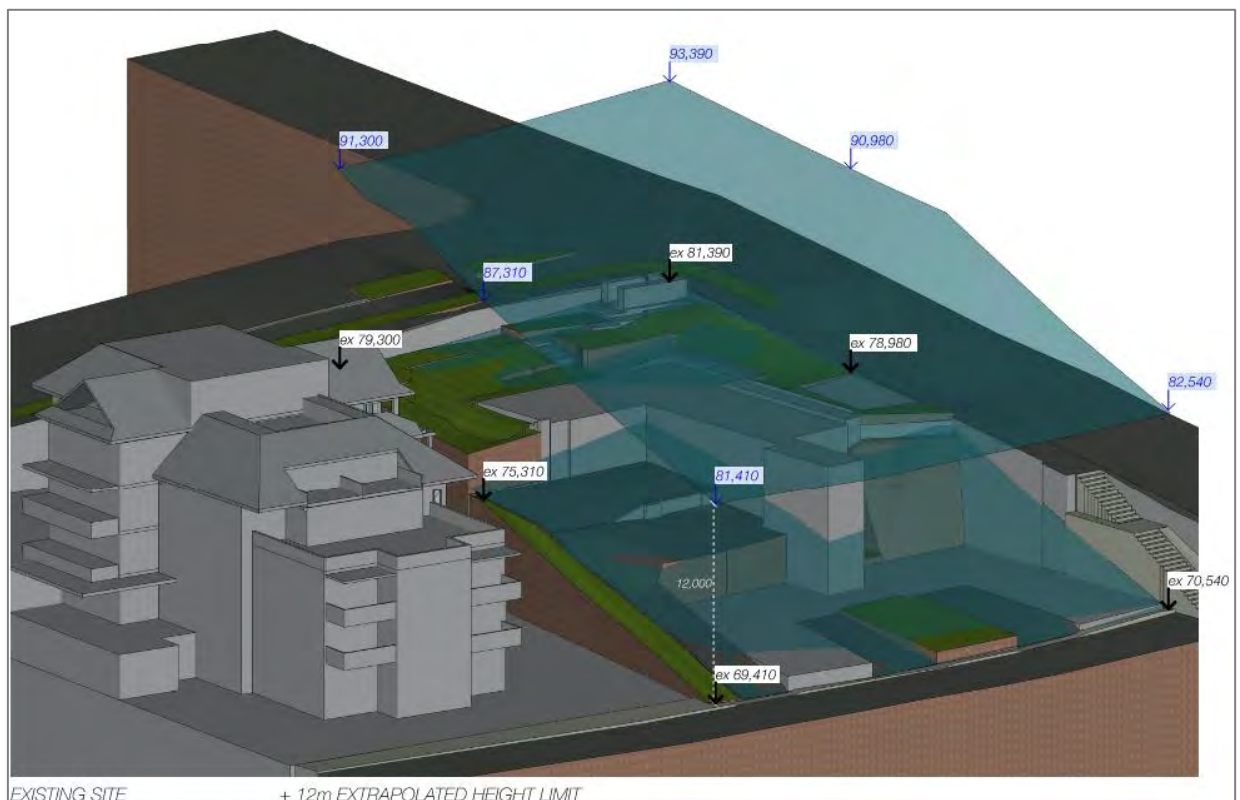


Figure 2: 12m Height Limit, if ground level is extrapolated from the corners of the site (Source: MHN Design Union)

CI 4.6 Variation Request – Height of buildings



Figure 3: Height Plane Diagram based on 12m extrapolated height limit (Source: MHN Design Union)

CI 4.6 Variation Request – Height of buildings

4.2. Extent of variation

Disregarding the calculation of building height set out under Bettar, and when measured from the multiple and varied levels on the existing ground level, the proposed development has a maximum HoB of 17.54m (measured from RL70,930 (existing ground level) to RL88,470), at the northern edge of the roof level (refer to Figure 4). This equates to a 5.54m (41.7%) variation of the HoB development standard. The existing building has a max RL90,030 and is thus higher, visually than the proposal.



Figure 4: Height Plane Diagram based on height measured from ground level (existing). The purple plane denotes the 12m height standard (Source: MHNDU)

The majority of the bulk and scale of the development is located under the 12m HoB development standard and the extent of the variations proposed are minor, as shown in Figure 4 and summarised below:

- 2.4m variation at the lift overrun measured from RL 75,250 (existing ground level) to RL 89,670.
- 1.16m - 1.63m variations at the eastern edge of the roof level above Unit 11 (Level 3) measured from RL 75,310 and RL 74,840 (existing ground level) to RL 88,470.
- 5.540m variation at the northern edge of the roof level above Unit 11 (Level 3), measured from RL 70,930 (existing ground level) to RL 88,470.
- 2.540m variation at the eastern edge of the planter adjacent to Unit 9 (Level 2), measured from RL 70,930 (existing ground level) to RL 85,470.
- 2.540 variation at the northern edge of the planter adjacent to Unit 10 (Level 2), measured from RL 70,930 (existing ground level) to RL 85,470.

CI 4.6 Variation Request – Height of buildings

4.3. Comparison of existing, proposed and compliant envelope

To determine the reasonableness of the variation, this request compares the impacts of the proposed development with a compliant envelope and the existing development with a compliant envelope as detailed in Figure 5 and Figure 6.

The existing RFB on the site (if measured from the multiple and varied levels on the existing ground level), has a maximum building height of 14.8m (RL 75,230 – RL 90,030 and RL 70.53 - 85,330) at the northern and southern edges of the roof level (refer Figure 5). The highest point of the existing RFB is at RL90,030.

Although the proposed development has a greater maximum building height in metres, due to the multiple and varied levels on the existing ground level, it achieves greater compliance with the 12m HoB development standard as the overall built form and extent of the variation to the HoB development standard has been reduced (refer to Figure 6 and Figure 7). It also has a lower max RL at 89,670 which is located at the lift overrun, centrally within the building envelope.

In redeveloping the site, the proposal seeks to reduce the extent of the built form which exceeds the HoB development standard, and ensures the maximum variation is located away from the adjoining RFB at 8 Sutherland Street and the dwellings at 2 Grasmere Lane and 3 Grasmere Road.

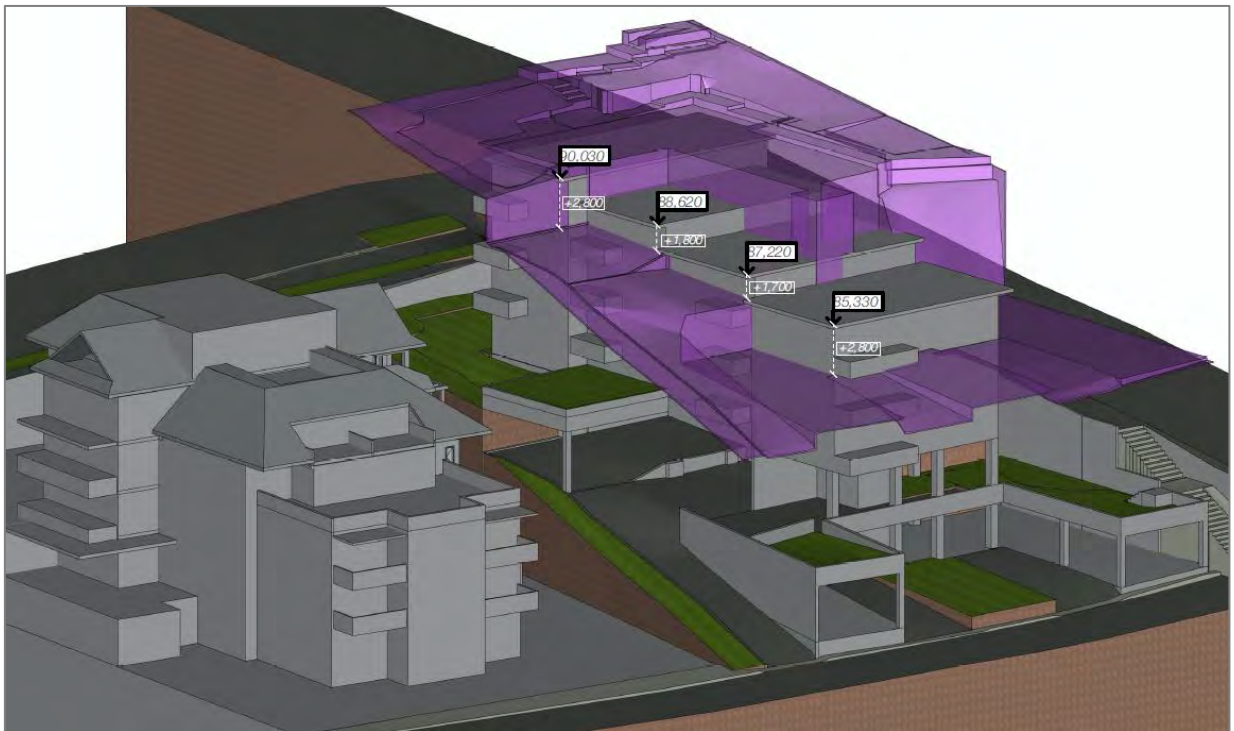


Figure 5: Height of existing residential flat building on the site. Purple denotes height standard of 12m (Source: MHN Design Union)

CI 4.6 Variation Request – Height of buildings



Figure 6: Height of proposed residential flat building on the site. Purple shows 12m height standard. (Source: MHN Design Union)



Figure 7: South Elevation (with fence), comparing existing and proposed building envelope (Source: MHN Design Union)



CI 4.6 Variation Request – Height of buildings

5. UNREASONABLE OR UNNECESSARY

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by clause 4.6(3)(a) of the NSLEP.

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate.

It is sufficient to demonstrate only one of these ways to satisfy clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

We have considered each of the ways as follows.

5.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

In Table 1 we consider whether the objectives of the development standard in Clause 4.3(1) of the NSLEP are achieved notwithstanding the proposed variation (Test 1 under Wehbe).

CI 4.6 Variation Request – Height of buildings

Table 1: Achievement of Objectives of Clause 4.3 of the North Sydney Local Environmental Plan 2013

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

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

The topography of the site is steep, dipping 10.6m - 11.8m (approx.) from the south (Sutherland Street) to north (Grasmere Lane) as shown in the East and West Elevations (refer to Figure 8 and Figure 9).

The site also slopes 7.2m (approx.) from west (Park Avenue) to east (ground level at 8 Sutherland Street) as shown in the south elevation (refer to Figure 10). The building has been designed to be consistent and respond to the topography having a stepped form which lowers in height at its northern end.

Further, as shown in the Height Plane Diagram (refer to Figure 4) the extent of the variation is minor and limited to the edges of the roof level inclusive of planters on Level 2. Due to the minor extent of the variations, they have no impact in enabling the development to follow the natural gradient.

The proposed development as a whole is in the public interest as it provides high quality residential development which conforms to and reflects natural landforms, by stepping development from the south to the north of the site, consistent with the sloping gradient of the site.



Figure 8: East Elevation (Source: MHN Design Union)

CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013



Figure 9: West Elevation (Source: MHN Design Union)



Figure 10: South Elevation (Source: MHN Design Union)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

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

The portions of the development which contravene the HoB development standard assist in promoting the retention and sharing of views, as they have similar or less impact on views than the existing development and a complying development.

View Analysis (**Appendix B**) has been prepared by MHN Design Union which determines that the proposed development will result in some improvement and negligible loss in views from adjoining properties.

Notwithstanding the above, an assessment has been made of the potential effects on views from No. 1 Sutherland Street, No. 5 Sutherland Street and No. 8 Sutherland Street and the extent of view sharing utilising the guidance provided by Senior Commissioner Roseth of the Land Environment Court of NSW in the judgement in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 – Principles of view sharing: the impact on neighbours.

Tenacity is specific to view loss and provides a method of assessment, applying a four-step view sharing analysis. An assessment of the proposal on the potentially affected surrounding development utilising each of the four steps in Tenacity as summarised below.

Step 1: The view to be affected

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g., of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g., a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."

Roseth SC in *Tenacity* points out that water views are valued more highly than land views, as are whole views and those containing iconic features. No iconic views are reduced by the proposed development. The view to be affected is northeast towards the water of Middle Harbour and west towards Cammeray Park.

Step 2: The part of the property from

"The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic."

Tenacity states that it is necessary to consider from which part of a property the views are obtained. This relates to the orientation of the property with regards to its own site. Tenacity states that the protection of views across side boundaries is more difficult than from the front or rear of the property.

Views are obtained across both front and side boundaries. Details of the parts of the property from which views are obtained are detailed below:



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

No. 1 Sutherland Street (2nd Storey bedroom / living room)

- View 1 – water views to Middle Harbour from north-east corner, partially obstructed by other development to the south.
- View 2a – unobstructed land views to Cammeray Park from north-west corner.
- View 2b – unobstructed land views to Cammeray Park from north-west corner and water views to Middle Harbour partially obstructed by existing development and adjoining development at No. 8 Sutherland Street.

No. 5 Sutherland Street (Level 4 balconies)

- View 3 – land views of Cammeray Park obstructed by the existing development.

No. 8b Sutherland Street (Unit 15A balcony)

- View 4 – land views of land to Cammeray Park obstructed by the existing development.

No. 8b Sutherland Street (Unit P1A balcony)

- View 5 - land views of Cammeray Park obstructed by the existing development and water views of Middle Harbour partially obstructed by other development.

No. 8b Sutherland Street (Unit 18A balcony)

- View 6 - land views of Cammeray Park obstructed by the existing development and water views of Middle Harbour partially obstructed by other development.

Step 3: The extent of the impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Tenacity points out that the view loss should be assessed from the whole building and not only in relation to the view to be affected. If the most scenic features are not lost in views, this adds weight to the merits of an application.

The planning principle also specifies that a qualitative scale of impact be used, which is negligible, minor, moderate, severe, or devastating view loss, in the order from least to most impact. MHN Design Studio has prepared view analysis which provides a summary of the proposal against the existing views and the potential views from a development pursuant to the existing controls.

