

**NSLPP MEETING HELD ON 01/06/2022****Attachments:**

1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 352 Miller Street, Cammeray**APPLICATION No:** DA 220/21**PROPOSAL:** Demolition of an existing detached dwelling house and construction of a four (4) storey residential flat building containing six (6) units, basement car park and associated landscape works.**PLANS REF:**

Plan No.	Description	Prepared by	Dated
DA-0101 Rev E	Site Plan	SJB	26.04.2022
DA-0105 Rev E	Demolition Plan	SJB	26.04.2022
DA-0201 Rev E	Floor Plan - Basement	SJB	26.04.2022
DA-0202 Rev E	Floor Plan - Ground	SJB	26.04.2022
DA-0203 Rev E	Floor Plan – Level 1	SJB	26.04.2022
DA-0204 Rev E	Floor Plan – Level 2	SJB	26.04.2022
DA-0205 Rev E	Floor Plan – Level 3	SJB	26.04.2022
DA-0206 Rev E	Floor Plan – Roof	SJB	26.04.2022
DA-0501 Rev E	Elevation – East & West	SJB	26.04.2022
DA-0502 Rev E	Elevation – North & South	SJB	26.04.2022
DA-0601 Rev E	Sections	SJB	26.04.2022

OWNER: Link Investments P/L**APPLICANT:** SJR Consulting Australia**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 24 May 2022**DATE LODGED:** 16 July 2021**RECOMMENDATION:** (Deferred Commencement Approval)

EXECUTIVE SUMMARY

This development application seeks approval from the North Sydney Local Planning Panel for redevelopment of the subject site to provide a new four (4) storey residential flat building containing six (6) apartments, basement parking and associated landscaping.

The proposal is subject to SEPP 65 that requires determination of the application by the Panel in accordance with the Local Planning Panels direction made by the Minister for Planning on 30 June 2020.

Council's notification of the original proposal attracted a total of four (4) submissions in two rounds of notifications raising particular concerns about the inadequate setbacks, building height, bulk and scale, adverse impacts on landscaping, adverse impacts on views, shadowing and privacy, impacts associated with construction and excavation works. The notification of the amended proposal has attracted an additional three (3) submissions raising similar concerns.

The proposal has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

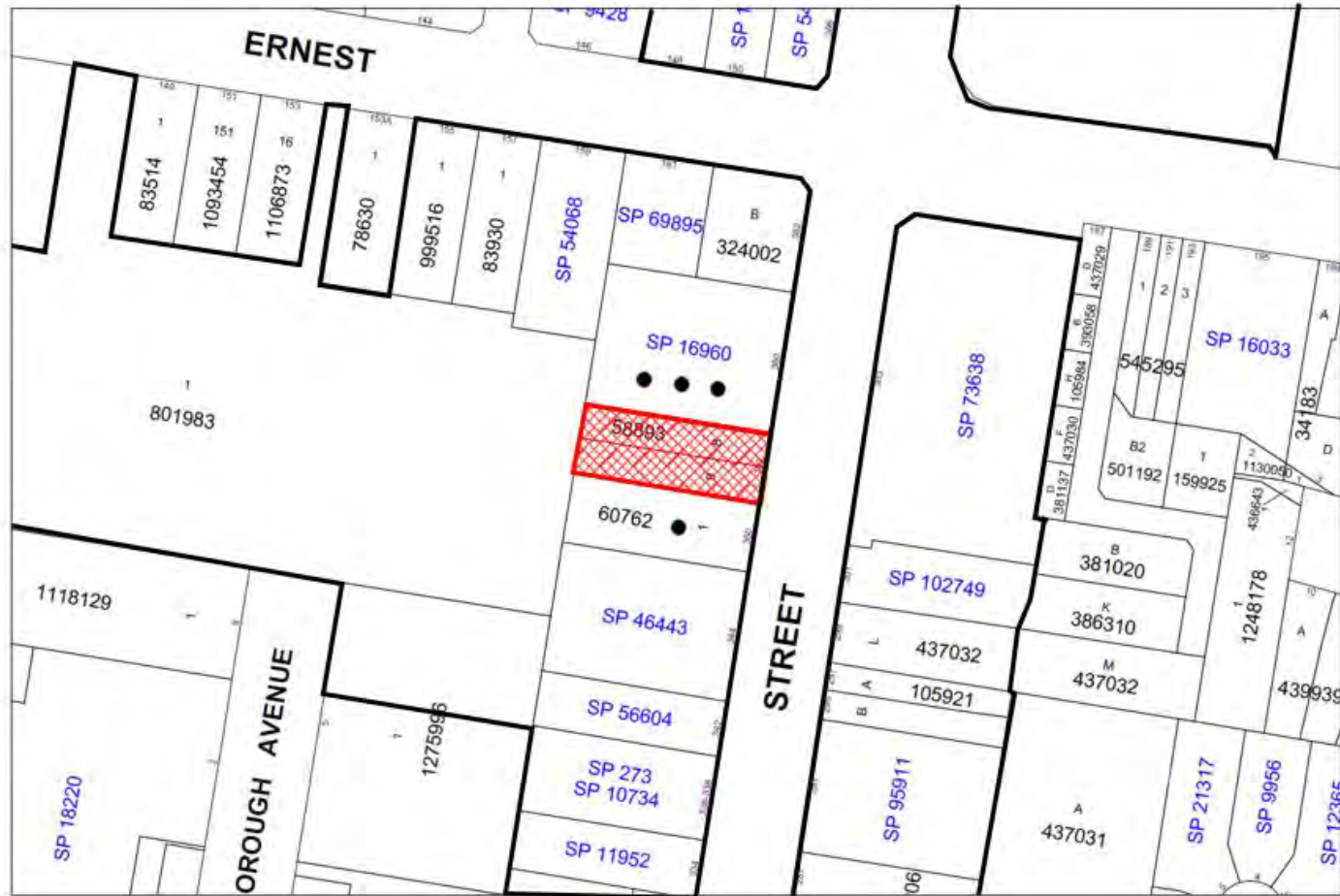
The proposal complies with the LEP maximum building height limit and DCP's site coverage requirements. The proposed four storey apartment building, featuring a mansard style roof, is considered to be appropriate in terms of height and the desired built form on land zoned R4 (High Density Residential). Furthermore, the proposal would not result in any unacceptable impacts on the amenity of the adjoining properties, subject to the imposition of appropriate conditions.



It is recommended that a deferred commencement condition be imposed requiring an additional set back of the basement wall from the structural root zone of an established brush box tree located on the adjoining property to ensure the protection of the established tree.

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

The proposal, as amended by conditions, is considered to be reasonable in the circumstances and is recommended for **approval** subject to deferred commencement conditions.

LOCATION MAP



 Property/Applicant ● Submitters - Properties Notified 

DESCRIPTION OF PROPOSAL

The applicant seeks NSLPP approval for demolition of an existing two storey detached dwelling house and the construction of a four (4) storey residential flat building with a basement car park and associated landscape works.

The proposed works are summarised as follows:

- Demolition of the existing two storey detached dwelling house;
- Construction of a four storey residential flat building containing the following:
 - **Basement:** Nine (9) car spaces, garage collection room, pedestrian entrance and driveway to Miller Street;
 - **Ground Floor:** Two x 2 Bedroom units with outdoor terraces, lift lobby, fire stairs and building entrance;
 - **Level 1:** Two x 2 Bedroom units with balconies, lift lobby and fire stairs;
 - **Level 2:** Two x 3 Bedroom units (lower level) with balconies, lift lobby and fire stairs; and
 - **Level 3:** Upper level of the 3 Bedroom apartment on Level 2.
 - Associated landscaping works as per the landscape plan.



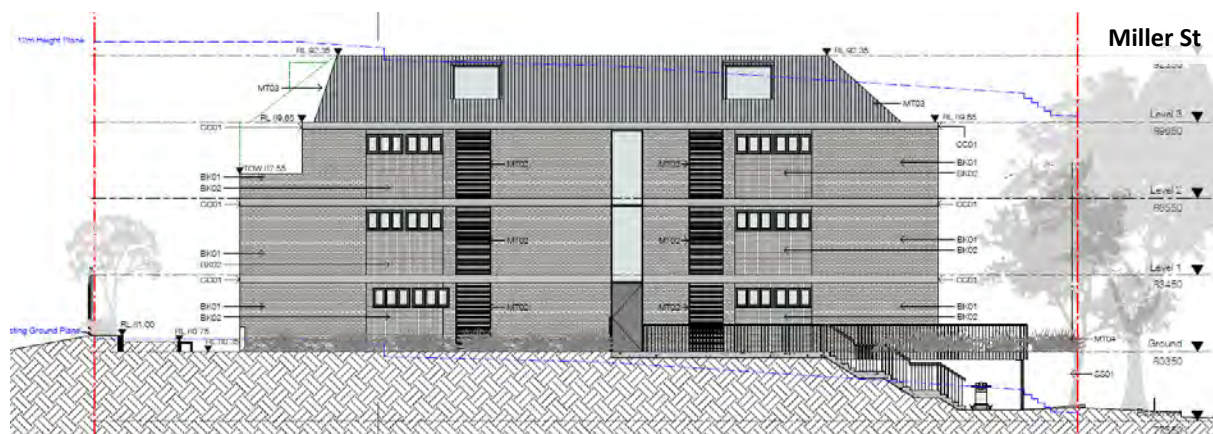
Eastern (Miller Street) Elevation



Western (Rear) Elevation



Northern Elevation



Southern Elevation

Figures 1-4: Proposed Development

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 (High Density Residential)
- Item of Heritage - No
- In Vicinity of Item of Heritage – No
- Conservation Area – No

Environmental Planning & Assessment Act 1979 (As amended)

- SEPP (Biodiversity and Conservation) 2021 – Chapters 2, 6 & 10
- SEPP (Resilience and Hazards) 2021 – Chapter 4
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Transport and Infrastructure) 2021
- SEPP (Housing) 2021
- Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013
Apartment Design Guidelines (ADG)
North Sydney Local Infrastructure Contributions Plan 2020

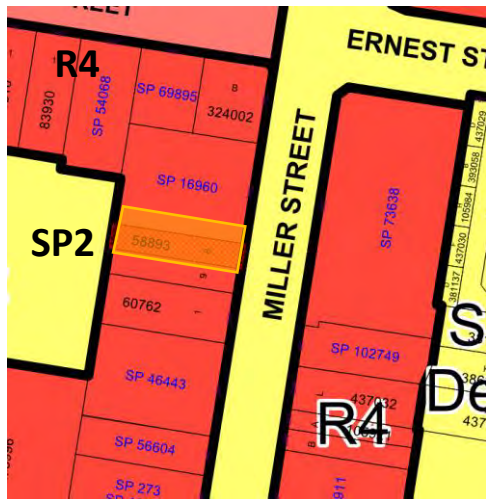


Figure 8: Zoning

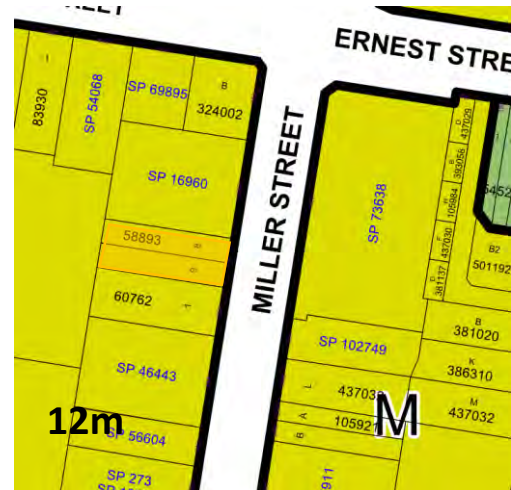


Figure 9: Building Height

DESCRIPTION OF LOCALITY

The subject site is located on the western side of Miller Street between Ernest Street to the north and Falcon Street to the south. The subject site contains two allotments, being Lots 8 & 9 DP 58893 and is also known as No. 352 Miller Street, Cammeray. The site slopes towards Miller Street with a fall of up to 3.3m from the rear property boundary. The property is rectangular in shape with a total area of 614sqm.

The site is occupied by an existing two storey detached dwelling house with a three car garage fronting Miller Street.



Figure 10: Existing Development (Miller Street Elevation)

The subject site adjoins residential developments with varying heights between two and four storeys to the north, south and east on a strip of land zoned R4 (High density Residential).

To the north of the subject site is a four (4) storey apartment building with basement car parking at No.360 Miller Street. A two (2) storey detached dwelling is located to the south of the subject site at No. 350 Miller Street.

To the east of the subject site across Miller Street is a three (3) storey apartment development at No. 303 Miller Street.

At the rear of the subject site to the west is Cammeraygal High School located on land zoned SP2 – Infrastructure.



Figure 11: Aerial Image of the subject site and surrounds (Nearmap)

RELEVANT HISTORY

Current Application

- **30 October 2020** – A pre DA meeting was held with the applicant for the redevelopment of the subject site for a four (4) storey residential flat building development.
- **16 July 2021** – The subject Development Application (**D353/21**) for demolition of an existing two storey detached dwelling and the construction of a four (4) storey residential flat building with a basement car park was lodged with Council.
- **30 July to 27 August 2021** – The owners of the surrounding properties and the Registry Precinct were notified. The notification attracted four (4) submissions.

- **10 August 2021** – The proposal was considered by Council’s Design Excellence Panel (DEP).
- **27 August 2021** – The applicant was requested to consider the comments from Council’s Landscape Officer in relation to the impacts of the proposed development on existing vegetation within the subject site and the adjoining properties.
- **13 October 2021** – The applicant was requested to consider the submission of amended plans in order to address issues raised by the DEP and Council officers.
- **15 November 2021** – A teleconference was held to discuss the issues raised by the DEP and Council Assessment Staff.
- **14 December 2021** – The applicant submitted amended plans including a further root investigation arboricultural report.
- **16 December 2021 to 20 January 2022** – The owners of the adjoining properties and the Registry Precinct were notified. The notification of the amended plans attracted three (3) submissions.
- **24 January 2022** – The applicant was requested to consider the comments provided by Council’s Landscape Officer on the further arborist report submitted with the amended plans.
- **3 March 2022** – The applicant submitted further landscape information and a revised landscape plan.
- **7 April 2022** – TfNSW provided concurrence for the proposed development with an amended driveway design off Miller Street.
- **9 May 2022** – The applicant submitted revised architectural plans incorporating the amended driveway design as required by TfNSW.
- **19 May 2022** – The applicant submitted a report detailing the pruning requirements for a brush box tree located within the adjoining property.

INTERNAL REFERRALS

Building

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

HEALTH/ENVIRONMENT

The application was referred to Council’s Senior Environmental Health Officer who raised no in-principle objection to the proposal subject to the imposition of appropriate conditions.

ENGINEERING

The application was referred to Council’s Development Engineering Officer who raised no in-principle objection to the proposal subject to the imposition of appropriate engineering conditions.

TRAFFIC

The application was referred to Council’s Traffic and Transport Operation Officer who raised no in-principle objection to the proposal subject to the imposition of the following conditions:

1. *All aspects of the carpark comply with the Australian Standard AS2890.1 Off-Street Parking.*
2. *All aspects of parking spaces for people with disabilities comply with the Australian Standard AS 2890.6.*
3. *All aspects of the bicycle parking and storage facilities comply with the Australian Standard AS2890.3.*
4. *The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.*
5. *A Construction Traffic Management Program be prepared and submitted to Council for consideration by the North Sydney Traffic Committee and approval by Council prior to the issue of a Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*

LANDSCAPING

The proposal, including the additional root investigation, the revised landscape plan and the pruning report, was referred to Council's Landscape Officer who provided the following comments:

- *T4 (Lophostemon confertus) Brush Box tree – The proposed pruning of T4 (Lophostemon confertus) Brush Box tree as detailed in the pruning report, prepared by Complete Arborcare and dated 18 May 2022 can only be supported in conjunction with a reduction to the basement excavation. It is considered that the northern basement wall to the south of the SRZ of T4 shall provide a minimum setback of 2m from the northern property boundary to minimise any encroachment onto the SRZ.*

Should an amended basement design be submitted to the satisfaction of Council, the proposed pruning as identified in the pruning report shall be permitted if carried out by AQ3 arborist in accordance with AS4373. No additional pruning shall be permitted, scaffolding shall be designed to minimise the need for pruning, all pruning shall be supervised by project arborist.

