



**NSLPP MEETING HELD ON 01/06/2022
SECTION 4.55 APPLICATION REPORT**

Attachments:

1. Site Plan
2. Architectural Plans
3. Landscape Plan
4. Geotechnical, Structural Design and Landscape Design Statement

ADDRESS/WARD: 34 Phillips Street, Neutral Bay

APPLICATION No: DA 141/21/3

PROPOSAL: Section 4.55(2) to modify development consent DA 141/21 for the demolition of an existing dwelling house and garage and construction of a two storey dwelling house and associated landscaping.

PLANS REF:

Plan Nos.	Revision No	Description of works	Prepared by	Dated
455.01	B	Site Plan	David Selden Design	07/02/2022
455.02	B	Roof Plan		07/02/2022
455.03	B	First Floor Plan		07/02/2022
455.04	C	Ground Floor Plan		06/05/2022
455.05	C	Basement Plan		26/04/2022
455.06	B	Street/Southern Elevation		07/02/2022
455.07	B	Western Elevation		07/02/2022
455.08	B	Northern Elevation		07/02/2022
455.09	B	Eastern Elevation		07/02/2022
455.10	B	Section AA		07/02/2022
455.11	B	Section BB		07/02/2022

OWNER: Mr Egil & Mrs Lisa Paulsen

APPLICANT: David Selden Pty Ltd

AUTHOR: Thomas Holman, Assessment Officer

DATE OF REPORT: 17 May 2022

DATE LODGED: 10 February 2022

AMENDED: 12 May 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application made under section 4.55(2) of the Environmental Planning and Assessment Act 1979 seeks to modify development consent (DA 141/21) for the demolition of an existing dwelling house and garage and construction of a new two storey dwelling house and associated landscaping.

The modification application is reported to the North Sydney Local Planning Panel for determination because the proposed amendments involve a condition of consent that was amended by the Panel (C22b *Privacy* of DA Consent No. 141/21). Subsection b of Condition C22 required a fixed aluminium privacy screen for both window FW03 and FW04 on the western elevation, however, the modification application seeks to install a privacy screen to FW04 only and instead construct a wider planter bed (1.3m) with screen planting adjacent to window FW03 to maintain the original intent of the condition as amended by the Panel.

The modification application also seeks to enlarge the basement to provide additional storage, a cellar/gym and plant room, and is accessed by an internal lift and stairs. The size of the basement which has been reduced from that originally proposed is acceptable, proposing only non-habitable uses pursuant to the requirements of Provision P4, s1.3.1 of NSDCP 2013 and provides appropriate setbacks to side boundaries. The proposed basement minimises any detrimental impact on neighbouring amenity, soil stability and natural features including vegetation on the site and surrounds subject to existing conditions of consent.

The modification application seeks to address privacy requirements outlined in conditions of consent (C22 *Privacy* and C23 *First Floor Design Modification*) such as reducing the size of windows, applying additional privacy measures such as privacy screens and increasing the depth of planter beds on the western side of the first floor terrace to ensure a reasonable level of visual privacy is provided for the residents of the adjoining properties.

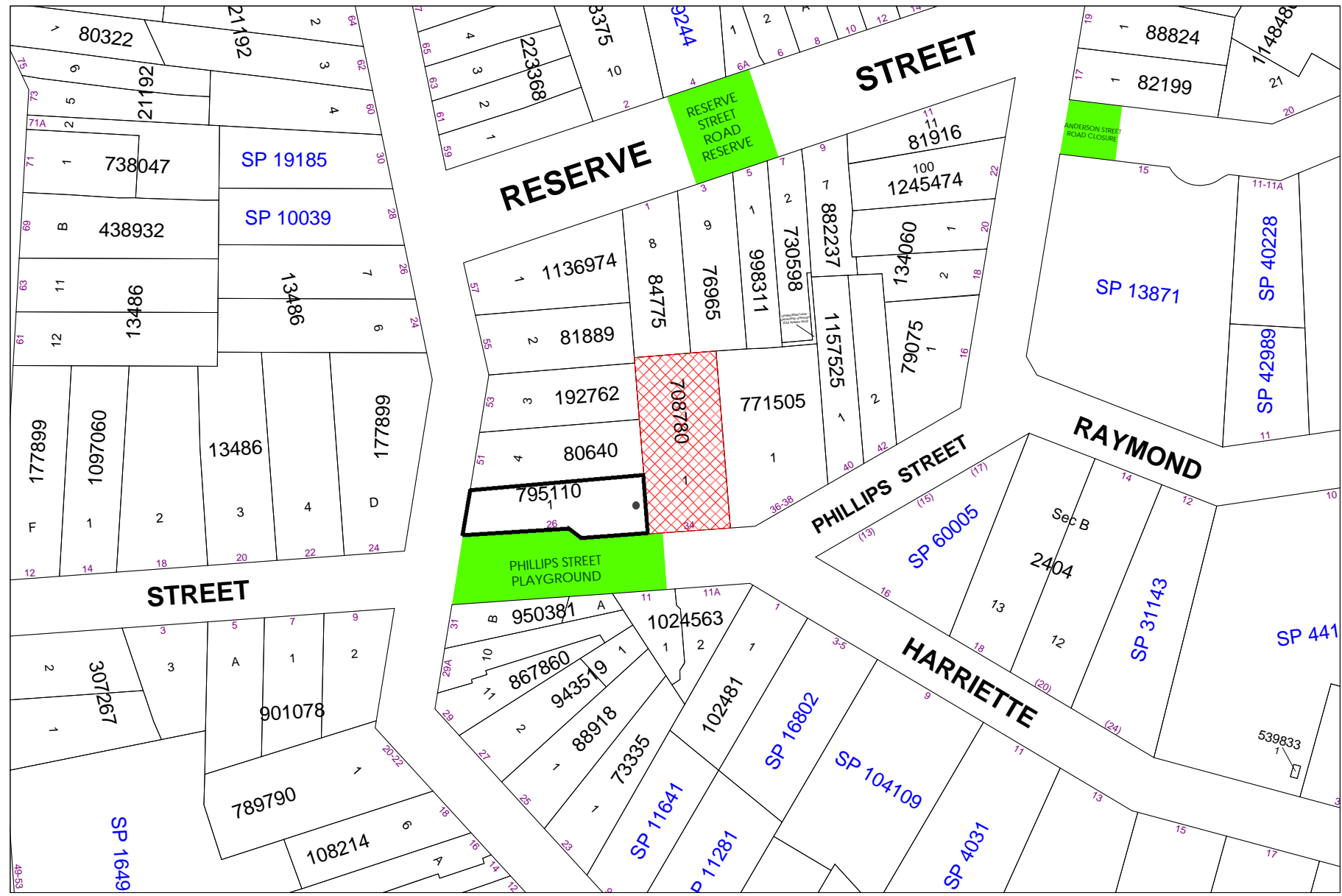
Amendments are proposed to the landscaping with two additional trees (*Tristaniopsis laurina*) proposed within the rear garden. The modified Landscape Plan provides appropriate planting for the level 1 western terrace planter bed and replaces a gravel sculpture garden with a garden comprising groundcovers and grasses as required by Condition C28 *Amendments to the Landscape Plan*.

Minor additional building works are also proposed including internal alterations, with the general bulk and scale of the dwelling and height remaining as stipulated by the requirements of the deferred commencement condition AA1 *Height of Building* in Development Consent.

The application was notified in accordance with Council's Community Engagement Protocol. One submission was received and is addressed in this report.

Following this assessment, this application to modify the development consent is considered to be reasonable in the circumstances and is recommended for **approval**

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

The proposed modification includes:

Dwelling

Basement – RL 52.60

- Increase the size of the basement with the addition of a lift core and plant room.
- The size of the basement would increase by approximately 31m² (51m² as approved, increasing to 82m²).

Ground Floor – RL 55.50

- Internal alterations such as internal wall reconfigurations, reorientation of the lift, enlargement of a store room and replacement of the air conditioner zone with a waste bin enclosure.
- Addition of a ground level skylight providing natural light to part of the basement.
- Construction of new concrete retaining walls to the western and eastern side boundaries of the subject site.
- Location of windows GW09 & GW10 adjusted and the size of the openings increased.
- Deletion of the external door opening on the eastern elevation.

First Floor – RL 58.80

- Internal alterations including demolition of internal walls, increasing the size of the study room, and reallocating the laundry, WC, and bedroom within the first floor level.
- Relocation of the fireplace in the first floor level living room.
- Construction of a new nib wall on the front southern elevation.
- Alterations to the eastern elevation including deletion of previous windows (FW10) and redesign of the other windows (FW11 – FW 15).
- Alterations to the western elevation including provision of a solid wall to the kitchen and provision of a window set back behind a planter as per drawing VN.10, 11 and 12 Issue A, dated 30 August and Condition C22(a).
- Provision of horizontal external aluminium louvres to window FW04 on the western elevation and an increase to the depth of the planter on the western side of the front terrace from 800mm to 1.3m.

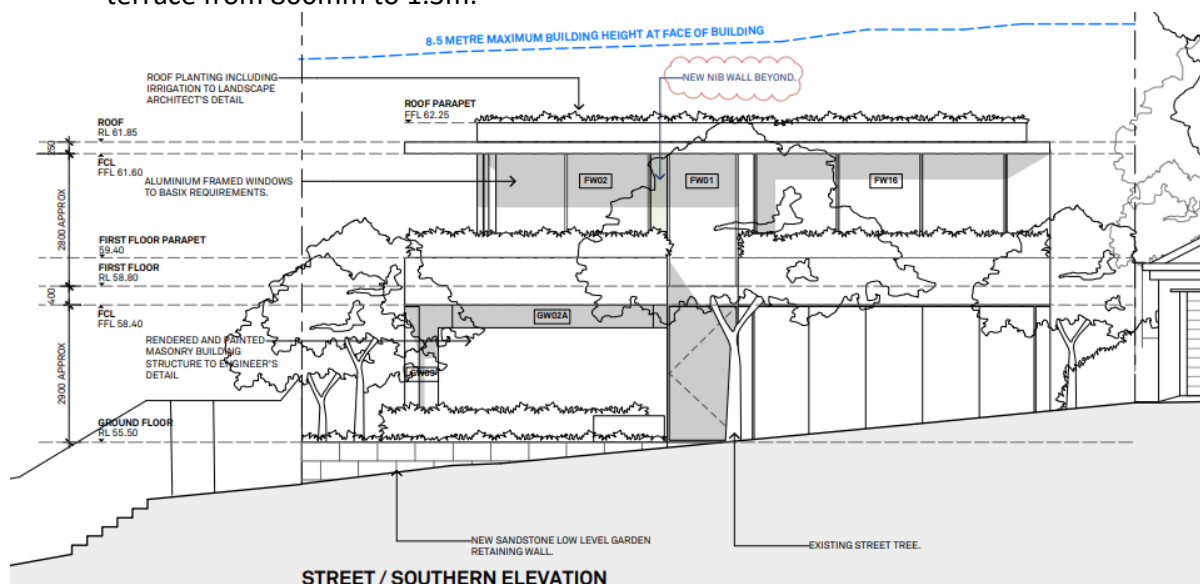


Figure 1 – Street/Southern Elevation (455.06 Rev B)

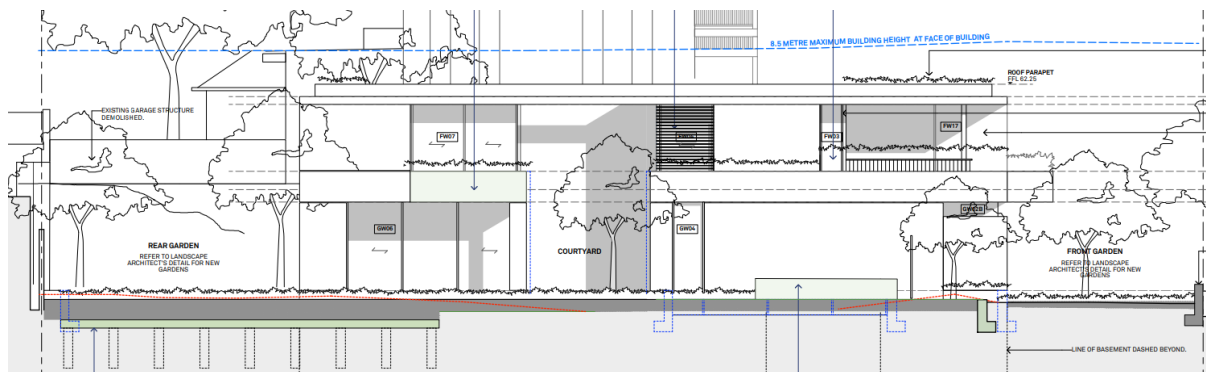


Figure 2 – Western Elevation (455.07 Rev B)

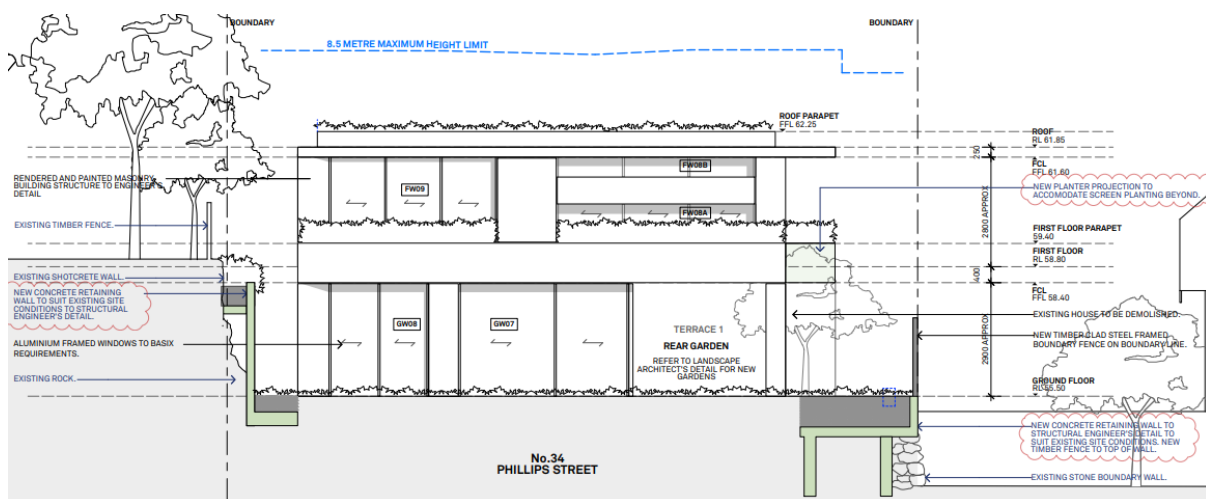


Figure 3 – Northern Elevation (455.08 Rev B)

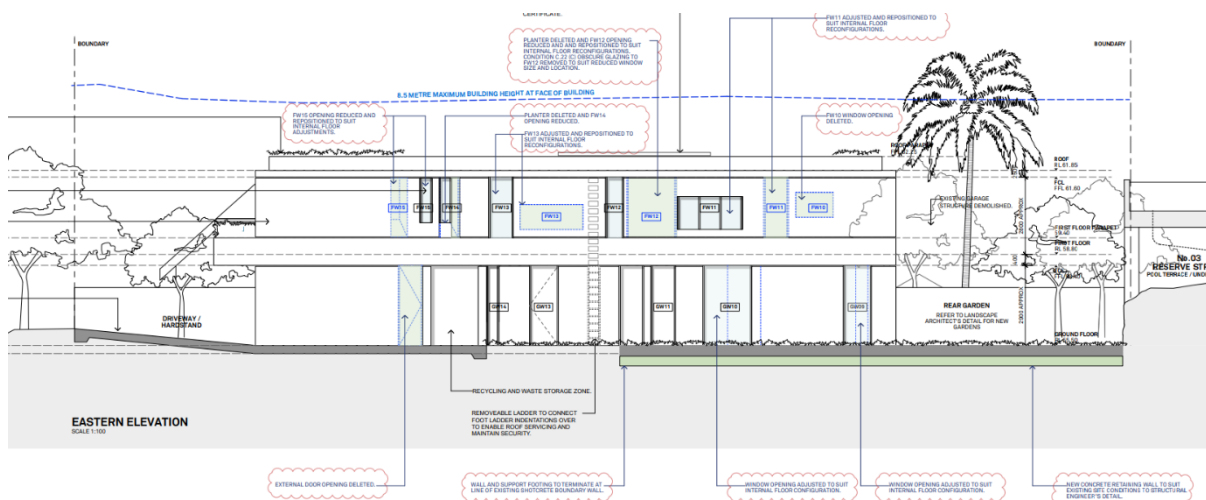


Figure 4 – Eastern Elevation (455.09 Rev B)

Roof – RL 61.85

- Alterations to the location and size of skylights.
- Installation of an additional skylight, reducing the number of surface mounted photovoltaic panels on the roof by four.
- Construction of parapets around the perimeter of the void to match the height of the building parapets (RL 62.25).

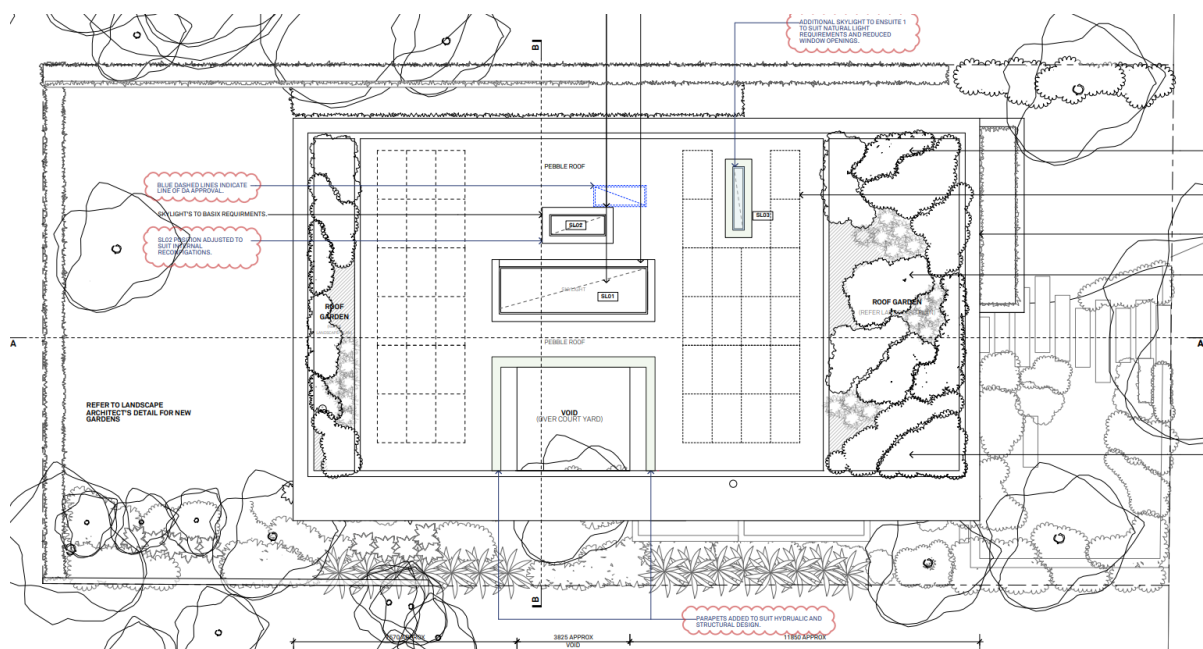


Figure 5 – Roof Plan (455.02 Rev B)

Landscaping

Front South Setback

- Driveway Filetti Paving replaced with aggregate concrete.
- Gravel garden replaced with a groundcover lawn (*Dymondia margaretae*).

Side Eastern Setback

- Deletion of stepping stones to be replaced with ground cover (*Dymondia margaretae*).
- Alterations to the mix of plant specimens on the western boundary introducing additional plant species such as *Crassula undulatifolia* 'Max Cook' and *Raphiolepis* 'Oriental Pearl' as well as *Podocarpus macrophylla* Maki.