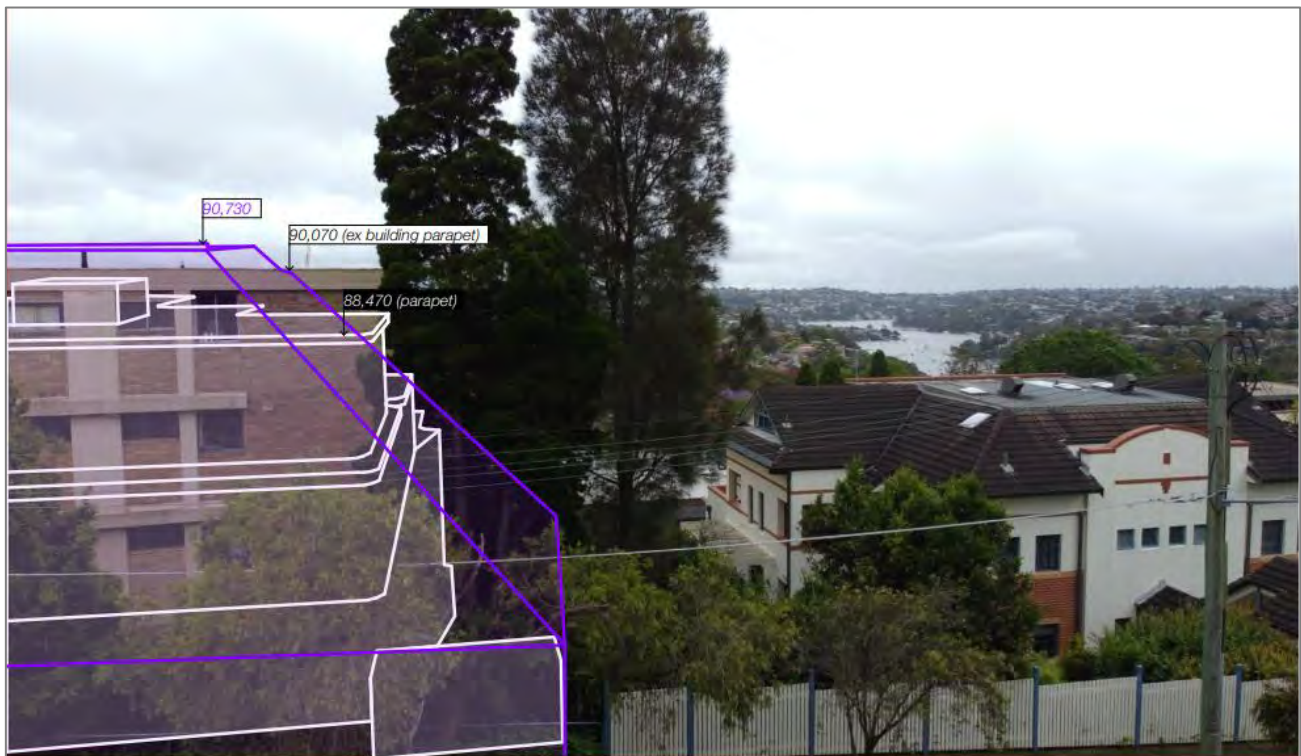
The development (inclusive of the variations to the HoB development standard) will likely have a “negligible” impact on views when compared to a complying scheme and in some cases the views are improved as detailed below.



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and Location | Impact Rating | | |
|--|--|--|-------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 1 | | | |
| View from No. 1 Sutherland Street (north-east corner) to Middle Harbour. | Negligible (no impact). The view to Middle Harbour is unaffected and similar to the existing development. | Negligible (no impact). The view to Middle Harbour is unaffected and better than a complying development. | Negligible (no impact). |



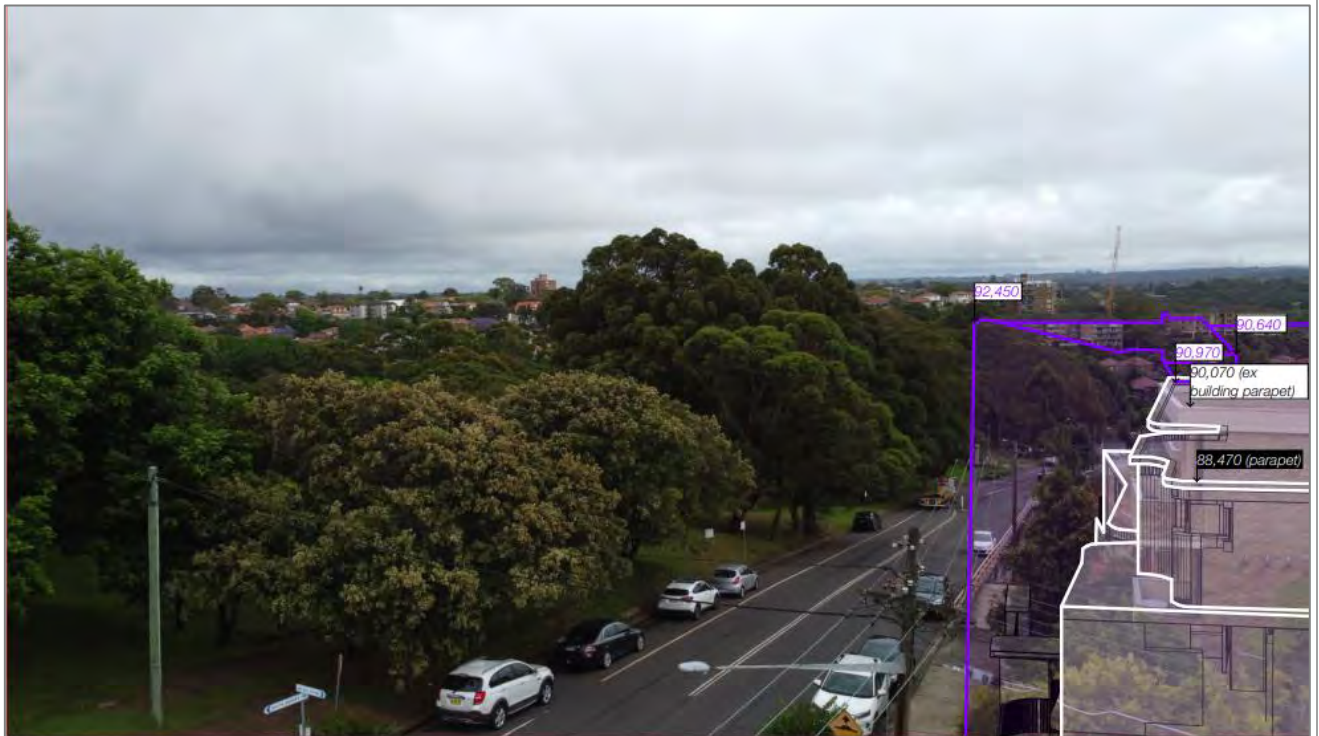
Compliant Building Envelope (purple) & Proposed Design (white)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and location | Impact Rating | | |
|---|---|---|-------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 2a | | | |
| View from No. 1 Sutherland Street (north-west corner) to Cammeray Park. | Negligible (no impact). The view to Cammeray Park is unaffected and similar to the existing development. | Negligible (no impact). The view to Cammeray Park is unaffected and better than a complying development. | Negligible (no impact). |



Compliant Building Envelope (purple) & Proposed Design (white)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and Location | Impact Rating | | |
|--|--|--|--------------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 2b | | | |
| View from No. 1 Sutherland Street to Cammeray Park from north-west corner and water views to Middle Harbour. | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected and similar to the existing development.</p> <p>The view to Middle Harbour is unaffected better than the existing development.</p> | <p>Negligible (no impact).</p> <p>The view to Cammeray Park and Middle Harbour is unaffected and better than a complying development</p> | <p>Negligible (no impact).</p> |



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and location | Impact Rating | | |
|---|--|--|--------------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 3 | | | |
| View from No. 5 Sutherland Street (north-west corner) balconies to Cammeray Park. | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected and similar to the existing situation as it is obstructed by existing development and trees.</p> | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected and better than a complying development.</p> | <p>Negligible (no impact).</p> |

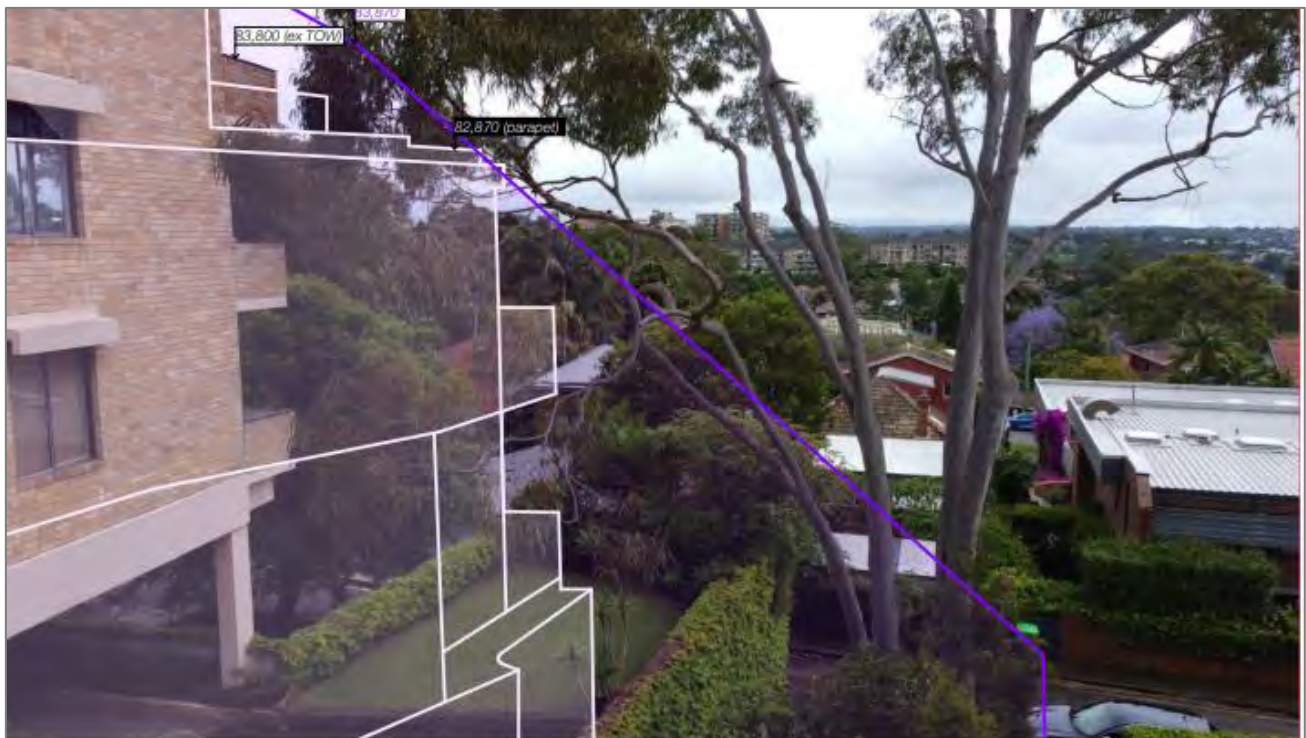




CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and Location | Impact Rating | | |
|---|--|--|--------------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 4 | | | |
| View from 8b Sutherland Street (Unit 15A balcony) to Cammeray Park. | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected as it is currently obstructed by trees and the existing development.</p> | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected and better than a complying development.</p> | <p>Negligible (no impact).</p> |



Compliant Building Envelope (purple) & Proposed Design (white)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and location | Impact Rating | | |
|---|--|--|--------------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 5 | | | |
| View from 8b Sutherland Street (Unit P1A balcony) to Cammeray Park. | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected as it is currently obstructed by trees and the existing development.</p> | <p>Negligible (no impact).</p> <p>The view to Cammeray Park is unaffected and better than a complying development.</p> | <p>Negligible (no impact).</p> |



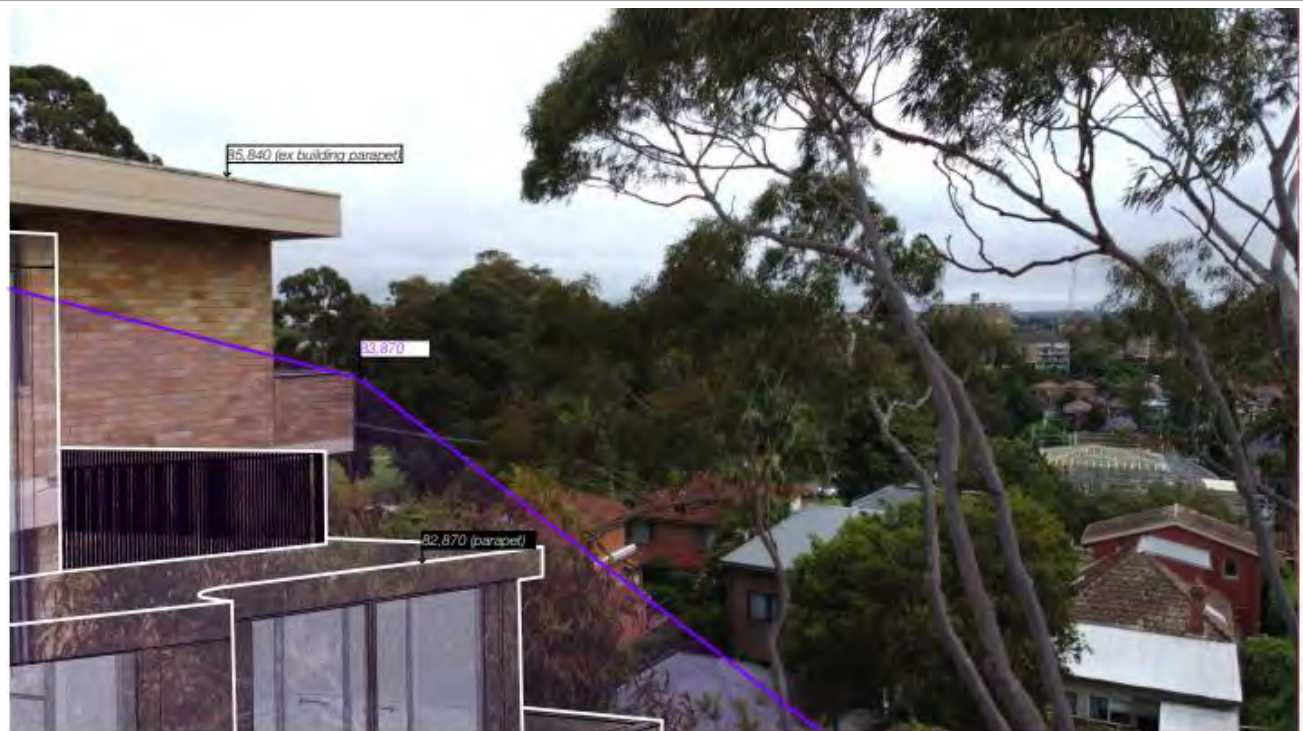
Compliant Building Envelope (purple) & Proposed Design (white)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

| View to be affected and location | Impact Rating | | |
|---|--|---|-------------------------|
| | Proposed compared to existing | Proposed compared to complying scheme | Overall Rating |
| View 6 | | | |
| View from 8b Sutherland Street (Unit 18A balcony) | Negligible (no impact). The view to Cammeray Park is unaffected and better than the existing development. | Negligible (no impact). The view to Cammeray Park is unaffected and better than a complying development. | Negligible (no impact). |



Compliant Building Envelope (purple) & Proposed Design (white)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

Step 4: The reasonableness of the proposal

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The proposed building has been skilfully designed with specific consideration given to generating view impacts less than that caused by the existing building or a compliant scheme, as is demonstrated in the View Analysis (**Appendix B**).

Further, the proposed development complies with the NSDCP site coverage, landscape area and unbuilt upon area controls and is substantially compliant with the ADG building separation criteria as detailed in the Architectural Plans (**Appendix A**), which ensures that the proposed development is of a suitable density for the site.

The variations to the proposed height of building development standard do not result in any view loss when compared to the existing development or a complying development as detailed in the View Analysis (**Appendix B**) and discussed above.

The proposed development, as a whole is, in the public interest as it provides high quality residential development which promotes the retention and sharing of existing views as discussed in detail above.