- *The addition of 2 x Melaleuca styphelioides within the rear setback is considered to be acceptable.*
- *All retained trees shall be protected in accordance with AS4970, any pruning shall be carried out by a qualified arborist in accordance with AS4373.*
- *T7 & T8 Platanus p. shall have tree bonds of \$12,000 each applied, shall be protected in accordance with AS4970, and shall have trunk and branch protection installed for the duration of works.*
- *Syzigium 'Cascade' proposed in the landscape plan shall be replaced with a more upright species of Syzigium that is likely to provide a better screening/privacy outcome.*

Comment:

Council's Landscape Officer comments are noted and concurred with.

The existing brush box tree (*Lophostemon confertus*) (T4) located within the adjoining apartment development to the north of the subject site at No. 360 Miller Street is a good example of the species in terms of its condition and vigour. Therefore, proper protection of this tree is considered necessary.



Figure 11: Brush Box Tree T4

Protection of the Root System:

With regard to the impacts on the root system of Tree T4, the structural root zone (SRZ) of the tree is likely to be encroached by the northern wall of the proposed basement as indicated in **Figure 12** below:

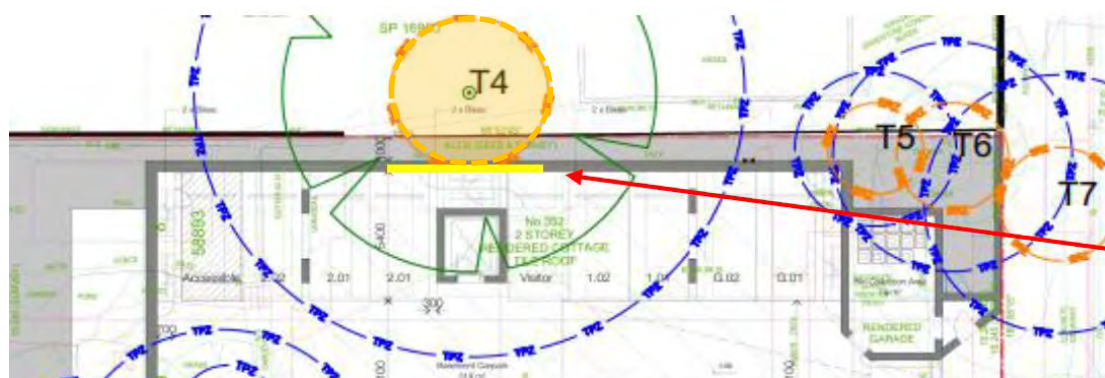


Figure 12: Structural Root Zone for Tree T4 and Proposed basement car park

The northern wall of the proposed basement car park would provide a 1m setback from the northern property boundary and is likely to have an adverse impact on the SRZ of Tree T4. As indicated in Council's Landscape Officer comments, it is recommended that a deferred commencement condition be imposed requiring the setback for the section of the northern wall immediately adjacent to the SRZ of Tree T4 be increased to 2m in order to minimise any adverse impacts on the SRZ of this tree (**Condition AA1**).

In addition, appropriate conditions are recommended requiring compliance with the scope of works as identified in the pruning report, application of tree protection measures as detailed in the submitted arborist report and revisions to the landscape plan to include additional planting as recommended by Council's Landscape Officer.

EXTERNAL REFERRALS

The application was referred to the following external agencies in accordance with various provisions under Section 138 of the Roads Act 1993, Section 73 of the Sydney Water Act 1994 and Clauses 45(2) and 101 of the repealed SEPP (Infrastructure) 2007.

General Comment:

The comments/responses from the various agencies have been received and details provided later in this report under the headings of each agency, namely TfNSW and Sydney Water.

On 1 March 2022, forty-five (45) State Environmental Planning Policies (SEPPs) were consolidated into one of the eleven (11) new SEPPs. The change included the consolidation of SEPP (Infrastructure) 2007 into SEPP (Transport and Infrastructure) 2021.

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

TRANSPORT for NSW (TfNSW)

The application was referred to the Transport for NSW who provided the following comments:

TfNSW has reviewed the amended plans submitted pertaining to the development application and would provide concurrence to the civil works on Miller Street under section 138 of the Roads Act 1993, subject to Council's approval and the following requirements being included in the development consent:

- 1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Miller Street boundary.*
- 2. The design and construction of the kerb and gutter crossing on Miller Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.*

Detailed design plans of the proposed gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.*

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

4. *All vehicles are to enter and exit in a forward direction.*
5. *All vehicles are to be wholly contained on site before being required to stop.*
6. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted Miller Street.*
7. *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Miller Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*

Comment:

The above comments, including additional advisory notes regarding the Western Harbour Tunnel/Warringah Freeway Upgrades and the Beaches Link project, from TfNSW are noted. It is recommended that a condition containing the agency's requirements is imposed to ensure compliance (**Condition C53**).

SYDNEY WATER

The application was referred to Sydney Water who provided the following comments:

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

Water Servicing

- *Potable water servicing should be available via a 150mm CICL watermain (laid in 1933) on Miller Street.*
- *Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.*

Wastewater Servicing

- *Wastewater servicing should be available via a 225mm SGW wastewater main (laid in 1898) to the rear of the property.*

- *Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.*

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Comment:

It is recommended that a condition containing the agency's requirements is imposed to ensure compliance (**Condition C54**).

DESIGN EXCELLENCE PANEL (DEP)

The original scheme for the proposed development was considered by the DEP on 10 August 2021 where the comments are summarised as follows:

Principle 1: Context and local character

- *The site is constrained and the proposed development does not sufficiently:*
 - a) mediate between the scale of the 3 storey residential flat building and single dwelling, assuming that the site to the south is not developed;*
 - b) work with the topography to manage changing ground levels with the southern neighbour; and*
 - c) mitigate potential overlooking and privacy issues with the Cammeraygal educational facilities at the rear.*
- *Any modelling for development at the adjoining property to the south at No.350 Miller Street should consider the shadowing and visual privacy impacts to the property at No.346 Miller Street to ensure that the development potential at No.350 Miller Street would not be sterilised.*

Principle 2: Built form, scale and public domain/ urban design response

- *The proposal presents as 4 storeys (basement + 3 storeys) plus an additional storey in a mansard roof to Miller street, with the ground floor level being elevated approximately one storey above the southern neighbour at No. 350 Miller Street:*
 - a) The building form and scale overwhelms the single dwelling at No. 350 Miller Street;*
 - b) The non-compliance with the DCP building envelope control (3.5 m and a 45° projection) is measured towards the rear of the site. The non-compliance is likely to be greater at the front portion of the proposed building, where the existing ground levels are lower;*

- c) *A reconfiguration of the massing should be explored with increased setbacks above Level 2 and at Level 3, in order to address the building bulk, shadowing and privacy impacts on No. 350 Miller Street; and*
 - d) *The southern elevation indicated a minor exceedance of the building height limit at the north-eastern corner. The Panel does not consider this is justified.*
- *The front setback to Miller Street is acceptable, however, treatment of the street wall should be further terraced and articulated to mediate between the level changes of neighbouring sites and provide for greening to the street level interface.*
- *Side setbacks:*
 - a) *Northern boundary 3m setback is acceptable, however, the basement extends into the 3m setback impacting on deep soil and possibly the large existing tree on the adjoining property. Delivery of substantial landscaping treatment is questionable;*
 - b) *Southern boundary 3m setback above Level 2 is inadequate.*
- *Rear setback - The bulk and scale and use of the educational facilities to the rear of the subject site is inconsistently represented in the documents submitted. Clarification of this context should be provided, and potential visual and acoustic privacy separation issues addressed. Providing an adequate rear setback to enable substantial tree planting screening is encouraged.*

Principle 3: Density

- *The proposal has the potential to yield a density appropriate to the site context, pending resolution of issues raised under each Principle and the achievement of a high level of amenity for residents and neighbours.*

Principle 4: Sustainability, building performance and adaptability

- *Natural ventilation to the common circulation space and rain water collection should be encouraged.*
- *Natural light and ventilation could be provided to the basement car park given its extension along both sides beyond the footprint of the proposed building form above.*

Principle 5: Landscape Integration

- *The potential development impact on the large tree located at No. 360 Miller Street is of concern. Consideration should be given to moving the basement south to minimize soil disturbance adjacent to the large existing trees to the north.*
- *Provision of larger endemic tree planting to rear of the property is encouraged.*
- *Tree removal to the south-eastern corner and Miller Street frontage is unjustified.*
- *The proponent should reconfigure the bin store such to allow new substantial endemic planting to the front of the property.*

Principle 6: Building configuration, planning, and amenity

Entry:

- *The proposed lightwell at 2.5m wide x 5m deep is considered to be undersized to provide adequate amenity for the three habitable rooms on each typical floor over four floors.*
- Reconfiguration of the entry should be explored to address the following issues;
 - a) *The lobby is buried deep within the site, the lift concealed and stair fully enclosed. Ideally the entry should be visible from the street and level access provided.*
 - b) *Entry stair and pathway to the southern 3m setback is elevated above, overlooks and impacts on the privacy of 350 Miller Street and impacts on the visual and acoustic privacy of bedrooms in the ground floor units; and*
 - c) *Disabled access, is via basement lift only. Equitable access should be provided from the street.*

Communal Open Space & Private Open Space (POS)

- *It is acknowledged the site is constrained and there is limited opportunity for consolidated communal open space. In lieu POS should be generous and at ground level be provided with substantial planting.*
- *The proposed communal open space does not seem to be highly accessible nor usable;*
- *The proposed ground floor terrace within the northern building setback is likely to cause visual privacy impacts for the adjoining apartment building to the north. The terraces should be removed, and the primary external POS should be reorientated to the street or the rear.*
- *Ground level terraces to living rooms facing Miller Street and the rear boundary are not provided with any shade nor weather protection. Trellis structures could be considered.*

Acoustics and natural cross ventilation

- *Miller Street is identified as a heavily trafficked road. Main living rooms, bedrooms, and balcony directly front and rely on the busy road as the primary source of natural ventilation. Acoustic amelioration strategies should be provided, including the installation of appropriate mitigating devices such as double glazed windows and/or glass louvres to living rooms.*

Privacy/Overlooking:

- *Further design details are required to demonstrate privacy protection for the living rooms of the proposed apartment building on the front (Miller street) elevation; and*
- *Any measures to minimise privacy impacts on Cammeraygal High School at the rear.*

Planning:

- *The internal amenity of the 2nd bedroom is compromised due to the reliance on high level windows; and*
- *Generally internal apartment planning good with exception of privacy issues noted elsewhere in these comments.*

Car and Bicycle Parking:

- *Bicycle parking areas should be provided.*

Fenestration:

- *The bedroom windows facing Miller Street are very large, raising issues in relation to privacy, noise and exposure to solar loading from the east.*

Principle 7: Safety

- *The southern side entry raises safety issues. Adequate lighting and quality landscaping should be provided.*

Principle 8: Housing diversity and social interaction

- *A diversity of unit mix should be encouraged with the provision of 1 bedroom units or studios to support housing choice.*

Principle 9: Architectural expression and materiality

- *The palette of materials, including stone, brick and metal louvers are appropriate in the site context. Integrity of the material palette should be maintained in design development, and articulation further developed.*
- *The asymmetrical roof line should be further resolved. It presents as a blunt cut roof to the north elevation and is inconsistent with the mansard roof. Further design development of this element should be considered.*
- *The southern elevation is predominately blank, unarticulated and scaled inappropriately to south. Elevational treatment should be articulated to produce a finer grain response.*
- *The balustrade fence line above the carpark entry should be set back and the roof deck further landscaped to ameliorate the scale of street wall.*

Amendments Required to Achieve Design Excellence

All the issues raised above should be addressed, in particular those raised under Principle 2: Built form, scale and the public domain / urban design response.

Summary Recommendation

While the architectural expression and apartment planning is of high quality, in view of issues raised above the Panel does not support the proposed development in its current form. An amended proposal should be prepared, satisfactorily addressing the identified issues.

Comments

The applicant has submitted amended plans and additional information in response to the matters raised by the DEP as follows:

- **Rear Setback** – The applicant has submitted amended plans including an increase to the rear boundary setback for Levels 2 and 3 by up to 2.5m to reduce the bulk and scale of the building and to improve solar access to the adjoining property to the south.

This design modification has also further reduced the length and scale of the mansard style roof in order to provide further visual relief for the building elements on top of the proposed development.

- **Façade/External Treatments** – The applicant has amended the detailing of the brick works on the south façade to provide variation in the appearance and visual articulation of this elevation as seen from the south.
- **Ground Floor Entrance Staircase and Front Entrance** – The design of the ground floor staircase has been amended to provide an additional transition in height. The revised entrance design also incorporates a retractable stair lift to facilitate equitable access to the ground floor building entrance.
- **Noise Mitigation** – The applicant has submitted an acoustic report with recommendations for noise mitigating devices including thicker glazing to minimise noise impacts from Miller Street. It is recommended that a condition be imposed requiring compliance with the recommendations of the acoustic report (**Condition C42**).
- **Solar access** – The applicant has responded to the DEP comments by providing an increase to the rear building setback on Levels 2 and 3 to facilitate additional solar access to the rear yard of the adjoining property to the south. It is noted that the majority of the rear yard would receive up to 3 hours of sunlight between 11.30am and 2.30pm during mid winter.
- **Visual Privacy** – The applicant has proposed to installed privacy screens to all habitable room windows on the northern and southern elevations to minimise visual privacy impacts on the adjoining properties. The proposal would have no adverse visual privacy impacts on the Cammeraygal High School due to the blank façade of the school building facing the subject site.

Conclusion:

The applicant has provided amended plans and additional information to address the issues raised by the DEP.

It is noted that the proposed development does not strictly comply with the building height plane envelope with the non-compliance with the DCP building height plane controls on the upper levels for the northern and southern elevations.

To comply with the building height plane, any development on the subject site would likely be restricted to three storeys due to the narrowness of the subject site. The height of the building would also be notably lower than the permissible building height within the zone at 12m.

The elements of the building that are non-compliant with the building height plane are unlikely to materially reduce the amenity of the adjoining properties in terms of privacy, views or solar access subject to the imposition of appropriate conditions as detailed throughout this report.

The proposed development is likely to achieve the objectives of the setback control despite the numerical non-compliance with the building height plane control.

Therefore, the applicant's responses are considered to be generally satisfactory subject to the imposition of appropriate conditions including the deferred commencement condition **AA1** requiring design modifications to the basement level to ensure the protection of the brush box tree that is located on the adjoining property to the north of the subject site.

A referral back to the DEP is therefore considered not necessary.

SUBMISSIONS

Original proposal

Council notified surrounding properties and the Registry Precinct of the proposed development seeking comment between 30 July and 27 August 2021. Council received four (4) submissions. The matters raised in the submissions are listed below:

Basis of Submissions

- Excessive bulk and scale of the proposed apartment for a small and narrow site.
- Adverse shadowing and privacy impacts on the adjoining property to the south.
- Inadequate side boundary setbacks and breach of DCP building envelope control.
- Amendments to the proposal are requested including the reduction in building height, compliance with the building envelope control and further articulation of the proposed building to reduce its impacts on the adjoining property to the south.
- Overshadowing of the adjoining property to the south including the dwelling house and the rear yard.
- The basement is excessive and would adversely impact on the availability of landscaped area within the subject site.
- Overdevelopment of the subject site.
- Adverse impacts to the privacy of the adjoining apartment building to the north.
- Overshadowing of the apartment building to the north.
- The overlooking from apartments to the north of the subject site would be adversely impacted by the proposal.
- Adverse impacts on vegetation within the adjoining property to the north.
- Negative impacts on property values.
- Overdevelopment of the subject site.
- Excessive bulk and height of the proposed building.
- Adverse impacts on property values.

- Building height should match the apartment development at No. 301 Miller Street.
- The height of the proposed building should not be more than 3 levels including the basement.
- Adverse impacts on views, access to daylight, privacy and ventilation.
- The amenity of the adjoining apartment building to the north has been adversely impacted by the new high school building to the west.
- The number of units within the proposed development should be limited to six (6) due to the site constraints.
- The proposed development would obstruct the views toward North Sydney skyline from the adjoining property to the north.
- Construction noise from the proposed development would have adverse impacts on those required to work from home.