Rear North Setback

- Removal of stepping stones and replacement with one rectangular lawn area.
- Repositioning of a feature tree within the rear garden and addition of 2 x feature trees (*Tristanopsis laurina*).

Side Western Setback

- Addition of a skylight providing natural light to the basement and provision of a raised bed adjacent to the dwelling.
- Replacement of gravel and steppers with a mulched path (*Dichondra repens*).

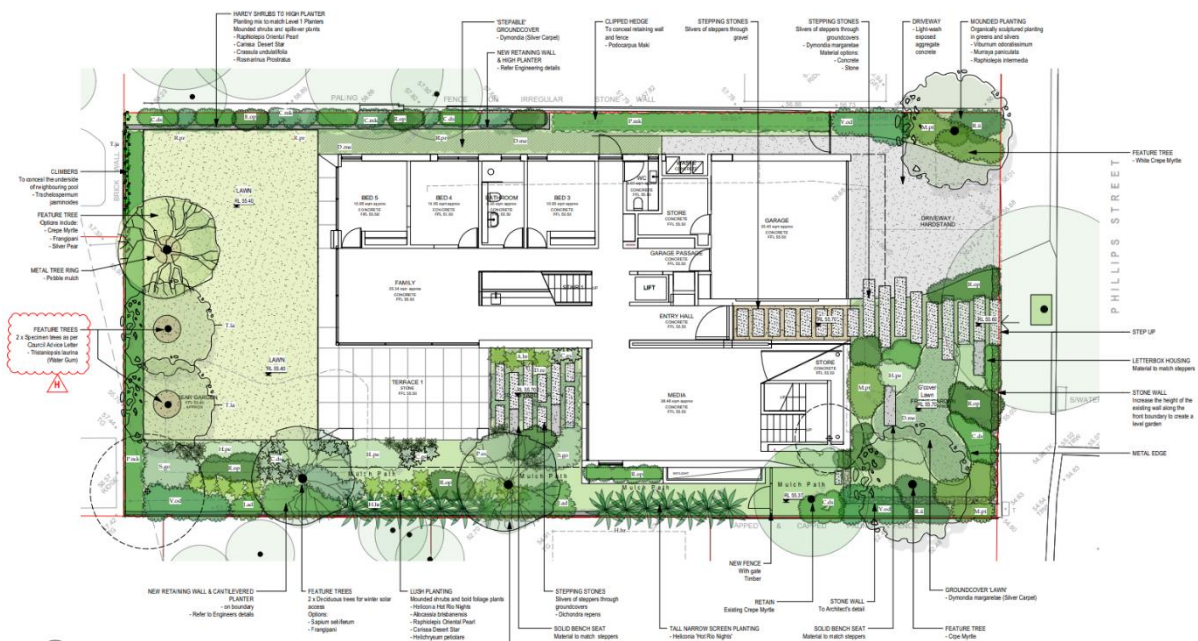


Figure 6 – Landscape Concept Plan – Ground Floor (L102 Rev I)

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 Low Density Residential zone
- Item of Heritage - No
- In Vicinity of Item of Heritage - I0725 (23 Undercliff Street) – I0729 (29A Undercliff Street)
- Conservation Area - No
- FSBL - No

North Sydney Local Contributions Plan 2020

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in non-rural areas
- Chapter 10 – Sydney Harbour Catchment

SEPP (Resilience and Hazards) 2021

- Chapter 4 – Remediation of Land

SEPP (Building Sustainability Index; BASIX) 2004

SEPP (Transport and Infrastructure) 2021

- Chapter 2 - Infrastructure

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

North Sydney Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site (Lot 1 DP 708780) also known as 34 Phillips Street, Neutral Bay is located on the northern side of Phillips Street at the end of the street. The site previously contained a single storey dwelling house located centrally on the site with a driveway and garage, and a swimming pool within the rear corner of the site. The site is currently vacant as the previous dwelling house and associated structures have been demolished and earthworks have commenced.



Figure 7 – Photos of site subject to demolition and earthworks and photo from street (North Sydney Council, 24 March 2022)

The site and immediate surrounds are zoned R2 Low Density Residential, with other land zoned either R3 Medium Density or R4 High Density Residential to the east and south east of the site. Pockets of land zoned RE1 Public Recreation either adjoin the site or are located close to the subject site. Development within the R2 Low Density zone comprises of either detached or semi-detached dwellings.



Figure 8 – Aerial map identifying subject site bordered in red (left) and surrounding locality. Zoning map identifying site bordered in red and surrounding locality (right)

REVIEW OF DETERMINED PLANS

This application has been reviewed to ensure that the proposed modifications being sought are the only changes included on the submitted plans. The changes comprise enlargement of a previously approved basement, internal alterations which necessitate amendments to the external façade and façade changes in response to design requirements outlined in conditions of consent, alterations to landscaping and alterations and additions to the roof. However, all changes are consistent with the previously approved plans and can be assessed under this modification.

RELEVANT HISTORY

Previous Applications

Date	Action
01/06/1982	Building Application No. 224/82 approved by Council dated 01 June 1982 for the installation of an in-ground swimming pool.
01/09/2021	Development Application No. 141/21 for demolition of an existing dwelling and garage and construction of a two storey dwelling with landscaping was approved via deferred commencement on 01 September 2021 by the North Sydney Local Planning Panel (NSLPP).
01/02/2022	Modification Application No. 141/21/2 seeking various alterations including a basement extension and alterations to the building façade was rejected by Council because it was unclear what the nature of the modifications were.

Application History

Date	Action
10/02/2022	Modification Application No. 141/21/3 was lodged on 10 February 2022 seeking various modifications including extension of the basement, additions to the roof (parapet and skylight) and various alterations to the external facades of the dwelling.
11/03/2022	The modification was notified between 25 February 2022 – 11 March 2022.
24/03/2022	A site visit was undertaken by Council Staff.
12/04/2022	Council issued a letter following a preliminary review outlining the following issues to be resolved: <ul style="list-style-type: none">• Basement – amendments to the design and size of the basement.• Visual Privacy – planting of a more suitable plant species to ensure sufficient privacy screening in front of window FW03.• Colours and Materials – amendments to the external finishes schedule noting alterations to the driveway.• Site Areas Compliance Diagram – submission of an updated compliance diagram.• Landscaping – additional landscaping within the front setback, additional tree planting and evidence to support the proposed retaining walls.
11/05/2022	The applicant submitted additional information and amended plans in response to Council's preliminary letter dated 12 April 2022.

SUBMISSIONS

On 25 February 2022, Council notified surrounding properties and the Neutral/Hayes Precinct of the proposed development seeking comments between 25/02/2022 and 11/03/2022. Council received one submission.

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

In accordance with the North Sydney Council Community Engagement Protocol the amendments proposed were considered to have a lesser impact on surrounding properties and therefore the amended plans did not require renotification.

Basis of Submissions

- *The proposed planter in front of window FW07 to allow screen planting is positive for improving privacy. However, plants should not be taller than the house to avoid additional overshadowing and plants should not drop leaves.*
- *All western windows should be fitted with privacy louvres providing more privacy for adjoining properties and reducing sunlight to the subject property which is considered a more environmentally sustainable outcome.*
- *A retaining wall should be constructed along the entire western boundary to protect the structural adequacy of adjoining sites.*

REFERRALS

ENGINEERING

Council's Development Engineer raised no objections, noting the previous conditions of consent relating to engineering are not proposed to be modified.

LANDSCAPING

Council's Landscape Development Officer provided the following advice (*in italics*):

Concerns are raised regarding the driveway crossover and proximity to the Jacaranda Street tree. The driveway crossover should be aligned with the eastern edge of the existing crossover and extend the minimum allowable distance west toward the Jacaranda. All excavation and construction within the TPZ of this tree shall be carried out in accordance with AS4970, using sensitive construction techniques including hand excavation, no roots greater than 40mm shall be cut, no canopy pruning shall be permitted.

The area of driveway/hardstand and steppers within the front setback appears excessive. This area of hard surface should be reduced and replaced with soft landscaping.

The proposed new sandstone wall along the front boundary to "create a level garden area" shall be of dry-pack construction only (as per existing) with no concrete footings or mortared joints. The levels within the TPZ of the Jacaranda Street tree shall not be altered.

Concerns are raised with regards to the apparent over excavation into the TPZ of T6 Lagerstroemia indica.

The feature tree shown to be planted in the rear setback shall be 1 x Melaleuca linarifolia (75l) as it is considered likely that this area may intermittently become waterlogged and or dry out, due to extensive excavation of rock, and the species nominated in the LS plan will not tolerate this. 1 x additional Tristaniopsis laurina (75l) shall be planted within the rear setback - an area of garden extending at least 1m radially from the COT of each of these 2 x specimen trees within the rear setback shall be provided and shall be free of grass and separated with core ten garden edging or similar.

A minimum soil depth of 700mm shall be provided across the expanse of lawn/landscaping within the rear setback.

Standard conditions for garden maintenance of Landscaping as per the approved plan shall apply.

A project arborist should be appointed and must report at key points or as required.

Planning Comment: the vehicular crossing has been subject to consent by Council's Development Engineer on 02 December 2021 following submissions of a vehicular access application (Certificate No 51/21). Consent was granted for replacement of the existing vehicular crossing and reconstruction with a maximum width of 3.2m including its wings. Conditions of consent remain requiring protection of the Jacaranda mimosifolia (C15 *Protection of Trees*) on the grass verge opposite the site including a tree bond (C13 *Tree Bond for Public Trees*).

The plans were amended during the assessment of the modification application increasing landscaping and reducing the extent of hard surfacing for the driveway as originally approved under the development consent.

Comments are noted with regard to the retention of soil depths within the TPZ of the *Jacaranda* and this is also a conditional requirement stipulated in the arborist report prepared Botanics P/L dated June 2021. It is unclear whether the stone wall is to be extended or require earthworks therefore a condition of consent has been modified clarifying if works are to occur within the TPZ they must comprise hand digging, with no roots greater than 40mm to be cut. The works are to be undertaken under the supervision of a project arborist. A condition is also recommended to clarify the appropriate levels for the front garden and that there is to be no change to the soil levels within the TPZ of the *Jacaranda* (C28 *Amendments to the Landscape Plan*).

The excavation works undertaken to date associated with the demolition of the dwelling house which were subject to Council Compliance Investigations are unlikely to harm the tree located on the western boundary (T6 *Lagerstroemia indica*) which can be protected in accordance with recommendations outlined in an arborist report received by Botanics P/L dated April 2022.

Council required the planting of 2 x specimen trees in the rear setback (1 x *Melaleuca linarifolia* and *Tristaniopsis laurina*) to replace the previously approved plant species within the rear setback (*Pyrus nivalis*). The Landscape Plan (L102 Rev I) details the retention of the *Pyrus nivalis* and 2 x *Tristaniopsis laurina* which is considered acceptable given that it would improve the tree canopy cover within the rear setback area.

The rectangular lawn with associated tree planting in the rear setback area will comprise a deep soil zone that is unaffected by retaining walls or the basement. The condition of consent (G10 *Landscaping of Development Consent* No. 141/21) is recommended to be modified to reflect the updated Landscape Plan ensuring landscaping is completed prior to the issue of an Occupation Certificate and maintained thereafter (I2 *Maintenance of Approved Landscaping*). Additionally various conditions of consent requiring an arborist to be engaged throughout the development (D1 *Protection of Trees* & G7 *Certification of Tree Condition*) are to remain as imposed and where necessary modified, noting amendments to the Landscape Plan and additional tree planting within the rear setback area.

CONSIDERATION

The consent authority is required to assess the s4.55 application under the EPA Act 1979 (as amended) having regard to the following matters:

Section 4.55 Modifications of consents

Comments are provided on the matters in section 4.55 as follows:

Section 4.55(2)

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

The application seeks to modify the approved dwelling house, including a larger basement, internal reconfiguration, new or altered windows and an additional parapet and skylight to the roof. However, the use of the site will remain as a dwelling house and there are no substantially new elements to be constructed as part of the proposed modifications. Consequently, the proposal is considered to be “substantially the same”.

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

The proposal did not require any referral to another public authority.

- (c) *Whether the application has been notified and, if so, were there any submissions***

The application was notified to surrounding properties and the Neutral/Hayes Precinct under section 3.6 of the North Sydney Community Engagement Protocol.

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

Council received one submission that is discussed later in this report.

Pursuant to section 4.55(3) in the EPA ACT 1979 (as amended) the consent authority must also consider the matters that need to be addressed under section 4.15 (Evaluation) and the reasons for the original approval.

REASONS FOR ORIGINAL APPROVAL

The original application was approved by NSLPP on 01 September 2021 for the following reasons:

The Panel is satisfied that the proposal is consistent with the LEP and DCP controls and with the proposed amendments, minimises view loss to neighbouring properties, and maintains privacy, amenity and the stability of the site and adjoining properties.

Comment: the modifications do not exceed the maximum height of building as stipulated in the conditions of the development consent which sought to minimise view loss from neighbouring properties. The privacy and amenity of adjoining properties is maintained as the proposed modifications to the windows on both the eastern and western elevations are acceptable, where necessary, privacy screens and plant screening assist in providing visual privacy for adjoining properties.

MATTERS FOR CONSIDERATION UNDER SECTION 4.15 (Evaluation)

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

SEPP (Biodiversity and Conservation) 2021 - Chapter 10 - Sydney Harbour Catchment

On 1 March 2022 the SEPP (Biodiversity and Conservation) 2021 came into effect, consolidating several planning policies including the former SREP (Sydney Harbour Catchment) 2005. The proposed works to the site are not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location a significant distance from the Sydney Harbour foreshore. As such, the development is acceptable having regard to the provisions contained within SREP 2005 now contained in Chapter 10 of the SEPP (Biodiversity and Conservation) 2021.

SEPP (Resilience and Hazards) 2021 – Chapter 4 - Remediation of Land

On 1 March 2022, the SEPP (Resilience and Hazards) 2021 came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Chapter 4 of this SEPP comprises the former SEPP 55 – Remediation of Land and requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of SEPP 55 and the Draft SEPP have been satisfactorily addressed.

SEPP (Biodiversity and Conservation) 2021 – Chapter 2 - Vegetation in Non-Rural Areas

On 1 March 2022, the SEPP (Biodiversity and Conservation) 2021 came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Under Chapter 2 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the proposed development meets the aims of the former SEPP by preserving the amenity of the area through sufficient landscaping provision, tree retention and additional tree planting. The modification application does not seek to remove any additional trees beyond those approved under Condition C16 and conditions for retention of trees are to remain including additional tree planting as per the updated Landscape Plan prepared by Spirit Level (L102 Rev I).

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

Compliance Table

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 674.1m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	Roof Parapet 7.1m (RL 62.25) Roof Skylights 7.0m (RL 62.15)	8.5	YES

1. Permissibility

The proposed works can be characterised as demolition of an existing dwelling house and construction of a replacement dwelling house. Dwelling houses are permitted with consent in the R2 Low Density Residential zone.

2. Objectives of the zone

The objectives for the R2 Low Density Residential zone are stated below:

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

The replacement dwelling, as proposed to be modified, provides for the housing needs of the residents whilst maintaining a development commensurate with its low density surroundings. The height of the building remains as approved, being 7.1m which is below the 8.5m maximum height of buildings control, side setbacks remain in excess of the minimum required in NSDCP 2013 and the site maintains sufficient landscaping, notwithstanding the construction of the proposed retaining walls underlying footings. The soil depth above the footings is sufficient to accommodate substantial landscaping and is consistent with the objective of the landscaped area provision. Additional landscaping provided within the roof gardens adds to the landscaped character of the area and softens the building form.

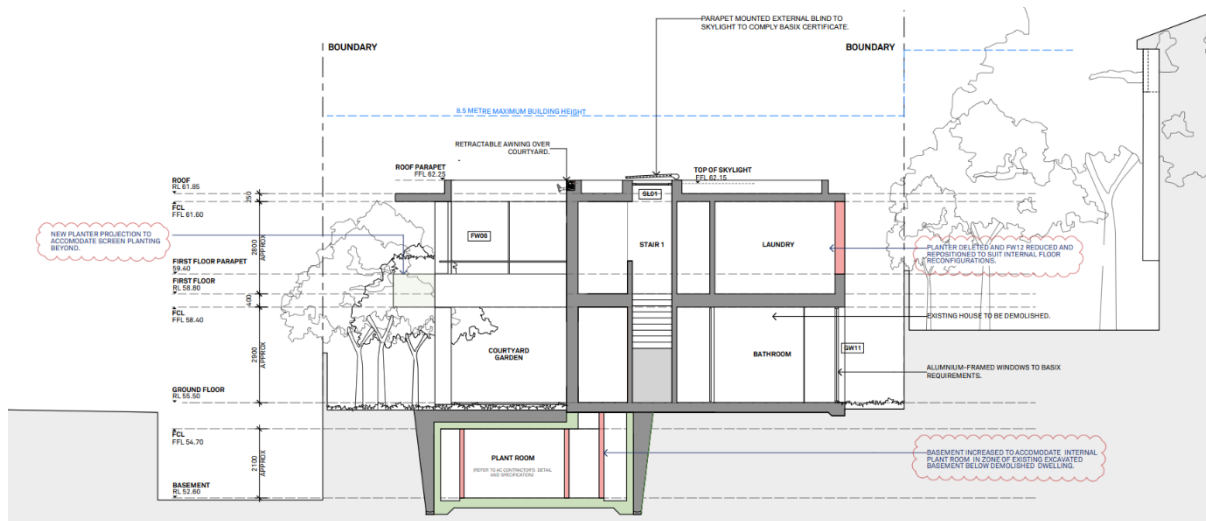


Figure 10 – Section BB (455.11 Rev B)

4. Earthworks

The proposed modification application involves additional excavation to construct a larger basement and earthworks to construct additional retaining walls, so an assessment has been carried out regarding clause 6.10 in NSLEP 2013.

The proposed modification to the original consent proposes to increase the size of the approved basement from 51m² to 82m². An extract from the plans is provided below outlining the proposed basement layout and retaining walls on the western and eastern side boundaries of the site.

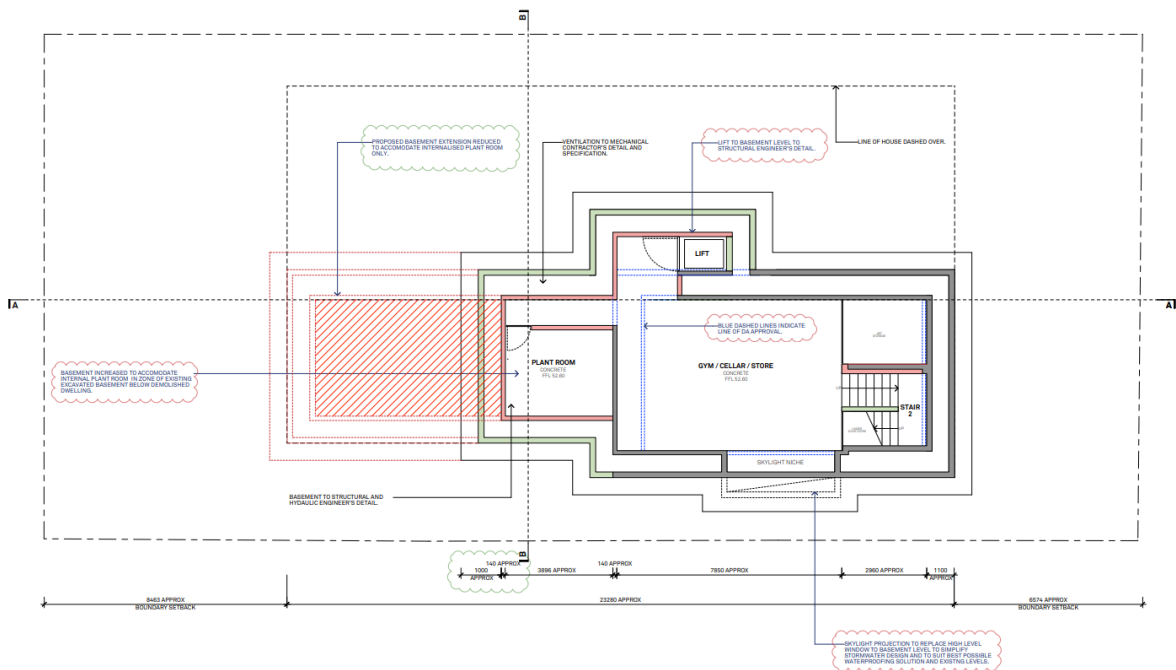


Figure 11 – Basement Plan (455.05 Rev C)

The proposed basement as shown in the Dwg No. 455.05 Rev C has been assessed against the matters for consideration in Cl. 6.10(3) Earthworks of NSLEP 2013 and is considered acceptable, noting the basement is located directly under the footprint of the dwelling, having no impact on the natural features of the site, including landscaping on the site and adjoining land. The earthworks for the proposed enlarged basement have no effect on the future redevelopment of the land and is unlikely to have an adverse effect on the amenity of the adjoining properties because the basement is set back 2.2m from the western side boundary and 6.1m from the eastern side boundary. Conditions of consent outlined in the original development consent included requirements for a dilapidation report concerning excavation and a geotechnical report ensuring the structural integrity of the subject site and adjoining sites to withstand excavation.