In *Ricola Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1047 (‘Ricola’), it is noted that the Clause 4.6 Request relevant to the case provided no means by which an actual and measurable impact is minimised by the proposed development: *“To demonstrate that the objectives are met notwithstanding the non-compliance, the request needs to put forward the means by which the proposed development will “minimise impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion”.*

The subject objective is similar to that discussed in *Ricola Pty Ltd v Woollahra Municipal Council* and as demonstrated above; the design measures have been implemented which clearly minimise potential impacts of the new development. To summarise, the steps taken to minimise potential impacts as a result of the proposed building include but are not limited to:

- Ensuring the structures contravening the HoB development standard are located centrally within the building envelope where possible to minimise view impacts. Further, extensive landscaped planters are proposed which will improve views from adjoining development.



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

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

The portions of the development which contravene the HoB development standard do not cause any unacceptable solar access impacts to adjoining dwellings, public reserves or streets, and cause less impact than the existing RFB to be demolished, therefore promoting solar access for future development.

Maintaining Solar Access to Existing Dwellings

As discussed below and shown in the Solar Access Plans (**Appendix 3**) prepared by MHN Design Union and the Shadow Diagrams (**Appendix 4**) prepared by CAD Draft, the portions of the building which contravene the HoB development standard do not cause any unacceptable solar access impacts to existing adjoining dwellings.

No. 8 Sutherland Street

The proposed development is located immediately adjacent to the existing residential flat building at No. 8 Sutherland Street.

The proposed development has been skilfully designed to enable unobstructed solar access to be provided to the habitable rooms and balconies of No. 8 Sutherland Street from 9am - 2pm at mid-winter. However, from 2.00pm – 3.00pm the proposed development partially obstructs solar access to habitable rooms and private open space as shown in the Shadow Diagrams (**Appendix D**).

Significantly, as detailed in the Solar Access Plans (**Appendix C**) Shadow Diagrams (**Appendix D**) (refer to Figure 11 and Figure 12), the shadows are not cast by the portions of the development which contravene the HoB development standard. Accordingly, this overshadowing impact is acceptable and anticipated by the controls as it is caused by portions of the proposed building which comply with the HoB development standard.

The proposed development (inclusive of the variations to the HoB development standard) nevertheless, provides greater solar access to 8 Sutherland Street than a compliant development and the existing development on the site (refer to Figure 11 and Figure 12). Specifically, the proposed development improves solar access to the bedrooms in Unit 16A, the balcony, living room and bedrooms in Unit 18A and the balcony in Unit 15A. Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provides solar access to No. 8 Sutherland Street.

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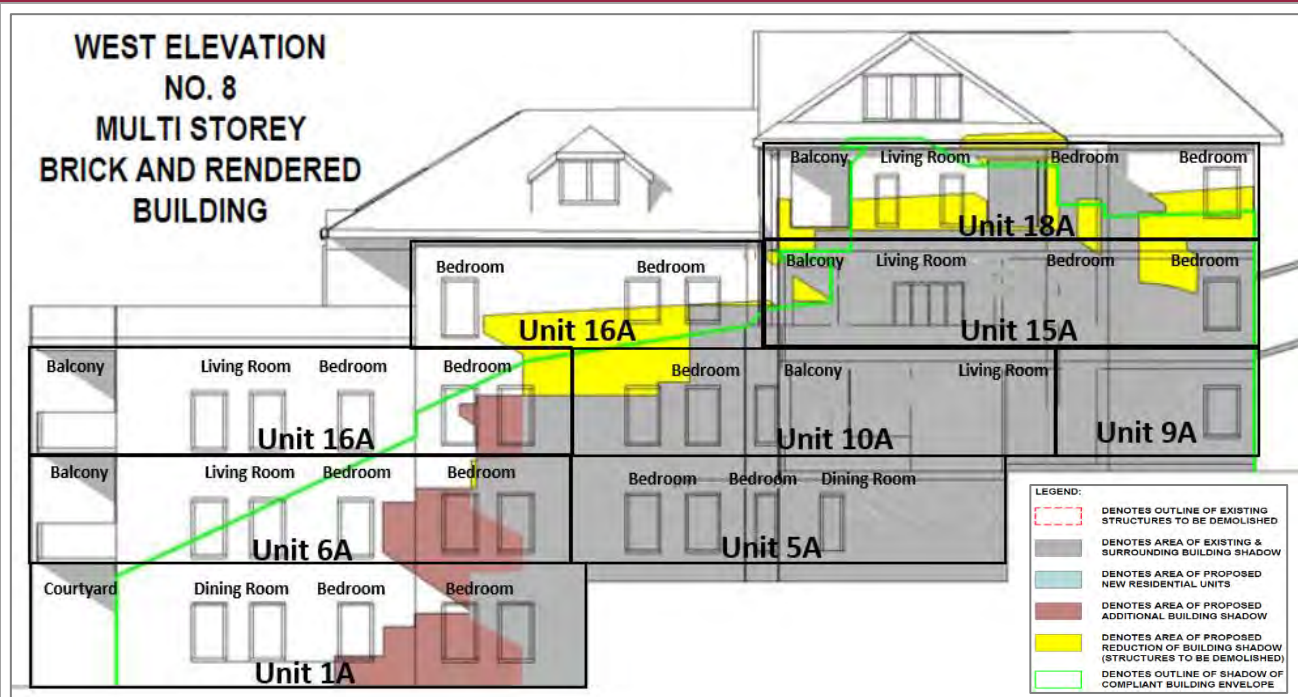
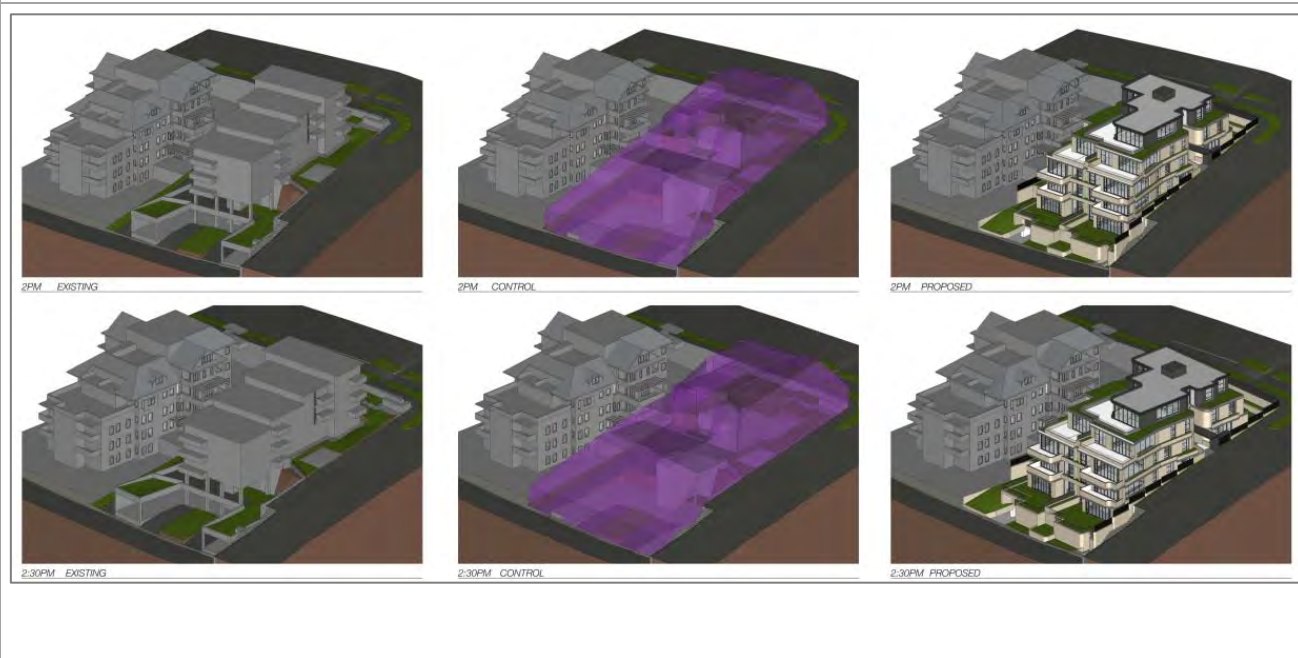


Figure 11: Extract of Shadow Impact of West Elevation of 8 Sutherland Street – June 21st 3.00pm (Source: CAD Draft)



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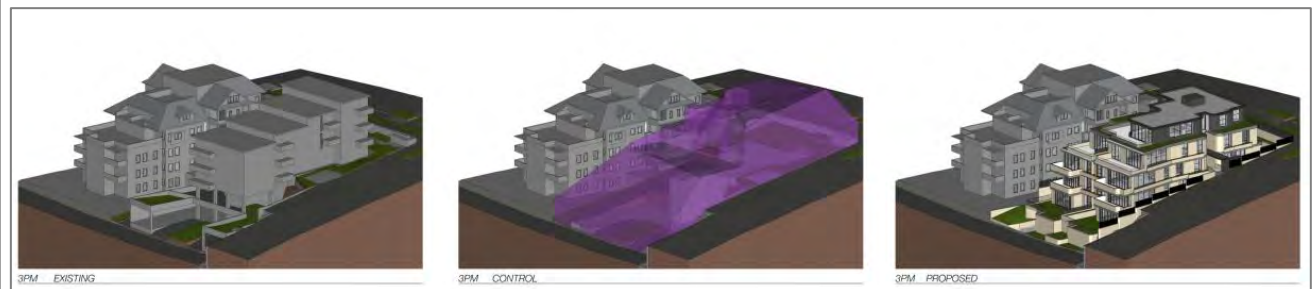


Figure 12: Solar Access Plans: 2pm – 3pm at Midwinter (Source: MHN Design Union)

No. 1 Sutherland Street

The proposed development is located 20m (approx.) north of No. 1 Sutherland Street and therefore does not cast any shadows to habitable rooms or private open space to this property between 9am – 3pm at mid-winter.

Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provide solar access to No. 1 Sutherland Street.

No. 2 Grasmere Lane

The proposed development is located 10m (approx.) south of No. 2 Grasmere Lane and therefore does not cast any shadows to habitable rooms or private open space between 9am – 3pm at mid-winter. Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provides solar access to No. 2 Grasmere Lane.

No. 3 Grasmere Road

The proposed development is located 10m (approx.) south of No. 3 Grasmere Road and therefore does not cast any shadows to habitable rooms or private open space between 9am – 3pm at mid-winter. Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provides solar access to No. 3 Grasmere Road.

No. 10 Grasmere Lane

The proposed development is located 15m (approx.) southwest of 10 Grasmere Lane and therefore does not cast any shadows to habitable rooms or private open space between 9am – 3pm at mid-winter. Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provides solar access to No. 10 Grasmere Lane.

Maintaining Solar Access to Public Reserves

The proposed development is located 12m (approx.) east of Cammeray Park. As detailed in the Shadow Diagrams (**Appendix D**), the proposed development does not cast shadows on Cammeray Park between 9am – 3pm at mid-winter. Accordingly, the proposal inclusive of the proposed variations to the HoB development standard, provides solar access to Cammeray Park.

Maintaining Solar Access to Streets

As detailed on the Shadow Diagrams (**Appendix D**), the proposed development casts minor additional overshadowing to Park Avenue at 9am during mid-winter when compared to the existing development. The extent of the additional overshadowing is very minor and will not cause any unacceptable impacts.



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ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

The proposed development, as a whole, is in the public interest as it provides a high quality residential development which maintains and promotes solar access to existing development, public reserves and streets as discussed in detail above.

The proposed development as a whole enables unobstructed solar access to be provided to the habitable rooms and balconies of No. 8 Sutherland Street from 9am - 2pm at mid-winter. From 2.00pm – 3.00pm the proposed development partially obstructs solar access to habitable rooms and private open space as shown in the Shadow Diagrams (Appendix D). Portions of the proposed development which do not exceed the HoB development standard cause minor additional shadowing when compared to the existing development to the bedrooms within Unit 16A, Unit 6A and Unit 1A. This is acceptable as these habitable rooms receive a minimum of 2 hours solar access.

In accordance with 'Ricola', design measures have been implemented which clearly minimise potential impacts of the new development. To summarise, the steps taken to minimise potential impacts as a result of the proposed building include but are not limited to:

- Ensuring the structures contravening the HoB development standard are located centrally within the building envelope where possible to minimise overshadowing impacts to 8 Sutherland Street.
- Ensuring the bulk of the proposed development has been setback 8.365m from Grasmere Lane which is compliant with the NSDCP setback controls and ensures that solar access is maximised to 8 Sutherland Street.

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

The portions of the proposed development which contravene the HoB development standard do not cause any unacceptable privacy impacts to residents of existing dwellings or potential future development.

As detailed in the Architectural Plans (**Appendix A**) a minimum of 11.465m building separation is provided from the proposed height variations to the adjoining RFB at No. 8 Sutherland Street, which is similar to the separation provided by the existing development (refer to Figure 13). Further, mitigation measures are proposed in the form of planters and mature trees within the deep soil zone in the eastern boundary which will assist in providing visual and acoustic privacy to 8 Sutherland Street.

A minimum of setback of 10.24m-17.11m is provided from the portions of the building which vary from the height control to the Grasmere Lane boundary (refer to Figure 14). The proposed height variations are located a minimum of 17.92m away from the dwellings at 3 Grasmere Road and 2 Grasmere Lane inclusive of the distance provided by the width of Grasmere Lane (refer to Figure 15). The building separation provided to these properties ensures that privacy will be maintained for residents of the dwellings north of Grasmere Lane. It should also be noted that 2 Grasmere Lane and 3 Grasmere Lane present to Grasmere Lane as garages, with only one (1) habitable room with one (1) window facing towards the proposed development (refer to Figure 16). Accordingly, the impact of the proposed development on the privacy of dwellings to the north of Grasmere Lane will be negligible.

In accordance with 'Ricola', design measures have been implemented which clearly minimise potential impacts of the new development. To summarise, the steps taken to minimise potential impacts as a result of the proposed building include but are not limited to:

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- Ensuring the structures contravening the HoB development standard are located centrally within the building envelope where possible to minimise acoustic and visual privacy impacts to 8 Sutherland Street, 2 Grasmere Lane and 3 Grasmere Road.
- Providing screening on windows, and the provision of planters and mature trees on the eastern boundary to provide improved visual and acoustic privacy to 8 Sutherland Street.

The proposed development, as a whole, is in the public interest as it provides high quality residential development and maintains and promotes privacy for existing and future dwellings, by providing similar building separation to the existing development and providing a deep soil zone which will accommodate mature tree planting.