Amended Proposal

The applicant submitted amended plans that were renotified to surrounding properties, previous submitters and the precinct for 14 days between 16 December 2021 and 20 January 2022. Council received three (3) submissions (including one (1) late submission from one of the previous submitters) and the matters raised in submissions are listed below:

Basis of Submissions

- The bulk and scale of the amended proposal should be reduced further.
- Overshadowing of the adjoining property to the south, particularly the rear yard.
- More updated Sydney Water comments required.
- Overdevelopment of the subject site.
- The loss of district views towards North Sydney as seen from the adjoining apartment building to the north.
- Adverse privacy impacts.
- Small allotment size of the subject site is considered unsuitable for the proposed apartment development.
- Concerns raised about the loss of the existing dwelling due to its heritage significance

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

CONSIDERATION

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

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

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

- SEPP (Vegetation in Non-Rural Area) 2017 - Chapter 2 in SEPP (Biodiversity and Conservation) 2021
- SEPP 19 (Bushland in Urban Area) – Chapter 6 in SEPP (Biodiversity and Conservation) 2021
- SREP (Sydney Harbour Catchment) 2005 - Chapter 10 in SEPP (Biodiversity and Conservation) 2021
- SEPP 55 (Remediation of Land) – Chapter 4 in SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021 - Chapter 2

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

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

SEPP (Biodiversity and Conservation) 2021 - Chapter 6

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

The proposed development is consistent with the relevant objectives and provisions of the new SEPP because the subject site is located within an established built-up area. Appropriate conditions have also been recommended to ensure protection of existing tree, particularly the brush box tree as detailed earlier in this report, and new/replacement planting to maintain the landscape setting of the subject property.

SEPP (Biodiversity and Conservation) 2021 – Chapter 10

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

Having regard to the relevant provisions of the SREP (Sydney Harbour Catchment) 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the subject site is not visible from the Harbour as the site is far enough away from the foreshores of Sydney Harbour. As such, the development satisfies the provisions contained within the above SREP and Chapter 10 of the new SEPP.

SEPP (Resilience and Hazards) 2021 – Chapter 4

SEPP 55 (Remediation of Land) has been consolidated into the new **SEPP (Resilience and Hazards) 2021** and the provisions of the former SEPP are contained under Chapter 4 of the new SEPP.

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

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (No.1218377M) for the residential component of the proposed building has been submitted with the application to satisfy the Aims of the SEPP. **(Condition No's. C51, G14)**

SEPP 65 Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 aims to improve the design quality of residential flat buildings in New South Wales. The primary design principles in the SEPP are discussed as follows:

Principles 1 and 2: Context, Built Form and Scale

The subject site is located within a R4 (High density Residential) zone and the proposal for a residential flat building would generally be suitable for the site context and be compatible with the desirable future character for development along Miller Street.

The building generally responds to the height controls for the area and the scale of the proposed building would be consistent with the existing apartment buildings to the north along Miller Street.

The proposal adopts a built form which complies with the relevant development controls relating to building height and site coverage. The overall built form of the proposed building, as amended by the applicant, is also consistent with other similar developments within the locality.

Principle 3: Density

The subject site is located in close proximity to public transport, shops and services. A total of six (6) apartments on the site is considered acceptable as each will receive reasonable levels of internal amenity.

Principle 4: Sustainability

A valid BASIX Certificate was submitted with the application. The proposed development also incorporates energy efficient devices such as screens and the use of energy efficient plant/equipment to enhance thermal performance of the building.

Principle 5: Landscape

The applicant has proposed soft landscaping, including planting of new trees, around the proposed apartment building to enhance the landscaping quality of the subject site. As indicated earlier in this report, a deferred commencement condition is recommended requiring the protection of the structural root zone of an established brush box tree to ensure the protection of the tree and to maintain the landscape quality of the locality.

Principle 6: Amenity

All apartments comply with the ADG requirements to ensure reasonable levels of internal amenity. The building, as amended by the applicant, is appropriately designed and sited to minimise any adverse amenity impacts in terms of the loss of privacy and solar access for adjoining properties.

Principle 7: Safety

The proposal would provide a secure pedestrian entrance from Miller Street via a staircase. The entrance to the development on Miller Street would be highly visible and provide a sense of address for the development.

In addition, the applicant has also proposed to provide a retractable platform along the staircase to provide equitable access for residents/visitors using the pedestrian entrance on Miller Street.

Principle 8: Housing Diversity and Social Dimensions

The proposed development is located in an area with good access to public transport and amenities on Military Road. The proposed unit mix, comprising 2 bedroom and 3 bedroom units, is considered to be acceptable because it provides a choice of apartment types despite the small scale of the proposed development.

Principle 9: Aesthetics

The design of the proposed apartment building has been amended to generally address the concerns previously raised by the DEP including changes to detailing of materials on the southern elevation and an increase to the set back from the rear property boundary.

It is concluded that the proposed development was found to be generally consistent with the key SEPP 65 design principles and therefore is supported.

Apartment Design Guide (ADG)

The proposed development has also been assessed against the ADG and is considered to be generally acceptable as detailed in the table below:

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

Amenity	Design Criteria	Comment	Compliance
<p>2F - Building Separation</p>	<p><i>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> • <i>12m between habitable rooms/balconies (6m to boundary)</i> • <i>9m between habitable and non-habitable rooms (4.5m to boundary)</i> • <i>6m between non-habitable rooms (3m to boundary)</i> 	<p><i>Eastern (Miller Street) Elevation</i></p> <p>The proposed building would provide a 6m setback from the eastern (Miller Street) property boundary. This is considered to be acceptable because the separation between the proposed development and the existing apartment buildings across Miller Street would be in excess of 30m.</p> <p><i>Western (Rear) Elevation</i></p> <p>The applicant has proposed a 6m setback from the western property boundary. The proposed setback is acceptable because there would be a 12m separation between the rear building line of the proposed apartment building and the high school building to the west.</p> <p><i>Northern Elevation (No.360 Miller Street)</i></p> <p>The proposed apartment building would provide a minimum 8.5m building separation from the balconies/the living areas of No. 360 Miller Street.</p> <p>It is noted that the existing established vegetation within the building setback area between the existing apartment building and the proposed development provides a landscape buffer.</p> <p>Furthermore, the applicant has proposed privacy screens on all northern windows to internal living areas on all levels to ensure visual privacy for the adjoining property to the north.</p> <p>In addition, a condition is recommended requiring the installation of obscure glazing to the northern balcony windows on Levels 2 and 3 to provide additional privacy screening for the apartment building to the north (Condition C1).</p> <p><i>Southern Boundary (No.350 Miller Street)</i></p> <p>The proposed apartment building would provide a 4m setback from the adjoining dwelling to the south.</p> <p>Privacy screens have been proposed for all windows to habitable rooms on the southern elevation to minimise visual privacy impacts on the adjoining property to the south at No. 350 Miller Street.</p> <p>In addition, the mansard roof design would also provide some relief for the visual bulk of the proposed apartment building as seen from the southern side of the subject site.</p>	<p>Yes</p> <p>Yes</p> <p>No (acceptable on merit and via condition)</p> <p>No (acceptable on merit)</p>

		<p>The applicant has also amended the design of the entrance passageway and staircase along the southern property boundary to provide some form of transition of the built form between the two properties.</p> <p>It is acknowledged that the proposal would not achieve compliance with the ADG's building separation requirement due to the site constraints. It is noted that the proposal would comply with the LEP building height limit and DCP requirements for site coverage and the overall building setbacks from property boundaries. The design of the building also incorporates various design elements to reduce impacts on the amenity of the adjoining property to the south, including the potential future development of this property.</p> <p>On balance, the proposal is therefore considered to be acceptable in this regard.</p>	
3D- Communal Open Space	<i>Communal open space has a minimum area equal to 25% of the site.</i>	The proposal does not provide communal areas within the development. This is considered to be acceptable due to the small scale of the proposal being for six (6) apartments and the availability of other venues to allow community engagement in close proximity to the subject site including the Cammeray shopping strip along Miller Street, North Sydney Oval and St Leonard's Park.	No (acceptable on merit)
3E – Deep Soil Zones	<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> • 3m minimum width • Minimum 7% of the site area 	<p>The proposed development would provide a total of 171sqm (28%) of deep soil planting area within the building setback on the rear (western) of the subject site as well as an elevated terrace within the front (Miller Street) and side setback areas.</p> <p>The proposal complies with the ADG requirements.</p> <p>In addition, the recommendation to impose a deferred commencement condition requiring an additional setback for the northern basement wall from the northern property boundary would further increase the proposed deep soil planting area to 29% (Condition AA1).</p>	Yes (via condition)
3F - Visual privacy	<p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p> <p><i>6m (between habitable rooms and balconies to boundaries)</i> <i>3m (between non-habitable rooms)</i></p>	<p>The applicant has proposed to install privacy screens to all habitable room windows on the northern and southern elevations to minimise any visual privacy impacts for the adjoining properties. In addition, a condition is recommended requiring obscure glazing to the openings on the northern edge of balconies to minimise visual privacy impacts for the adjoining apartment building to the north (Condition C1).</p> <p>The would be no material visual privacy impacts for the existing apartment buildings to the east across Miller Street due to the building separation distance being in excess of 30m.</p> <p>The proposal would have no adverse impacts on the visual privacy for the Cammeraygal High School to the west because school building facing the subject site does not have any opening within the eastern elevation.</p> <p>The proposal is therefore considered to be</p>	Yes (via conditions)

		acceptable.	
3G – Pedestrian Access & Entries	<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>The proposal would provide secured pedestrian entrances to the lift foyer for the apartments with the building entrance off being located off Miller Street.</p> <p>The applicant has also proposed a retractable platform lift for the pedestrian entrance staircase to facilitate equitable access to the proposed development.</p>	Yes
3H – Vehicle Access	<i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i>	<p>The proposed vehicular driveway would be located on Miler Street.</p> <p>The applicant has widened the driveway to meet the requirements of TfNSW.</p> <p>Council’s Development Engineer and Traffic Engineer have raised no in-principle objection to the proposal subject to the imposition of appropriate conditions of consent.</p>	Yes (via conditions)
3J – Bicycle and Car parking	<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 the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i> <p><i>The car parking needs for a development must be provided off street</i></p> <p><i>Parking and facilities are provided for other modes of transport</i></p>	<p>The applicant has proposed nine (9) car parking spaces and bicycle parking facilities within the basement parking area.</p> <p>As indicated earlier in this report, design modifications are required to increase the setback of a section of the northern basement wall in order to minimise the impacts on the structural root zone of the brush box tree to the north of the subject site.</p> <p>This design change would reduce the parking provision by two (2) car spaces and two (2) bicycle parking spaces within the basement. The provision of six (6) residential parking spaces and four (4) bicycle parking spaces is considered to be acceptable in order to minimise impacts on the brush box tree whilst maintaining a minimum of one (1) car parking space for each apartment within the proposed development. Additionally one (1) visitor space is to be provided.</p> <p>Furthermore, the subject site has excellent access to public transport, particularly buses. The subject site will be located approximately 800 metres from the new metro station at Victoria Cross.</p> <p>The proposal is considered to be generally satisfactory in this regard.</p>	Yes

<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 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</i></p>	<p>Five (5) of the six (6) proposed apartments (83%) will receive a minimum of 2 hours of direct solar access to living spaces and balconies.</p>	<p>Yes</p>
<p>4B - Natural ventilation</p>	<p><i>All habitable rooms are naturally ventilated.</i></p> <p><i>The layout and design of single aspect apartments maximises natural ventilation.</i></p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents – At least 60% of apartments are naturally cross ventilated</i></p>	<p>All six (6) apartments would achieve cross natural ventilation. The proposal therefore complies with the relevant ADG requirement.</p>	<p>Yes</p>
<p>4C - Ceiling Heights</p>	<p><i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.</i></p>	<p>2.7m (minimum) for apartments on Ground Level, Levels 1 and 2. The second floor of the Level 2 apartments would provide a ceiling height of 2.4m which is considered acceptable given that this is for less than 50% of the GFA of each apartment.</p>	<p>Yes</p>
<p>4D 1 - 3 - Apartment size and layout</p>	<p><i>Apartments are required to have the following minimum internal areas:</i> <i>50m² (1B),</i> <i>70m² (2B),</i> <i>90m² (3B)</i></p> <p>All bedrooms have a minimum area of 10 m²</p> <p>All secondary bedrooms have a minimum width of 3m</p> <p>Living rooms have a minimum width of 3.6m (S and 1B) and 4m (2B and 3B)</p> <p>The maximum habitable room depth is 8m from a window</p>	<p>1B: N/A 2B: 88m² - 97m² 3B: 121m² - 125m²</p> <p>All master bedrooms are suitably sized in excess of 10 m²</p> <p>The secondary bedrooms comply with the minimum width of 3m.</p> <p>2B/3B – 4.0m (min)</p> <p>All habitable areas would be within 8m from windows.</p>	<p>N/A Yes Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4E - Private open space and balconies</p>	<p><i>All apartments are required to have primary balconies as follows:</i></p> <p><i>Studio apartments - 4m²</i></p> <p><i>1 bedroom apartments - 8m², minimum depth 2m</i></p>	<p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p>

	<p>2 bedroom apartments 10m² minimum depth 2m</p> <p>3+ bedroom apartments 12m² minimum depth 2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	<p>2B – Minimum = 10m²</p> <p>3B – Minimum = 12m²</p> <p>Depth of balconies in excess of 1m</p> <p>Ground level terrace minimum = 23m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4F - Common circulation and spaces	<i>The maximum number of apartments off a circulation core on a single level is eight</i>	A maximum of two (2) apartments are served by each circulation core on all residential levels.	Yes
4G -Storage	<p>Studio apartments- 4m³</p> <p>1 bedroom apartments- 6m³</p> <p>2 bedroom apartments- 8m³</p> <p>3+bedroom apartments- 10m³</p>	Satisfactory storage areas are provided within the apartments given the generous size of each apartment above the minimum ADG requirements.	Yes

The proposal is considered satisfactory having regard to the design criteria specified in the ADG. As detailed in the table above, where strict compliance is not achieved the non-compliances are considered minor and unlikely to materially compromise the amenity of the apartments.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility within the zone

The proposed development is located on land zoned R4 (High Density Residential) pursuant to the North Sydney LEP 2013, and development for the purpose of a residential flat building is permissible in the zone with the consent of Council.

2. Zone Objectives

The objectives of the R4 (High Density Residential) zone are expressed 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 is generally consistent with the above objectives of the R4 (High Density Residential) zone, subject to the imposition of appropriate conditions, as detailed throughout this report.

Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 614m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	12m	12m	Yes

3. Building Heights

Clause 4.3(2) of the LEP 2013 and the LEP building height map specifies a maximum building height of 12m for the subject site. The maximum height of the proposed apartment building complies with the LEP maximum building height limit as indicated below (**Figure 13**).



Figure 13: Proposed Development and the LEP Maximum Building Height

4. Heritage Conservation

The subject site is not listed as a heritage item in Schedule 5 of the LEP 2013 and is not located within a heritage conservation area. Therefore, Clause 5.10 of the LEP 2013 does not apply to the subject site. It is noted that although a number of significant features remain which link the existing structure to the past, the value has been significantly altered by the inclusion of the garage within the front building setback. The site has also been zoned to permit residential flat building development since the North Sydney LEP 1989, in many ways redevelopment of the subject site was inevitable.

5. Earthworks

Clause 6.10 of the LEP 2013 specifies that the consent authority must consider the following matters before granting consent for earthworks:

- (a) *The likely disruption of, or any detrimental effects 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,*
- (b) *The effect of the development on the likely future use or redevelopment of the land;*
- (c) *The quality of the fill or the soil to be excavated, or both*
- (d) *The effect of the development on the existing and likely amenity of the adjoining properties;*
- (e) *The source of any fill materials and the destination of any excavated material;*
- (f) *The likelihood of disturbing Aboriginal objects or relics,*
- (g) *The proximity to, and potential for adverse impacts on, any waterways, drinking water catchment or environmentally sensitive area;*
- (h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

Consideration has been given to the provisions of Clause 6.10 of the LEP 2013 as follows:

- Council's Development Engineer has reviewed the stormwater management plan submitted by the applicant and raised no in-principle objection to the proposed excavation works on engineering/drainage grounds subject to the imposition of appropriate engineering conditions.
- The applicant has submitted a geotechnical report to ensure the structural integrity of the adjoining properties. A condition is recommended requiring a detailed geotechnical report with reference to the submitted geotechnical assessment dated 27 May 2021 prepared by Ascent Geotechnical Consulting **(Condition C2)**.
- Appropriate conditions are recommended to minimise any nuisance associated with the construction works to ensure the amenity of the adjoining properties.