The applicant provided supplementary information by Partridge Structural Pty Ltd of the structural details of the proposed retaining walls and the landscape architect Spirit Level Designs Pty Ltd detailed the required depth of soil to support landscaping within the eastern and western side setback areas. The existing depth of soil and that required by Spirit Level Designs Pty is annotated below. A condition of consent is recommended (C30 Soil Depths) to ensure the depth of soil between the underlying footings of the retaining walls and ground level is in accordance with the requirements of the landscape architect.

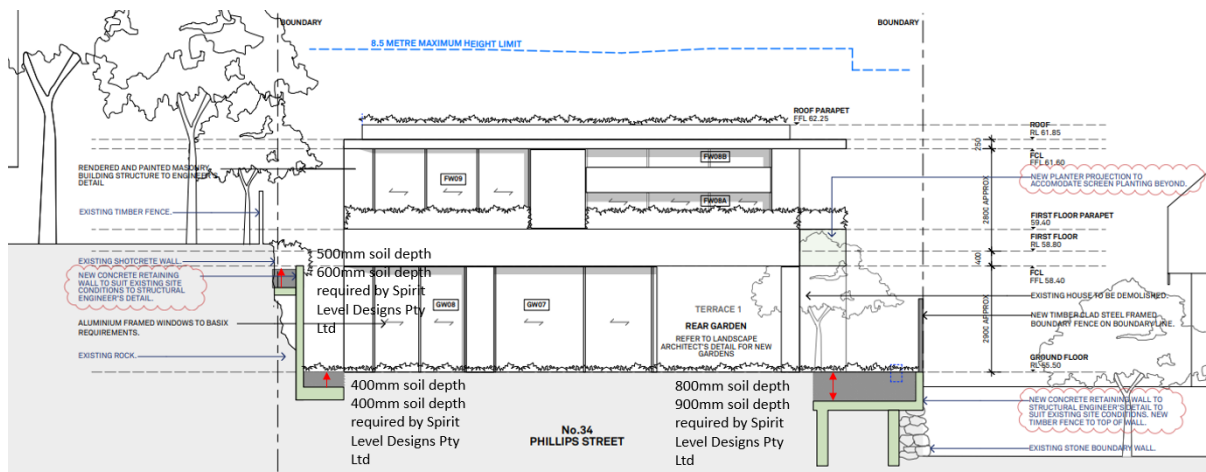


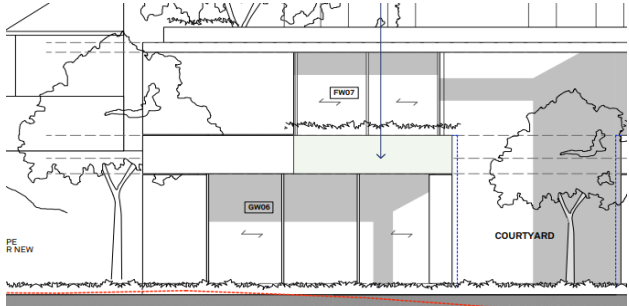
Figure 15 – Proposed Northern Elevation (455.08 B) with annotations detailing required soil depths recommended by Spirit Level Designs Pty Ltd

In summary, the proposed increase to the size of the basement and proposed earthworks for the retaining walls are considered acceptable. The proposed excavation is unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land, subject to retention of existing conditions of consent and subject to a condition requiring appropriate soil depths to be achieved.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposed basement has sufficient setbacks, greater than 1m, noting that Provision P5 of s1.3.1 seeks to prohibit excavation within one metre of any property boundary. The setbacks of the basement from the site boundaries is as follows: Western side boundary – 2.2m

		<p>Eastern side boundary – 6.1m Southern front boundary – 6.57m Northern rear boundary – 15m</p> <p>The use of the basement primarily for storage and mechanical equipment and an underground gym is acceptable as the additional basement area is not intended to provide additional habitable rooms such as bedrooms which would not be supported as outlined in Provision P4, s1.3.1 of NSDCP 2013.</p> <p>Concrete retaining walls with footings are sought for parts of the western and eastern boundaries. These retaining structures were proposed by the project structural engineers to stabilise both the eastern and western boundaries of the subject site. The landscape plan has detailed appropriate soil depths to ensure that landscaping within the side setbacks can be achieved. Condition C30 Soil Depths is recommended to ensure that the required soil depths are achieved.</p> <p>Both the proposed basement and retaining walls are considered to have no adverse impact on the landscaped setbacks of the site. The proposed additional excavation and site disturbance are acceptable and ensure that the structural integrity of adjoining sites is maintained, conforming with the applicable Provisions and Objectives in s1.3.1 of NSDCP 2013.</p>
1.3.2 Bushland	N/A	The site is not in proximity to bushland.
1.3.3 Bush Fire Prone Land	N/A	The site has not been identified as bush fire prone land.
1.3.4 Foreshore Frontage	N/A	The site is not adjacent to the foreshore.
1.3.6 Views	Yes	<p>The original development consent was subject to a thorough view analysis assessment prepared by the Assessing Officer based on process adopted by Commissioner Roseth of the NSW Land and Environment Court in <i>Tenacity Consulting v Warringah Council</i> [2004].</p> <p>The Panel determination imposed an additional deferred commencement condition requiring the overall height of the building to be reduced by 300mm and that the skylights were to be 0.1m below the roof parapet. The height of the building was reduced, and this is maintained as part of the modification application at a height of 7.1m (RL 62.25) remains unchanged to provide reasonable view sharing for 3 Reserve Street and 36-38 Phillips Street.</p>
1.3.7 Solar Access	Yes	No shadow diagrams were submitted with the modification application because the overall building height and setbacks remains unchanged and therefore there would be no additional overshadowing caused by the proposed modifications.
1.3.8 Acoustic Privacy	Yes	<p>The new dwelling house will be constructed in accordance with the provisions of the National Construction Code (Condition F1 – <i>National Construction Code</i>). The proposed modifications maintain the approved residential use of the site concurrent with the surrounding uses. The proposal is unlikely to have an undue impact on the acoustic privacy of adjoining residents.</p> <p>Conditions of consent were imposed on the original consent that are considered satisfactory to address the proposed modifications. The conditions require noise from plant and equipment, including air conditioner units, to emit noise which is not audible and maintain an appropriate level of amenity for adjoining properties.</p>

<p>1.3.10 Visual Privacy</p>	<p>Yes</p>	<p>Windows</p> <p>Provision P2 in s1.3.10 of NSDCP 2013 requires windows to be located to avoid direct or close views into windows and/or private open space of adjoining dwellings.</p> <p>The approved elevations are proposed to be modified with revised window openings and privacy provisions, therefore, further consideration of the potential privacy impact to adjoining properties outlined below:</p> <p>Southern Elevation</p> <p>The southern elevation of the dwelling faces the street and views from the first floor windows are primarily to the street and therefore have no impact on the visual privacy of adjoining properties.</p> <p>Western Elevation</p> <p>Modifications are proposed to the western elevation encompassing changes prescribed by C22 – <i>Privacy</i>. Consideration of the compliance with the requirements of Condition C22 (in italics) is outlined below:</p> <p><i>C22. The following privacy devices are to be provided:</i></p> <p>a) <i>A solid wall to the kitchen and a window setback behind a planter as depicted in drawings VN.10, 11 and 12 Issue A, dated 30 August 2021 as submitted to the Council.</i></p> <p>The proposed modifications incorporate the requirements outlined above by providing a solid wall to the kitchen and a landscaped planter in front of the dining room window to provide landscaped screening to window FW07, as shown below.</p>  <p>Figure 16 – Western Elevation (455.07 B)</p> <p>b) <i>Fixed aluminium louvre privacy screens shall be attached to FW03 and FW04 on the Western Elevation (DA07 Rev A).</i></p> <p>Fixed aluminium louvred privacy screens have been proposed to FW04 but not FW03. Instead, it is proposed to increase the width of the planter bed to 1.3m to allow for additional landscaping screening as an alternative whilst ensure the privacy of the western adjoining properties is reasonably maintained in accordance with the intent of the condition.</p> <p>c) <i>The eastern elevation window FW12 shall be either obscure glazing or have aluminium louvre privacy screens fixed to the window.</i></p> <p>The modification application seeks to substantially reduce the size of the window (FW12) for the first floor ensuite and locates the window to ensure solar access and ventilation can be achieved without any loss of privacy for future occupants of the dwelling. Therefore, privacy has been achieved without the requirement for obscure glazing or louvre privacy screens which satisfies the intent of this condition.</p> <p>Eastern Elevation</p>
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The site is located lower than the adjoining property to the east at Nos. 36-38 Phillips Street, preventing direct views to this adjoining property. Furthermore, existing side boundary fencing and vegetation along the western boundary of Nos. 36-38 Phillips Street would assist to minimise any loss of privacy from the proposed eastern elevation.



Figure 17 – North Elevation clarifying the height of adjoining site above subject site and photo from Phillips Street confirming the adjoining property 36-38 Phillips Street boundary fence and vegetation

Additionally, modifications have been made to the window openings on the eastern elevation, generally reducing the size and number of openings to further assist in ensuring privacy is provided to habitable rooms on the first floor of the subject dwelling.

Northern Elevation

No alterations are proposed to the northern rear elevation.

Decks, Patios and Terraces

Condition C23 *First Floor Terraced Design Modification* required the first floor front terrace to be reduced in size with a greater provision of landscaping within the western planter bed. The condition required the planter bed to be increased from 800mm to 1.3m and additional native planting to be incorporated within the terrace planter.

These amendments have been incorporated to comply with the requirements of Condition C23 as shown below.

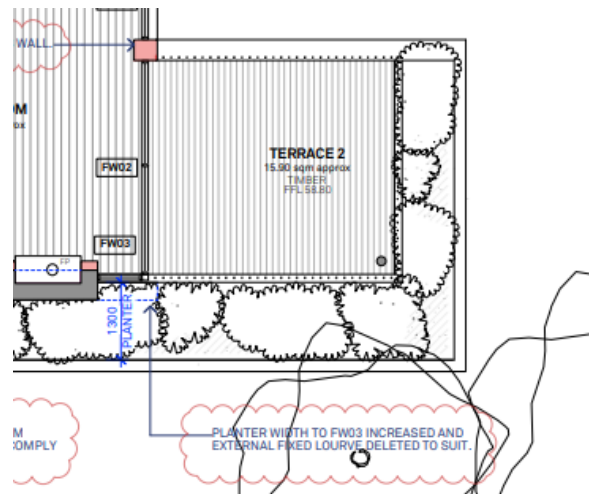
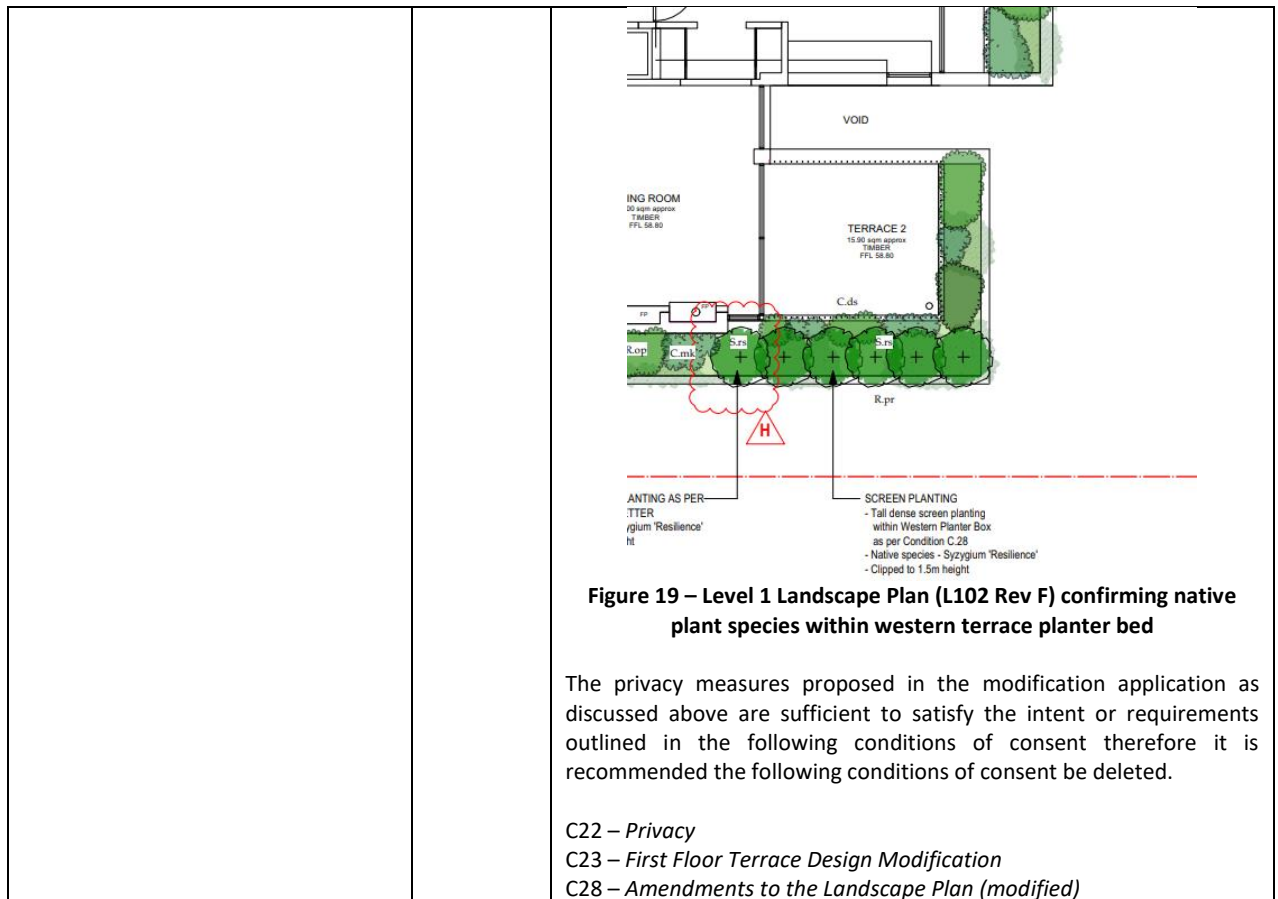


Figure 18 – First Floor Plan (455.03 Rev B) confirming increased width of western planter



1.4 Quality built form

<p>1.4.1 Context</p>	<p>Yes</p>	<p>The Site Plan (455.01 Rev B) identifies that the site and its surrounds have views to the North Sydney CBD skyline and Sydney Harbour Bridge. The modification application seeks to retain the approved building height of RL 62.25 or 7.1m to retain views across the site from neighbouring properties.</p>																		
<p>1.4.3 Streetscape</p>	<p>Yes</p>	<p>Conditions of consent were imposed as recommended by Council’s Development Engineer which satisfactorily address the retention and protection of Council’s Infrastructure. The street tree (<i>Jacaranda mimosifolia</i> opposite No. 34 Phillips Street) is to be retained.</p>																		
<p>1.4.5 Siting</p>	<p>Yes</p>	<p>The approved building presents as a single building form addressing the street and the external walls are parallel to the corresponding boundaries of the site. Therefore, the development retains a siting generally compliant with Provisions in s1.4.5 of NSDCP 2013.</p>																		
<p>1.4.6 Setback – Front</p>	<p>Yes</p>	<p>The front setback remains as approved at 6.7m which is appropriate for the site and ensures a sufficient front garden and landscaped setting is provided.</p>																		
<p>1.4.6 Setback – Side</p>	<p>Yes</p>	<table border="1" data-bbox="802 1688 1433 1957"> <thead> <tr> <th>Control</th> <th>Proposed via Modification 141/21/2</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="3">Zone R2 (Low Density Residential)</td> </tr> <tr> <td>Ground Floor (Up to 4m)</td> <td>1.8m (east)</td> <td>Yes</td> </tr> <tr> <td>0.9m</td> <td>2.2 – 7.5m (west)</td> <td>Yes</td> </tr> <tr> <td>First Floor (up to 7m)</td> <td>1.8m (east)</td> <td>Yes</td> </tr> <tr> <td>1.5m</td> <td>3.38 – 7.4m (west)</td> <td>Yes</td> </tr> </tbody> </table> <p>The modification application maintains a compliant ground and first floor level side setbacks, exceeding the minimum side setback requirements of 0.9m for the ground storey and 1.5m for the first storey as set out in Table B-1.5 in s1.4.6 of NSDCP 2013.</p>	Control	Proposed via Modification 141/21/2	Compliance	Zone R2 (Low Density Residential)			Ground Floor (Up to 4m)	1.8m (east)	Yes	0.9m	2.2 – 7.5m (west)	Yes	First Floor (up to 7m)	1.8m (east)	Yes	1.5m	3.38 – 7.4m (west)	Yes
Control	Proposed via Modification 141/21/2	Compliance																		
Zone R2 (Low Density Residential)																				
Ground Floor (Up to 4m)	1.8m (east)	Yes																		
0.9m	2.2 – 7.5m (west)	Yes																		
First Floor (up to 7m)	1.8m (east)	Yes																		
1.5m	3.38 – 7.4m (west)	Yes																		

P5 Rear Setback	Yes	The modification application maintains the previously approved rear setback of 8.5m as annotated on the Site Plan (455.01 Rev B), providing sufficient separation between the subject dwelling and the properties to the rear of the site, generally meeting the Objectives of s1.4.6 in NSDCP 2013.
1.4.7 Form Massing Scale	Yes	The height of the building was modified to satisfy deferred conditions of consent (AA1 Height of Building). The building has a maximum height of RL 62.25 (7.1m) which is below the 8.5m maximum height of buildings control stipulated in c14.3 of NSLEP 2013. The front façade of the dwelling facing Phillips Street will maintain an acceptable balance between solid rendered walls with a solid panel lift door for the garage and glazing. Glazing is restricted on the ground level with more glazing located on the first floor level facing Phillips Street. The approved design provides sufficient balance between solid external walls and glazing and the proposed landscaped planters along the front façade further break up the massing of the building and prevent any large expanse of glazing complying with Provision P5, s1.4.7 of NSDCP 2013.
1.4.8 Built Form Character	Yes	The dwelling was approved with a flat roof form and the modification seeks to retain the roof form including the provision of roof top landscaping. The proposed modifications are consistent with the built form character of the approved development.
1.4.9 Dwelling Entry	Yes	There is no change to the location of the approved front entryway.
1.4.10 Roofs	Yes	No alterations are proposed to the approved flat roof of the building. The flat roof assists in minimising the bulk and scale of the building encouraging view sharing for adjoining dwellings.
1.4.12 Colours and Materials	Yes	The materials and finishes for the dwelling remain largely unchanged except for the proposed alterations to the proposed driveway, replacing Filetti paving with a light wash exposed concrete aggregate surface. An amended finishes schedule has subsequently been lodged and conditions Condition A1 <i>Development in Accordance with Plans</i> and Condition A3 <i>External Colours & Materials</i> will subsequently require amendments to reflect the updated finishes schedule. The solar panels are integrated into the flat roof of the dwelling and surrounded by a roof parapet as shown in Section AA (455.10 Rev B) complying with Provision P5, s1.4.12 of NSDCP 2013.
1.4.14 Front Fences	Yes	There are no proposed modifications to the approved low level sandstone front fence.
1.5 Quality Urban Environment		
1.5.2 Lightwells & Ventilation	Yes	The proposed modification retains the use of a void through the centre of the building to provide a secondary source of light.
1.5.3 Safety and Security	Yes	The development, as proposed to be modified, maintains a sufficient level of safety and security both within the site and to the public realm with passive surveillance of the street afforded from the first floor habitable rooms.
1.5.4 Car Parking	Yes	There are no changes to the approved double garage.
1.5.4 Vehicle Access and Parking Location	Yes	The development retains an integrated double garage at ground level which is set back from the front boundary by 6.4m. A separate pedestrian entrance is located adjacent to the driveway.
1.5.4 Vehicle Access and Parking Access	Yes	The width of the vehicular access is 2.6m and is located to the eastern side of the property. Consent was granted on 2 December 2021 for a vehicular crossing pursuant to Section 138 of the Roads Act 1993.