Figure 13: North Elevation, detailing deep soil zone which will accommodate mature tree planting to provide acoustic and visual privacy to 8 Sutherland Street (Source: MHN Design Union)

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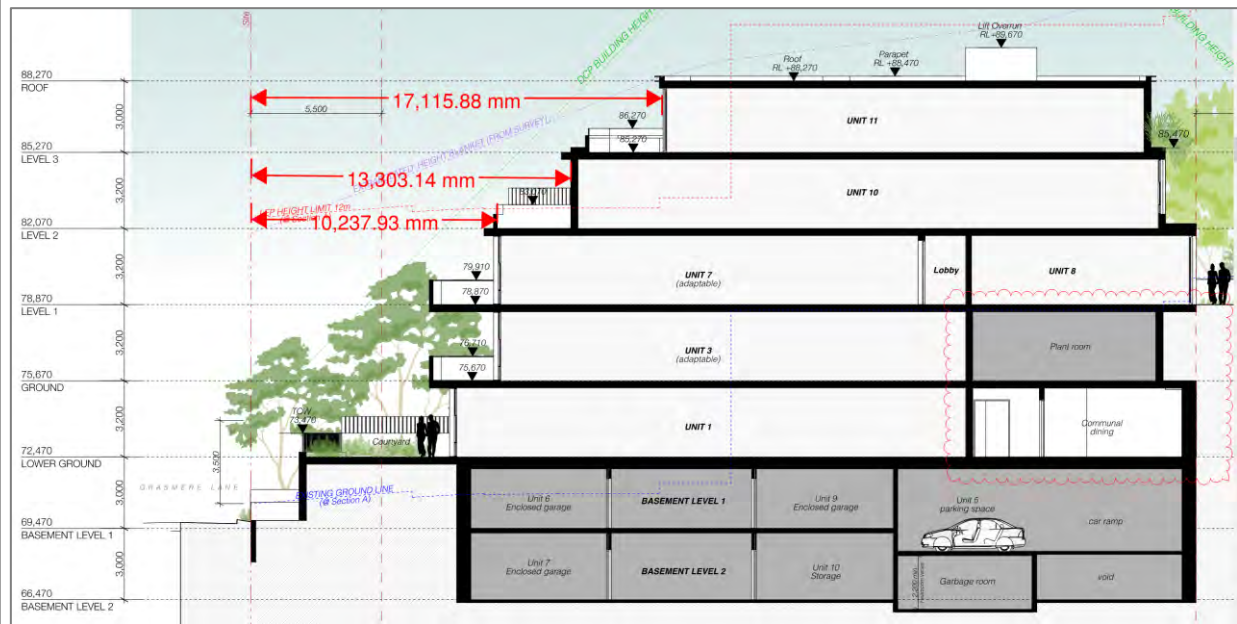


Figure 14: Extract of Section A, demonstrating that proposed height variations are located an appropriate distance away from the properties north of Grasmere Lane to ensure privacy is maintained (Source: MHNDU)

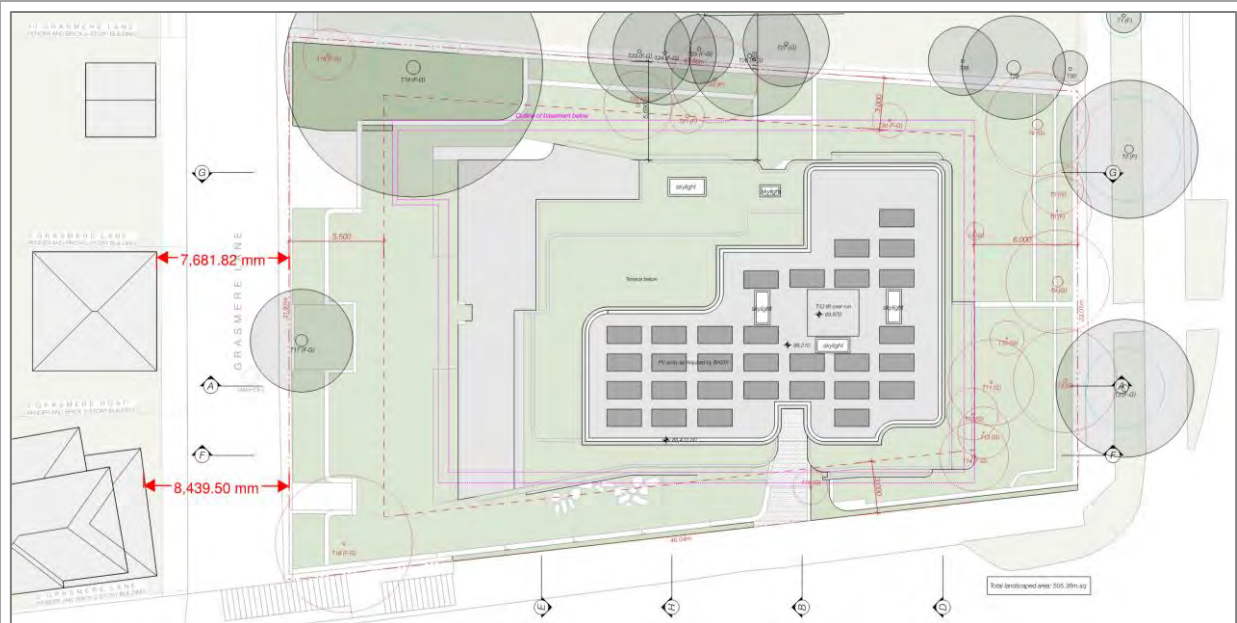


Figure 15: Extract of Site and Roof Plan, detailing the width of Grasmere Lane and the boundary-to-boundary setbacks of the properties north of Grasmere Lane in relation to the proposed development (Source: MHNDU)

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Figure 16: View of 2 Grasmere Lane and 3 Grasmere Road, which shows that only one (1) habitable room with one (1) window faces towards the site (Source: MHNDU)

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

The site is located within the R4 zone in close proximity to a RE1 Public Recreation Zone.

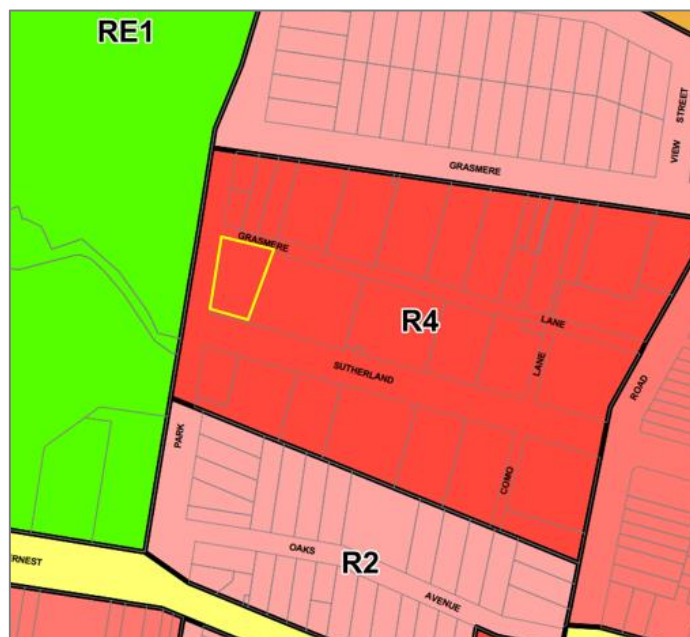


Figure 17: Land Zoning Map, site outlined in yellow (Source: NSLEP 2013)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

The portions of the proposed development which contravene the HoB development standard do not cause the development to be incompatible with the RE1 zone or any adjoining development. The existing built form and character of the locality is of a high-density residential area which is characterised by RFBs of heights varying from two (2) to thirteen (13) storeys. The future character of the area described in the Waters Neighbourhood section of the NSDCP, is envisaged as: *“predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone”*.

Existing properties to the north of the site on the opposite side of Grasmere Lane comprise of predominantly of low to medium density dwelling houses and residential flat buildings, including No. 1, 3 and 5 Grasmere Road, and No. 2, 10 and 11 Grasmere Lane. The existing building form is predominantly 2-4 storeys. The portions of the proposed building which contravene the HoB development standard are setback a minimum of 10.24m from the site boundary closest Grasmere Lane, and the overall built form presents as 3 storeys which is compatible with properties to the north.

Properties to the east of the site along Sutherland Street predominantly comprise of high density residential flat buildings. No. 8 Sutherland Street is located immediately to the east of the site, sharing a site boundary. Although in some portions of the site the residential flat building has a building form of 5-6 storeys (approx.) at street level it presents as two (2) storeys to Sutherland Street and four (4) storeys to Grasmere Lane. The height at roof level of the proposed development is RL88.27 and the height of 8 Sutherland Street is RL85.970. Accordingly, the proposed variations enable an appropriate 2.3m transition in height from the proposed development to the existing adjoining residential flat building development at No. 8 Sutherland Street (refer to Figure 19). A minimum of 11.465m building separation is provided from the portions of the proposed building which contravene the HoB development standard to the adjoining RFB development at 8 Sutherland Street, which assists in ensuring a compatible transition. The proposed development (inclusive of the proposed development) provides a built form of 4 storeys to Grasmere Lane and 2 storeys to Sutherland Street, which is consistent with the adjoining development at 8 Sutherland Street.

Development to the south, on the opposite side of Sutherland Street comprises of high density residential flat buildings ranging from three (3) to thirteen (13) storeys. As detailed above, the proposed development (inclusive of the proposed variations) provides a built form of 2 storeys to Sutherland Street, which provides a compatible transition to existing properties to the north.

The adjoining RE1 Public Recreation zone is located to the west of the site and comprises of Cammeray Park. Park Avenue is located immediately west of the site which comprises of two (2) lanes and on-street car parking on both sides. Development on the opposite side of the road comprises of Cammeray Oval, Tennis Club and Golf Club. The proposed development (inclusive of the proposed variations) provides a 3-storey built form to Park Avenue, which will provide a compatible transition to Cammeray Park.

Although the proposed development has a greater maximum building height than the existing development (due to the multiple and varying existing ground levels), it achieves greater compliance with the 12m HoB development standard as the overall built form and extent of the variation to the HoB development standard has been reduced (refer to Figure 5 and Figure 6). This ensures that the proposed development is more compatible with adjoining development than the existing development. As discussed in relation to objective 4.3(a), the proposed development has also been designed to be consistent and reflect with the topography having a stepped form which lowers its height at its northern end. The proposed variations to the HoB development standard assist in ensuring the development is compatible with adjoining development,

CI 4.6 Variation Request – Height of buildings

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by providing the bulk of building at the southern portion of the site, which is consistent with the adjoining development at 8 Sutherland Street.

Public Interest:

The proposed development as a whole is in the public interest as it provides high quality residential development and is compatible with adjoining development, particularly due to the fact that it is lower than the existing building on the site.



Figure 18: East Elevation, showing proposed 2-3 storey built form to Grasmere Lane, and 3 storey built form to Sutherland Street (Source: MHNDU)



Figure 19: North Elevation (Source: MHN Design Union)



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013
(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

The existing built form and character of the locality is of a high-density residential area which is characterised by RFBs of heights varying from two (2) to thirteen (13) storeys. The future character of the area described in the Waters Neighbourhood section of the NSDCP, is envisaged as: “*Predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone*”.

As discussed in detail below, the proposed development (inclusive of the portions which vary from the height of building control) is compatible within the scale and density of the existing and future high-density residential character of the locality.

The existing RFB on the site (if measured from the multiple and varied levels on the existing ground level), already exceeds the HoB and has a maximum building height of 14.8m (RL 75,230 – RL 90,030 and RL 70.53 - 85,330) at the northern and southern edges of the roof level (refer Figure 5). The highest point of the existing RFB is at RL90,030. In redeveloping the site, the proposal seeks to **reduce** the extent of the built form which exceeds the HoB development standard, and ensures the maximum variation is located away from the adjoining RFB at 8 Sutherland Street and the dwellings at 2 Grasmere Lane and 3 Grasmere Road. Although the proposed development has a greater maximum building height in metres, due to the multiple and varied levels on the existing ground level, it achieves greater compliance with the 12m HoB development standard as the overall built form and extent of the variation to the HoB development standard has been reduced.

It also has a lower max RL at 89,670 which is located at the lift overrun, centrally within the building envelope. Accordingly, the proposal provides a height of building which is considered to positively contribute to the quality and transitioning identity of the locality and is compatible with adjoining development.

There is no applicable floor space ratio (FSR) control for the site. Accordingly, the North Sydney Development Control Plan (NSDCP) landscape area, site coverage, un-built upon area controls determine the scale and density of the development. A summary of the proposed developments compliance with these controls is provided below. As demonstrated below, the proposed height variations do not result in non-compliances with the key scale and density controls.

| Control | Proposed | Compliance |
|---|--|------------|
| NSDCP Landscape Area | | |
| Minimum of 40% of site area required to be landscape area = 499.12m ² | 40.5% of site area proposed as landscape area = 505.36m ² | Yes |
| NSDCP Site Coverage | | |
| Maximum of 45% of site area permitted to be site coverage = 561.50m ² | 44.9% of site area proposed as site coverage = 560.43m ² | Yes |
| NSDCP Un-Built Upon Area | | |
| Maximum of 15% of site area permitted to be un-built upon area = 187.17m ² | 14% of site area proposed as un-built upon area (175.7m ²) | Yes |



CI 4.6 Variation Request – Height of buildings

ACHIEVEMENT OF OBJECTIVES OF CLAUSE 4.3 OF THE NSLEP 2013

As is discussed in detail above in relation to objective b, c and d of Clause 4.3 of the NSLEP, the proposed development provides appropriate setbacks and building separation to adjoining dwellings, and the proposed scale and density does not cause unacceptable adverse view, solar or privacy impacts. It is also established in relation to objective e of Clause 4.3 that the proposed height and scale is compatible with adjoining development. Accordingly, the proposed scale and density promotes the high-density residential character of the area.

Public Interest:

The proposed development as a whole is in the public interest as it provides high quality residential development with an appropriate scale and density, which is characteristic of the high-density residential character of the area, particularly due to the fact that it is lower than the existing building on the site and the proposed development complies with the site coverage, landscape area and un-built upon area controls of the NSDCP.

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

This objective is not applicable to the proposed development as the site is zoned R4 High Density Residential.

- 5.2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objective or purpose is relevant to the development and therefore is not relied upon.

- 5.3. The objective would be defeated or thwarted if compliance was required with the consequent that compliance is unreasonable.

The objective would not be defeated or thwarted if compliance was required. This reason is not relied upon.

- 5.4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been abandoned by Council actions in this case and so this reason is not relied upon.

- 5.5. The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore is not relied upon.



6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ observed that in order for there to be ‘sufficient’ environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning grounds to justify the variation of the HoB development standard are set out in the preceding sections in detail. As discussed in **Section 5**, the non-compliant portions of the development do not result in any meaningful additional adverse environmental impact and instead provide a built form that is compatible with the desired future character of the area and consistent with the objectives of clause 4.3.

Additionally, the proposed development, notwithstanding the non-compliance with the HoB development standard, better achieves important statutory goals (when compared with a compliant development and the existing development). The superior outcome, in terms of statutory planning goals, combined with the absence of meaningful additional adverse environmental impacts are environmental planning grounds that justify the variation.