The proposal is considered to be consistent with the provisions of Clause 6.10 of the LEP 2013 subject to the imposition of appropriate conditions.

6. Residential Flat Building

The primary objective of Clause 6.12 of the LEP 2013 is to ensure that dwelling houses, dual occupancies or semi-detached dwelling located on land zoned R4 (High Density Residential) would not be left isolated for the purpose of apartment development as a result of development on adjoining sites.

Clause 6.12 (3) of the LEP specifies the following:

“Development consent must not be granted for development for the purposes of a residential flat building if the development will result a single dwelling, dual occupancy or semi-detached dwelling being isolated on adjoining land in Zone R4 High Density Residential unless:

- (a) *The adjoining land is at least 900 sqm or*

(b) *The consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.”*

Comment:

The adjoining property to the south at No.350 Miller Street is currently occupied by a dwelling house and is the last property on the strip of land zoned R4 (High Density Residential) on the western side of Miller Street that has not been developed for the purpose of higher density development.

It is noted that No. 350 Miller Street is similar to the subject site in terms of the numerical site dimensions and site area. Consideration has been given to the Land and Environment Court Planning Principle in relation to site amalgamation and site isolation through redevelopment. Ideally the two sites should develop together.

The applicant has provided a concept plan for an apartment development on the adjoining property. This concept design shares many common features with the subject development and would provide for the potential orderly development of the adjoining property at No.350 Miller Street.

In addition, the applicant has also submitted correspondences indicating that the owner of the adjoining property is not interested in a joint development.

In addition, a condition is recommended requiring design provisions to be made for the creation of a right of way over the driveway and within the basement carpark within the subject site to provide vehicle access to a future basement carpark within the adjoining property to the south at No. 350 Miller Street (**Condition C3**) should it be developed. The intent of the condition is to support the potential future development of the adjoining property by limiting the number of vehicle crossings to Miller Street which is considered to be a considerable constraint on the development of these sites given the requirements of RMS.

It is considered that the objectives and provisions of Clause 6.12 in North Sydney LEP 2013 are satisfied subject to the imposition of **Condition C3**.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessment under the following heading within NSDCP 2013:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix <ul style="list-style-type: none"> FRB less than 20 dwellings must provide two (2) dwelling types 	Yes	The proposal contains six (6) apartments including two (2) types of units (i.e. 4 x 2 Bedroom unit and 2 x 3 Bedroom units).
1.2.2 Maintaining Residential Accommodation	Yes	The proposal would increase the supply of residential accommodation within the subject site by constructing five (5) additional dwellings because the application involves demolition of the existing single dwelling.

1.2.3 Affordable Housing	Yes	The proposal is unlikely to affect the supply of affordable housing within the locality given that the existing dwelling has been occupied by the property owner.
1.2.4 Housing for Seniors/Persons with disability	Yes	The design of the building incorporates one (1) adaptable apartment and accessible features, including an accessible parking spaces and a lift to meet the changing needs of the population.
1.3 Environmental Criteria		
1.3.1 Topography	Yes	<p>The proposed development generally respects the existing landform of the subject site.</p> <p>All apartments are located above the existing ground level to maintain access to daylight and ventilation to the habitable areas.</p> <p>All excavation works are to be carried out more than 1m from the property boundaries.</p>
1.3.6 Views	Yes (via condition)	Consideration has been given to the likely view impacts of the proposed development on nearby properties, including an assessment in accordance with the Tenacity Planning Principle for the adjoining apartment building to the north, as provided below:

No. 350 Miller Street

The proposal is unlikely to affect any significant views or outlooks from the adjoining property to the south of the subject site given the single storey nature of this dwelling. The proposal would cause some obstructions to the outlook to the sky to the north, however, the impact is primarily caused by building elements compliant with the LEP's building height limit.

Nos. 301 & 303 Miller Street

The proposed apartment building would be located to the west of these properties across Miller Street. The outlook to the west from Nos. 301 and 303 Miller Street consists of the existing buildings, nearby vegetation and the Cammeraygal High School further to the west. The proposal is unlikely to affect any significant outlook from these existing properties on the eastern side of Miller Street.

No. 360 Miller Street

This adjoining property is occupied by a three (3) storey apartment building with underfloor parking. The proposed development would not affect the outlook of the apartments with windows/balconies on the northern, eastern and western elevation because of the southerly aspect of the subject site.

Furthermore, the views/outlook towards the south from apartments on the ground and first floor at No. 360 Miller Street are currently obstructed by the roof of the existing dwelling on the subject site.

Whilst the proposal is unlikely to have impacts on significant views as from the majority of apartments within No. 360 Miller Street, the proposed development may affect the views or outlooks currently seen from the third floor apartments. In addition, a submission has been received from the second floor apartment raising concerns about the loss of this outlook. Further consideration will be given in the following view assessment based on photos provided by the residents of two third floor apartments and photos publicly available on real estate websites for the second floor apartment in accordance with the Tenacity view assessment principle.

Tenacity Planning Principle

An assessment of the impacts of the proposal in accordance with the principles of view sharing established by the Land and Environment Court in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 has been detailed below.

The Four Step Test in respect of Views

The following view assessment has been undertaken in accordance with the four (4) step process adopted by Commissioner Roseth of the NSW Land and Environment Court centering around *Tenacity Consulting v Warringah Council [2004]* NSWLEC 140.

- **Assessment of views to be affected; and**
- **Consider from what part of the property the views are obtained.**

Unit 10

The windows of the living room, the kitchen and a bedroom as well as a balcony of this three bedroom unit face the subject site. These windows/balconies currently have a view to the south towards the North Sydney CBD over the roof of the subject site and the townhouses and apartments to the south. The view comprises nearby buildings and vegetation, as well as the upper section of the commercial towers in North Sydney CBD (**Figures 14 & 15**).

The proposed development would obstruct the view/outlook towards the buildings, vegetation and the North Sydney buildings to the south because of its compliant 12m building height.



Figure 14: View from the living room of Unit 10, 360 Miller Street

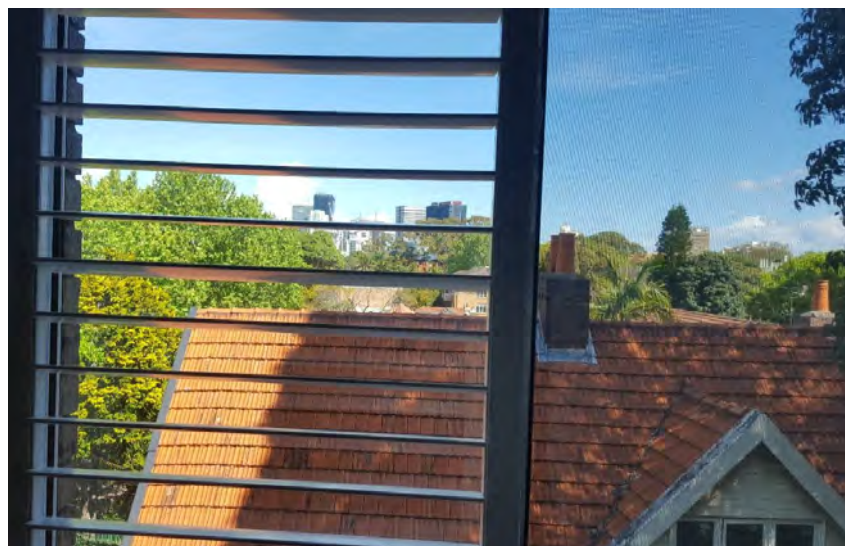


Figure 15: View from a southern bedroom window of Unit 10, 360 Miller Street

It is also noted that the outlook for the other bedroom windows on the eastern elevation of No. 360 Miller Street would not be affected by the proposed development.

Unit 11

The windows of the kitchen and a bedroom of this two bedroom unit face the subject site. These windows currently have a view to the south towards the North Sydney CBD over the roof of the subject site and the townhouses and apartments to the south. The view comprises nearby buildings and vegetation, as well as the upper section of the commercial towers in North Sydney CBD. It is, however, noted that the outlook is currently filtered by existing vegetation within the side building setback of No.360 Miller Street (**Figures 16 & 17**).

The proposed development would obstruct the view/outlook towards the buildings, vegetation on the background and the North Sydney buildings to the south because of its compliant 12m building height.

It is also noted that the views/outlook from the west facing window for the second bedroom and the living room window and balcony on the western elevation of No.360 Miller Street would not be affected by the proposed development.



Figure 16: View from the kitchen window of Unit 11, 360 Miller Street



Figure 17: View from the bedroom window of Unit 11, 360 Miller Street

Unit 6

This second floor apartment is located under Unit 10. Therefore, the windows of the living room, the kitchen and a bedroom as well as a balcony of this three bedroom unit are facing the subject site. These windows/balconies primarily have an outlook to the roof of the existing dwelling that currently occupies the subject site with an outlook towards the sky beyond the roof of the existing dwelling. The living room balcony also provides an outlook to the west to Cammeraygal High School (**Figures 18 & 19**).

The proposed development would reduce the outlook to the sky to the south and west because of its compliant 12m building height.



Figure 18: Outlook from the kitchen window of Unit 6, 360 Miller Street
(Source: Domain.com)



Figure 19: Outlook from the living room balcony of Unit 6, 360 Miller Street
(Looking west towards Cammeraygal High School)
(Source: Domain.com)

- **Assess the extent of the impact in qualitative terms as negligible,**
- **minor, moderate, severe or devastating.**

The impacts on the view/outlook from southern windows of the affected apartments are caused by building elements that comply with the LEP maximum building height limit. Whilst the views of some elements, such as the building at North Sydney CBD are attractive, these are not iconic views. Furthermore, the views are difficult to protect because they are obtained across multiple side property boundaries on properties with a 12m building height limit. Therefore, the view impact is considered to be minor.

- **Assess the reasonableness of the proposal that is causing the impact.**

The building elements that are likely to cause view impacts complies with the building height control in Clause 4.3 in NSLEP 2013. The proposed apartment building complies with the DCP's 3m minimum side boundary setback. It is however noted that the proposal does not comply with the DCP 45 degree building height plane requirement. Notwithstanding the building height plane non-compliance, there would be negligible change to the impacts on outlook/views for the affected adjoining properties given that a change to the side boundary setback of a building would have little effect on opening up views across the side property boundary.

Conclusion

The proposed development is considered to be reasonable and the view impacts to the adjoining properties are considered to be acceptable in the site circumstances.

1.3.7 Solar Access

No
(acceptable
on merit)

An examination of the submitted shadow (sun view) diagrams has revealed that the northern elevation of the existing dwelling to the south of the subject site is generally overshadowed by the existing dwelling within the subject site between 9am and 3pm during mid winter.

The additional shadowing caused by the proposed development would generally fall on the roof of the dwelling at No. 350 Miller Street.

There would be some additional shadowing for about one hour on the northern bay window on the eastern elevation of No. 350 Miller Street from 9.30am onwards. Solar access to the front verandah on the southern side of the adjoining dwelling would be maintained until approximately 10.30am.

The applicant has amended the original proposal by increasing the rear building setbacks on Levels 2 and 3. This would maintain the required three (3) hour solar access to the majority of the rear yard between 11.30am and 2.30pm during mid winter.

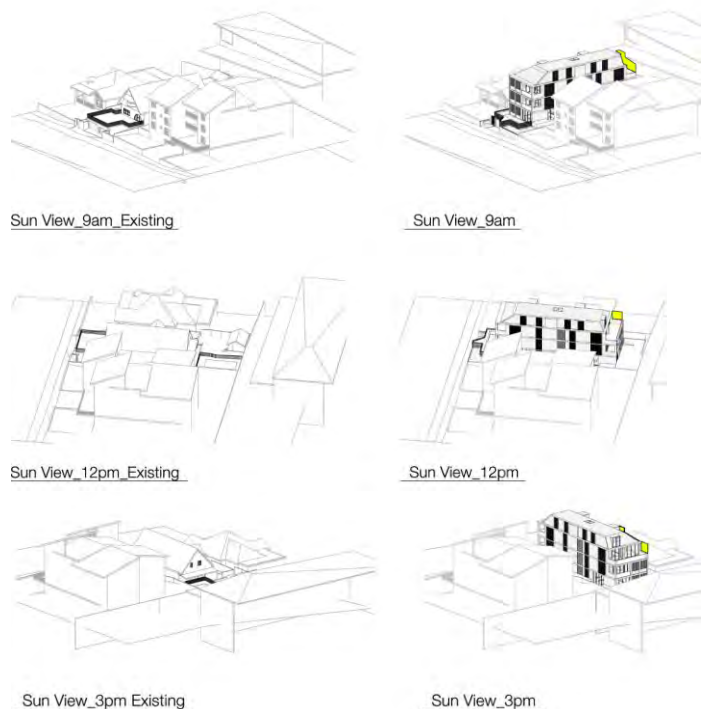


Figure 20: Sun View Diagrams

In addition, there would be no shadowing impacts for properties further to the south of No.350 Miller Street.

		<p>Furthermore, a complying 83% of dwellings within the proposed development would receive more than two (2) hours of sunlight during mid winter.</p> <p>The proposal is considered to be acceptable having regard to the identified overshadowing impacts.</p>
1.3.8 Acoustic Privacy	Yes (via condition)	<p>The design and layout results in appropriate acoustic separation between the lift and the bedrooms and living rooms of most residential apartments.</p> <p>The ground floor terraces and the balconies on the upper levels of the proposed apartment building are unlikely to cause a material loss of acoustic privacy for the adjoining properties because of the main ground floor terraces and the balconies on the upper levels are located on the eastern and western end of the proposed building, further away from the existing windows/balconies on the southern elevation of the adjoining apartment building to the north and the northern elevation of the detached dwelling to the south.</p> <p>Standard conditions are also recommended relating to noise levels of plant equipment, air conditioners and construction noise management to ensure that the amenity of the adjoining properties is reasonably maintained (Conditions C37, C39, C45).</p>
1.3.10 Visual Privacy	Yes (via condition)	<p><i>Northern boundary (No. 360 Miller Street)</i></p> <p>The proposed apartment building would provide a minimum 8.5m building separation from the balconies/the living areas of No. 360 Miller Street.</p> <p>The fencing along the common property boundary would provide screening between the ground floor openings on the northern elevation of the proposed apartment building and the ground floor openings on the southern side of the adjoining development at No. 350 Miller Street.</p> <p>It is noted that the applicant has proposed privacy screens on all northern windows to internal living areas on all levels to ensure visual privacy for the adjoining property to the north.</p> <p>Furthermore, a condition is recommended requiring the installation of obscure glazing to the northern balcony windows on Levels 2 and 3 to provide additional privacy screening for the apartment building to the north (Condition C#).</p> <p><i>Southern Boundary (No.350 Miller Street)</i></p> <p>Privacy screens have been proposed for all windows to habitable rooms on the southern elevation to minimise visual privacy impacts on the adjoining property to the south at No.350 Miller Street.</p> <p>In addition, the boundary fencing would provide privacy screening for the ground floor building entrance and staircase to Miller Street.</p> <p><i>Eastern Boundary (Miller Street)</i></p> <p>The proposed development is unlikely to cause material visual privacy impacts for the properties to the east because the existing apartment building on the opposite side of Miller Street (No. 303 Miller Street) would be more than 30m away from the proposed residential flat building.</p> <p><i>Western Boundary (Cammarygale High School)</i></p>