<p>1.5.5 Site Coverage</p>	<p>Yes</p>	<p>The site area is 674.1m². The maximum allowable site coverage for a lot size between 500-749m² is 40%.</p> <p>The development was approved with a compliant site coverage provision of 264.39m² (39%). The modification application will marginally increase the site coverage by 0.29m² totaling 264.68m² (39%) and remains compliant.</p> <p>The modification application maintains compliance with the site coverage provision stipulated in Table B-1.6, s1.5.5 of NSDCP 2013.</p>																
<p>1.5.6 Landscape Area & Unbuilt upon area</p>	<p>Merit</p>	<p>The relevant site coverage, landscaped area and unbuilt upon area provisions are assessed in the table below:</p> <table border="1" data-bbox="794 622 1442 954"> <thead> <tr> <th>Control</th> <th>Approved under DA 141/21</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage Max 40%</td> <td>264.39m² (39%)</td> <td>264.68m² (39%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped area Min 40%</td> <td>289.04m² (43%)</td> <td>238.65m² (36%)</td> <td>No (Merit)</td> </tr> <tr> <td>Unbuilt-upon area Max 20%</td> <td>120.67m² (18%)</td> <td>170.77m² (25%)</td> <td>No (Merit)</td> </tr> </tbody> </table> <p>Various modifications are sought which would result in a non-compliance in landscaped area and unbuilt upon area. This has occurred due to the proposed provision of retaining walls with footing slabs that, although are located below ground level with reasonable soil depth (900mm – Condition C30 Soil Depth) and therefore do not interfere with the provision of landscaping above, are technically considered as unbuilt upon areas. The proposed retaining walls were required following excavation of the site where historical unstable retaining walls were uncovered.</p> <p>The proposed unbuilt upon areas as shown in the below annotated compliance diagram coupled with other elements such as the driveway, basement and footpaths would exceed the maximum permitted 20% as stipulated in Table B-1.7 of the NSDCP 2013.</p> <p>However, the amended Compliance Diagram (DIA.01 Rev B) shown below provides sufficient landscaping above the footing slabs of the retaining walls, therefore ensuring the site provides a landscaped buffer within the setbacks of the site, provides useable landscaped private open space, contributes to the landscaped appearance of the streetscape and maximizes the retention of surface water in accordance with the objectives in s1.5.6 of the NSDCP 2013.</p> <p>The development as modified is therefore considered supportable, retaining sufficient landscaped areas and additional shallow soil planting and on structure planting, further contributing to the developments obtainment of the objectives contained in s1.5.6 'Landscaped Area' of the NSDCP 2013.</p>	Control	Approved under DA 141/21	Proposed	Compliance	Site coverage Max 40%	264.39m ² (39%)	264.68m ² (39%)	Yes	Landscaped area Min 40%	289.04m ² (43%)	238.65m ² (36%)	No (Merit)	Unbuilt-upon area Max 20%	120.67m ² (18%)	170.77m ² (25%)	No (Merit)
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Site coverage Max 40%	264.39m ² (39%)	264.68m ² (39%)	Yes															
Landscaped area Min 40%	289.04m ² (43%)	238.65m ² (36%)	No (Merit)															
Unbuilt-upon area Max 20%	120.67m ² (18%)	170.77m ² (25%)	No (Merit)															

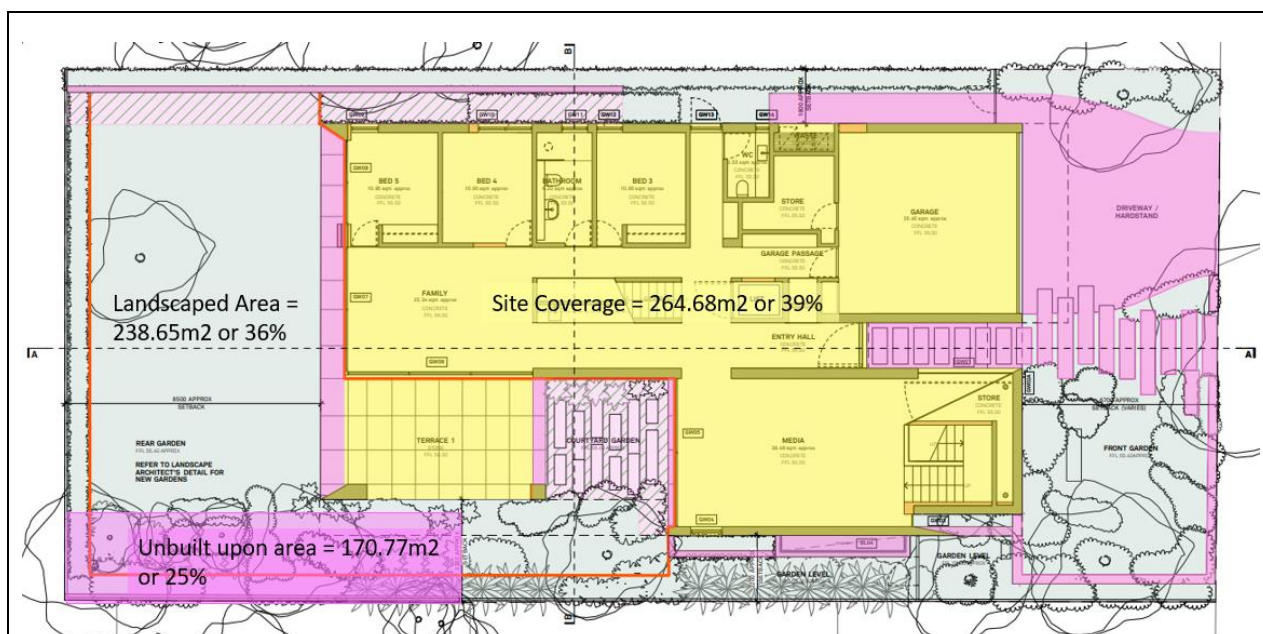


Figure 20 – Annotated Compliance Diagram (DIA.01 Rev B)

<p>1.5.7 Landscaping</p>	<p>Yes</p>	<p>The modification application seeks to retain the additional tree planting as previously approved including 2 x Crepe Myrtle's in front setback, 1 x <i>Sapium sebiferum</i> & 1 x Frangipani within western side setback and 1 x <i>Pyrus nivalis</i> in the rear setback. Furthermore, the modified Landscape Plan proposed two additional trees (<i>Tristaniopsis laurina</i>) within the rear garden as per requirements of Council's Landscape Development Officer to provide at least 50% canopy cover over the rear setback in accordance with Provision P9, s1.5.7 of NSDCP 2013.</p> <p>The planting of native species including sufficient canopy trees ensures landscaping is sustainable/appropriate for the site and contributes to the amenity of the site conforming with the Objectives in s1.5.7 of NSDCP 2013.</p>
<p>1.5.8 Front Gardens</p>	<p>Yes</p>	<p>The approved landscaped front garden is proposed to be modified, adding additional landscaping by replacing the gravel sculpture garden with pebble mulch to support additional groundcovers to satisfy the requirements of Condition C28 <i>Amendments to the Landscape Plan</i>.</p>
<p>1.5.9 Private and Communal Open Space</p>	<p>Yes</p>	<p>The modified private open space is sufficient in size and appropriately sited to provide a reasonable level of outdoor amenity meeting the objectives of s1.5.9 of NSDCP 2013.</p>
<p>1.5.12 Garbage Storage</p>	<p>Yes</p>	<p>The Ground Floor Plan (455.04 Rev C) details the location of the onsite waste storage area within the eastern side setback adjacent to the garage/store. The location of the garbage storage area is easily accessible and hidden within a nook of the eastern elevation and is would not be visible from the street.</p>
<p>1.6 Efficient Use of Resources</p>		
<p>1.6.1 Energy Efficiency</p>	<p>Yes</p>	<p>A valid amended BASIX Certificate (No. 1198659S_02 dated 25 January 2022) for a single dwelling has been submitted with the modification application to satisfy the Policy.</p>
<p>1.6.10 Green Roofs</p>	<p>Yes</p>	<p>The approved green roof is to be retained. The green roof complies with the objectives in s1.6.10 of NSDCP 2013.</p>

CHARACTER STATEMENTS – PART C

Neutral Bay Planning Area (Neutral Neighbourhood)

The proposed changes are considered below under Part C concerning the desired future character of the area.

7.2.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation in the form of dwelling houses, semi-detached houses and dual occupancies.

The proposed modifications retain the general form and number of storeys of the detached dwelling, not altering the residential typology or use of the land.

7.2.3 Desired Built Form

Form, massing and scale

P1 Development should be carefully designed to follow the topography of the land, with buildings on sloping sites.

The topography of the site is relatively flat and therefore the dwelling can be designed with a continuous floor level and does not require a step in the building form.

NORTH SYDNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The North Sydney Local Infrastructure Contributions Plan 2020 has been developed in accordance with s7.11 and s7.12 of the Environmental Planning and Assessment Act 1979.

A further s7.12 levy is not applicable because the development has already been subject to a contribution levy. A s7.12 levy was calculated for the original consent and a condition of consent (C24 – Section 7.12 Contributions) required the payment of **\$27,236.00** levy based on the cost of work (\$2,723,600). The proposed modifications would not notably increase the cost of works and therefore the existing condition remains appropriate.

Consequently, no further contribution is required.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|---|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision | Yes |

5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes
10.	Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993	Yes

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal is permissible in the R2 Low Density Residential zone and is considered appropriate having regard to the merits of the proposal and suitability of the site.

SUBMITTERS CONCERNS

The following matters have been raised in the submission received and planning comments have been provided to address the issues raised by the submitter:

- *The planter in front of window FW07 to allow screen planting is positive for improving privacy. However, plants should not be taller than the house to avoid additional overshadowing and plants should not drop leaves.*

The proposed planter in front of window FW07 comprises *Crassula undulatifolia* (1m maximum height) and *Raphiolepis 'Oriental Pearl'* (1.2m maximum height). The mature height of the plants would be below the height of the approved dwelling. *Raphiolepis* is an evergreen shrub and *Crassula undulatifolia* is a succulent and therefore minimal leaves would be dropped by the plants.

- *All western windows should be fitted with privacy louvres providing more privacy for adjoining properties and reducing sunlight to the subject property which is considered a more environmentally sustainable outcome.*

The windows on the western elevation are satisfactory in terms of environmental performance. The BASIX Certificate (1198659S_02 dated 25 January 2022) confirms the proposed development as modified meets the requirements for sustainability.

Furthermore, the privacy outcome for the western elevation is considered satisfactory as reasonable visual privacy is provided for the western neighbours and would be consistent with the requirements or intent of Conditions C22 *Privacy*, C23 *First Floor Terrace Design Modification* and C28 *Amendments to the Landscape Plan*.

- *A retaining wall should be constructed along the entire western boundary to protect the structural adequacy of adjoining sites.*

The proposed western boundary retaining wall was recommended by Partridge Structural Pty Ltd as an engineering solution after inspecting the condition of the north western corner of the site after the demolition of the existing dwelling and swimming pool which revealed a stone retaining wall along the boundary. The retaining wall solution is sought to support the new fence as shown in the below Section.

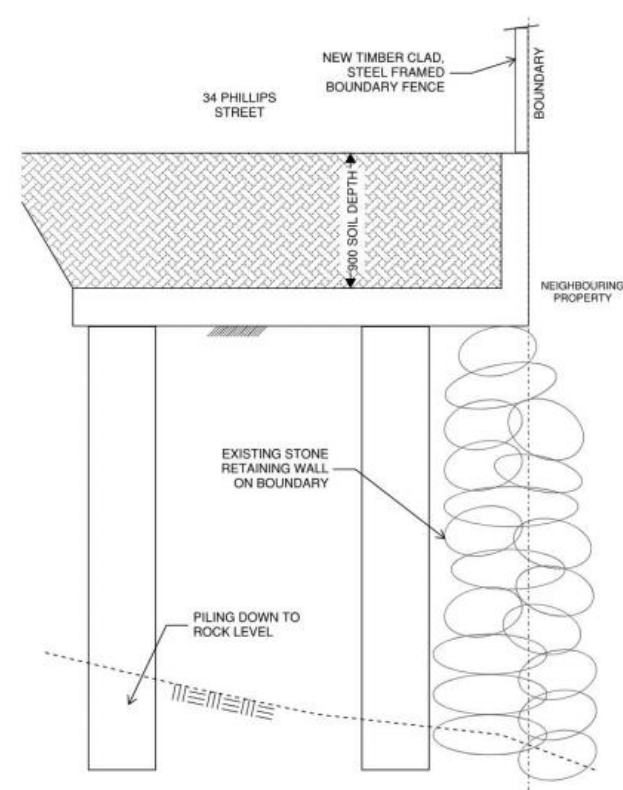


Figure 21 – Section detailing retaining wall and stone retaining wall of neighbouring property (Partridge Structural Pty Ltd)

It is considered appropriate to limit the extent of retaining walls to minimise earthworks and unbuilt upon area, where possible, and to promote landscaping including tree planting which requires greater soil depth.

CONCLUSION & REASONS

The proposed modifications are considered to be generally consistent with the originally approved development application and s4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the grant of development consent to the originally approved development and are considered to be acceptable.

The proposed modifications generally retain the bulk and scale of the dwelling, not increasing the height of the building, maintaining compliant setbacks and compliant site coverage. The site retains sufficient landscaping within all setbacks including the rear setback area, coupled with additional tree planting to improve the tree canopy coverage on the site.

The proposed modification is consistent with the intent of the relevant privacy conditions which were amended by the Panel, thereby providing a reasonable level of privacy for the residents of adjoining properties. The modifications to the side elevations incorporate a combination of reduced window openings, provision of privacy screens and planter beds with landscaped screening on the western side elevation to achieve the intended privacy outcomes.

Additional earthworks are proposed which includes a larger basement and additional retaining walls with underlying slab footings for parts of the side boundaries. The proposed basement is acceptable as it provides space for plant/equipment and storage and does not comprise additional habitable space, consistent with Provision P4, s1.3.1 of NSDCP 2013. The retaining walls with underlying footings seek to stabilise the side boundaries of the site and, subject to the provision of an appropriate soil depth, the retaining walls would not have a detrimental impact on landscaping within the side setbacks of the site.

Council received one submission that sought clarification regarding the screen planting, requested additional privacy louvres and outlined a preference for the retaining walls to run along the entire side boundary of the site. The comments have been discussed in this report and further design modifications are considered to be required in the circumstances.

Having regard to the provisions of section 4.55 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally approved. The application is therefore recommended for **approval**.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council, under section 4.55 of the Act grant consent to modify development consent DA No. 141/21 originally granted 14 December 2021 in relation to the proposed extension to the size of the basement, and alterations to the elevations and roof top at 34 Phillips Street, Neutral Bay only insofar as will provide for the following:

A. Impose Condition A4 as follows:

Development in accordance with Plans (s4.55 Amendments)

- A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and A4 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan Nos.	Revision No	Description of works	Prepared by	Dated
455.01	B	Site Plan	David Selden Design	10/02/2022
455.02	B	Roof Plan		10/02/2022
455.03	B	First Floor Plan		10/02/2022
455.04	C	Ground Floor Plan		10/05/2022
455.05	C	Basement Plan		10/05/2022
455.06	B	Street/Southern Elevation		10/02/2022
455.07	B	Western Elevation		10/02/2022
455.08	B	Northern Elevation		10/02/2022
455.09	B	Eastern Elevation		10/02/2022
455.10	B	Section AA		10/05/2022
455.11	B	Section BB		10/02/2022
EF.01	A	External Finishes		10/05/2022
L102	I	Landscape DA Plan	Spirit Level Designs Pty Ltd	10/05/2022

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

B. Impose Condition C30 and C31 as follows:

Soil Depth

C30. The following soil depths are required to be achieved, as stipulated by Spirt Level Designs Pty Ltd in the Landscape Statement dated 04 May 2022 and received by Council on 10 May 2022.

Boundary	Location	Soil Depth (mm)
Eastern Boundary	Within landscaped eastern setback of the site.	900mm depth from slab to FGL.
Western Boundary	Within lower level of landscaped side setback of the site.	400mm depth from slab to FGL.
Western Boundary	Within upper level planter of western side setback of the site.	600mm depth from slab to FL.

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 that soil depths are retained to achieve long term healthy growth of planting within the side setbacks of the site)

Works to be Completed within the Subject Site

C31. The approved works must be wholly contained within the site of No. 34 Phillips Street, Neutral Bay, and must not result in any encroachment into neighbouring lots or Council's road reserve. Under no circumstances shall the boundary retaining walls extend into adjoining lots without the prior written consent of the adjoining owner(s).

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, in order to fully satisfy the requirements of this condition.

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

C. Delete Conditions C22 and C23 as follows:

D. Modify Conditions A3, C26, C28, G10, G11 and I2 as follows:

External Finishes & Materials

A3. External finishes and materials must be in accordance with the submitted schedule dated 26 April 2022, prepared by David Selden Design and received by Council on 10 May 2022. Where there are matters not covered by the finishes schedule other finishes must be in accordance with Council's condition (C7 External Colours and Finishes).

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

BASIX Certificate

C26. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1198659S_02 dated 25 January 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)

Amendments to the Landscape Plan

C28. The landscape plan (L102 Rev I) must be amended as follows to provide an appropriate landscaped setting:

- The front south western garden is to have a maximum RL of 55.40 as stipulated in the Ground Floor Plan (455.04 Rev B). No modification or alteration to existing soil levels within the Tree Protection Zone of the Jacaranda mimosifolia shall occur.

- The existing front boundary stone wall subject to an increase in height shall be extended without excavation and/or earthworks within the TPZ of the Jacaranda mimosifolia. If excavation or earthworks are required within the TPZ of the Jacaranda mimosifolia sensitive construction techniques including hand excavation is required under supervision of a project arborist and no roots greater than 40mm shall be cut.

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)

Landscaping

- G10. The landscaping shown in the approved landscape plan numbered L102 I (as amended by Condition C28) prepared by Spirit Level dated 06/05/22 and received by Council on 10/05/22 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain conditions

- G11. Prior to the issue of any Occupation Certificate, Conditions C6 and C28 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)

Maintenance of Approved landscaping

- I2. The owner of the premises at 34 Phillips Street, Neutral Bay is to maintain the landscaping approved by this consent and as modified under Condition C28 *Amendments to the Landscape Plan* generally in accordance with drawing number L102 I dated 06/05/2022.