The relevant environmental planning grounds are as follows:

- A key consideration of this proposal is the removal of an existing RFB, which itself does not comply with the relevant height limit under Councils current controls. The existing RFB on the site (if measured from the multiple and varied levels on the existing ground level), has a maximum building height of 14.8m (RL 75,230 – RL 90,030 and RL 70.53 - 85,330) at the northern and southern edges of the roof level. In redeveloping the site, the proposal reduces the max RL to 89,670 and likewise, the extent of the variation to the HoB development standard to ensure they are located centrally within the building envelope to ensure that where there are breaches of height, they do not cause any adverse impact. In this respect, the proposal responds to the site and its context, providing a transition in height between adjoining buildings and stepping with the topography of the land. Accordingly, the proposal provides a built form and massing which is considered to positively contribute to the quality and transitioning identity of the locality and is compatible with adjoining development.
- The proposed development achieves compliance with the HoB development standard if measured in accordance with Better. The variation to the HoB development standard is based on measuring building height from the multiple and varied levels on the existing ground level. Notwithstanding, the design carefully steps the building mass with the steep topography of the property from south (Sutherland Street) to north (Grasmere Lane).
- The proposed development has re-distributed the mass away from the northern and western boundary which front the dwellings at 2 Grasmere Lane and 3 Grasmere Road and the adjoining existing residential flat building at 8 Sutherland Street. This improves solar access, views, privacy, separation and the quality of landscaping when compared to the existing and a complying development. Accordingly, the proposal achieves the objective in section 1.3(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), “to promote the orderly and economic use and development of the land”.



CI 4.6 Variation Request – Height of buildings

- The proposed development is compatible with adjoining residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings. The upper storey of the building is carefully massed, to break up the buildings bulk and scale. Importantly, the variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views or privacy. Accordingly, the objective achieves objective 1.3 (g) of the EP&A Act, “to promote good design and amenity in the built environment”.

For completeness, we note that the size of the variation (41.7%) is not in itself, a material consideration as whether the variation should be allowed. There is no constraint on the degree to which a consent authority may depart from a numerical standard under clause 4.6: *GM Architects Pty Ltd v Strathfield Council* [2016] NSWLEC 1216 at [85].

Some examples that illustrate the wide range of commonplace numerical variation to development standards under clause 4.6 (as it appears in the Standard Instrument) are as follows:

- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187%.
- In *Abrams v Council of the City of Sydney* [2019] NSWLEC 1583 the Court granted development consent for a four-storey mixed use development containing 11 residential apartments and a ground floor commercial tenancy with a floor space ratio exceedance of 75% (2.63:1 compared to the permitted 1.5:1).
- In *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 the Court granted development consent to a six-storey shop top housing development with a floor space ratio exceedance of 42% (3.54:1 compared to the permitted 2.5:1).
- In *Artazan Property Group Pty Ltd v Inner West Council* [2019] NSWLEC 1555 the Court granted development consent for a three storey building containing a hardware and building supplies use with a floor space ratio exceedance of 27% (1.27:1 compared to the permitted 1.0:1).
- In *88 Bay Street Pty Ltd v Woollahra Municipal Council* [2019] NSWLEC 1369 the Land and Environment Court granted development consent for a new dwelling house, swimming pool and landscaping at 6 Bayview Hill Road, Rose Bay with a height exceedance of 49% (14.16m compared to the permitted 9.5m).

In short, clause 4.6 is a performance-based control so it is possible (and not uncommon) for variations to be approved in the right circumstances.



CI 4.6 Variation Request – Minimum Site Width

7. PUBLIC INTEREST

In this section it is explained how the proposed development will be in the public interest because it is consistent with the objectives of the zone in which the development is proposed to be carried out. This is required by Clause 4.6(a)(ii) of the NSLEP.

In Section 5 it was demonstrated that the proposed development overall achieves the objectives of the R4 High Density Residential zone, notwithstanding the variation of the development standard (see comments under “public interest” in Table 1. Table 2 considers whether the proposal is also consistent with the objectives of the zone.

Table 2: Zone R4 High Density Residential Objectives

| OBJECTIVES OF THE R4 HIGH DENSITY RESIDENTIAL ZONE | DISCUSSION |
|---|--|
| To provide for the housing needs of the community within a high density residential environment. | The proposal involves the redevelopment of the site to provide a modern residential flat building which is compatible with land uses in the locality and responds to a particular housing need. The variation to the standard does not affect consistency with this objective. |
| To provide a variety of housing types within a high density residential environment. | The locality comprises a mix of large-scale dwelling houses, and high density residential flat buildings. The proposal contributes to the variety of housing types in the area and improves the housing quality and stock. The variation to the standard does not affect consistency with this objective. |
| To enable other land uses that provide facilities or services to meet the day to day needs of residents. | The proposal does not limit the provision of other land uses on other nearby sites. The development is located within 400m from facilities and services in Neutral Bay including supermarkets, medical centres and a post office. The variation to the standard does not affect consistency with this objective. |
| To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area. | The proposal is for a residential flat building which is permitted with consent within the R4 High Density zone and does not compromise the amenity of the surrounding area or the natural or cultural heritage area as detailed in Section 5. The variation to the standard does not affect consistency with this objective. |
| To ensure that a reasonably high level of residential amenity is achieved and maintained. | The proposal achieves the objectives of the ADG and therefore provides a high level of residential amenity. The variation to the standard does not affect consistency with this objective. |

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is consistent with the objectives of the development standard. According to clause 4.6(a)(ii), therefore, the proposal is in the public interest.



8. STATE OR REGIONAL ENVIRONMENTAL PLANNING

This section considers whether contravening of the development standard raises any matter of significant for state or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone, noting the absence of objectives of the development standard, and in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

Finally, we are not aware of any other matters required to be taken into consideration by the Secretary before granting concurrence.



CI 4.6 Variation Request – Height of Buildings

9. CONCLUSION

This submission requests a variation, under clause 4.6 of the *North Sydney Local Environmental Plan 2013 (NSLEP)*, to the Height of Building development standard and demonstrates that:

1. Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development,
2. The development achieves the objectives of the development standard and is consistent with the objectives of R4 High Density Residential zone,
3. There are sufficient environmental planning grounds to justify the contravention.

The consent authority can be satisfied of the above and that the development is in the public interest because it achieves the objectives of the development standard and is consistent with the objectives of R4 zone.

The concurrence of the Secretary can be assumed in accordance with Planning Circular PS 18-003.

On this basis, therefore, it is appropriate to exercise the flexibility provided by clause 4.6 in the circumstances of this application.



CI 4.6 Variation Request – Height of Buildings

Appendix A

– Architectural Plans (MHN Design Union)



CI 4.6 Variation Request – Height of Buildings

Appendix B – View Analysis (MHN Design Union)



CI 4.6 Variation Request – Height of Buildings

Appendix C – Solar Access Diagrams (MHN Design Union)



Appendix D

– Shadow Diagrams (CAD Draft)



Gyde Consulting

07 June 2022

Robyn Pearson - Team Leader (Assessments)
 Michael Stephens – Assessment Officer
 North Sydney Council
council@northsydney.nsw.gov.au

Dear Robyn and Michael,

2 Sutherland Street, Cremorne – DA/432/2021 – Response to RFI

Gyde Consulting represents Platform Project Services, the applicant for the Development Application (DA) at 2 Sutherland Street, Cremorne (DA/432/2021). This letter provides a response to the matters raised in Council's RFI letter dated 24 March 2022 and email correspondence from Council dated 4 May 2022 (refer to *Table 1*). This letter supplements the Statement of Environmental Effects (SEE) and is supported by:

- Amended Architectural Plans (MHNDU)
- Solar Studies and Amenity Analysis for Unit 1,2,3 and 5 (MHNDU / Gyde Consulting)
- Amended Arborist Report (Apex Tree and Garden Experts)
- Amended Landscape Plans (Myles Baldwin Design)
- Survey Plan for eastern boundary (StrataSurv)
- Previous Rental History for 2 Sutherland Street, Cremorne (Platform Project Services)

Table 1: Response to RFI

| # | Item raised by Council | Response |
|-----|---|--|
| 1 | SEPP (Housing) 2021 | |
| 1.1 | <i>In accordance with Part 3 of Chapter 2 in SEPP (Housing) 2021 it should be demonstrated that the existing residential flat building does not meet the definition of a low-rental residential building within the relevant period under the SEPP to confirm that the proposed demolition of the existing building would not cause a loss of affordable housing within the locality. Sufficient documentation is to be provided to demonstrate the requirements of the SEPP.</i> | <p>The existing development at 2 Sutherland Street, Cremorne is a twenty-one (21) unit residential flat building comprising of eighteen (18) studio units and three (3) 2-bed units. In accordance with <i>SEPP (Housing) 2021</i> the following definitions are relevant to the application.</p> <p>low-rental residential building means: <i>“a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that –</i> <i>(a) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or</i> <i>(b) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or</i> <i>(c) is vacant, but the last significant use of which was a residential flat building containing a low-rental dwelling or as a boarding house.”</i></p> |



| # | Item raised by Council | Response | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------|---|---|--|--|---------------|----------|------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|---|--------|-----------|----|--------|-----------|----|--------|-----------|----|--------|-----------|----|---|-----------|----|--------|-----------|
| | | <p>low-rental dwelling means: <i>“a dwelling that was let at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling –</i> <i>–</i> <i>(a) of the same type, and</i> <i>(b) with the same number of bedrooms, and</i> <i>(c) in the same local government area.”</i></p> <p>The relevant period is: <i>“the period commencing 5 years before the day on which the development application involving a building is lodged and ending on that day”</i></p> <p>The DA was lodged on 13 December 2021, and therefore the relevant period in this case is December 2016.</p> <p>Rent and Sales Report means: <i>“The Rent and Sales Report published by Services Australia or a publication issued in place of the publication by or on behalf of the Australian Government”.</i></p> <p>The previous rental history for 2 Sutherland Street, Cremorne is detailed within the excel spreadsheet prepared by Platform Project Services. In December 2016 (the relevant period), the rents of the apartments were as follows:</p> <table border="1" data-bbox="796 1182 1489 2074"> <thead> <tr> <th colspan="3" data-bbox="796 1182 1489 1238">2 Sutherland Street, Cremorne (2016 Rents)</th> </tr> <tr> <th data-bbox="796 1238 1011 1294">Apartment No.</th> <th data-bbox="1011 1238 1214 1294">Bedrooms</th> <th data-bbox="1214 1238 1489 1294">Rent</th> </tr> </thead> <tbody> <tr><td data-bbox="796 1294 1011 1350">1</td><td data-bbox="1011 1294 1214 1350">studio</td><td data-bbox="1214 1294 1489 1350">\$ 340.00</td></tr> <tr><td data-bbox="796 1350 1011 1406">2</td><td data-bbox="1011 1350 1214 1406">studio</td><td data-bbox="1214 1350 1489 1406">\$ 380.00</td></tr> <tr><td data-bbox="796 1406 1011 1462">3</td><td data-bbox="1011 1406 1214 1462">studio</td><td data-bbox="1214 1406 1489 1462">\$ 350.00</td></tr> <tr><td data-bbox="796 1462 1011 1518">4</td><td data-bbox="1011 1462 1214 1518">studio</td><td data-bbox="1214 1462 1489 1518">\$ 340.00</td></tr> <tr><td data-bbox="796 1518 1011 1574">5</td><td data-bbox="1011 1518 1214 1574">studio</td><td data-bbox="1214 1518 1489 1574">\$ 340.00</td></tr> <tr><td data-bbox="796 1574 1011 1630">6</td><td data-bbox="1011 1574 1214 1630">studio</td><td data-bbox="1214 1574 1489 1630">\$ 340.00</td></tr> <tr><td data-bbox="796 1630 1011 1686">7</td><td data-bbox="1011 1630 1214 1686">studio</td><td data-bbox="1214 1630 1489 1686">\$ 340.00</td></tr> <tr><td data-bbox="796 1686 1011 1742">8</td><td data-bbox="1011 1686 1214 1742">studio</td><td data-bbox="1214 1686 1489 1742">\$ 370.00</td></tr> <tr><td data-bbox="796 1742 1011 1798">9</td><td data-bbox="1011 1742 1214 1798">studio</td><td data-bbox="1214 1742 1489 1798">\$ 340.00</td></tr> <tr><td data-bbox="796 1798 1011 1854">10</td><td data-bbox="1011 1798 1214 1854">studio</td><td data-bbox="1214 1798 1489 1854">\$ 340.00</td></tr> <tr><td data-bbox="796 1854 1011 1910">11</td><td data-bbox="1011 1854 1214 1910">studio</td><td data-bbox="1214 1854 1489 1910">\$ 375.00</td></tr> <tr><td data-bbox="796 1910 1011 1966">12</td><td data-bbox="1011 1910 1214 1966">studio</td><td data-bbox="1214 1910 1489 1966">\$ 340.00</td></tr> <tr><td data-bbox="796 1966 1011 2022">14</td><td data-bbox="1011 1966 1214 2022">2</td><td data-bbox="1214 1966 1489 2022">\$ 340.00</td></tr> <tr><td data-bbox="796 2022 1011 2074">15</td><td data-bbox="1011 2022 1214 2074">studio</td><td data-bbox="1214 2022 1489 2074">\$ 175.00</td></tr> </tbody> </table> | 2 Sutherland Street, Cremorne (2016 Rents) | | | Apartment No. | Bedrooms | Rent | 1 | studio | \$ 340.00 | 2 | studio | \$ 380.00 | 3 | studio | \$ 350.00 | 4 | studio | \$ 340.00 | 5 | studio | \$ 340.00 | 6 | studio | \$ 340.00 | 7 | studio | \$ 340.00 | 8 | studio | \$ 370.00 | 9 | studio | \$ 340.00 | 10 | studio | \$ 340.00 | 11 | studio | \$ 375.00 | 12 | studio | \$ 340.00 | 14 | 2 | \$ 340.00 | 15 | studio | \$ 175.00 |
| 2 Sutherland Street, Cremorne (2016 Rents) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apartment No. | Bedrooms | Rent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | studio | \$ 380.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | studio | \$ 350.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | studio | \$ 370.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | studio | \$ 375.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | studio | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 2 | \$ 340.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | studio | \$ 175.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



| # | Item raised by Council | Response | | |
|---|------------------------|---|--------|-----------|
| | | 16 | studio | \$ 340.00 |
| | | 17 | 2 | \$ 585.00 |
| | | 18 | studio | \$ 340.00 |
| | | 19 | studio | \$ 375.00 |
| | | 20 | 2 | \$ 510.00 |
| | | 21 | studio | \$ 375.00 |
| | | 22 | studio | \$ 340.00 |
| | | <p>The Rent and Sales Report for December 2016 (refer to Figure 1) specifies that the median rent in the North Sydney Local Government Area (LGA) for flats/units were as follows:</p> <ul style="list-style-type: none"> • One Bedroom = \$520 • Two Bedroom = \$650 <p>It should be noted that the existing residential flat building contains studio units. Studio units are generally rented at a lower rate than one-bedroom apartments and are therefore not directly comparable to the rental rates specified within the Rent and Sales Report. To enable a direct comparison, analysis is currently being undertaken to review the median rent for studio apartments within the North Sydney LGA during December 2016. Nonetheless, to ensure that the processing of the DA is not delayed, the contributions payable have been calculated in accordance with the rates for one- and two-bedroom apartments detailed within the Rent and Sales Report as detailed below.</p> <p>Based on the rental history for the existing residential flat building at 2 Sutherland Street, Cremorne, all apartments were at a rental level lower than that specified in the Rent and Sales Report for December 2016 for one- and two-bedroom flats/units.</p> <p>Accordingly, contributions for affordable housing in accordance with clause 48 of SEPP (Housing) 2021 are required based on the following formula:</p> <p>$C = L \times R \times 0.05$ <i>C</i> = contribution payable. <i>L</i> = the total number of bedrooms in a low-rental dwelling and boarding rooms that will be lost by the proposed development <i>R</i> = The replacement cost calculated as the average value of the first quartile of sales of strata properties in the local government area in which the development is to take place, as specified in the 4 most recent editions of the Rent and Sales Report.</p> | | |

| # | Item raised by Council | Response |
|---|------------------------|--|
| | | <p>The number of bedrooms in the existing low-rental dwelling that will be lost by the proposed development are as follows:</p> <ul style="list-style-type: none"> • Three (3) x Two (2) Bedroom Apartments = Six (6) bedrooms. • Eighteen (18) Studio Apartments = Eighteen (18) bedrooms. • Total number of low-rental dwelling bedrooms lost = twenty-four (24) bedrooms. <p>L = 24</p> <p>The replacement cost calculated as the average value of the first quartile of sales of strata properties in the local government area in which the development is to take place, as specified in the 4 most recent editions of the Rent and Sales Report is as follows:</p> <ul style="list-style-type: none"> • Sep 2021 – First Quartile of Strata Sales = \$970,000 • Jun 2021 – First Quartile of Strata Sales = \$850,000 • Mar 2021 – First Quartile of Strata Sales = \$868,000 • Dec 2020 – First Quartile of Strata Sales = \$883,000 • Average = \$892,750 <p>R = \$892,750</p> <p>C = L x R x 0.05 C = 24 x \$892,750 x 0.05 C = \$1,071,300.</p> <p>Accordingly, the contribution required to be paid is \$1,071,300.</p> |