		The proposal is unlikely to cause material visual privacy impacts for the high school to the west because the high school building facing the subject site has no openings on the eastern side.																
1.4 Quality built form																		
1.4.1 Context	Yes	The proposed four storey development is considered to be generally appropriate within the established and desired built form context given its R4 (High Residential Density) zoning.																
1.4.2 Subdivision Pattern		The proposal would maintain the existing subdivision pattern. A condition is recommended requiring the amalgamation of the existing allotments given that the subject site is currently under two allotments (Condition G1).																
1.4.3 Streetscape		Council's Development Engineer has recommended appropriate conditions requiring a driveway crossing and other appropriate engineering works along Miller Street (Condition C19). Council's Landscape Development Officer has recommended appropriate conditions requiring the protection of the existing street tree on Miller Street footpath (Condition C26).																
1.4.5 Siting		The siting of the proposed residential flat building, with an east-west orientation parallel to Miller Street, is considered to be appropriate as it would be generally consistent with other apartment developments within the locality.																
1.4.6 Setbacks – Front – Side & Rear	Yes Yes/No (acceptable on merit/via condition)	<p>The proposed front (Miller Street) setback of 6m is generally consistent with the setbacks of existing apartment developments to the north along the western side of Miller Street.</p> <p>A compliance table is provided below:</p> <table border="1"> <thead> <tr> <th>Boundary</th> <th>Proposed</th> <th>Control</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Northern (No.360 Miller Street)</td> <td>3m</td> <td>3.0m BHP (45°)</td> <td>Yes No</td> </tr> <tr> <td>Southern (No.350 Miller Street)</td> <td>3m</td> <td>3.0m BHP (45°)</td> <td>Yes No</td> </tr> <tr> <td>Western (Rear – Cammeraygal High School)</td> <td>8m</td> <td>1.5m BHP (45°)</td> <td>Yes Yes</td> </tr> </tbody> </table> <p><u><i>Non-compliance with building height plane (BHP)</i></u></p> <p>The proposed development does not strictly comply with the building height plane envelope with a non-compliance with the DCP building height plane controls on the upper levels for the northern and southern elevations.</p> <p>To comply with the building height plane, any development on the subject site is likely be restricted to three storeys due to the narrowness of the subject site and the converging nature of the BHP controls. The height of the building would also be lower than the permissible building height within the zone at 12m.</p>	Boundary	Proposed	Control	Compliance	Northern (No.360 Miller Street)	3m	3.0m BHP (45°)	Yes No	Southern (No.350 Miller Street)	3m	3.0m BHP (45°)	Yes No	Western (Rear – Cammeraygal High School)	8m	1.5m BHP (45°)	Yes Yes
Boundary	Proposed	Control	Compliance															
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Western (Rear – Cammeraygal High School)	8m	1.5m BHP (45°)	Yes Yes															

		<p>The elements of the building that are non-compliant with the building height plane are unlikely to materially reduce the amenity of the adjoining properties in terms of privacy, views or solar access subject to the imposition of appropriate conditions.</p> <p>The proposed development is likely to achieve the objectives of the setback control despite the numerical non-compliance with the building height plane control.</p>
<p>1.4.7 Form Massing Scale 1.4.8 Built Form Character</p>	Yes	<p>The proposed four storey apartment building is considered to be generally compatible with surrounding developments in the R4 (High Density Residential) zone.</p> <p>The building is suitably articulated and adequately setback from the boundaries of the site as amended by the application, with an additional rear building setback on Levels 2 and 3 to minimise the bulk and scale and amenity impacts on the adjoining property to the south.</p> <p>The proposed mansard roof design is considered to be acceptable for the subject site to minimise the bulk and scale of the proposed building as seen from the south.</p>
1.4.9 Dwelling Entry	Yes	The pedestrian entry off Miller Street provides a sense of address and an accessible entrance for the development.
1.4.12 Materials	Yes	The applicant has submitted a schedule of materials and finishes that is considered to be generally acceptable.
1.4.13 Balconies – Apartments	Yes	Private open space is provided for each of the apartments in the form of balconies or courtyards. The size of the balconies and terraces are generally compliant with the minimum areas specified in the ADG. The balconies are integrated into the overall architectural form and detail of the building.
1.4.14 Front Fences	Yes	The applicant has proposed a sandstone retaining wall along the street frontages of the site. The pedestrian and carpark gates would be recessed from the street boundary. The proposal is considered to be an improvement to the existing triple garage frontage to Miller Street and adequately deals with the level change between the front setback area of the site and the footpath level along Miller Street.
1.5 Quality Urban Environment		
1.5.1 High Quality Residential Accommodation	Yes	The proposal will provide a high level of residential amenity for the future occupants of the apartments as detailed in the ADG section earlier in this report.
1.5.3 Safety and Security	Yes	<p>The pedestrian entry from Miller Street will ensure safe and secure access is provided to the apartments. The proposal complies with the DCP with a maximum of two (2) units sharing a lobby on each level.</p> <p>The windows and balconies on the street elevation of the proposed apartment building would provide casual surveillance of the street and building entrance.</p>

<p>1.5.4 Vehicle Access and Parking</p>	<p>Yes</p>	<p><i>Vehicle Access:</i></p> <p>A driveway has been proposed off Miller Street to the basement parking level. Council’s Development Engineer has raised no objection to the design of the driveway crossing and the engineering aspects of the basement parking, subject to the imposition of appropriate engineering conditions.</p> <p><i>Car Parking</i></p> <p>The application proposes nine (9) parking spaces within the basement of the development including one (1) visitors spaces and six (6) spaces for bicycles. A compliance table against DCP’s parking requirement is provided below:</p> <table border="1" data-bbox="719 689 1402 931"> <thead> <tr> <th>Apartment Type/Nos. Proposed</th> <th>DCP max. parking rate/unit</th> <th>DCP Max. car spaces</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>2 Bedroom – 4</td> <td>1</td> <td>4</td> <td>4</td> <td>Yes</td> </tr> <tr> <td>3 Bedroom – 2</td> <td>1.5</td> <td>3</td> <td>4</td> <td>No</td> </tr> <tr> <td>Total (Residential)</td> <td></td> <td>7</td> <td>8</td> <td>No</td> </tr> <tr> <td>Visitors</td> <td>0.25</td> <td>1.5</td> <td>1</td> <td>No</td> </tr> </tbody> </table> <p>The shortfall for visitors parking is considered to be acceptable given that the subject site is in close proximity to public transport along Military Road.</p> <p>It is however noted that there is an excess of one (1) residential parking space above the DCP maximum parking requirement.</p>	Apartment Type/Nos. Proposed	DCP max. parking rate/unit	DCP Max. car spaces	Proposed	Complies	2 Bedroom – 4	1	4	4	Yes	3 Bedroom – 2	1.5	3	4	No	Total (Residential)		7	8	No	Visitors	0.25	1.5	1	No
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3 Bedroom – 2	1.5	3	4	No																							
Total (Residential)		7	8	No																							
Visitors	0.25	1.5	1	No																							
		<p>As indicated earlier in this report the additional setback of the northern basement wall away from the brush box tree that adjoins the northern basement is likely to result in a reduction in parking by two (2) residential parking spaces and two (2) bicycle parking spaces. The provision of six (6) residential parking spaces and four (4) bicycle parking spaces is considered to be acceptable in order to minimise impacts on the brush box tree whilst maintaining a minimum of one (1) car parking space for each apartment within the proposed development.</p> <p>It is considered that the revised design for the basement and the possibility for the adoption of mechanical parking devices would potentially provide the opportunities to meet the DCP maximum parking requirements and additional parking for bicycles.</p>																									

<p>1.5.5 Site Coverage 1.5.6 Landscape Area</p>	<p>No (acceptable on merit and via condition)</p>	<p>The proposal has been assessed against the DCP's site coverage, unbuilt upon area and landscaped areas requirements in the table below:</p> <table border="1" data-bbox="719 342 1410 815"> <thead> <tr> <th>Site Area: 614m²</th> <th>Existing</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage</td> <td>266m² (43%)</td> <td>256 m² (42%)</td> <td>(45% Max.)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt upon Area</td> <td>214 m² (35%)</td> <td>187m² (30%) 177m²* (29%)</td> <td>(15% max.)</td> <td>No</td> </tr> <tr> <td>Landscaped Area</td> <td>134m² (23%)</td> <td>171m² (28%) 181m²* (29%)</td> <td>(40% min.)</td> <td>No</td> </tr> </tbody> </table> <p>* Subject to deferred commencement condition requiring additional setback for the northern basement wall.</p> <p>The proposal complies with DCP's maximum site coverage requirement.</p> <p>Whilst the proposal does not comply with the DCP unbuilt upon area and landscape area requirements, this is considered acceptable given that the non-compliance is created by the basement level which constitutes unbuilt upon area despite being covered by landscaping above. The basement footprint extends beyond the building footprint to provide sufficient internal clearances and is reflective of the constrained nature of the subject site.</p> <p>The recommendation for the imposition of a deferred commencement condition requiring additional setback for the northern basement wall from the northern property boundary would further increase landscape area within the subject (Condition AA1).</p> <p>Furthermore, the proposed development is generally consistent with the objectives of site coverage in terms of in keeping with the character and density of development within a R4 (High Density Residential) zone as well as adequate provision of landscaping and private open space for residents.</p>	Site Area: 614m ²	Existing	Proposed	Control	Complies	Site Coverage	266m ² (43%)	256 m ² (42%)	(45% Max.)	Yes	Unbuilt upon Area	214 m ² (35%)	187m ² (30%) 177m ² * (29%)	(15% max.)	No	Landscaped Area	134m ² (23%)	171m ² (28%) 181m ² * (29%)	(40% min.)	No
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<p>1.5.7 Excavation</p>	<p>Yes</p>	<p>The proposed excavation would comply with the DCP maximum of 70% of the site area. Furthermore, landscaped setbacks have been proposed along each of the side property boundaries as required by the DCP.</p> <p>Council's Development Engineer has reviewed the stormwater management plan submitted by the applicant and raised no in-principle objection to the proposed excavation works on engineering/drainage grounds subject to the imposition of appropriate engineering conditions.</p> <p>The applicant has submitted a geotechnical report to ensure the structural integrity of the adjoining properties. Council's Development Engineer has recommended a condition is recommended requiring the submission of a detailed geotechnical report (Condition C2).</p> <p>Appropriate conditions are recommended to minimise any nuisance associated with the construction works to ensure the amenity of the adjoining properties.</p>																				

<p>1.5.8 Landscaping</p>	<p>Yes (via condition)</p>	<p>As mentioned earlier in this report, it is recommended that a deferred commencement condition (Condition AA1) be imposed requiring additional protection for the brush box tree located on the adjoining property to the north of the subject site.</p> <p>The applicant has also submitted a landscape plan proposing screen planting along the side (northern and southern) property boundaries to provide a landscape buffer between the subject site and the adjoining properties.</p> <p>A condition is also recommended requiring the revision of the landscape plan to include a canopy tree within the front garden to soften the built form of the proposed apartment building (Condition C4).</p>
<p>1.5.10 Private and Communal Open Space</p>	<p>Yes</p> <p>No (acceptable on merit)</p>	<p>The proposal provides sufficient private open space in the form of either courtyards or balconies for each of the apartments.</p> <p>Whilst no formal communal open space is proposed within the proposed development, this aspect of the proposal is considered to be acceptable given the small number of units within the proposal and the availability of other potential venues for social interaction nearby.</p>
<p>1.5.13 Garbage Storage</p>	<p>Yes</p>	<p>A service room is proposed on all residential levels adjacent to the lift and a suitable sized garbage storage area is provided within the basement near the driveway entrance to provide easy access to the street. The proposed design for a combined general waste and bulky waste storage room is considered to be acceptable given the constrained footprint of the proposed building and the modest number of units proposed.</p>
<p>1.6 Efficient Use of Resources</p>		
<p>1.6.1 Energy Efficiency</p>	<p>Yes</p>	<p>The applicant has submitted a valid BASIX certificate to demonstrate compliance with the relevant energy efficiency requirements.</p>

Cammeray Planning Area (ANZAC Neighbourhood) – Part C of NSDCP 2013

The proposal would be generally consistent with Part C of North Sydney DCP 2013 in particular Section 4 of the Character Statement for Cammeray Planning Area and Section 4.3 for ANZAC Neighbourhood.

The proposed residential flat building would be compatible with the desired medium to high density development character for the neighbourhood in Section 4.3.2 of the DCP.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Population Increase

Development type	Existing	Proposed	Unit	Increase
Residential accommodation:				
Studio/1 bed dwellings	0	4	dwellings	4 dwellings
3 or more bed dwellings	1	2	dwellings	1 dwellings
Non-residential accommodation:				
Business premises	N/A	N/A	N/A	N/A

Contribution amounts payable

Applicable contribution type		
s7.11 contribution		
<i>(Net population increase)</i>	Open space and recreation facilities:	\$55,064.46
	Public domain:	\$30,652.75
	Active transport:	\$1,749.54
	Community facilities:	\$11,059.95
	Plan administration and management:	\$1,473.30
	Total:	\$100,000.00

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions (**Condition C50**).

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	N/A
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

Council notified surrounding properties and the Registry Precinct of the proposed development seeking comment between 30 July and 27 August 2021. Council received four (4) submissions. The amended plans were renotified to adjoining properties, previous submitters and the precinct for 14 days between 16 December 2021 and 20 January 2022. Council received three (3) submissions (including one (1) late submission from one of the previous submitters).

The issues raised relating to view loss, privacy and shadowing impacts have been addressed in detail throughout this report. The other issues raised in the submissions are addressed below:

- ***Excessive bulk and scale of the proposed apartment for a small and narrow site.***
- ***Inadequate side boundary setbacks and breach of the DCP building envelope control.***
- ***The height of the proposed building should not be more than 3 levels including the basement.***
- ***Overdevelopment of the subject site.***

Comment:

The subject site is located on land zoned R4 (High density Residential) and the proposal for a residential flat building would generally be suitable for the site context and be compatible with the desirable future character for development along Miller Street.

The building generally responds to the height controls for the area and the scale of the proposed building would be consistent with the height of the existing apartment buildings to the north along Miller Street.

The proposal adopts a built form which generally complies with the relevant development controls relating to height and site coverage. The applicant has also proposed a mansard style roof in order to minimise the bulk and scale of the building, particularly the top level.

It is noted that the proposed development does not strictly comply with the building height plane envelope given the non-compliance with the DCP building height plane controls on the upper levels for the northern and southern elevations.

To comply with the building height plane, the building height of any development on the subject site is likely be restricted to three storeys due to the narrowness of the subject site. The proposed building and would also be lower than the 12m permissible building height within the R4 zone.

The elements of the building that are non-compliant with the building height plane are unlikely to materially reduce the amenity of the adjoining properties in terms of privacy, views or solar access subject to the imposition of appropriate conditions as detailed throughout this report.

In addition, the applicant has amended the original proposal to provide additional building setback from the rear (western) property boundary for Levels 2 and 3. This amendment has resulted in a reduction in the bulk and scale of the upper section of the building and improved solar access to the rear yard of the adjoining property to the south.

Therefore, the proposal is considered to be acceptable.

- ***The basement is excessive and would adversely impact on the availability of landscaped area within the subject site.***
- ***Adverse impacts on vegetation within the adjoining property to the north.***

Comment:

The proposal complies with the ADG's requirement for deep soil planting with planting zones available within the front and rear of the subject site. There are also soft landscaping strips along the side (northern and southern) property boundaries.

As indicated earlier in this report, a deferred commencement condition is recommended requiring an additional setback for the northern basement wall from the northern property boundary to ensure appropriate protection of the structural root zone of an established brush box tree located to the north of the subject site (**Condition AA1**).

A condition is also recommended requiring the planting of a canopy tree within the front garden to provide screening of the building along Miller Street frontage (**Condition C4**).

- ***Construction noise from the proposed development would have adverse impacts on those required to work from home.***

Comment:

Conditions are recommended to ensure proper management of construction noise and vibration, construction hours and a requirement for the submission of a construction noise management plan to ensure that the amenity of the adjoining properties (**Conditions E10, E17, C45**).

- ***More updated Sydney Water comments required.***

Comment:

Sydney Water has provided comments in relation to the proposal as detailed earlier in this report.

- ***Concerns raised about the loss of the existing dwelling due to its heritage significance.***

Comment:

The subject site is not listed as heritage item nor is it located within a conservation area. Whilst the existing dwelling façade contains some original inter-war features, the triple garage in front of the dwelling has detracted from the overall significance of the dwelling. An inspection of the subject dwelling has revealed that the internal ground floor layout appears to be modified to provide an open plan living and kitchen area.

Given that there is no heritage listing of the existing building, there are insufficient grounds for the retention of the existing dwelling that occupies the subject site.

- ***Adverse impacts on property values of the adjoining properties.***

Comment:

Whilst the proposal would have some impacts on the adjoining properties as mentioned earlier in this report, it is considered that such impacts are generally acceptable on planning grounds. Furthermore, there is no evidence submitted to demonstrate that the proposed development would have an adverse impact on the values of nearby properties.