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

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non flowering, native for exotic, deciduous for non deciduous or the reverse of any these) a modification to this consent will be required.

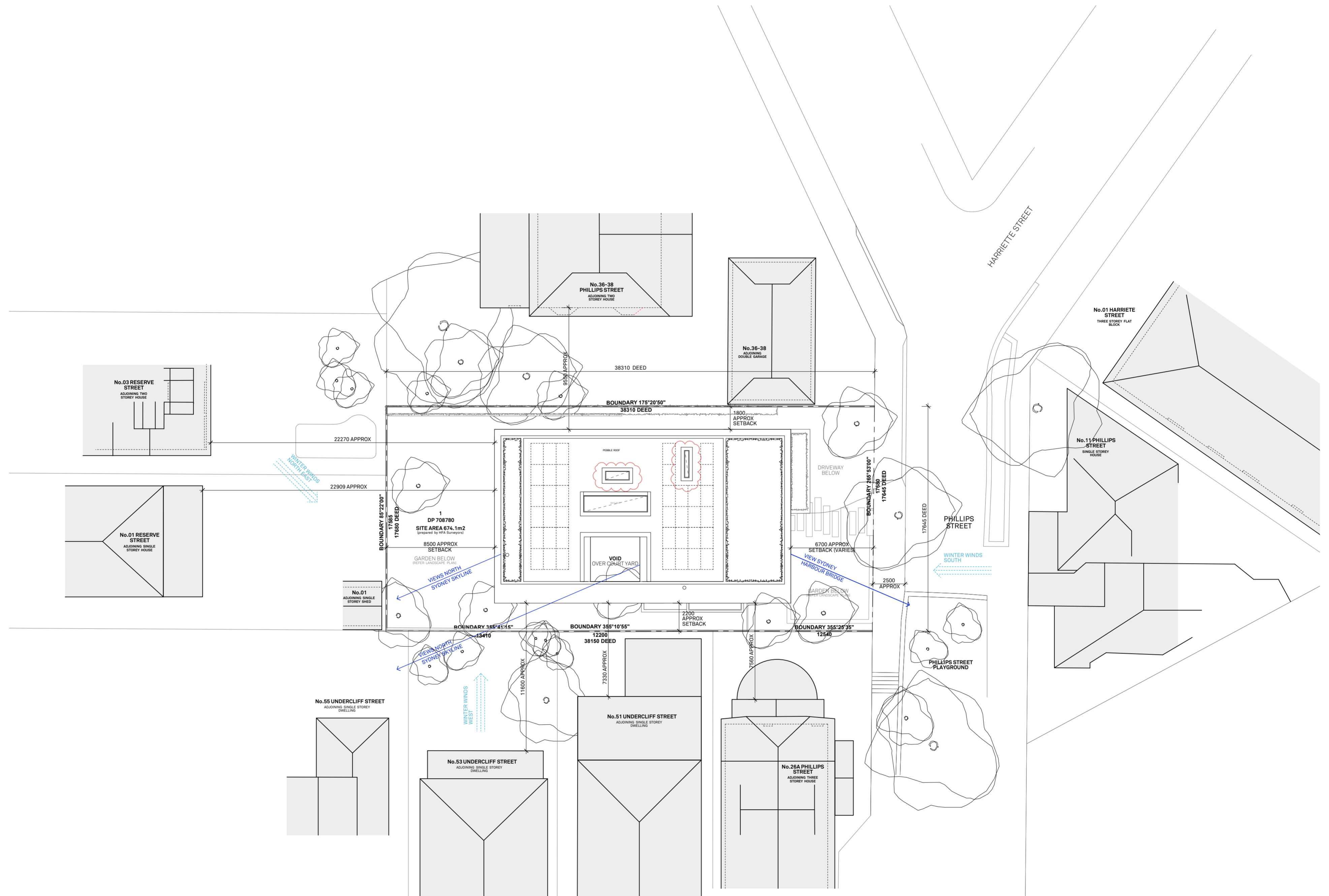
(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

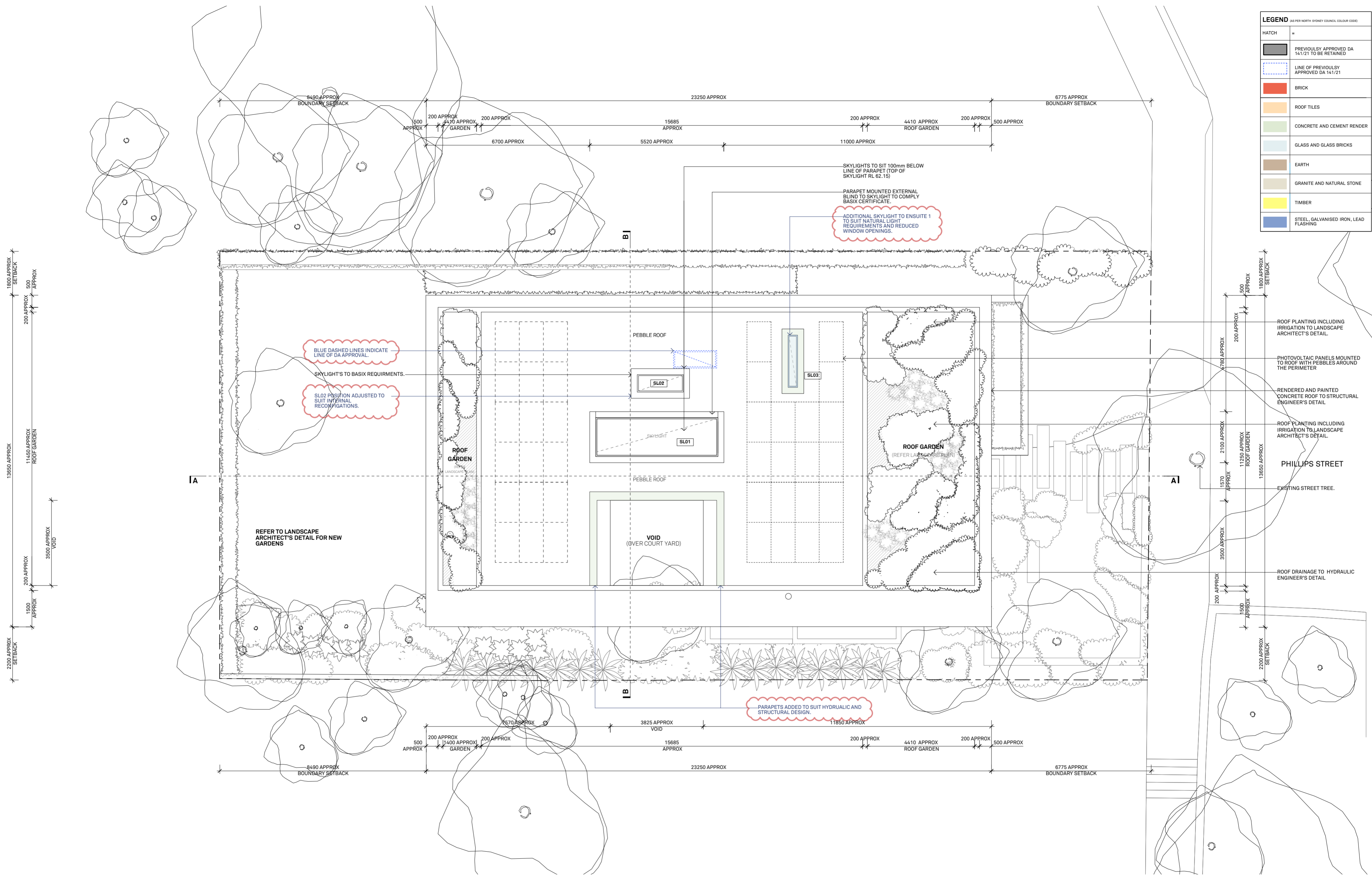
Thomas Holman
ASSESSMENT OFFICER

Michael Stephens
A/TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

Date:





LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 14/1/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 14/1/21
	BRICK
	ROOF TILES
	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING

David Selden Design

T 02 9332 1044
 contact@davidsselden.com
 www.davidsselden.com
 Suite 306a
 19a Boundary St
 Rushcutters Bay
 NSW 2011

Revision	
A	22/01/22 Issue for Section 4.55 Application
B	7/2/22 Issue for Section 4.55 Modification (further annotation)

Please note:
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 All works to be in accordance with Australian standards, The National Construction Code of Australia and other relevant codes, and with manufacturer's recommendations and instructions.

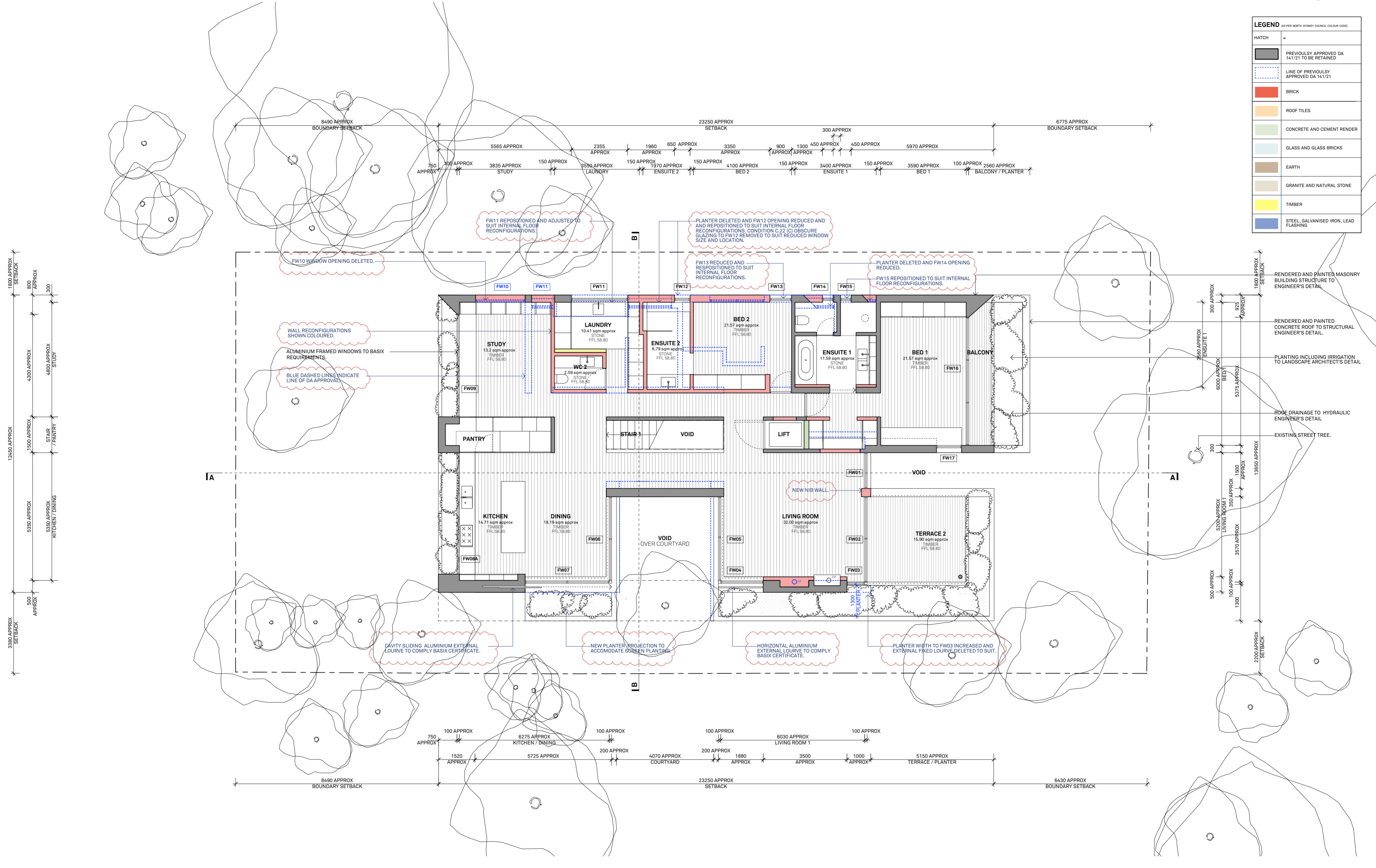


Project Number
2015

Drawing
Roof Plan
S4.55 APPLICATION
 Project
 34 PHILLIPS STREET NEUTRAL BAY

Scale on A2
 1:100
 Date Printed
 8/2/22

Drawing Number
455.02 B
 Revision



LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
[Hatched Box]	PREVIOUSLY APPROVED DA 141/21 TO BE RETAINED
[Dashed Line]	LINE OF PREVIOUSLY APPROVED DA 141/21
[Red Box]	BRICK
[Orange Box]	ROOF TILES
[Green Box]	CONCRETE AND CEMENT RENDER
[Light Blue Box]	GLASS AND GLASS BRICKS
[Brown Box]	EARTH
[Tan Box]	GRANITE AND NATURAL STONE
[Yellow Box]	TIMBER
[Blue Box]	STEEL, GALVANISED IRON, LEAD FLASHING

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 NSW 2011

Revision	Date	Description
A	22/01/22	Issue for Section 4.55 Modification
B	7/2/22	Issue for Section 4.55 Modification (further annotation)

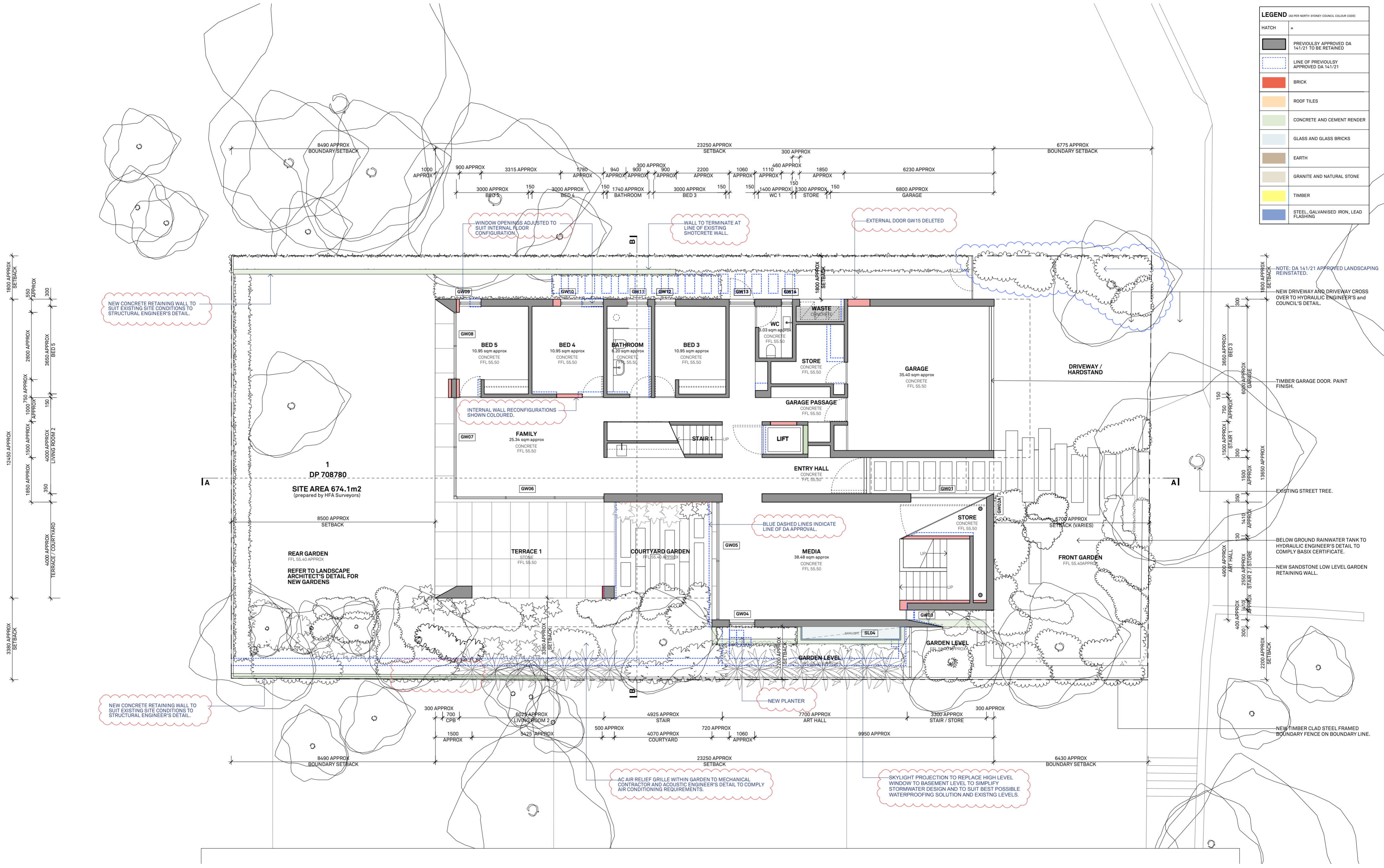
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Drawing
First Floor Plan
S4.55 APPLICATION
 Project Number
 2015
 Project
 34 PHILLIPS STREET NEUTRAL BAY

Scale on A2
 1:100
 Date Printed
 8/2/22

Drawing Number
455.03 B
 Revision



LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 14/1/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 14/1/21
	BRICK
	ROOF TILES
	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING

NOTE: DA 14/1/21 APPROVED LANDSCAPING REINSTATED.

NEW DRIVEWAY AND DRIVEWAY CROSS OVER TO HYDRAULIC ENGINEER'S and COUNCIL'S DETAIL.

TIMBER GARAGE DOOR. PAINT FINISH.

EXISTING STREET TREE.

BELOW GROUND RAINWATER TANK TO HYDRAULIC ENGINEER'S DETAIL TO COMPLY BASIX CERTIFICATE.

NEW SANDSTONE LOW LEVEL GARDEN RETAINING WALL.

NEW TIMBER CLAD STEEL FRAMED BOUNDARY FENCE ON BOUNDARY LINE.