Table 4. Weekly Rents for New Bonds - Greater Metropolitan Region - Flats/Units - December Quarter 2016

| Local Government Area and Codes (a) | One Bedroom | | | | | Two Bedrooms | | | | |
|-------------------------------------|----------------|--------|----------------|------------------|--------|----------------|--------|----------------|------------------|--------|
| | First Quartile | Median | Third Quartile | Change in Median | | First Quartile | Median | Third Quartile | Change in Median | |
| | \$ | \$ | \$ | Qtly % | Ann* % | \$ | \$ | \$ | Qtly % | Ann* % |
| GREATER SYDNEY | 410 | 495 | 570 | 0.0 | | 430 | 530 | 650 | -1.9 | |
| Inner Ring | 470 | 540 | 600 | 1.9 | | 590 | 690 | 790 | 1.5 | |
| 1 Ashfield | 360 | 398 | 430 | -0.6 | | 443 | 478 | 535 | 0.5 | |
| 2 Botany Bay | 510 | 550 | 580 | 0.0 | | 480 | 670 | 700 | 9.8 | |
| 3 Lane Cove | 450 | 510 | 560 | 2.0 | | 500 | 550 | 630 | 0.0 | |
| 4 Leichhardt | 400 | 450 | 550 | 0.0 | | 520 | 630 | 750 | -9.0 | |
| 5 Marrickville | 380 | 440 | 520 | 2.3 | | 460 | 520 | 630 | -1.9 | |
| 6 Mosman | 430 | 475 | 550 | 0.0 | | 595 | 650 | 760 | 0.0 | |
| 7 North Sydney | 460 | 520 | 595 | 1.0 | | 600 | 680 | 790 | 0.0 | |
| 8 Randwick | 450 | 520 | 570 | 4.0 | | 580 | 650 | 720 | 4.8 | |
| 9 Sydney | 500 | 570 | 640 | 1.8 | | 690 | 760 | 870 | 1.3 | |
| 10 Waverley | 520 | 600 | 700 | 5.3 | | 680 | 755 | 900 | 4.9 | |
| 11 Woollahra | 440 | 520 | 600 | 7.8 | | 660 | 730 | 850 | 4.7 | |

Figure 1: Extract of Rent and Sales Report for December 2016 (Source: NSW Communities & Justice)



Gyde Consulting

7 June 2022

Robyn Pearson – Team Leader (Assessments)
Michael Stephens – Assessment Officer
North Sydney Council
council@northsydney.nsw.gov.au

Dear Robyn and Michael,

2 SUTHERLAND STREET, CREMORNE – DA/432/2021 – SOLAR AMENITY ANALYSIS

Gyde Consulting represents Platform Project Services, the applicant for the Development Application (DA) at 2 Sutherland Street, Cremorne (DA/432/2021).

The purpose of this letter is to provide additional analysis in relation to the solar access and general amenity of Units 1, 2, 3 and 5 as requested in Councils RFI dated 24 March 2022. This letter should be read in conjunction with the RFI Response Cover Letter, and the Solar Studies prepared by MHNDU.

1. Lower Ground Level Units

Unit 1 – Bedrooms

Unit 1 is located on the lower ground floor and originally (when lodged) comprised of three (3) bedrooms, one (1) which faced north and two (2) which faced west. It is the west facing bedrooms which Council considered as subterranean and having low amenity. In further email correspondence on 4 May 2022, Council advised that Unit 1 should be reduced to a two-bedroom unit.

As recommended by Council, Unit 1 has been amended to a two-bedroom unit. This has been achieved by deleting a bedroom and converting it to a storage room (refer to Figure 1) (DWG No. 9400).

The amended configuration of Unit 1 achieves a high level of amenity. Additional solar studies have been prepared by MHNDU which demonstrate that the living room and north facing bedroom receive a high level of solar access during mid-winter (refer to Figure 2). The living room and north facing bedroom receive sunlight all day during mid-winter, indicating that solar access all year round to Unit 1 is excellent.

The main private open space to Unit 1 is the 122.89m² landscaped courtyard, with the primary area facing north and accessed off the living area (refer to Figure 1). This landscaped courtyard is oversized in terms of the design criteria of the ADG and adds to the overall amenity of the unit. The landscaped courtyard receives sunlight all day during mid-winter, indicating that solar access all year round is excellent (refer to Figure 2). The landscaped courtyards also provide the north and west facing bedrooms with extensive green outlooks as demonstrated in the views prepared by MHNDU (refer to Figure 3).

The west facing bedrooms of Unit 1 receive solar access at 1pm during mid-winter which is an acceptable outcome considering the constrained nature of the site. While a high level of solar access to bedrooms is desirable, it is not always possible, and is not an ADG requirement. There is a significant existing cut the site within this location, and the site is constrained by the steep topography of the land. Nonetheless, the orientation

of the cut allows for 2 hours of direct sunlight to the landscaped private open space adjacent to the west facing bedroom, and sunlight at 1pm to the west facing bedroom during mid-winter which is better than other developments that do not have the benefit of a north facing site.

The west facing bedroom is located 3.485m from the wall on the western boundary, which provides sufficient room for ventilation and privacy (refer to Figure 4). The west facing bedroom is located at a level of RL72.47 and the wall on the western boundary is at a level of RL78.802. This is appropriate for the location as it provides privacy for the west facing bedrooms whilst also allowing for a high level of solar access to the landscaped courtyard and living room area.

In conclusion, Unit 1 will provide future residents with a high level of amenity in the living areas and in private open space areas and therefore will not require any further amendments.

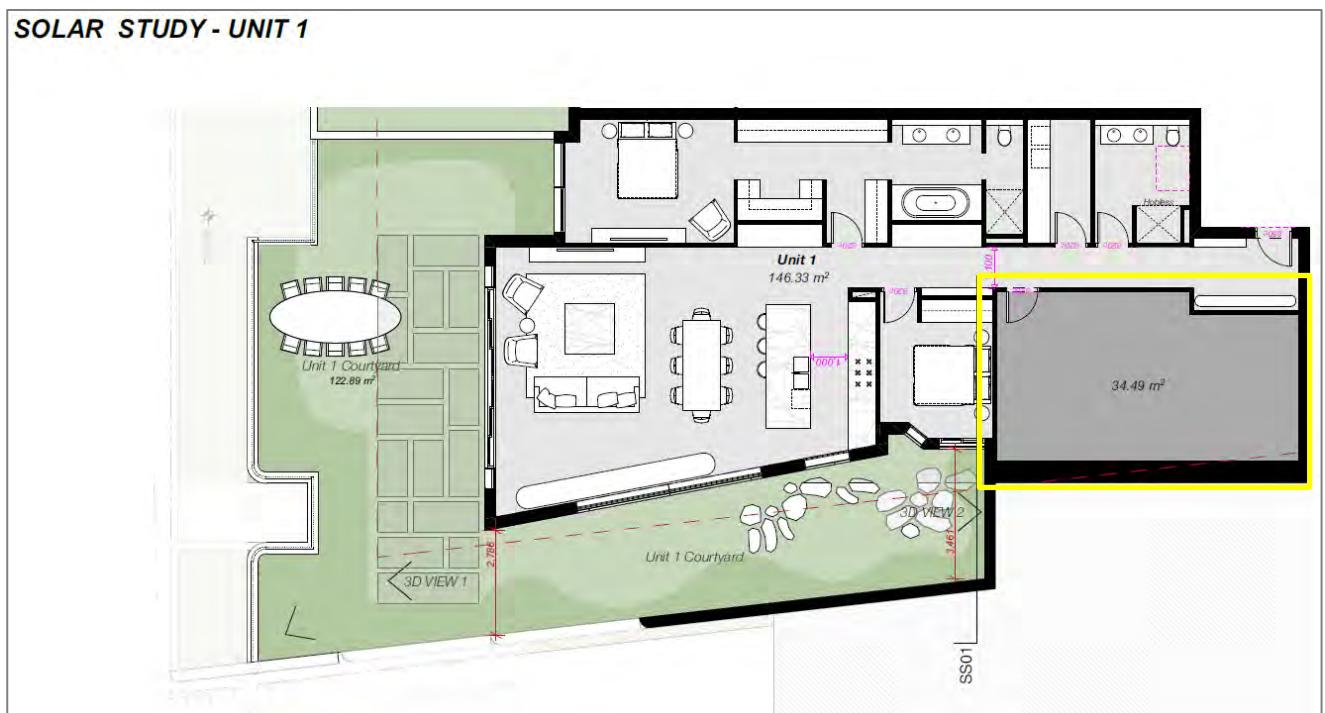
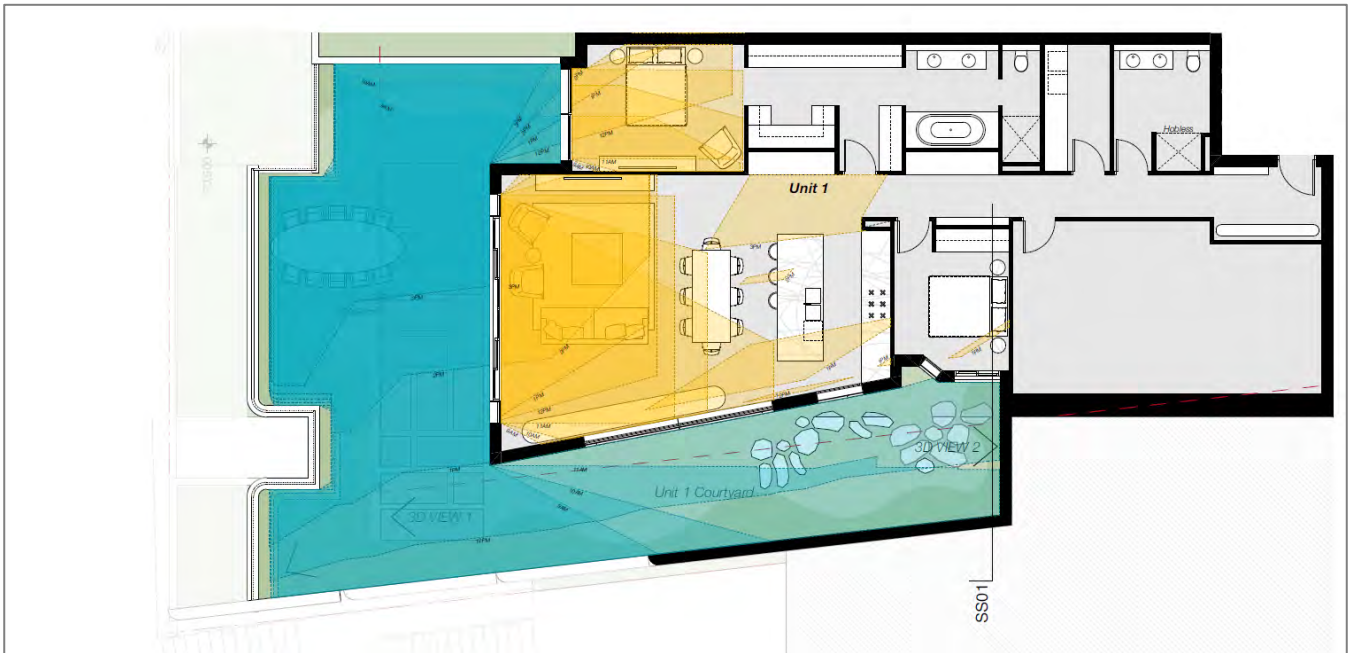


Figure 1: Extract of DWG No. 9400. As outlined in yellow a bedroom has been deleted in Unit 1 and replaced with storage room as requested by Council (Source: MHNDU)



| | INDOOR | OUTDOOR |
|-------------|-----------|------------|
| 9AM | 32.89 sqm | 69.64 sqm |
| 10AM | 36.74 sqm | 80.03 sqm |
| 11AM | 37.11 sqm | 100.61 sqm |
| 12PM | 30.33 sqm | 96.17 sqm |
| 1PM | 26.04 sqm | 59.09 sqm |
| 2PM | 15.26 sqm | 46.83 sqm |
| 3PM | 4.45 sqm | 35.08 sqm |

Figure 2: Extract of DWG 9401. Which demonstrates the extent of solar access to Unit 1 during mid-winter (Source: MHNDU)



Figure 3: Extract of DWG No. 9403, demonstrating the outlooks to the extensive landscaped courtyards on the eastern façade (Source: MHNDU)