PUBLIC INTEREST

The proposal, subject to the imposition of deferred commencement conditions, is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located on land zoned R4 (High Residential Density) where a residential flat building is a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal and the imposition of appropriate conditions as described in the above report.

CONCLUSION + REASONS

The proposal has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The proposal complies with the LEP maximum building height limit and DCP's site coverage requirements. The proposed four storey apartment building, featuring a mansard style roof, is considered to be appropriate in terms of height and the desired built form within land zoned R4 (High Density Residential). Furthermore, the proposal would not result in any unacceptable impacts on the amenity of the adjoining properties subject to the imposition of appropriate conditions.

It is recommended that a deferred commencement condition be imposed requiring an additional setback for the northern basement wall from the structural root zone of an established brush box tree to ensure the protection of established vegetation.

The issues raised in the submissions received have also been addressed in the report.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

Council notified adjoining properties and the Registry Precinct of the proposed development seeking comment between 30 July and 27 August 2021. Council received four (4) submissions. The amended plans were renotified to adjoining properties, previous submitters and the precinct for 14 days between 16 December 2021 and 20 January 2022. Council received three (3) submissions (including one (1) late submission from one of the previous submitters). The matters raised in the submissions have been addressed throughout the assessment report.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council, as the consent authority, grant deferred commencement consent to Development Application No. 220/21 for the demolition of the existing dwelling and the construction of a residential flat building containing six apartments with basement parking and associated landscaping on land at No. 352 Miller Street, Cammeray, subject to the attached conditions:-

AA. Deferred Commencement Condition

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

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

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

Design Modifications to the Basement

AA1. The location of a section of the northern wall of the proposed basement, measuring 7.5m in length, to the south of the structural root zone of the Tree T4 (*Lophostemon confertus*) Brush Box (as indicated on the TPZ and SRZ plan, submitted with the arborist report, prepared by Complete Arborcare and dated 13 June 2021), be modified to provide a minimum 2m setback from the northern property boundary. The area shall be configured as soft landscaping.

The applicant must submit architectural plans complying with the requirements of this condition, including the necessary adjustments in parking spaces within the basement, for the written approval of the Manager Development Services.

(Reasons: To ensure protection of established vegetation and to maintain landscape quality of the locality.)

This consent shall not operate until such time as the written approval 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 attached conditions including the following standard and site specific conditions:

Privacy Protection

C1. Obscure glazing must be installed to the Level 1 and Level 2 balcony windows on the northern elevation to ensure visual privacy protection for the adjoining property to the north at No. 360 Miller Street.

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

(Reason: To ensure visual privacy protection for the adjoining property to the north.)

Geotechnical Report

- C2. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared, with reference to the Geotechnical Assessment, dated 27 May 2021 and prepared by Ascent Geotechnical Consulting, which addresses at a minimum (but is not limited to) the following:-
- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m 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 utilized 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 utilized; 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/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

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

The design principles for the geotechnical report are as follows:

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

Vehicle access to No.350 Miller Street

- C3. A right of way shall be created over the driveway and within the basement carpark and side setback area to provide vehicle access to any potential future basement carpark at No.350 Miller Street. The right of way is to be in the form of a s88B instrument as part of the Strata plan for the subject site.

The potential future access to the adjoining site to the south shall be taken into account in the structural design and fire safety design of the building to allow the access to be opened when required. Details shall be submitted with the Construction Certificate.

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

(Reason: To ensure future access to isolated site)

Revised Landscape Plan

- C4. The landscape plan, drawing numbered LP01 Issue 04, dated 01.03.22, drawn by Black Beetle, be amended as follows:

- (a) The inclusion of a feature tree with a mature height of 12m within the front garden of the subject site to soften the proposed apartment building and to enhance the streetscape; and
- (b) The replacement of syzigium 'Cascade' with a more upright species of syzigium to provide better screening/privacy protection outcomes.

The revised landscape plan must be submitted for the written approval of Council's Team Leader Assessment.

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

(Reason: To ensure landscaping quality of the subject site and the locality.)

Consolidation of Lots

- G1. Prior to the issue of the Occupation Certificate, the lots within the subject site (Lots 8 & 9 DP 58893) shall be consolidated into one lot. Documentary evidence of consolidation shall be provided to the Principal Certifier

(Reason: To promote orderly development of land.)

Robin Tse
SENIOR ASSESSMENT OFFICER

Michael Stephens
A/TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
352 MILLER STREET, CAMMERAY
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AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition has been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement condition 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 condition within 12 months from the date of this consent, this consent will lapse in accordance with Section 4.16(3) 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.*

Design Modifications to the Basement

AA1. The location of a section of the northern wall of the proposed basement, measuring 7.5m in length, to the south of the structural root zone of the Tree T4 (*Lophostemon confertus*) Brush Box (as indicated on the TPZ and SRZ plan, submitted with the arborist report, prepared by Complete Arborcare and dated 13 June 2021), be modified to provide a minimum 2m setback from the northern property boundary. The area shall be configured as soft landscaping

The applicant must submit architectural plans complying with the requirements of this condition, including the necessary adjustments in parking spaces within the basement, for the written approval of the Manager Development Services.

(Reasons: To ensure protection of established vegetation and to maintain landscape quality of the locality.)

This consent shall not operate until such time as the written approval 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 attached conditions including the following standard and site specific conditions:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Description	Prepared by	Dated
DA-0101 Rev E	Site Plan	SJB	26.04.2022
DA-0105 Rev E	Demolition Plan	SJB	26.04.2022
DA-0201 Rev E	Floor Plan - Basement	SJB	26.04.2022
DA-0202 Rev E	Floor Plan - Ground	SJB	26.04.2022
DA-0203 Rev E	Floor Plan – Level 1	SJB	26.04.2022
DA-0204 Rev E	Floor Plan – Level 2	SJB	26.04.2022
DA-0205 Rev E	Floor Plan – Level 3	SJB	26.04.2022
DA-0206 Rev E	Floor Plan – Roof	SJB	26.04.2022
DA-0501 Rev E	Elevation – East & West	SJB	26.04.2022
DA-0502 Rev E	Elevation – North & South	SJB	26.04.2022
DA-0601 Rev E	Sections	SJB	26.04.2022

(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 Drawings numbered DA 3205 Rev E, Dated 26 April 2022, and prepared by SJB Architects 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.

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- 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.
- 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)

Privacy Protection

- C1. Obscure glazing must be installed to the Level 1 and Level 2 balcony windows on the northern elevation to ensure visual privacy protection for the adjoining property to the north at No. 360 Miller Street.

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

(Reason: To ensure visual privacy protection for the adjoining property to the north)

Geotechnical Report

- C2. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared, with reference to the Geotechnical Assessment, dated 27 May 2021 and prepared by Ascent Geotechnical Consulting, which addresses at a minimum (but is not limited to) the following:-
 - a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m 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 utilized 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 utilized; 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/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

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

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- 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 minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;

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- 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)

Vehicle access to No.350 Miller Street

- C3. A right of way shall be created over the driveway and within the basement carpark and side setback area to provide vehicle access to any potential future basement carpark at No.350 Miller Street. The right of way is to be in the form of a s88B instrument as part of the Strata plan for the subject site.

The potential future access to the adjoining site to the south shall be taken into account in the structural design and fire safety design of the building to allow the access to be opened when required. Details shall be submitted with the Construction Certificate.

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

(Reason: To ensure future access to isolated site)

Revised Landscape Plan

- C4. The landscape plan, drawing numbered LP01 Issue 04, dated 01.03.22, drawn by Black Beetle, be amended as follows:
- (a) The planting of a feature tree with a mature height of 12m within the front garden of the subject site to soften the proposed apartment building and to enhance streetscape; and
 - (b) The replacement of syzigium 'Cascade' with a more upright specie of syzigium to provide better screening/privacy protection outcomes.

The revised landscape plan must be submitted for the written approval of Council's Team Leader Assessment.

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

(Reason: To ensure landscaping quality of the subject site and the locality.)

Dilapidation Report Damage to Public Infrastructure

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

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

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

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

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

Dilapidation Report Private Property (Excavation)

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

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

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C7. A photographic survey and dilapidation report of adjoining properties Nos. 350 and 360 Miller Street detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

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

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

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

Structural Adequacy of Adjoining Properties - Excavation Works

- C9. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining properties Nos. 350 and 360 Miller 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)

Sediment Control

- C10. 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

C11. 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)

C12. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Reflectivity Index of Glazing

- C13. 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

- C14. 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

- C15. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

- C16. 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

- C17. 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)

Basement Car Park to comply with relevant standards

- C18. The basement layout must comply with all requirements of the Australian Standard AS2890.1 (Off-Street Parking) including the following requirements:
- a) The design of the proposed parking spaces for people with disability must comply with the Australian Standard AS2890.6;
 - b) The design of bicycle parking and storage facilities must comply with the Australian Standard AS2890.3;
 - c) The design of the new driveways must comply with the minimum pedestrian sightline safety in accordance with Figure 3.3 of AS2890.1.

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

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

(Reason: To ensure compliance with the relevant Australian Standards)

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. An application must be made to Council on the “To Satisfy DA Consent Condition” application form with payment of the adopted assessment/inspection fees. 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:

Road Works

- a) construction of a fully new replacement concrete footpath is required across the entire site frontage in Miller Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50 extending 5m past the property boundary line. The footpath shall be designed on a single straight grade so that it is uniform without showing signs of dipping or rising particularly at entrances.
- b) reconstruction of the carriageway shoulder will be required, adjacent to all new kerb/gutter and layback works.
- c) construction of a fully new kerb and gutter (including the layback) is required across the entire site frontage in Miller Street.
- d) cross sections at a scale of 1:50 along the centreline of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

Drainage Works

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

- a) construction of a new stormwater pit over the existing pipe is required in the kerb fronting the subject site in Miller Street.

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)

Splay Corners

C20. For the purposes of improving sight distance, the vehicular access must have splay corners at the intersection of the vehicular access with the property boundary. 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: Public amenity and safety and appropriate sight distance)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C21. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1– Off Street Car Parking 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) the width of the vehicular layback must be in accordance with TfNSW specifications.
- c) the vehicular crossover must be set square to the kerb,
- d) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- e) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered,
- f) transitioning works of one footpath panel on both sides of the driveway crossing are required to ensure uniformity in the footpath,
- g) any twisting of driveway access must occur entirely within the subject property,
- h) all inspection openings, utility services must be adjusted to match the proposed driveway levels,
- i) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed,
- j) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter,
- k) a longitudinal section along the footpath property boundary at a scale of 1:50 is required,
- l) the sections must show the calculated clearance to the underside of any overhead structure,
- m) all details of internal ramps between parking levels, and
- 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".

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

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

Stormwater Management and Disposal Design Plan - Construction Issue Detail

- C22. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

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- a) compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code,
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity from the OSD to the new stormwater pit fronting the property in Miller Street,
- c) the stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years,
- d) all redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated,
- e) pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,
- f) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system,
- g) any proposed fence/building structure is to be constructed so as not to impede the natural overland flow, and
- h) provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works,
- i) surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow,
- j) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate,
- k) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception,
- l) provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

On-Site Stormwater Detention

- C23. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a one-in-five-year storm of one-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a one-in-twenty-year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

Pump-Out System Design for Stormwater Disposal

- C24. 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-twenty-year storm;
 - b) the pump system shall be regularly maintained and serviced, every six (6) months; and
 - c) any drainage disposal to the street gutter from a pump system, must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

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

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

- C25. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$18,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
 - c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Tree Bond for Public Trees

- C26. Prior to the issue of any construction certificate, security in the sum of \$24,000.00 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 Species	Location	Bond
T7 & T8 <i>Platanus p</i>	Council verge – Miller Street	\$12,000 per tree x 2 = Total \$24,000

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

Tree Protection

- C27. To ensure the protection of all trees to be retained as identified in the submitted Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021, the following measures are to be undertaken:
- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
 - b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.

- c) A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to Council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to Council within 7 days.
- f) The project arboriculturist is to submit a list of critical stages where joint site inspections with Council’s Tree Management Officer will be required, with the adopted schedule to be complied with during the course of works, and include at minimum, the following hold points:
 - i. Prior to demolition of existing structures;
 - ii. At commencement of any excavation works within 7 metres of any tree to be retained;
 - iii. Prior to any tree crown or root pruning;
 - iv. At commencement of construction works within 7 metres of any tree to be retained.

(Reason: Tree protection measures)

Tree Protection Measures to be shown on Construction Drawings

- C28. The tree protection measures contained in the Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition

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

Protection of Trees

- C29. The trees identified for retention in the submitted Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021 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.

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)

Approval for removal of Trees

- C30. The trees identified for removal in the submitted Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021 are approved for removal in accordance with the development consent:

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Pruning of Trees

- C31. All pruning works to the trees identified for pruning as contained in the submitted Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021 shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees.

The pruning works to T4 (*Lophostemon confertus*) Brush Box must be consistent with the scope of pruning works for the same tree as detailed in the Pruning Report, prepared by Complete Arborcare and dated 18 June 2022

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

Minor pruning only shall be permitted. All pruning to be carried out as detailed in the Arboricultural Impact Assessment report, prepared by Complete Arborcare and dated 13 June 2021 and the Pruning Report prepared by Complete Arborcare and dated 18 June 2022 , and under supervision of the project arborist.

(Reason: To ensure the protection and longevity of existing significant trees)

Garbage and Recycling Facilities

- C32. An appropriate area must be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements must be met:
- a) all internal walls of the storage area must be rendered to a smooth surface, 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)

Chimney/Flue Discharge Location

C33. The height of the chimney/flue must be in accordance with the requirements of the Building Code of Australia, and any relevant Australian Standard applicable to the type and nature of heating appliance installed.

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: If the design of the chimney/flue approved by this consent needs to be altered to achieve compliance with this requirement, an application to modify this development consent may be required, depending on the nature of the changes required.

(Reason: To ensure compliance with appropriate environmental standards and protect residential amenity arising from chimney and flue installations)

Asbestos Material Survey

C34. 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 or other hazardous material contamination and, if asbestos or other hazardous material 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.

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- 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)

Soil Contamination

C35. Soil to be excavated and removed from site is to be classified for waste disposal purposes. In the event of any unexpected finds, the following will apply: -

- (a) In the event contaminated soil is identified at the site through the soil testing process or otherwise, an Environmental Management Plan /Remedial Action Plan shall be drawn up by a suitably qualified person/environmental consultant detailing the process for excavation, storage and handling, classification, disposal or reuse of disturbed soils on site.
- (b) Any soils found to contain contaminants of concern must be classified for disposal purposes, appropriately stored and properly disposed of to a facility licensed to receive that category of waste.
- (c) The site will be required to be adequately remediated and validated as being fit for its intended use by a suitably experienced environmental consultant. A notice of completion, including validation is to be provided to Council following removal of any contaminated soils.
- (d) A Validation report is required to be completed following the completion of any remediation works. The report is to be provided to the Certifying Authority and Council.

(Reason: To ensure the land is suitable for its intended purpose)

Location of Plant

C36. 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

C37. The use of all plant and equipment installed on the premises must not:

- (a) comply with the project noise trigger levels contained in the noise assessment titled "Noise Assessment - 352 Miller Street Cammeray, NSW" dated June 2021, prepared by Muller Acoustic Consulting.
- (b) Cause "offensive noise" as defined in the Protection of the Environment Operations Act 1997.
- (c) The use of any air conditioner installed on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 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 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day

"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 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 Noise Policy for Industry published by the NSW Environment Protection Authority

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

Vibration from Plant and Equipment

- C38. 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

- C39. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

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

(Reason: To maintain residential amenity)

Acoustic Privacy (Residential Apartments)

- C40. 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 from Major Roads and Rail Corridors (A)

- C41. To minimise the impact of noise from the adjoining major road or rail corridor, the building shall be acoustically designed and constructed to comply with the requirements of the State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008.

To minimise the impact of vibration from any adjoining rail corridor, the building shall be acoustically designed and constructed to comply with the requirements of "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority.

(Reason: To comply with State regulations and to ensure a suitable level of amenity not affected by excessive noise and vibration from surrounding activities)

Compliance with Acoustic Report

- C42. The recommendations contained in the acoustic report prepared by Muller Acoustic Consulting dated June 2021, must be implemented during construction and use of the development.