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 contact@davidselfdesign.com
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 19a Boundary St
 Rushcutters Bay
 NSW 2011

Revision	Date	Description
A	22/01/22	Issue for Section 4.55 Modification
B	7/2/22	Issue for Section 4.55 Modification (further annotation)
C	6/5/22	Issue for Section 4.55 Modification (DA approved driveway landscaping reintroduced)

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Project Number
2015

Ground Floor Plan
 S4.55 APPLICATION

Project
 34 PHILLIPS STREET NEUTRAL BAY

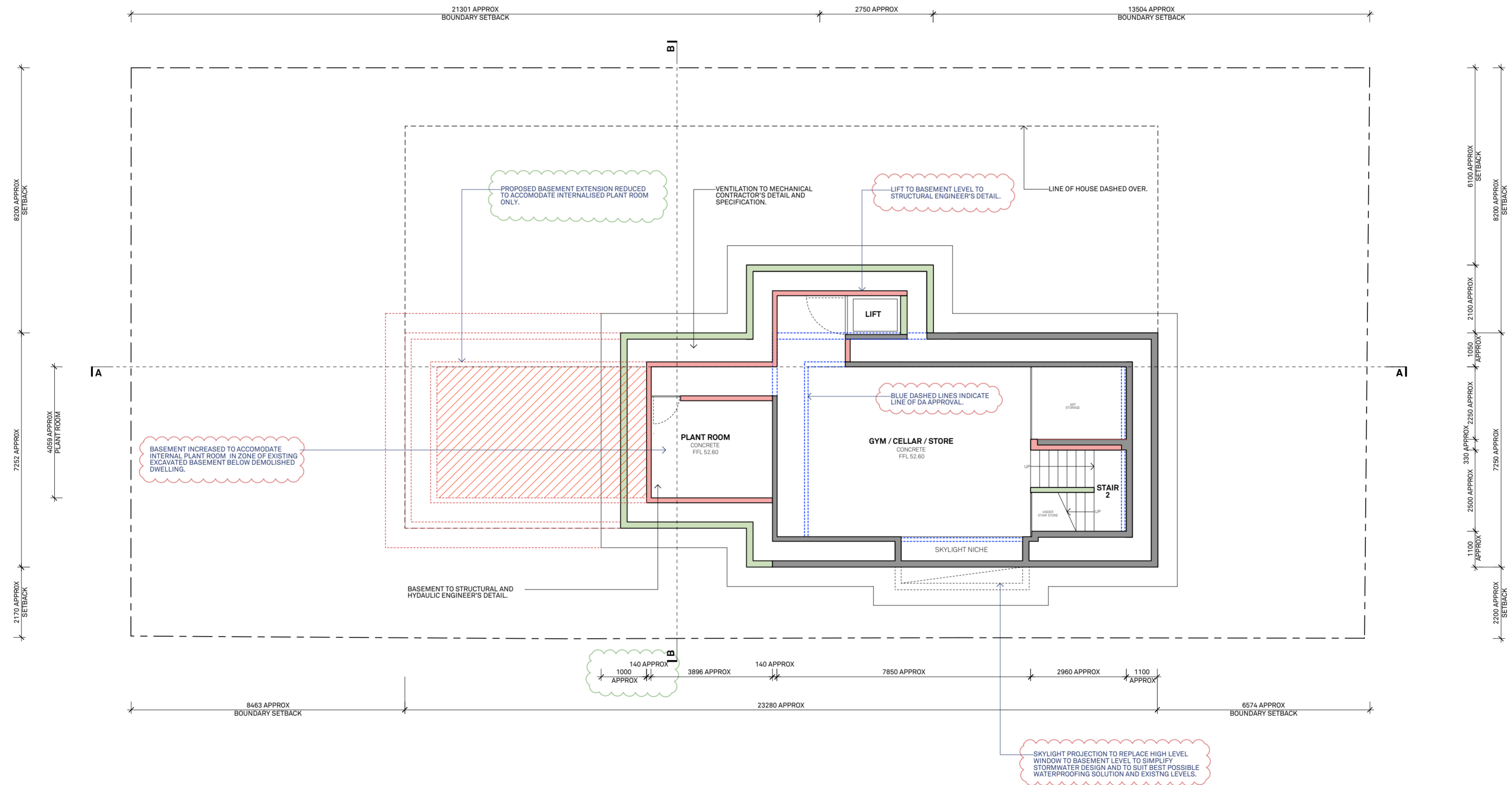
Scale on A2
1:100

Date Printed
6/5/22

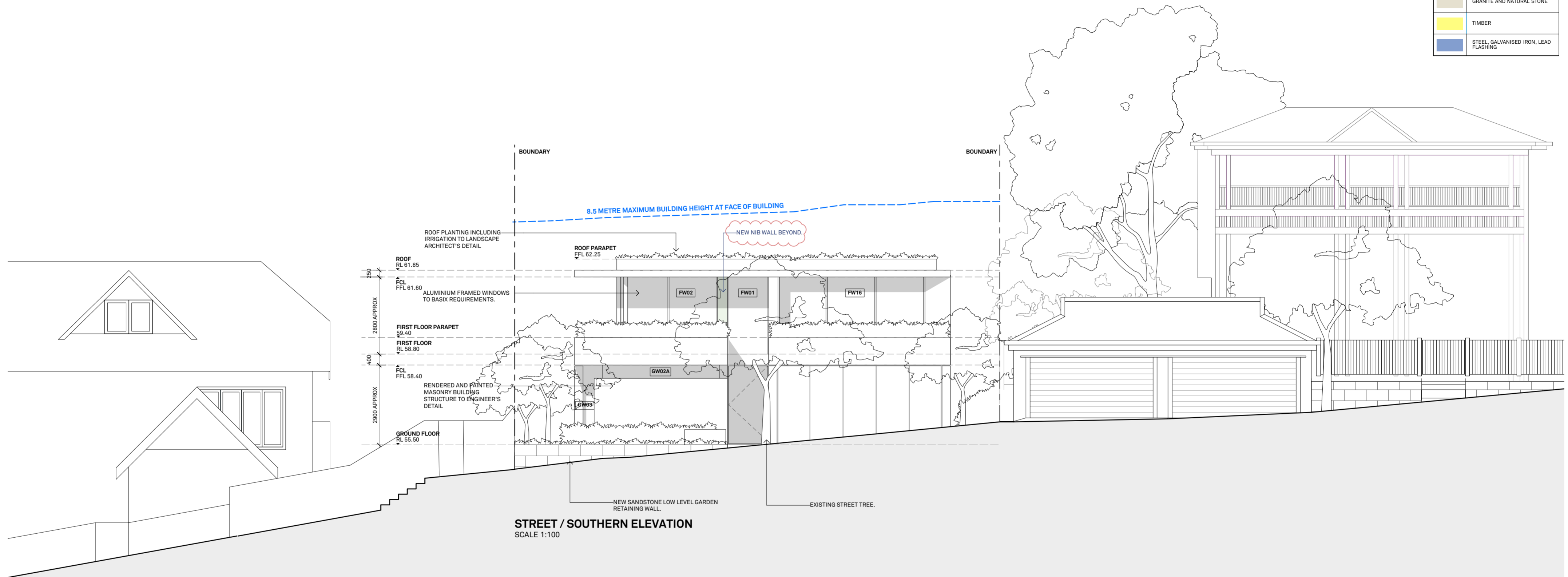
Drawing Number Revision

455.04 C

LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 141/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 141/21
	BRICK
	ROOF TILES
	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 14/1/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 14/1/21
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	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



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 NSW 2011

Revision		
A	22/01/22	Issue for Section 4.55 Modification
B	7/2/22	Issue for Section 4.55 Modification (further annotation)

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Project Number
2015

Drawing
Street / Southern Elevation
S4.55 APPLICATION

Scale on A2
1:100

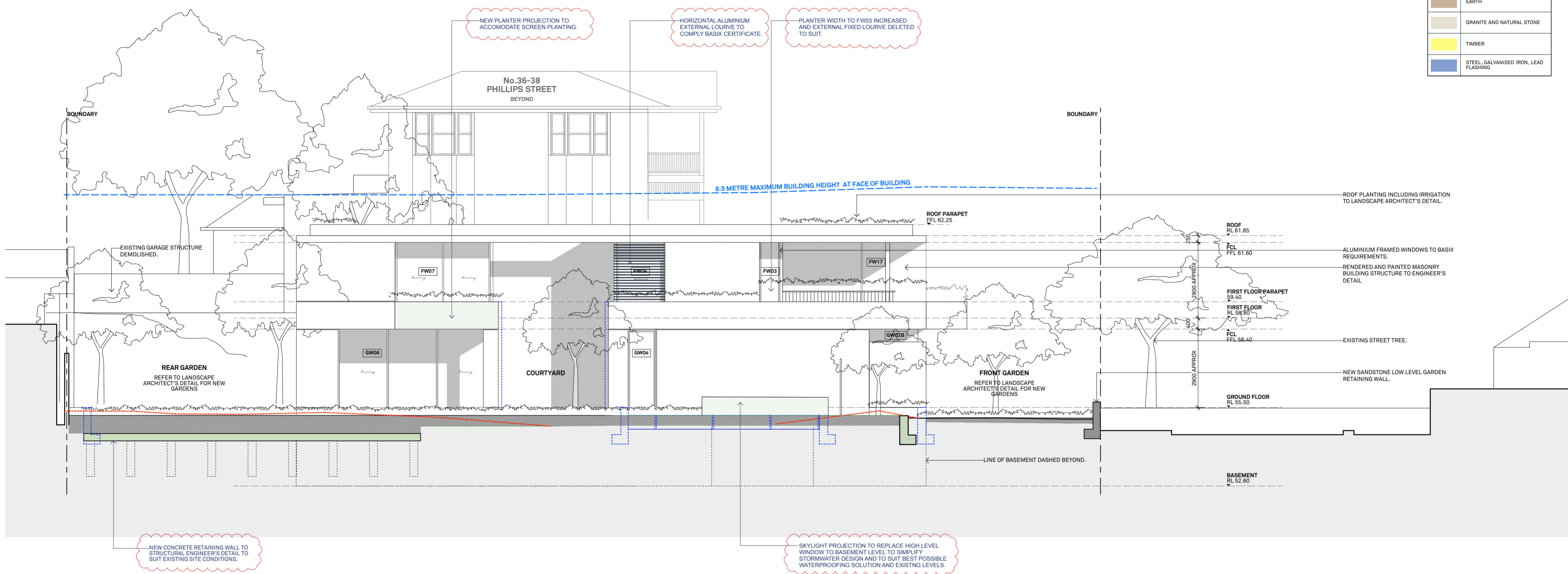
Date Printed
8/2/22











Drawing Number Revision

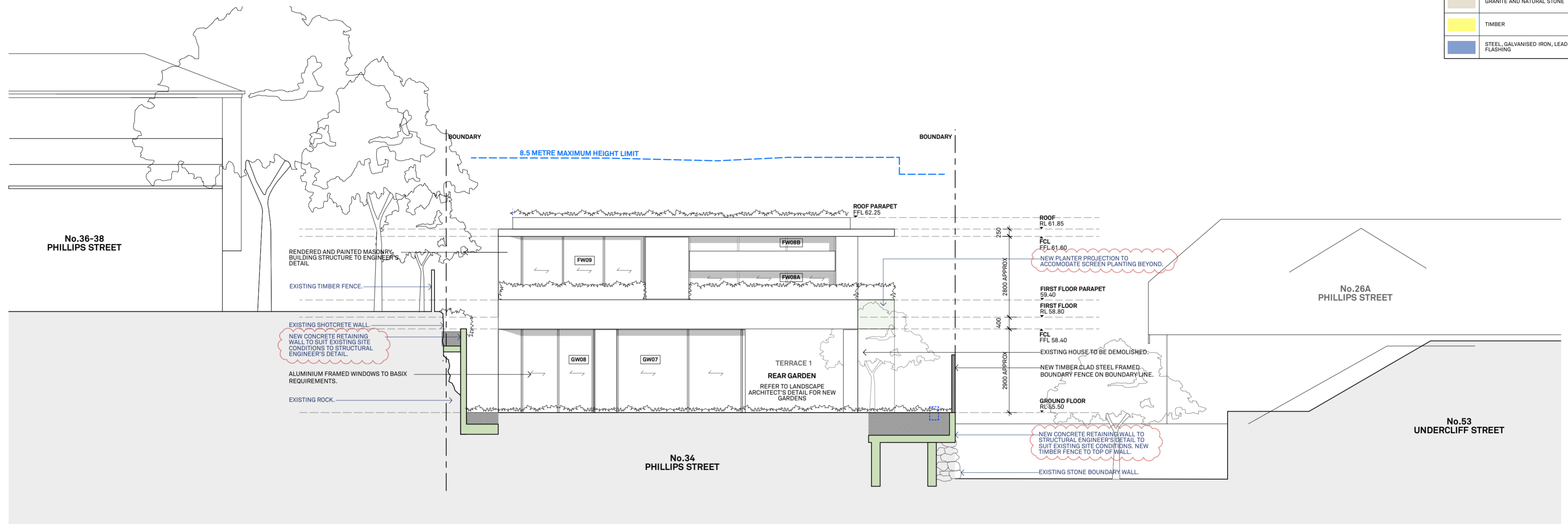
455.06 B

Project
34 PHILLIPS STREET NEUTRAL BAY

LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 14/1/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 14/1/21
	BRICK
	ROOF TILES
	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



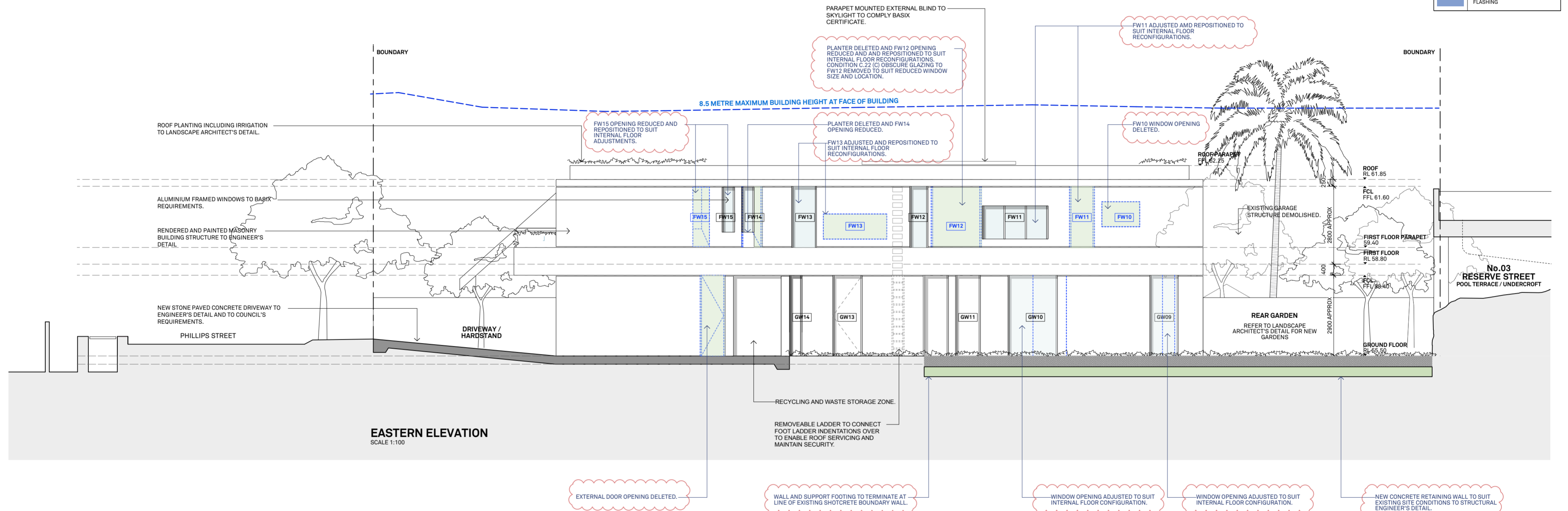
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	LINE OF PREVIOUSLY APPROVED DA 14/1/21
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	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



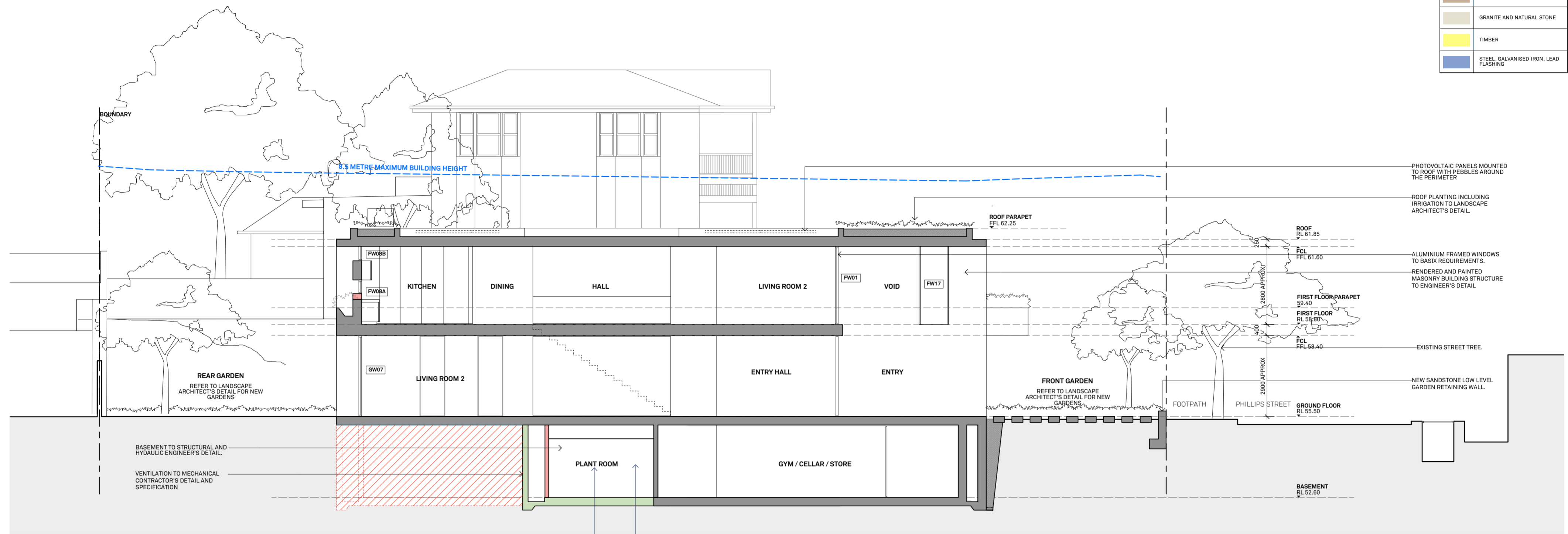
NORTHERN ELEVATION
SCALE 1:100



LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
	PREVIOUSLY APPROVED DA 14/1/21 TO BE RETAINED
	LINE OF PREVIOUSLY APPROVED DA 14/1/21
	BRICK
	ROOF TILES
	CONCRETE AND CEMENT RENDER
	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
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	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



SECTION AA
SCALE 1:100

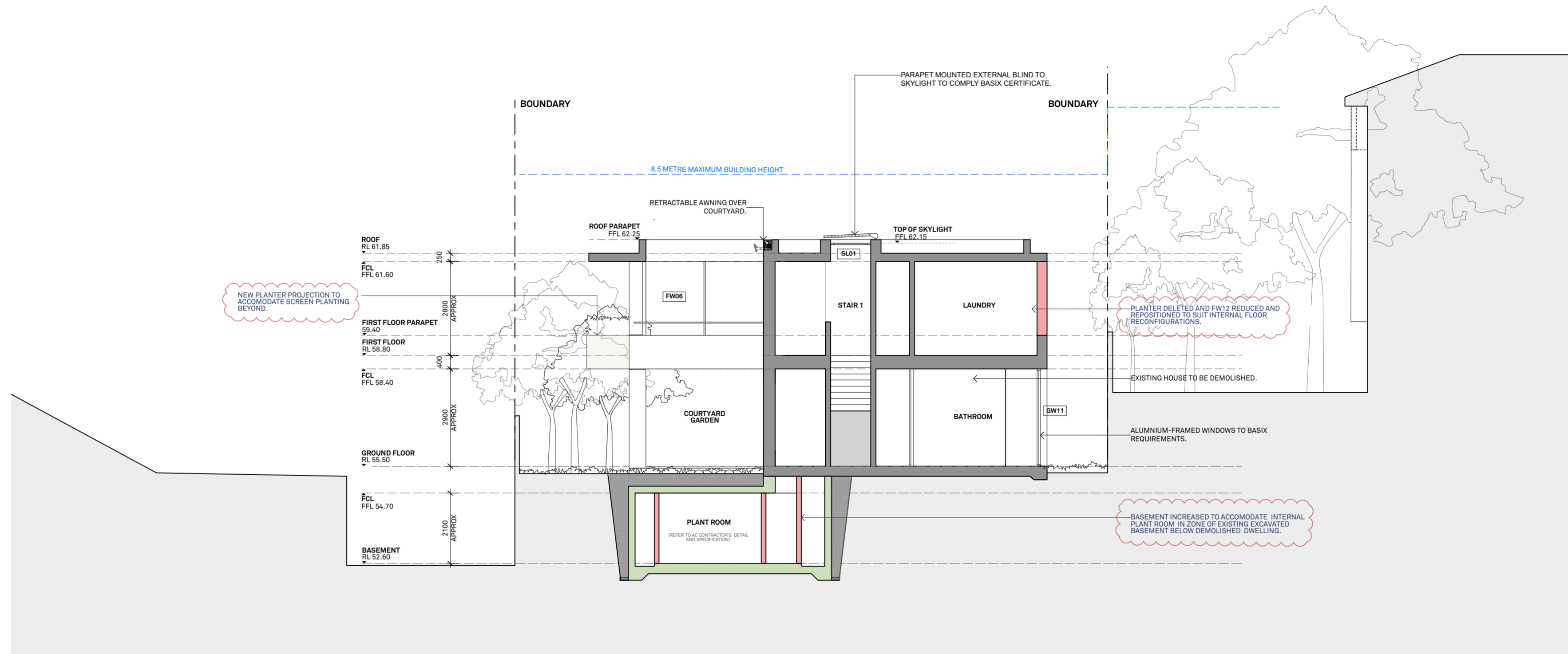
PROPOSED BASEMENT EXTENSION REDUCED TO ACCOMMODATE INTERNALISED PLANT ROOM ONLY.