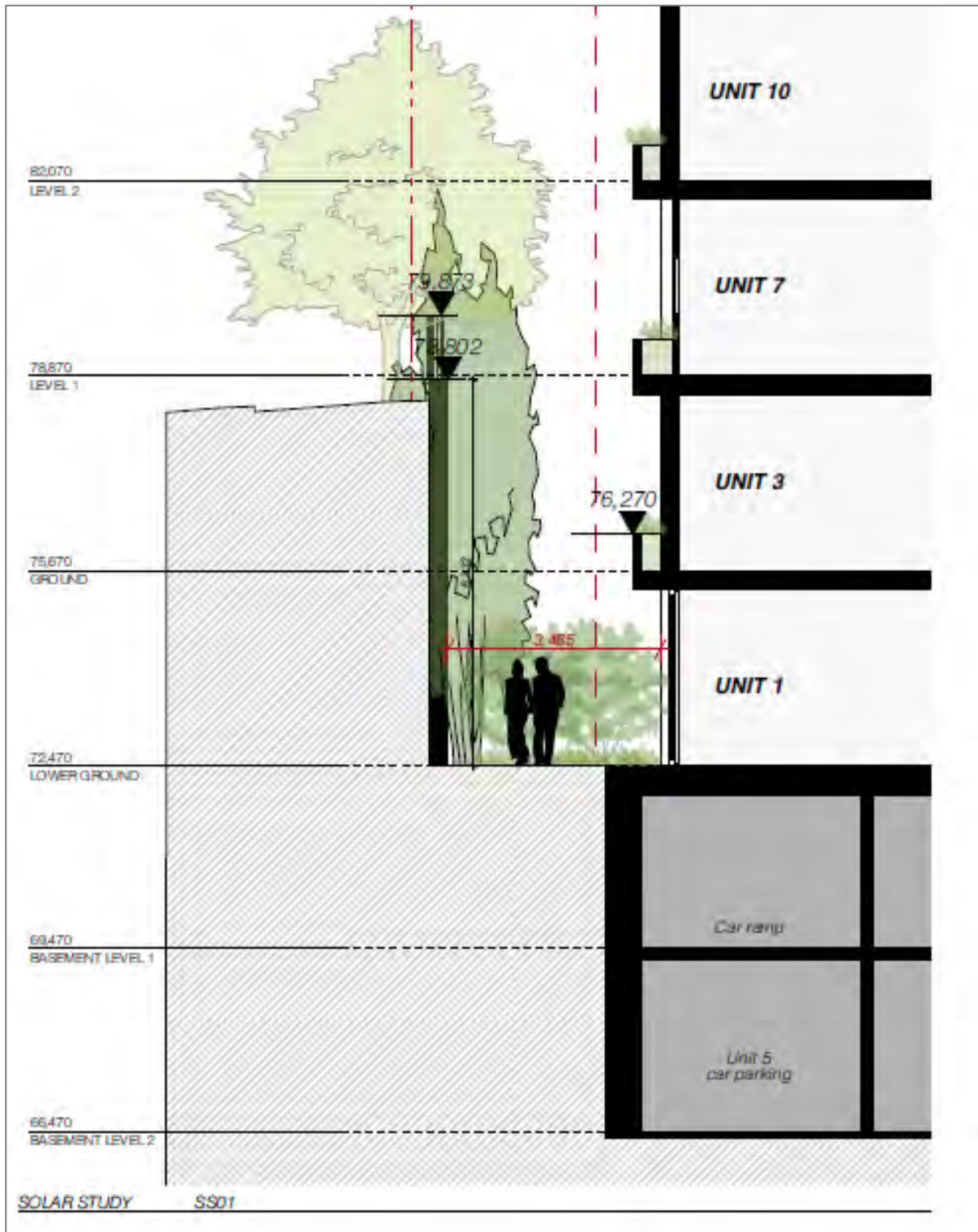


Figure 4: Extract of DWG 9402 which demonstrates that the windows of Bedroom 2 are located 3.485m from the eastern boundary. The west facing bedroom is located at a level of RL72.47 and the wall on the western boundary is at a level of RL78.802. (Source: MHNDU)



Unit 2 – Bedrooms

Unit 2 is located on the lower ground level and comprises of four (4) bedrooms, one (1) which faces north and three (3) which face east.

It is the east facing bedrooms which Council considered as subterranean and having low amenity. In further email correspondence on 4 May 2022, Council advised that the four (4) bedrooms could be retained subject to a solar study. As recommended by Council, Unit 2 has been amended on the external east facing façade with a stepped-out bedroom which provides improved solar access into the bedrooms (refer to Figure 5 and Figure 6).

Additional solar studies have been prepared by MHNDU which show that the living room and north facing bedroom receive a high level of solar access during mid-winter (refer to Figure 7). The living room and north facing bedroom receive sunlight all day during mid-winter, indicating that the solar access all year round to Unit 2 is excellent.

The main private open space to this unit is the 147.92m² landscaped courtyard, with the primary area facing north and accessed off the living area (refer to Figure 5). This landscaped courtyard is oversized in terms of the design criteria of the ADG and adds to the overall amenity of the unit. The landscaped courtyard receives sunlight all day during mid-winter, indicating that the solar access all year round is excellent (refer to Figure 7). The landscaped courtyards also provide the north and east facing bedrooms with extensive green outlooks as demonstrated in the views prepared by MHNDU (refer to Figure 8).

The east facing bedrooms of Unit 2 receive solar access from 9am – 10am during mid-winter which is an acceptable outcome considering the constrained nature of the site. While a high level of solar access to bedrooms is desirable, it is not always possible, and is not an ADG requirement. The east facing bedrooms are located 2.3m-3.777m from the retaining wall on the eastern boundary, which provides sufficient room for ventilation and privacy (refer to Figure 5 and Figure 9). The bedrooms are located at a level of RL 72.47 and the retaining wall on the eastern boundary is at a level of RL73.47, with the top of the fence at a level of RL 74.609 (refer to Figure 9). This is appropriate for the location as it provides privacy for the east facing bedrooms, whilst also allowing for a high level of solar access to the landscaped courtyard and living area.

In conclusion, Unit 2 will provide future residents with a high level of amenity in the living areas and in the private open space areas and therefore will not require any further amendments.

SOLAR STUDY - UNIT 2

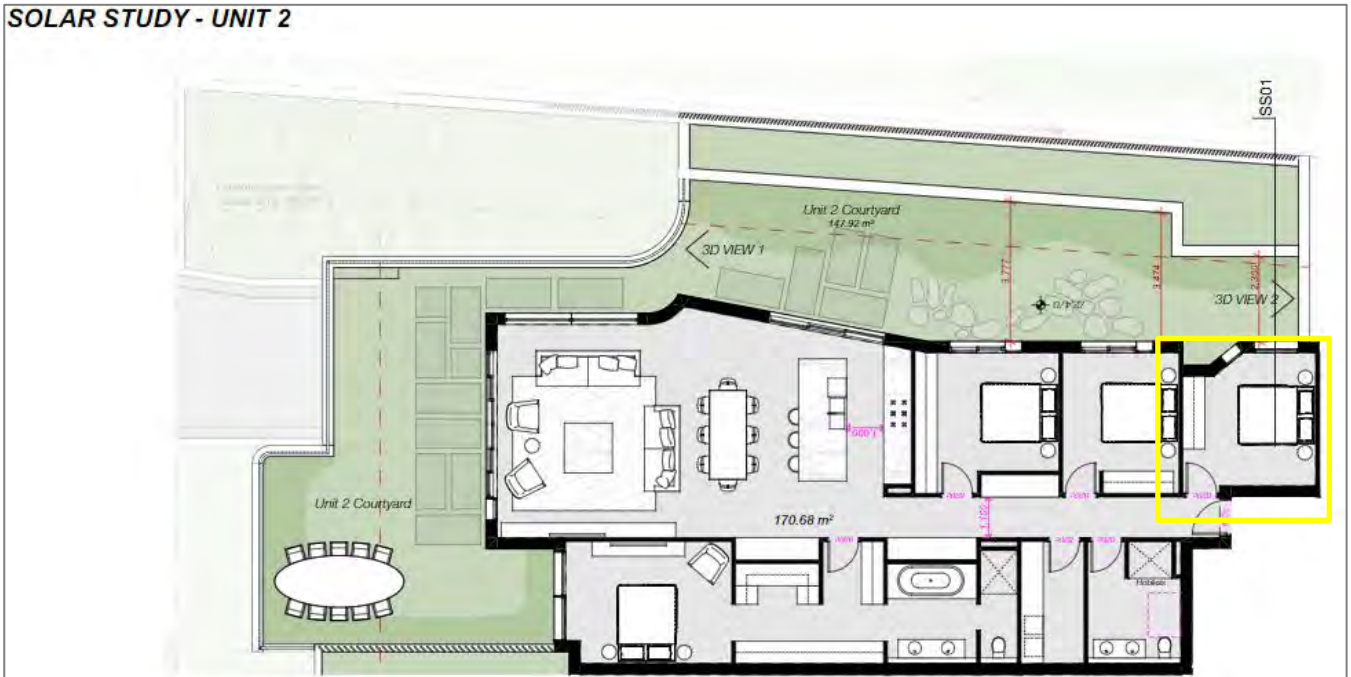


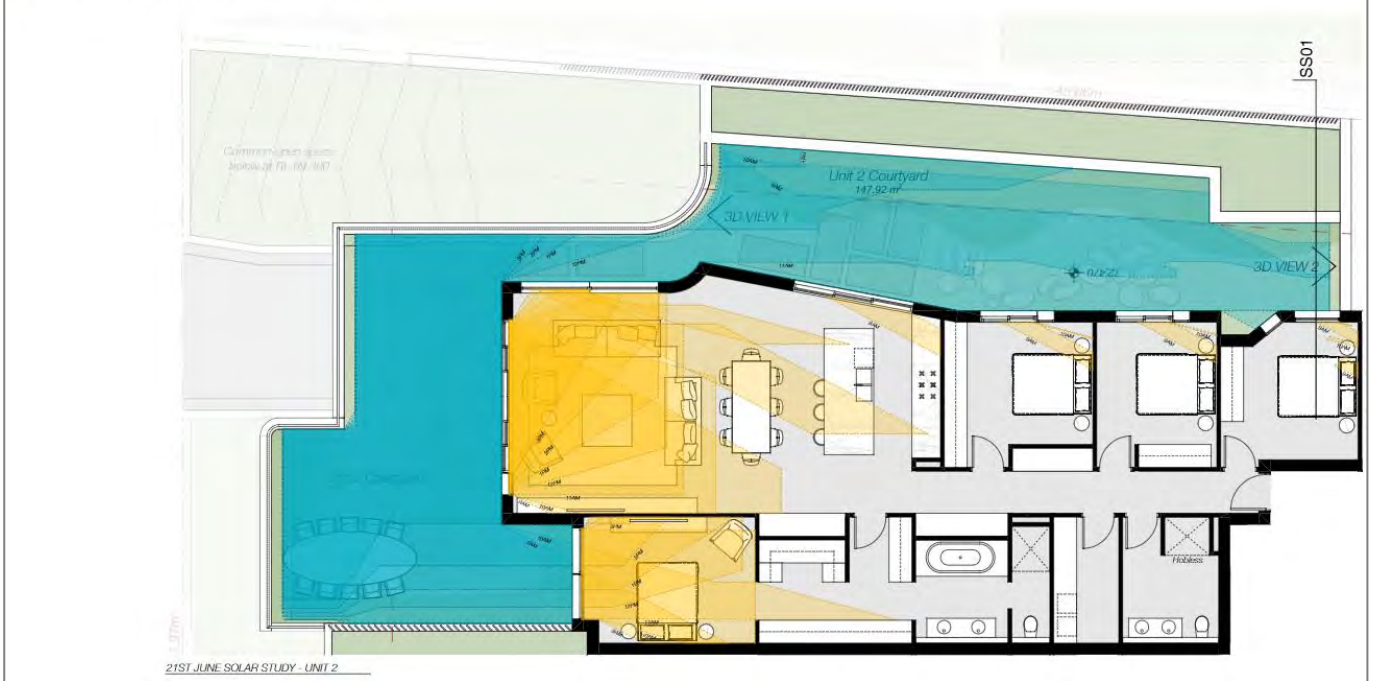
Figure 5: Extract of DWG No. 9404. As outlined in a yellow, the bedroom layout in Unit 2 has been amended to step out into eastern elevation providing improved solar access (Source: MHNDU)

SOLAR STUDY - UNIT 2 BED 4



Figure 6: Extract of DWG No. 9407 – demonstrating proposed amendments to provide improved solar access into Unit 2 Bedroom 4 (Source: MHNDU)

SOLAR AVAILABILITY - UNIT 2



| | INDOOR | OUTDOOR |
|-------------|---------------|----------------|
| 9AM | 37.74 sqm | 92.48 sqm |
| 10AM | 35.55 sqm | 106.09 sqm |
| 11AM | 30.97 sqm | 99.45 sqm |
| 12PM | 26.15 sqm | 64.87 sqm |
| 1PM | 19.68 sqm | 50.44 sqm |
| 2PM | 13.71 sqm | 45.09 sqm |
| 3PM | 7.55 sqm | 38.11 sqm |

Figure 7: Extract of DWG No. 9405 which demonstrates the extent of solar access into Unit 2 during mid-winter (Source: MHNDU)



Figure 8: Extract of DWG No. 9408, demonstrating the outlooks of extensive landscaped courtyards on the eastern façade of Unit 2 (Source: MHNDU)

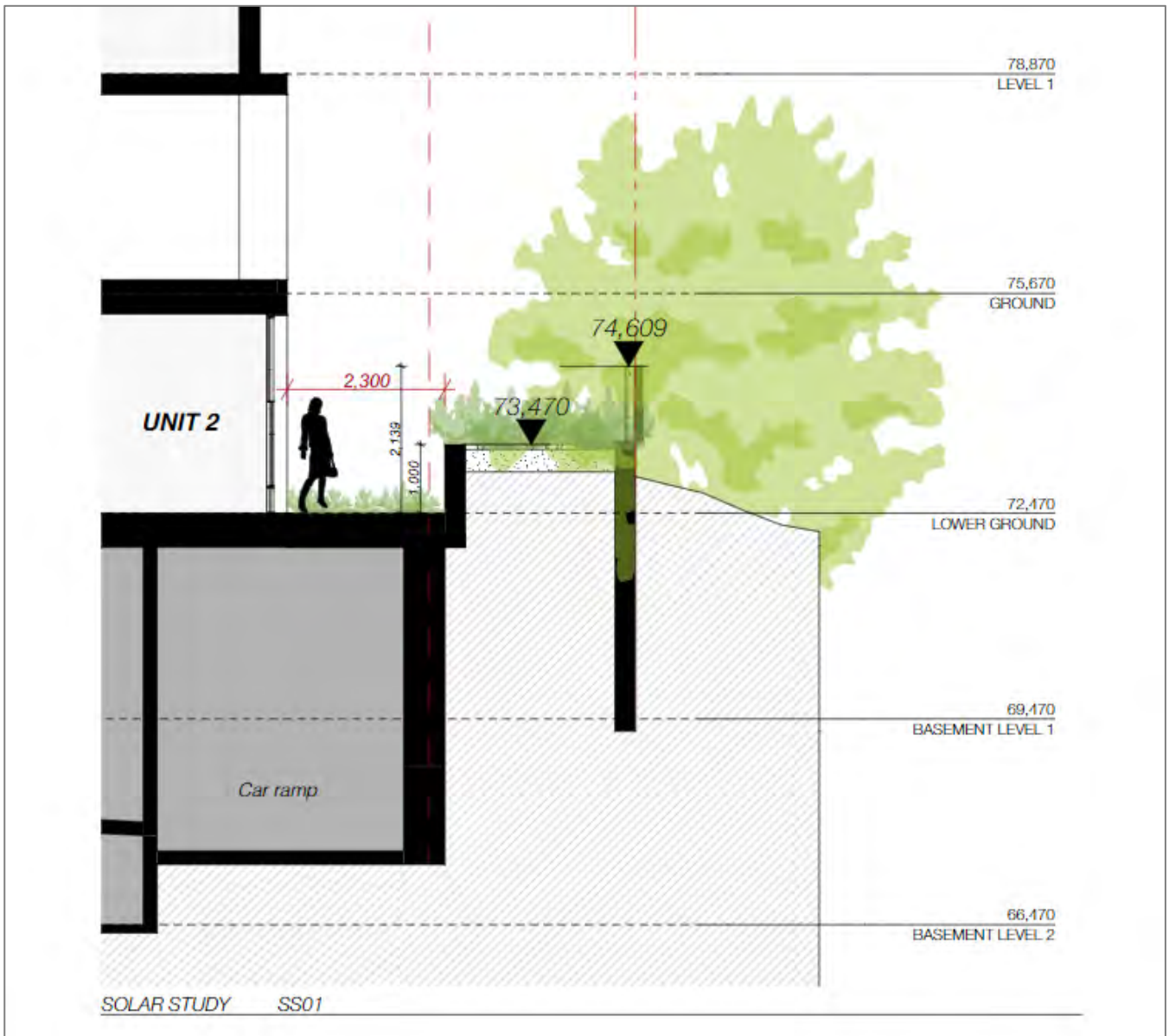


Figure 9: Extract of DWG 9406 which demonstrates that the windows of Bedroom 4 are located 2.3m from the eastern boundary. The bedrooms are located at a level of RL 72.47 and the retaining wall on the eastern boundary is at a level of RL73.47, with the top of the fence at a level of RL 74.60 (Source: MHNDU)



2. Ground Floor Level Units

Unit 3 – Bedrooms

Unit 3 is located on the ground level and contains three (3) bedrooms, one (1) which faces north and two (2) which face west (refer to Figure 10).