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

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

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

Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate

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

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

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

Mechanical Exhaust Ventilation

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

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

Construction Noise Management Plan

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

- (a) Identification of noise affected receivers near to the site.
- (b) A prediction as to the level of noise impact at noise affected receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite.
- (c) Details of work schedules for all construction phases;
- (d) A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the Environment Protection Authority's Interim Construction Noise Guideline ("ICNG").
- (e) Representative background noise levels should be submitted in accordance with the ICNG.
- (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.

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- (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

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

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council’s power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.

3. Information on making an application for an “unjustifiable hardship exemption” under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

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

Underground Electricity and Other Services

- C47. All overhead electricity and other lines (existing and proposed) must be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

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

Adaptable Housing

- C48. Proposed apartments G.01 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)

Section 7.12 Contributions

- C49. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Local Infrastructure Contribution Plan 2020 for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

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Contribution Categories/Facilities:	Contribution
Open space and recreation facilities:	\$55,064.46
Public domain:	\$30,652.75
Active transport:	\$1,749.54
Community facilities:	\$11,059.95
Plan administration and management:	\$1,473.30
Total:	\$100,000.00

- * Contribution required for the current proposal offset by credit from the existing commercial development

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.

A copy of the North Sydney Local Infrastructure Contribution Plan 2020 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 retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposit/Guarantee Schedule

- C50. 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)	\$24,000.00
Infrastructure Damage Bond	\$5,000.00
Engineering Construction Bond	\$10,000.00
Drainage Construction Bond	\$3,000.00
TOTAL BONDS	\$42,000.00

Note: The following fees applicable

Fees	
S7.11 Contribution	\$100,000.00
TOTAL FEES	\$100,000.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

C51. 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. 1218377M 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

C52. 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)

TfNSW

C53. The following TfNSW requirements must be complied with prior to the issue of a Construction Certificate:

- (a) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Miller Street boundary.
- (b) The design and construction of the kerb and gutter crossing on Miller Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans of the proposed gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au

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A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (d) All vehicles are to enter and exit in a forward direction.
- (e) All vehicles are to be wholly contained on site before being required to stop.
- (f) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted Miller Street.
- (g) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Miller Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Advisory Note:

TfNSW advises that the subject property is within the Western Harbour Tunnel and Warringah Freeway Upgrade project area where it interfaces with the future Beaches Link motorway. The Western Harbour Tunnel and Warringah Freeway Project has been approved and Beaches Link is currently going through the environmental assessment process to seek planning approval.

For further information on the Western Harbour Tunnel and Beaches Link Program please contact the Project Team on email: whtbl@transport.nsw.gov.au; phone: 1800 931 189 or by visiting the project portals:

- *Western Harbour Tunnel and Warringah Freeway upgrade – nswroads.work/whtportal*
- *Beaches Link and Gore Hill Connection – nswroads.work/blportal*

(Reason: Compliance with TfNSW Requirements)

Sydney Water

- C54. The following Sydney Water requirements must be complied with prior to the issue of a Construction Certificate:

Water Servicing

- Potable water servicing should be available via a 150mm CICL watermain (laid in 1933) on Miller Street.
- Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

Wastewater Servicing

- Wastewater servicing should be available via a 225mm SGW wastewater main (laid in 1898) to the rear of the property.
- Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.

Note: This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

(Reason: Compliance with Sydney Water Requirements)

Ausgrid

C55. The following Ausgrid requirements must be complied with prior to the issue of a Construction Certificate:

Overhead Powerlines

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

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

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

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

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

(Reason: Compliance with Ausgrid Requirements)

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

Protection of Trees

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

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

Project Arborist

- D2. 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.

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)

Temporary Fences and Tree Protection

- D3. All protected trees on-site that are specifically nominated as per condition C46 (Protection of Trees) 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.

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

Notification of New Addresses

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

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

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

Sydney Water Approvals

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

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.sydneypwater.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)

Commencement of Works' Notice

- D6. 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***Cigarette Butt Receptacle**

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Parking Restrictions

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

Geotechnical Stability during Works

- E5. 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 geotechnical report prepared in accordance with the requirements of Condition C2 in this consent and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

Council Inspection of Public Infrastructure Works

- E6. 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:

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- a) Formwork for crossover, footpath, etc.

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

E7. 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.

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

- E8. 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

- E9. 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

- E10. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Compliance with Construction Noise Management Plan

- E11. 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

- E12. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

- E13. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E14. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Special Permits

- E15. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Noxious Plants

E16. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

Construction Hours

E17. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

E18. 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

- E19. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage

- E20. 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)

Remedial Action Plan (Contaminated Land)

- E21. The remediation work must be carried out in accordance with the Remedial Action Plan approved under this consent and all relevant guidelines issued under the Contaminated Land Management Act.

(Reason: To ensure the proper management of contaminated land)

Site Amenities and Facilities

- E22. 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

- E23. 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.

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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)

Community Information

E24. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

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

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)

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)

Imported Fill Material

E27. The only waste derived fill material that may be received at the development site is:

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

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

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

Waste Disposal

E28. 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

E29. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

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

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

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.
- 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.

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- 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.
- 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 Issue of Occupation Certificate*

Consolidation of Lots

- G1. Prior to the issue of the Occupation Certificate, the lots within the subject site (Lots 8 & 9 DP 58893) shall be consolidated into one lot. Documentary evidence of consolidation shall be provided to the Principal Certifier

(Reason: To promote orderly development of land.)

Access to Premises

- G2. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

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

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)

Certification - Civil Works

- G4. 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)

Certification for Mechanical Exhaust Ventilation

- G5. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

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

Utility Services

- G6. 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)

- G7. 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 No.352 Miller Street, Cammeray requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
 - b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
 - c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the "Work-as-Executed" (as built) plans;

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

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

- G8. 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

G9. 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)

Asbestos Clearance Certificate

G10. 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

G11. 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 Species	Location
T4 (<i>Lophostemon confertus</i>) Brush Box	Within the adjoining property at No.360 Miller Street
T7 & T8 <i>Platanus p</i>	Council verge – Miller Street

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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)

Disposal Information

G12. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

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

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

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 release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

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.)

Landscaping

G16. The landscaping shown in the approved landscape plan prepared in accordance with Condition C4 in this consent must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G17. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

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

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

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)

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)

Allocation of Spaces

G19. 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:

6	Residential including 1 accessible space
1	Residential - Visitors

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.

Note: The final number of parking spaces in this condition is subject to further updates to reflect the changes required by the relevant deferred commencement conditions.

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

Compliance with Certain conditions

G20. Prior to the issue of any Occupation Certificate, Conditions C1, C2, C3 and C4 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**

11. 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)

Visitors Parking Sign

12. A sign, legible from the street, must be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces must be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)

Use of Car Parking Spaces

13. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development. Visitor parking facilities must be designated as common property on any strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any owner or occupier or third party and must be retained as Common Property by the owner's corporation for use by building visitors.

(Reason: To ensure that visitor parking is not allocated to building occupants and remains available on an ongoing basis)

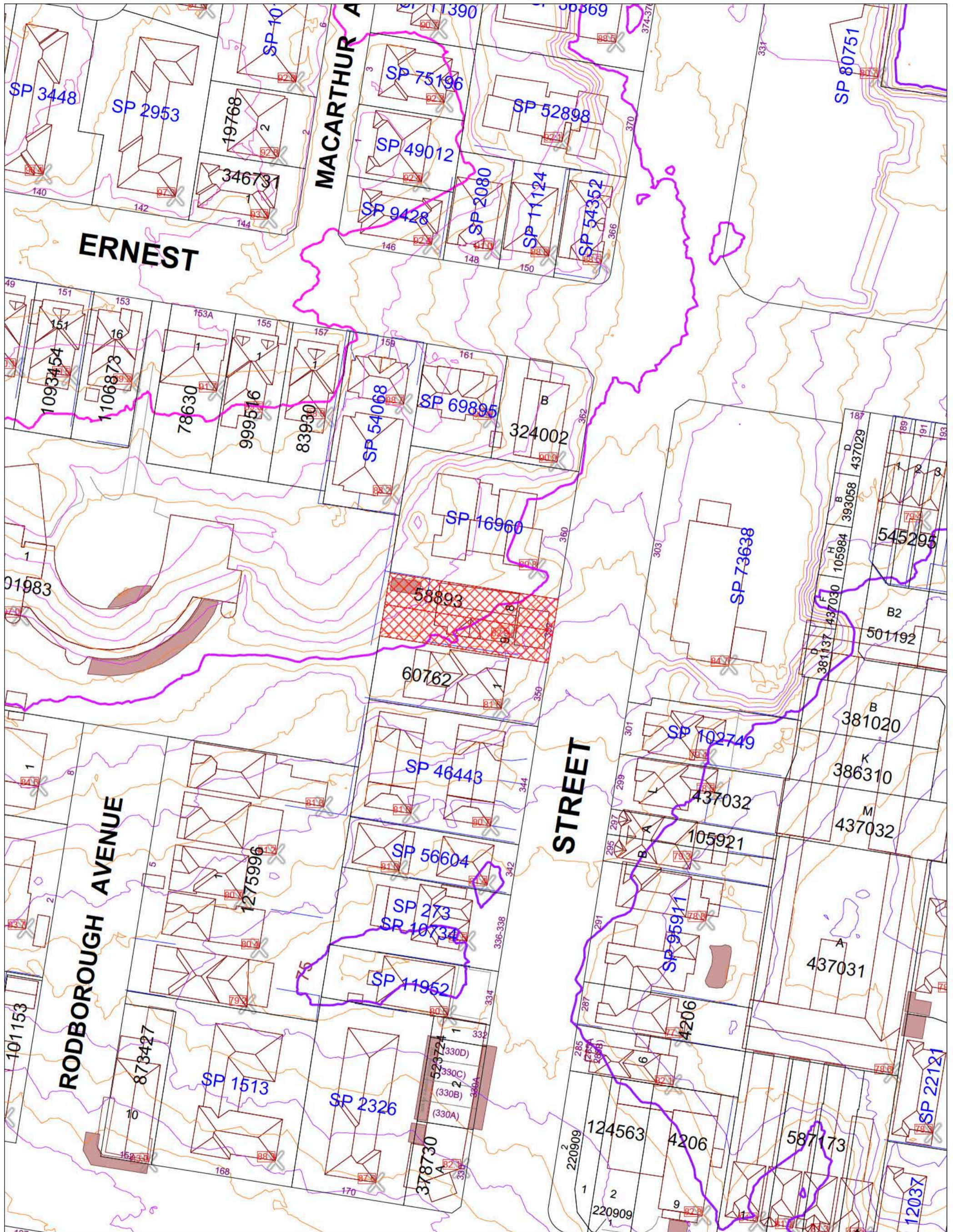
Maintenance of Approved Landscaping

14. The owner of the premises at 352 Miller Street is to maintain the landscaping approved by this consent generally in accordance with the approved landscape plan prepared in accordance with Condition C4 in this consent.

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)



North Sydney Council

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

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Note: Artist's impression updated to reflect latest DA changes

Multi-Residential Development 352 Miller Street, Cammeray

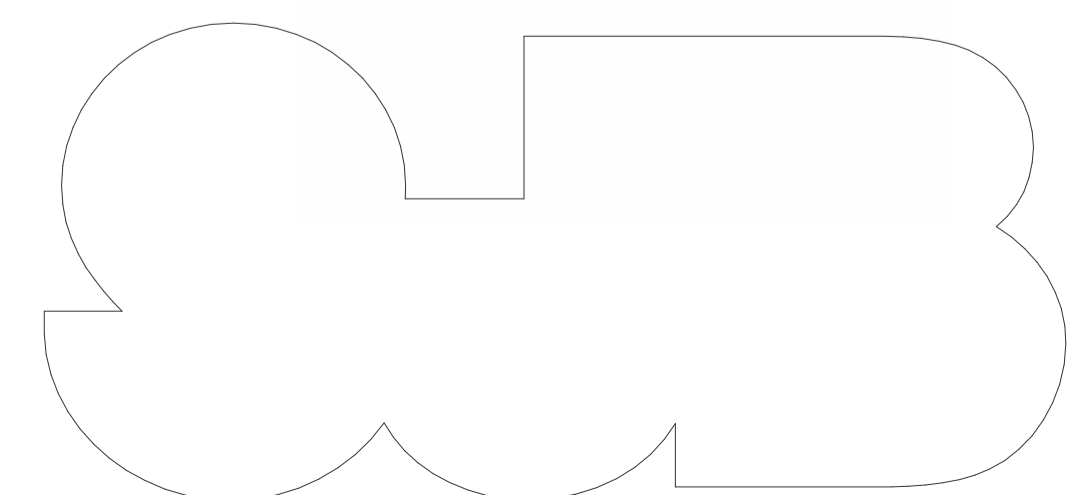
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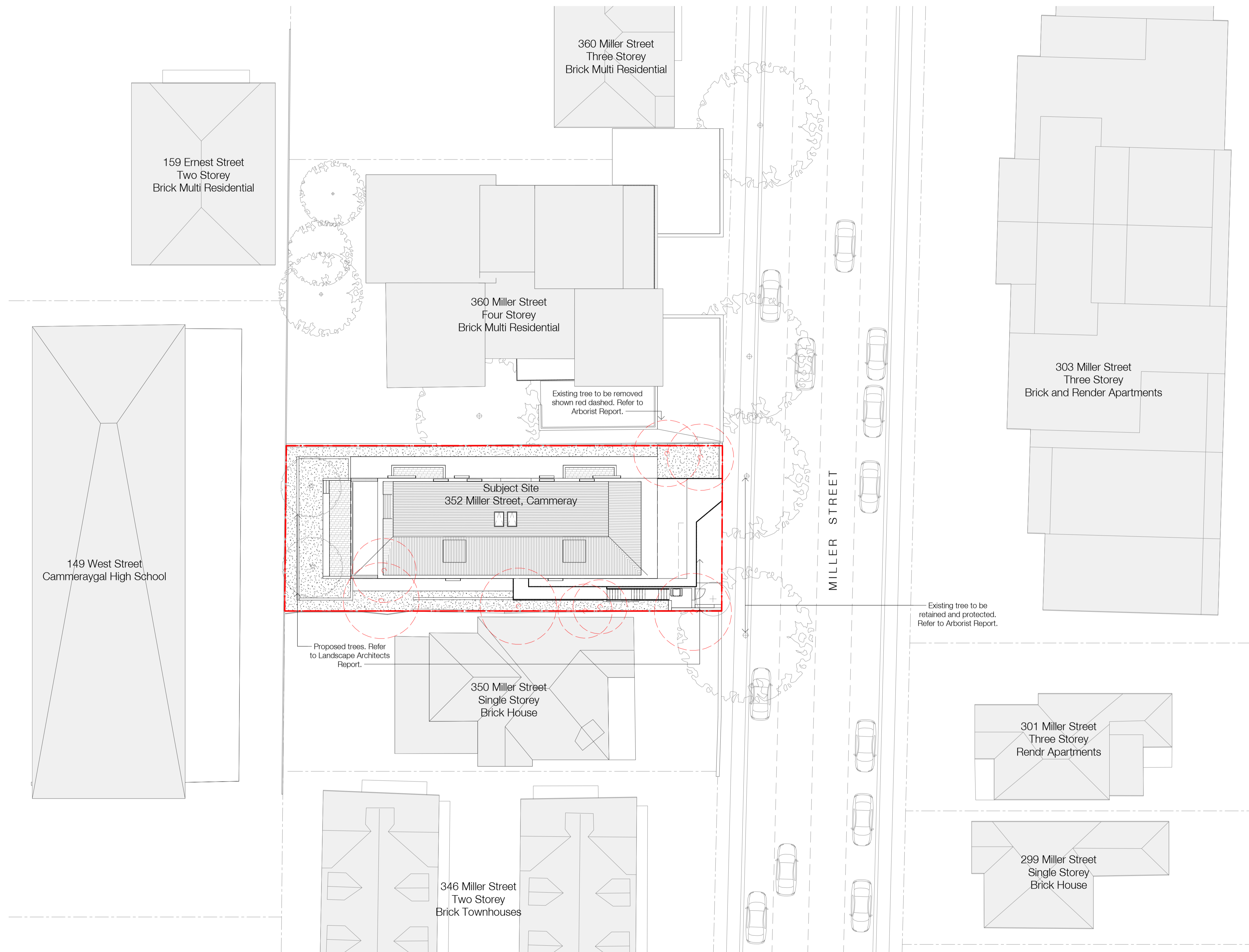
Project Number: 6319
Date: 26.04.2022
Client: Link Investments Pty Ltd