BASEMENT INCREASED TO ACCOMMODATE INTERNAL PLANT ROOM IN ZONE OF EXISTING EXCAVATED BASEMENT BELOW DEMOLISHED DWELLING.

Revision	Date	Description
A	22/01/22	Issue for Section 4.55 Modification
B	7/2/22	Issue for Section 4.55 Modification (further annotation)
C	06/5/22	Basement reduced to accommodate internalised plant room only

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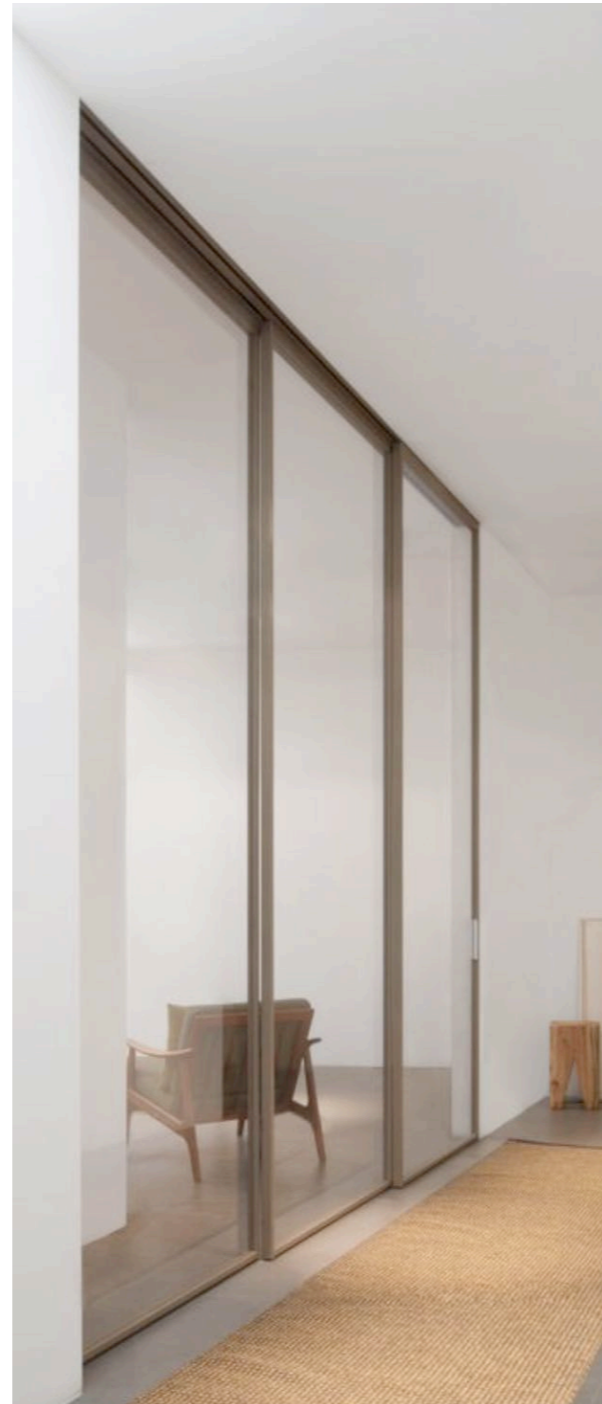
LEGEND (AS PER NORTH SYDNEY COUNCIL COLOUR CODE)	
HATCH	=
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	LINE OF PREVIOUSLY APPROVED DA 14/1/21
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	GLASS AND GLASS BRICKS
	EARTH
	GRANITE AND NATURAL STONE
	TIMBER
	STEEL, GALVANISED IRON, LEAD FLASHING



SECTION BB
SCALE 1:100



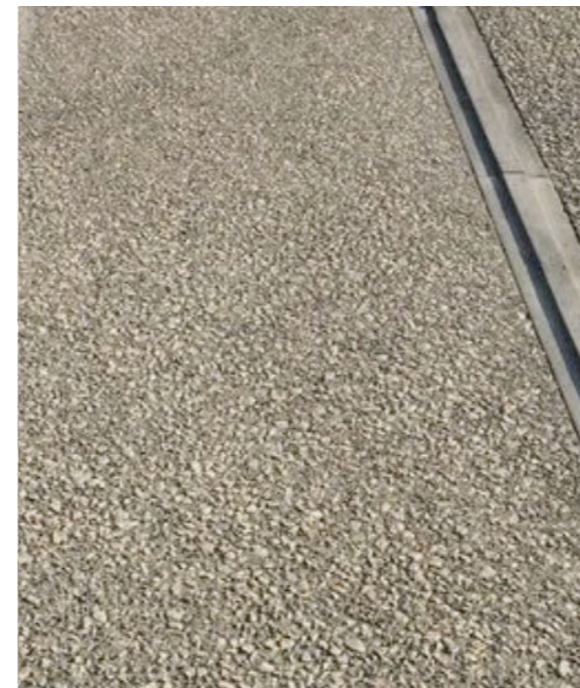
EXTERNAL WALLS
TEXTURED RENDER



WINDOWS & DOORS
ALUMINIUM FRAMED



EXTERNAL WALLS
TEXTURED RENDER



DRIVEWAY / HARD STAND PAVING
EXPOSED AGGREGATE CONCRETE

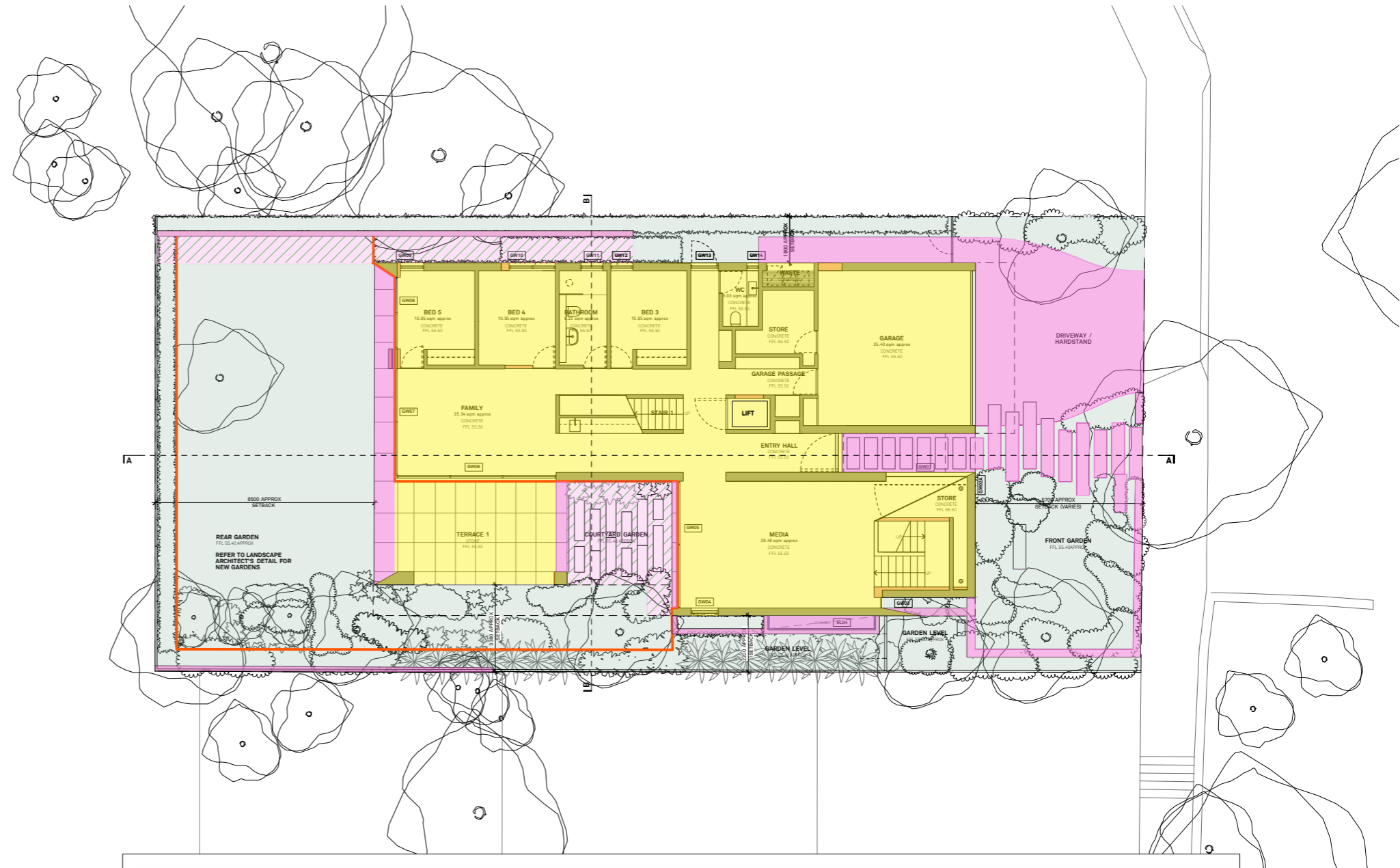


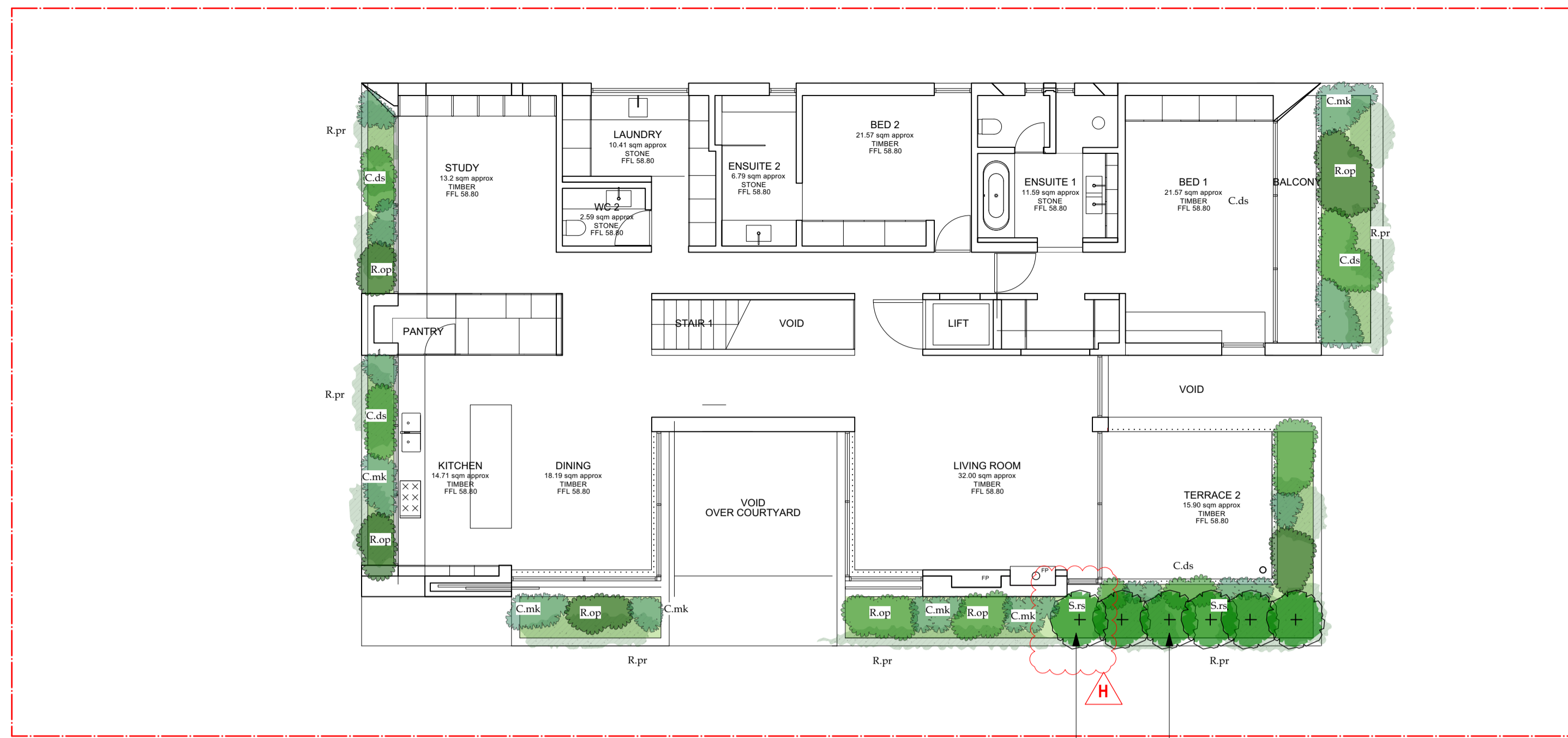
PLANTING & GARDEN
SANDSTONE



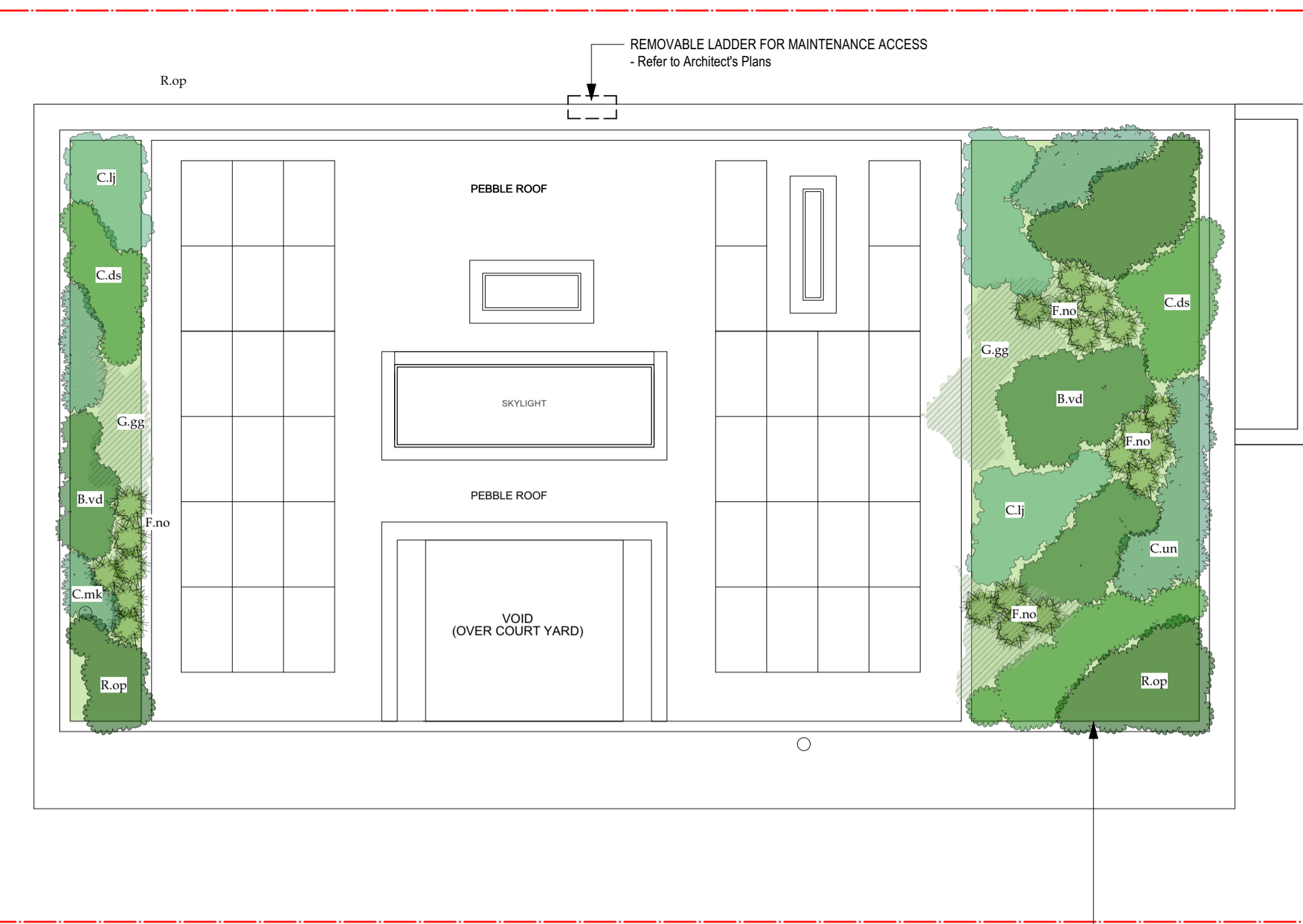
RETAINING WALL
SANDSTONE

SITE AREA = 674.1 m2		CONTROL	PROVIDED	COMPLIES
SITE COVERAGE:				
CONTROL = 40% MAX SITE	= 269.64 sqm	264.68 sqm - 39%	YES	
LANDSCAPE AREA				
MINIMUM = 40% SITE	= 269.64 sqm	277.65 sqm - 41%	YES	
ADDITIONAL SHALLOW SOIL PLANTING		30.15 sqm		
SUPPLEMENTARY PLANTING (FIRST FLOOR AND ROOF TOP PLANTING)		95.00 sqm		
UNBUILT UPON AREA MAX 20%	= 134.82 sqm	131.77 sqm - 19%	YES	
PRIVATE OPEN SPACE	50 sqm	205.94 sqm	YES	