It is the west facing bedrooms which Council considered as subterranean and having low amenity. In further email correspondence on 4 May 2022, Council advised that the west facing bedrooms could be retained subject to a solar study. In accordance with Council's recommendations, Unit 3 has been reconfigured by stepping out one of the bedrooms to achieve a north facing window, providing improved solar access (refer to Figure 11).

Additional solar studies have been prepared by MHNDU which show that the living room and north facing bedroom receive a high level of solar access during mid-winter (refer to Figure 12). The living room and north facing bedroom receive sunlight all day during mid-winter, indicating that solar access all year round to Unit 2 is excellent.

The main private open space to this unit is the 19.67m² terrace which is north facing and oversized in terms of the ADG design criteria. The 18.59m² landscaped courtyard off the west facing bedrooms is secondary open space and adds to the overall amenity of the unit. During mid-winter, the primary north facing terrace receives sunlight all day and the landscaped courtyard receives sunlight from 11-1pm, indicating that the solar access all year round is excellent (refer to Figure 12). The landscaped courtyard also provides the west facing bedrooms with a green outlook as demonstrated in the views prepared by MHNDU (refer to Figure 13).

The west facing bedrooms of Unit 3 receive solar access from 12 - 2pm during mid-winter which is an acceptable outcome considering the constrained nature of the site (refer to Figure 11 and Figure 12). While a high level of solar access to bedrooms is desirable, it is not always possible, and is not an ADG requirement. The west facing bedrooms are located 2.942m - 3.461m from the wall on the western boundary, which provides sufficient room for ventilation and privacy (refer to Figure 10). The bedrooms are located at a level of RL 75.67 and the wall on the western boundary is at a level of RL 79.936 (refer to Figure 14). This is appropriate for the location as it provides privacy for the west facing bedrooms, whilst also allowing for a high level of solar access to the primary terrace and living area.

In conclusion, Unit 3 will provide future residents with a high level of amenity in the living areas and in the private open space areas and therefore will not require any further amendments.

SOLAR STUDY - UNIT 3

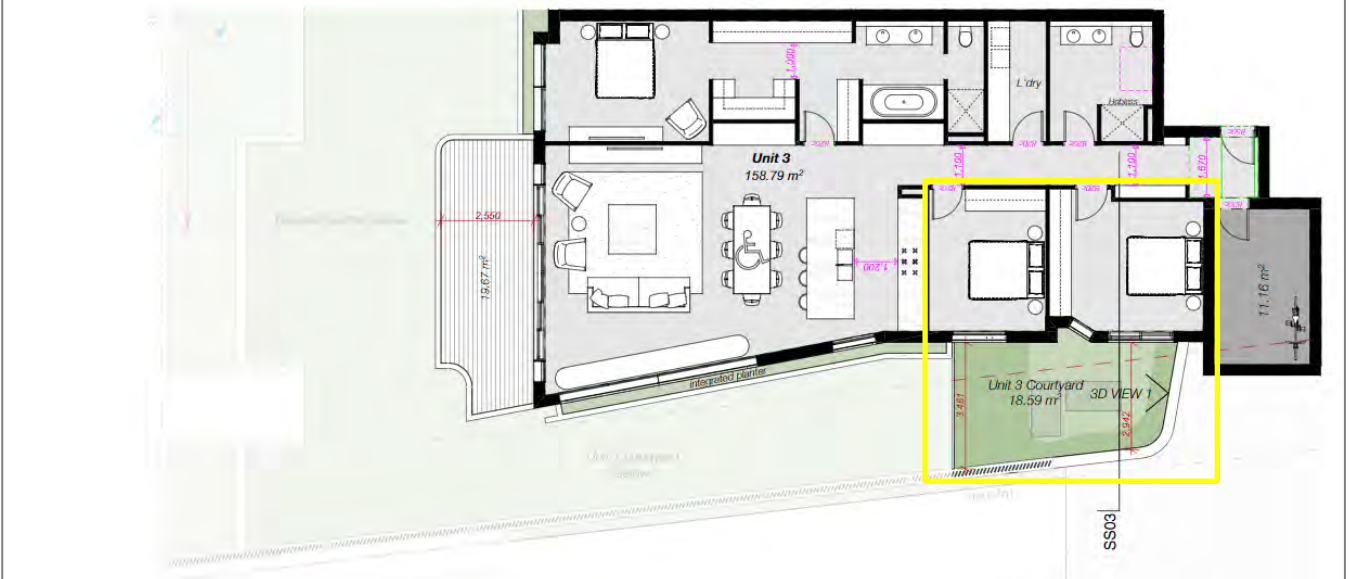


Figure 10: Extract of DWG No. 9409. As outlined in a yellow, the bedroom layout in Unit 3 has been amended to step out into western elevation providing improved solar access (Source: MHNDU)

SOLAR STUDY - UNIT 3 BED 4 (SHEET 2)



Figure 11: Extract of DWG No. 9413 – demonstrating proposed amendments to provide improved solar access into Unit 3 Bedroom 4 (Source: MHNDU)



| | INDOOR | OUTDOOR |
|-------------|-----------|-----------|
| 9AM | 28.12 sqm | - sqm |
| 10AM | 32.90 sqm | 3.16 sqm |
| 11AM | 34.30 sqm | 13.93 sqm |
| 12PM | 30.92 sqm | 19.41 sqm |
| 1PM | 32.10 sqm | 8.92 sqm |
| 2PM | 32.33 sqm | 5.19 sqm |
| 3PM | 21.87 sqm | 3.20 sqm |

Figure 12: Extract of DWG No. 9411 which demonstrates the extent of solar access into Unit 3 during mid-winter (Source: MHNDU)



Figure 13: Extract of DWG No. 9414 which demonstrates the attractive outlooks to the landscaped courtyards on the western façade of Unit 3 (Source: MHNDU)

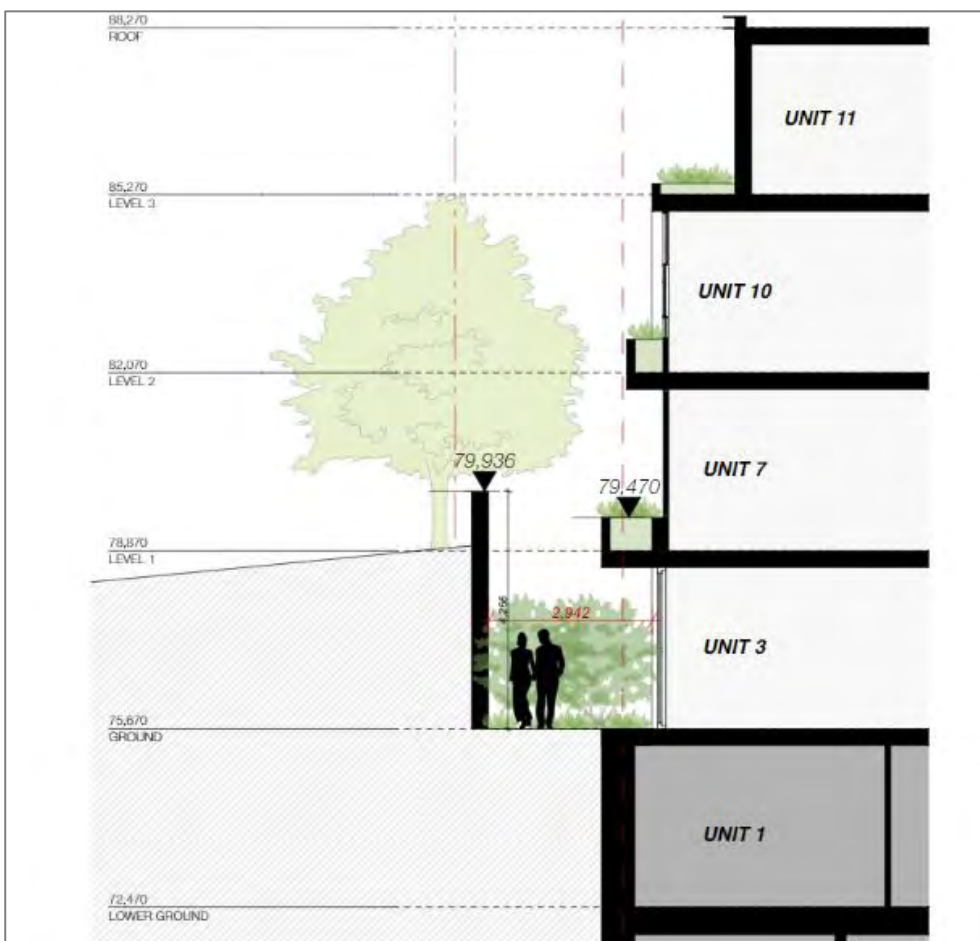


Figure 14: Extract of DWG 9412 which demonstrates that the windows of the west facing bedrooms are located a minimum of 2.94m from the western boundary. The bedrooms are located at a level of RL 75.67 and the wall on the western boundary is at a level of RL 79.936 (Source: MHNDU)

Unit 5 – Living Room and Bedrooms

Unit 5 is located on the ground level and originally (when lodged) comprised a single level unit with two (2) south facing bedrooms and an east facing living room. It is the south facing bedrooms and east facing living room which Council considered as subterranean and having low amenity. In further email correspondence on 4 May 2022, Council advised that the east facing living area may be supported and to consider ground floor level living and first floor level bedrooms.

Accordingly, as recommended by Council, Unit 1 has been amended to comprise of a double level unit, with an east facing living room on the ground floor and two east facing bedrooms on Level 1 (refer to Figure 15).

The amended configuration of Unit 5 achieves a high level of amenity. Additional solar studies have been prepared by MHNDU which show that the living room receives an adequate level of solar access during mid-winter (refer to Figure 16). The east facing living room receives sunlight from 9am – 10.00am.

The main private open space to Unit 5 is the 115.70m² landscaped courtyard, which is located to the east and south of the unit and accessed off the living area (refer to Figure 15). This landscaped courtyard is oversized in terms of the design criteria of the ADG and adds to the overall amenity of the unit. The landscaped courtyard receives sunlight from 9am – 12pm during mid-winter, indicating that solar access all year round is excellent (refer to Figure 16). The landscaped courtyards also provide the east facing bedrooms with green outlooks as demonstrated in the views prepared by MHNDU (refer to Figure 17).

One of the east facing bedrooms on Level 1 receives solar access at 9am during mid-winter (refer to Figure 16), and the other receives solar access from 7am until 9am during mid-winter due to its east facing orientation. This is an acceptable outcome considering the constrained nature of the site. While a high level of solar access to bedrooms is desirable, it is not always possible, and is not an ADG requirement. The east facing bedrooms are located 6.978m from the wall on the eastern boundary. The living room is located 4.682m from the wall which provides sufficient room for ventilation and privacy (refer to Figure 18). The east facing bedrooms are located at a level of RL 78.87 and the wall on the eastern boundary is at a level of RL 83.371. This is appropriate for the location as it provides privacy for the east facing bedrooms and living room whilst also allowing solar access to the living room and courtyard area to be maximised.

In conclusion, although, the living room does not receive 2 hours of sunlight during mid-winter this is acceptable as Unit 5 provides high amenity for future residents through the provision of an oversized living area and oversized landscaped courtyard obtains excellent solar access during mid-winter.



Figure 15: Extract of DWG No. 9415. Unit 3 has been reconfigured to be a double level unit with a living room on the ground floor and bedrooms on Level 1 (Source: MHNDU)



| | INDOOR | OUTDOOR |
|-------------|-----------|-----------|
| 9AM | 10.37 sqm | 25.50 sqm |
| 10AM | 3.55 sqm | 39.28 sqm |
| 11AM | - sqm | 41.26 sqm |
| 12PM | - sqm | 2.35 sqm |
| 1PM | - sqm | - sqm |
| 2PM | - sqm | - sqm |
| 3PM | - sqm | - sqm |

Figure 16: Extract of DWG No. 9416 – demonstrating proposed amendments to provide improved solar access into Unit 5 (Source: MHNDU)



Figure 17: Extract of DWG No. 9419 which demonstrates the attractive outlooks to the landscaped courtyards on the eastern and southern façade of Unit 5 (Source: MHNDU)



Figure 18: Extract of DWG 9417 which demonstrates that the east facing bedrooms are located 6.978m from the wall on the eastern boundary. The east facing bedrooms are located at a level of RL 78.87 and the wall on the eastern boundary is at a level of RL 83. 371. The living room is located 4.682m from the wall which provides sufficient room for ventilation and privacy (Source: MHNDU)



Summary

As discussed in detail within this letter, the amended development has undergone extensive urban design review to maximise amenity for future residents. Where possible, bedrooms have been reorientated to maximise solar access. However, while a high level of solar access to bedrooms is desirable, it is not always possible, and is not an ADG requirement. The proposed development has been designed to maximise solar access to living rooms and private open space, ensuring that ten (10) out of eleven (11) units (91%) receive greater than 2 hours of direct sunlight to living rooms during mid-winter, exceeding the requirements of the ADG. All units have been designed to include extensive landscaped private open space areas with excellent solar access, providing future residents with high quality internal and external areas.

We trust that this letter provides clarification in relation to the amenity of Unit 1, 2, 3 and 5 raised in Council's letter, and that no further amendments will be required. Should you require any further information, please do not hesitate to contact Theo Wilkinson (Senior Project Planner) on 9068 7500.

Yours Sincerely,

Susan E. Francis
Executive Director