2 LANDSCAPE CONCEPT PLAN - LEVEL 1
Scale: 1:100



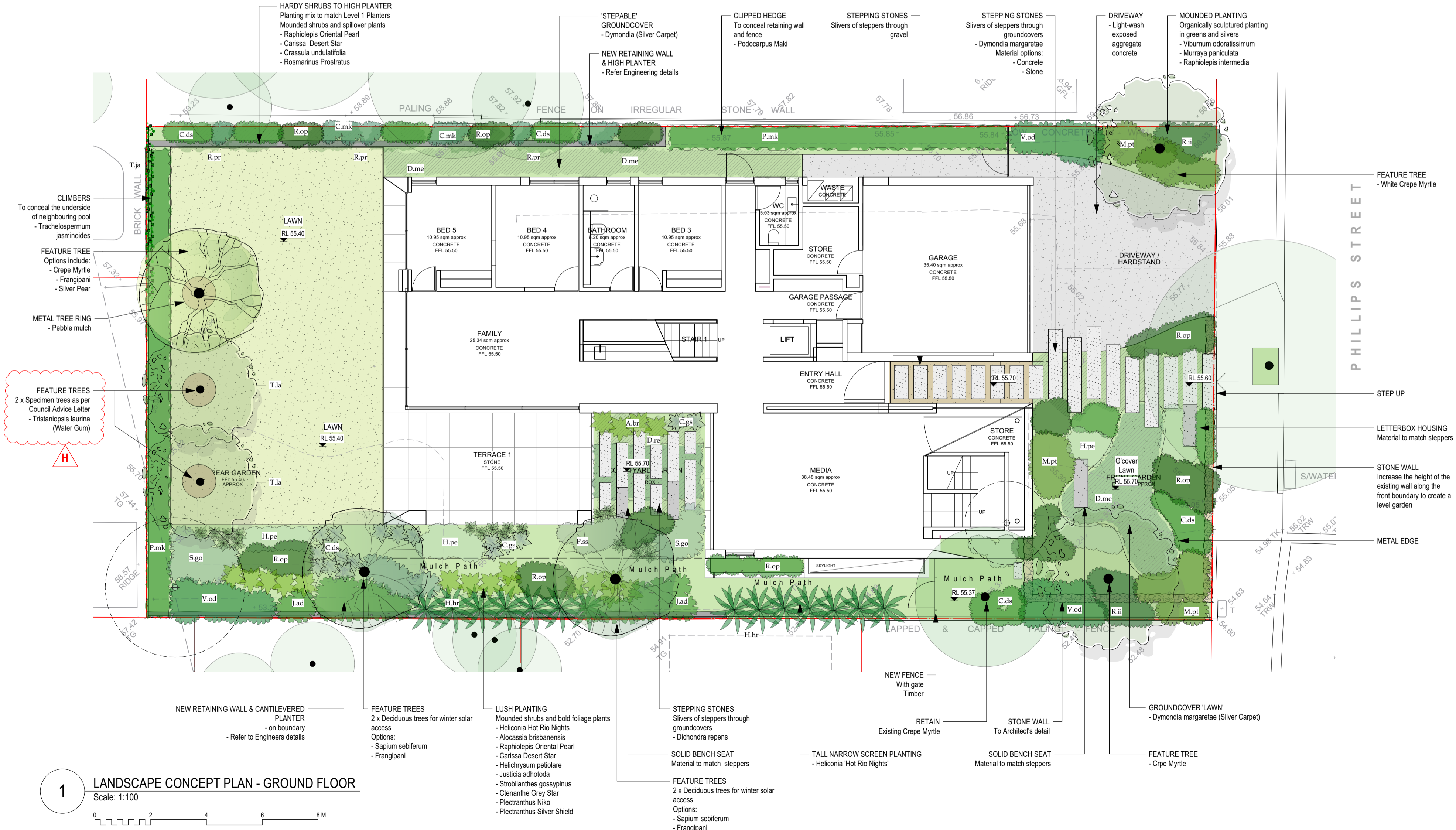
3 LANDSCAPE CONCEPT PLAN - ROOF GARDEN
Scale: 1:100

EXTEND SCREEN PLANTING AS PER COUNCIL ADVICE LETTER
- Native species - Syzygium 'Resilience'
- Clipped to 1.5m height

SCREEN PLANTING
- Tall dense screen planting within Western Planter Box as per Condition C.28
- Native species - Syzygium 'Resilience'
- Clipped to 1.5m height

HARDY SHRUBS TO PLANTERS
Mounded shrubs
- Raphiolepis Oriental Pearl
- Carissa Desert Star
- Crassula undulatifolia

Bee attracting native shrubs, grasses and groundcovers
- Callistemon Little John
- Baeckea virgata Dwarf
- Ficus roosea
- Grevillea Gin Gin Gem

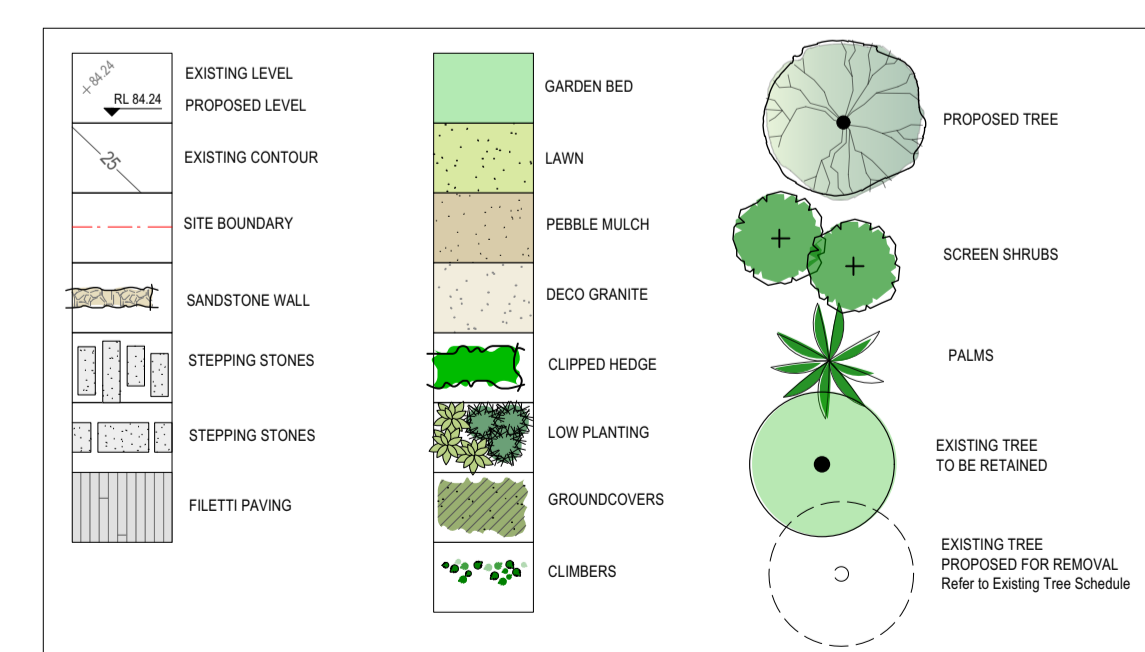


1 LANDSCAPE CONCEPT PLAN - GROUND FLOOR
Scale: 1:100

INDICATIVE PLANT LIST

ID	Latin Name	Common Name	Pot Size	Mature Height	Mature Width
TREES					
L.na	Lagerstroemia x indica Natchez	White Crepe Myrtle	75L	5-6m	3.5-5m
P.rv	Pyrus nivalis	Silver Pear	100L	6-8m	4-5m
P.ru	Plumeria rubra var acutifolia	Frangipani	100L	4-6m	3.5-5m
S.se	Sapium sebiferum	Chinese Tallow Tree	75L	5-10m	3.5-6m
T.la	Tristanopsis laurina	Water Gum	100L	8-10m	6-8m
SHRUBS					
A.br	Allocasia brisbanensis	Elephant's Ear	200mm	0.9-1.5m	1.2-2.0m
B.vd	Baeckea virgata Dwarf	Dwarf Baeckea	140mm	0.75-0.9m	0.6-0.9m
C.ds	Carissa 'Desert Star'	Natal Plum	200mm	0.8-1.0m	0.9-1.2m
C.gs	Callistemon 'Grey Star'	Chenanth	200mm	0.6-0.9m	0.3-0.6m
C.lj	Callistemon viminalis 'Little John'	Weeping Bottlebrush	200mm	0.9-1.5m	0.9-1.2m
H.hr	Heliconia 'Hot Rio Nights'	Heliconia Hot Rio Nights	300mm	3-4m	2-3m
H.pe	Helichrysum petiolare	Licorice Plant	140mm	0.75-0.9m	0.6-0.9m
J.ad	Justicia adhatoda	Malabar Nut	200mm	2-3m	1-1.5m
M.pt	Murraya paniculata	Mock Orange	300mm	1.5-3m	1.2-2.0m
R.j	Raphiolepis indica intermedia	Indian Hawthorn	200mm	1-2m	1-1.5m
R.op	Raphiolepis 'Oriental Pearl'	Indian Hawthorn	200mm	1-1.2m	1-1.2m
S.go	Strobilanthes gossypinus	Persian Shield	200mm	0.9-1.5m	0.9-1.2m
V.od	Viburnum odoratissimum	Sweet Viburnum	25L	3-5m	2.0-3.5m
GROUNDCOVERS					
D.me	Dymondia marginatae	Silver Carpet	100mm	0.0-0.3m	0.3-0.6m
D.re	Dichondra repens	Kidney Weed	100mm	0.0-0.3m	0.9-1.2m
F.no	Ficinia nodosa	Knobby Club-rush	140mm	0.6-0.75m	0.3-0.6m
P.ni	Plectranthus 'Nico'	Plectranthus 'Nico'	100mm	0.3-0.45m	0.0-0.3m
P.as	Plectranthus argenteus 'Silver Shield'	Native Plectranthus	140mm	0.75-0.9m	0.9-1.2m
R.ar	Rosmarinus officinalis Prostratus	Trailing Rosemary	140mm	0.3-0.45m	0.9-1.2m
V.he	Viola hederacea	Native Violet	140mm	0.0-0.3m	1.2-2.0m
SUCCULENTS					
C.mk	Crassula undulatifolia 'Max Cook'	'Max Cook' Jade	200mm	0.6-1	0.3-0.6
CLIMBERS					
T.ja	Trachelospermum jasminoides	Star Jasmine	140mm	3-4m	2.0-3.5m
HEDGES & SCREEN PLANTING					
P.mk	Podocarpus macrophylla Maki	Plum Pine	45L	2-3m	1.2-2.0m
S.rs	Syzygium australe 'Resilience'	Dwarf Lilly Pilli	25L	1.5-2m	1.2-2.0m

KEY



I 4/05/22 REVISION ISSUE RE
H 4/05/22 RE: COUNCIL ADVICE LETTER RE
G 3/05/22 RE: COUNCIL ADVICE LETTER RE
F 24/01/22 \$4.55 ISSUE RE
E 21/01/22 \$4.55 ISSUE RE
D 11/01/22 \$4.55 ISSUE RE
C 25/11/21 REVISIONS FOR CC RE
B 8/4/21 Revised issue BP
A 06/04/21 Preliminary - For Discussion BP

THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

PROJECT
Proposed New Residence

ADDRESS
34 Phillips Street, Neutral Bay

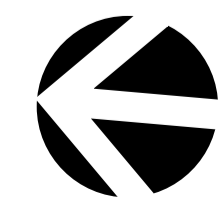
CLIENT
Lisa and Egil Paulsen

DRAWING
Landscape DA Plan

spirit level

spirit level designs ply ltd
514 cleveland street, surry hills nsw 2010
tel: 02 8399 0660
email: inspired@spiritlevel.com.au

PROJECT #	1721	DWG STATUS	
DWG DATE	9/4/21	CAD FILE NAME	PaulSen.vwx
PLAT DATE	6/05/2022	DWG #	REVISION
ORIGINAL SHEET SIZE	ISO A1		
SCALE @ SHEET SIZE	1:100		
DRAWN	BP	CHKD	HM



L102 I
OF 0

Date: 4 May 2022

Ref: 34010BMlet2

David Selden Design
Studio 306a, 19a Boundary Street
Rushcutters Bay 2011

Attention: Zara Norley
Email: zara@davidselden.com

**GEOTECHNICAL OPINION- STABILITY OF PROPOSED EXTENDED BASEMENT
PROPOSED RESIDENCE
34 PHILLIP STREET, NEUTRAL BAY, NSW**

We previously completed a geotechnical investigation report (Ref. 34010BMrpt, dated 18 May 2021) for a proposed two storey residence over a partial basement at the above address. We have since been provided a proposed S4.55 set of David Selden Design architectural plans including the Basement Plan (Job No 2015, Dwg 455.05C, dated 27 April 2022) showing a proposed extension to the existing approved basement. The proposed northern extent of the basement is to within about 8.5m of the northern boundary.

We have been supplied a copy of a letter from North Sydney Council Ref D141/21, TH2 (CIS) understood to have been received on 21 April 2022. We understand preliminary assessment by Council is that the increase in size of basement may have “adverse impacts on soil stability”.

We have reviewed our geotechnical investigation with respect to the proposed extended basement. The investigation included a cored borehole, BH1, and a Dynamic Cone Penetration (DCP) test, DCP7, towards the northern end of the site. Sandstone bedrock was confirmed (and in the case of DCP7 was inferred) to be present at just 0.2m depth below the (pre construction) existing surface levels. We have therefore no concerns regarding soil instability as a result of the proposed extended basement excavation. The required rock faces for the excavation should be inspected for the presence of any localised defects but based on inspection of the rock faces for the excavation to date, and of the cored boreholes, rock of good quality is expected to be present and therefore likely to be suitable to remain unsupported. Any localised defects should be treated on an as needed basis.

We note that we completed two DCP tests closer to the western boundary, DCP4 and DCP6, which extended to depths of 2.25m and 2.35m but we consider these would have been carried out in the backfill zone of the retaining wall which runs along the western boundary. We understand that site levels on the neighbouring properties to the west are similar to the level of the recently excavated basement. Thus, the former western boundary retaining wall has recently become a free-standing structure with a fence above. We previously recommended the structural engineer assess the integrity of the wall and make comment on any stabilisation measures required.





Should you require any further information regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
For and on behalf of
JK GEOTECHNICS

A handwritten signature in black ink, appearing to read 'M Pearce'.

Matthew Pearce
Associate | Geotechnical Engineer



3rd May 2022

David Selden Design
19A Boundary Street
RUSHCUTTERS BAY NSW 2011

Attention: David Selden

**RE: 34 Phillips Street DA141/21/3
STRUCTURAL DESIGN INTENT LETTER
BOUNDARY RETAINING WALLS**

We, Partridge Structural Pty Limited, being professional Structural Engineers within the meaning of the National Construction Code, hereby confirm that we are appointed as the structural engineers for the works proposed at 34 Phillips Street, Neutral Bay.

The issue raised by North Sydney Council in the letter received by David Selden Design on 21st April 2022 requests reasoning for the retaining structures and outlines insufficient soil depth for vegetation, which is included below:



P 9936 8100
CiS@northsydney.nsw.gov.au

5. Landscaping

Side Boundary Retaining Walls

Concrete retaining walls with an underlay slab is sought for large parts of the western and eastern boundaries. These retaining structures have the potential to adversely impact on the landscaped side setbacks of the site preventing the prospects for survival and/or growth of landscaping including trees and shrubs along the side boundaries of the site. The concrete retaining walls restrict the depth of soil to sustain trees as well as shrubs contrary to the requirements of Provision P6, s1.3.1 of the NSDCP 2013 and there is no supportive structural/engineering evidence for the retaining walls being required.

Council required both a supporting statement for the necessity of the retaining walls and where possible unrestricted soil depth to support landscaping within the side setbacks of the site.

We confirm the boundary retaining wall structures proposed on the eastern and western boundary are required structurally, as outlined in Section 1 and 2. The proposed retaining structures also present a feasible strategy for maintaining sufficient soil depth of an unrestricted 400mm to the east for shrubs and 900mm to the west for larger shrubs and trees as specified by Spirit Level, the project landscape architect.

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34 Phillips Street, Neutral Bay

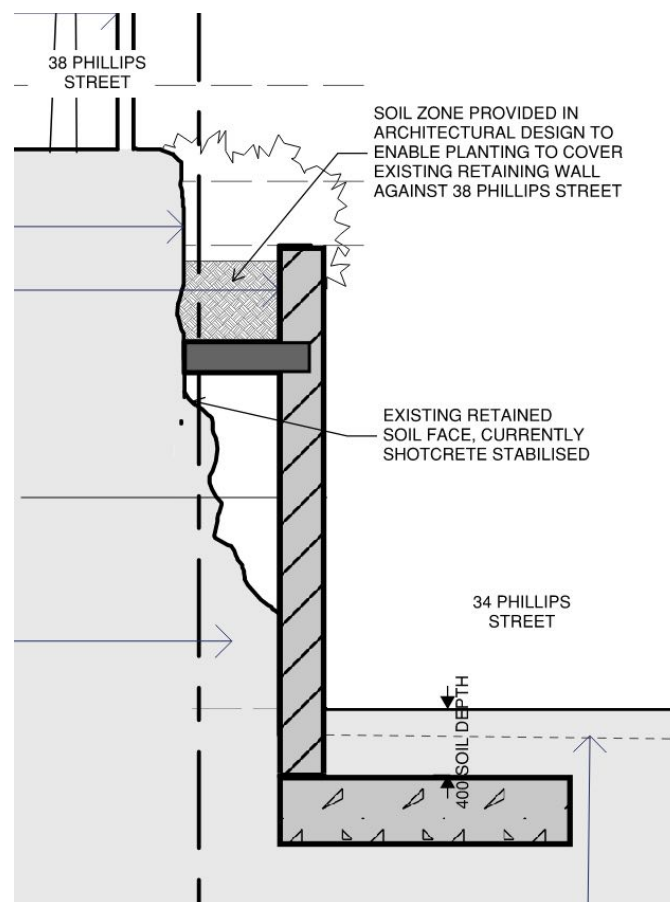
3rd May 2022

1.0 EASTERN BOUNDARY RETAINING WALL

The current retained face of soil along the eastern boundary has been stabilised with shotcrete, as visible on site. This strategy has been undertaken by the owners of number 38 Phillips Street, Neutral Bay to retain the material on their property. This work was undertaken prior to the commencement of works on site at 34 Phillips Street, and as such we recommend the installation of a new retaining structure to be located in front of this existing retained face to ensure adequate long-term retention.

We note the eastern boundary was only clearly inspected following the demolition of the garage and clearing of vegetation from the retained face, therefore this scope of work did not form part of the initial scope of structural works for the site.

The below standalone retaining wall will require a footing, installed low enough to achieve the 400mm soil depth as specified by the landscape architect.



2.0 WESTERN BOUNDARY RETAINING WALL

The proposed architectural design includes a new boundary fence along the western boundary as per DA approved plans. As there is an existing stone wall along the boundary, which is to remain, a new retaining structure is proposed as per below to allow a concrete upturn to be constructed at the boundary alignment to support the new fence and minimise impact on the existing stone retaining wall.

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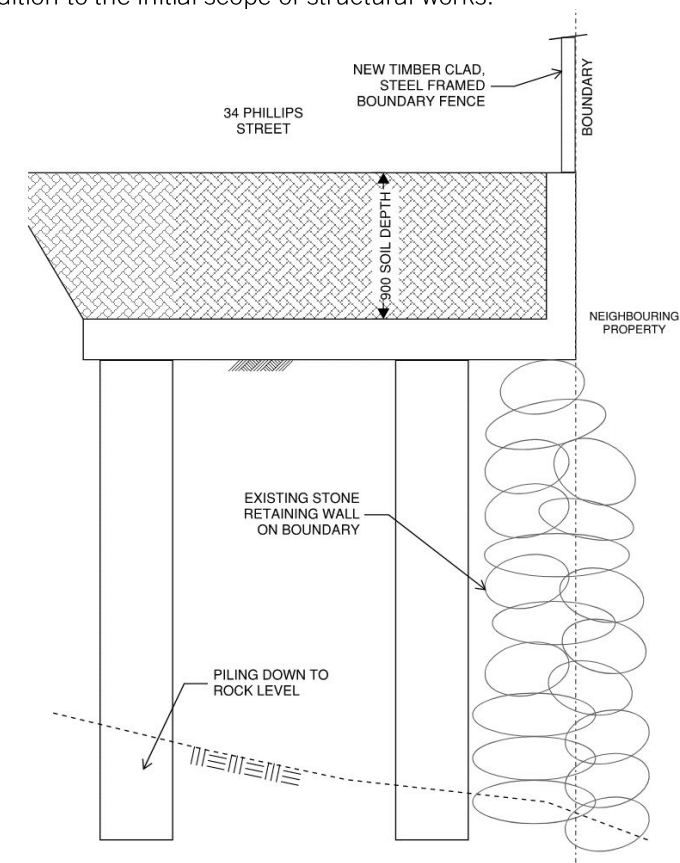
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As shown, a 900mm soil depth is allowed above the retaining wall base slab to provide unrestricted soil for trees and planting as per landscape architect specifications. The retaining wall base is supported onto piers, founded at rock level.

Similarly, the western boundary wall was only clearly inspected following demolition of the existing swimming pool and adjacent excavation, which uncovered the state of the existing stone boundary retaining wall. Due to the latent site conditions discovered following demolition, the cantilevered retaining wall solution to support the new fence is in addition to the initial scope of structural works.



We confirm that the boundary retaining walls will be designed in accordance with the relevant provisions of the Standard Building Codes, and in accordance with accepted engineering practice and principles.

Should you have any further queries please do not hesitate to contact the undersigned.

Yours faithfully,

Eamonn Madden

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