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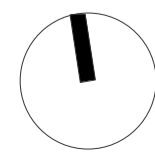
BASIX and Thermal Comfort Inclusions – 352 Miller Street, Cammeray	
Floors	Concrete with a minimum R0.9 insulation (insulation only value) required to units with Garage below Concrete between levels, no insulation required
Walls	External walls: Cavity brick with AIR-CELL Permicav insulation to all other walls. Minimum Total system R-value of R-1.79 Lightweight/metal cladding on framed walls with R2.0 insulation (insulation only value) Plasterboard wall to roof space with R2.0 insulation (insulation only value) External colour: Default colour modelled Inter-tenancy walls: 300mm concrete wall to walls adjacent to hallways, no insulation required Minimum 300mm concrete with furring channel and plasterboard lining to all walls adjacent to lift shafts and fire stairs. No insulation required Internal walls (within units): Plasterboard on studs – no minimum insulation requirement
Windows	Aluminium framed single clear performance glazing A – swing + bifold + casement windows + hinged glazed doors U-Value: 4.30 (equal to or lower than) SHGC: 0.47 (±10%) B – sliding doors/windows + fixed glazing + louvre windows U-Value: 4.30 (equal to or lower than) SHGC: 0.53 (±10%) Given values are AFRC total window system values (glass and frame) Note: Operability modelled as per BASIX Thermal Protocol – 4.14.2 and NatHERS Technical Note 1.2 – 10.11 with regards to restricted openings
Roof & Ceilings	Metal roof with foil backed blanket (Rup1.3 and Rdown1.3) Plasterboard ceiling with R1.0 insulation (insulation only value) where balcony/concrete roof is above Plasterboard ceiling with R4.0 insulation (insulation only value) to where roof is over Plasterboard ceiling, no insulation where neighbouring units are above Note: Sealed LED downlights, one every 2.5m ² . Once lighting plan has been developed NatHERS certificate can be updated to improve specification. External Colour: Light (SA=0.475)
Floor coverings	Carpet to bedrooms & study, tiles to wet areas and timber elsewhere as per plans.
Hot water system	Central gas instantaneous hot water system with R1.0 (~38mm) insulation to ring main and supply risers
Fixtures	Install showerheads minimum rating of 3.0 star Mid flow (>7.5L but <=9L/min) Install toilet flushing system with a minimum rating of 4 stars in each toilet Install tap with minimum rating of 4 stars in the kitchen Install taps with minimum rating of 4 stars in each bathroom
Cooling system	Air conditioning ducting only to living areas and bedrooms
Heating system	Air conditioning ducting only to living areas and bedrooms
Appliances	Dishwashers: 3.0 star water & energy rating Clothes washer: 3.0 star water & energy rating Clothes Dryer: 2.0 star energy rating Refrigerator: 2.0 star energy rating
Ventilation	Kitchen – Individual fan, externally ducted to roof or façade, manual on/off switch Bathrooms – Individual fan, externally ducted to roof or façade, interlocked to light Laundry – Individual fan, externally ducted to roof or façade, interlocked to light
Other	Gas cooktop & gas oven Well ventilated fridge space





1 SITE PLAN
1 : 200@A1

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
A	19.05.2021	Draft Consultant Issue		
B	26.06.2021	Issued for DA Approval		
C	29.10.2021	Post-Lodgement - L2 & 3 Increased Setback		
D	03.12.2021	Updated Issue for DA Approval		
E	26.04.2022	Updated Issue for DA Approval - Driveway		

Client
Link Investments Pty Ltd

Project
Multi-Residential Development
352 Miller Street, Cammeray

Drawing Name
SITE PLAN

Date
26.04.2022

Scale
1 : 200

Sheet Size
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Job No.
6319

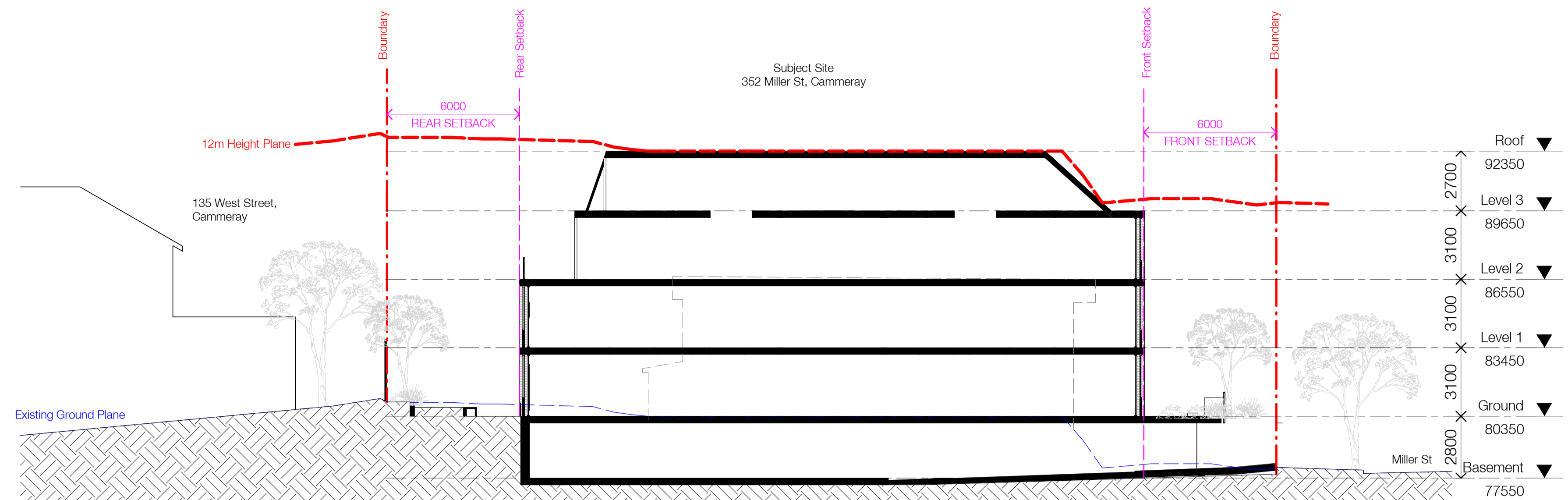
Drawing No.
DA-0101

Revision
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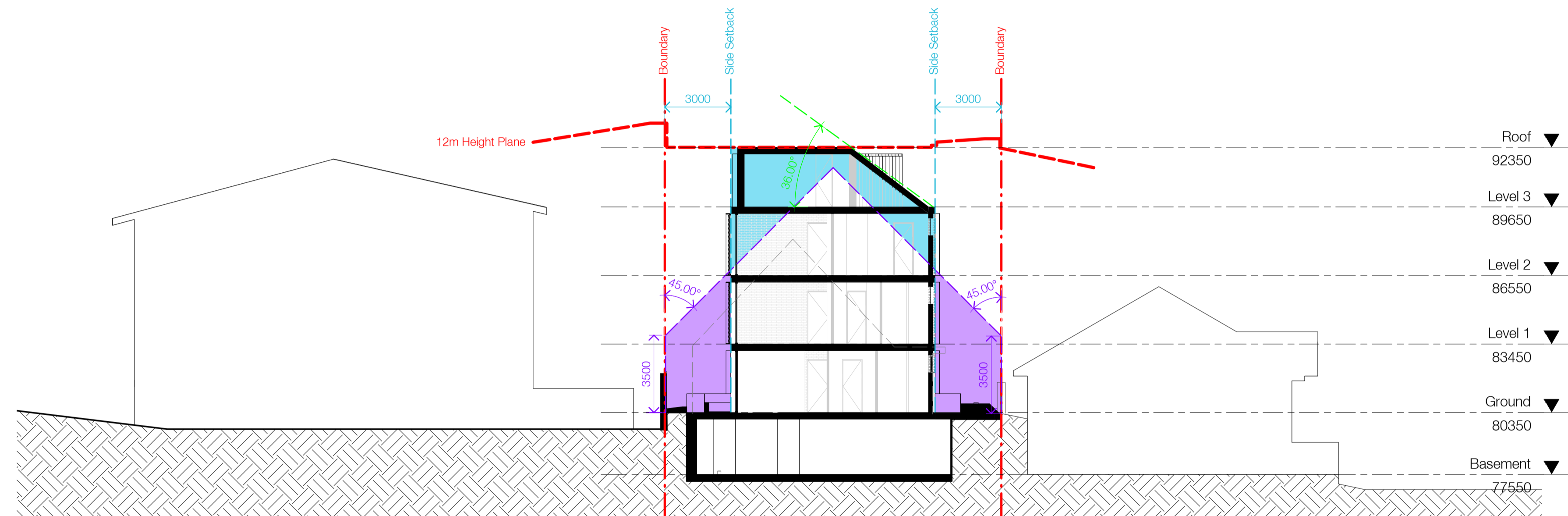
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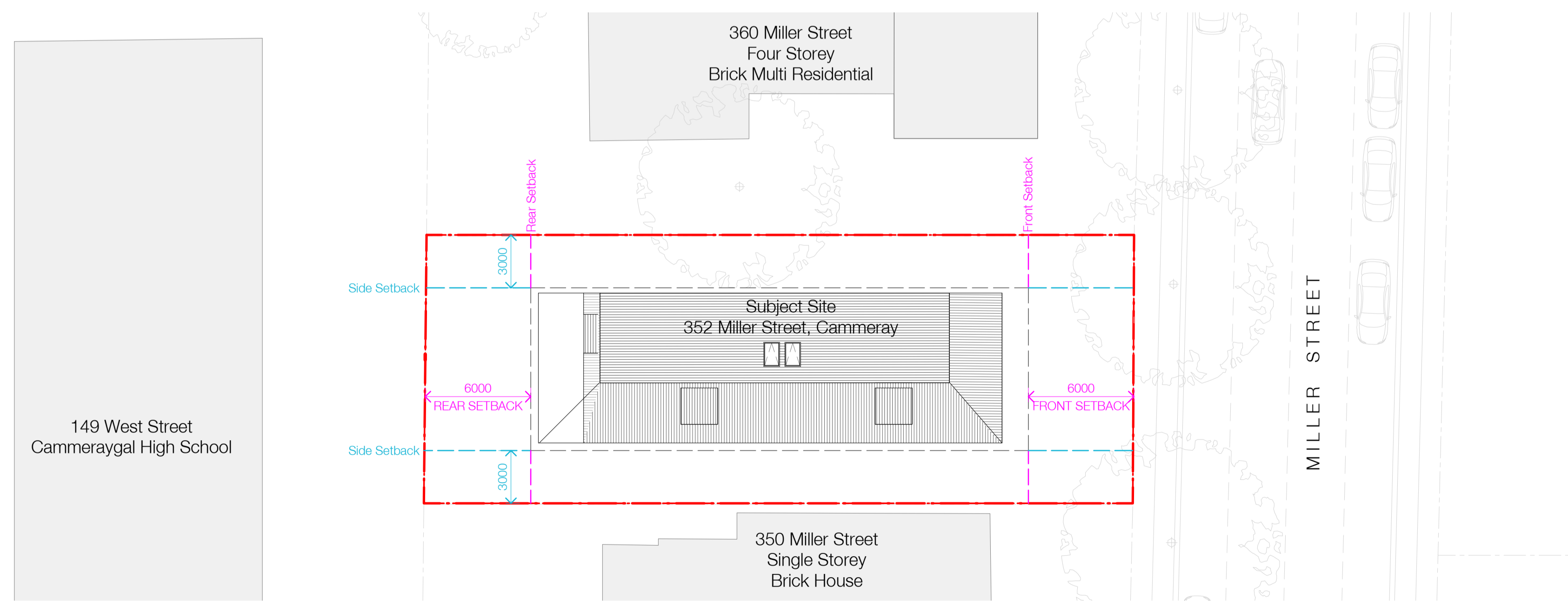




SECTION A - DCP COMPLIANCE



SECTION B - DCP COMPLIANCE



PLAN - DCP COMPLIANCE

KEY

- Unbuilt area within DCP envelope
- Proposed built area beyond DCP envelope

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Multi-Residential Development
352 Miller Street, Cammeray

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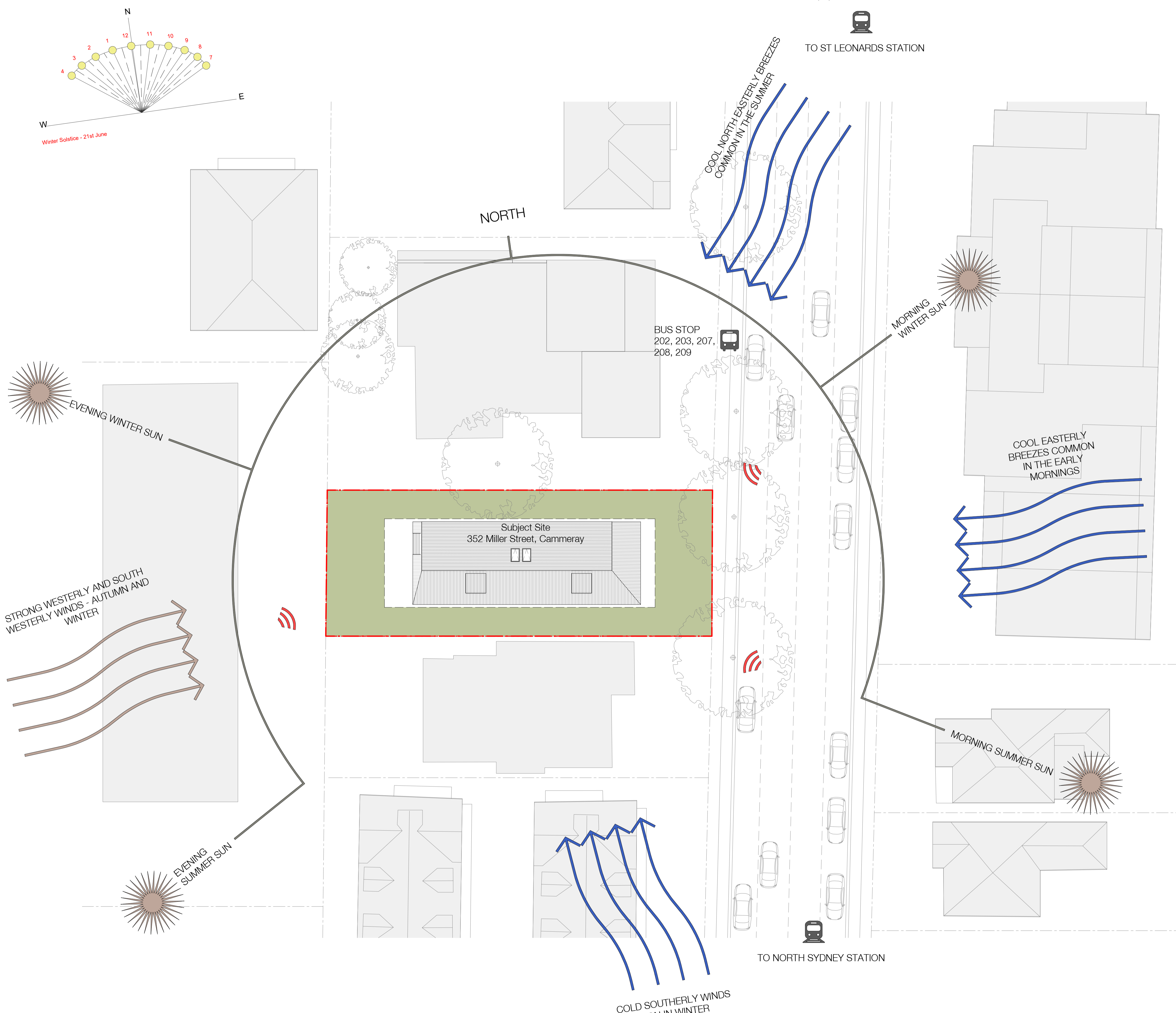
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/ E

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KEY

- Boundary Line
- Prevailing wind directions
- Noise Source
- Train station
- Bus Stops

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D	03.12.2021	Updated Issue for DA Approval		
E	26.04.2022	Updated Issue for DA Approval - Driveway		

Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Client
Link Investments Pty Ltd

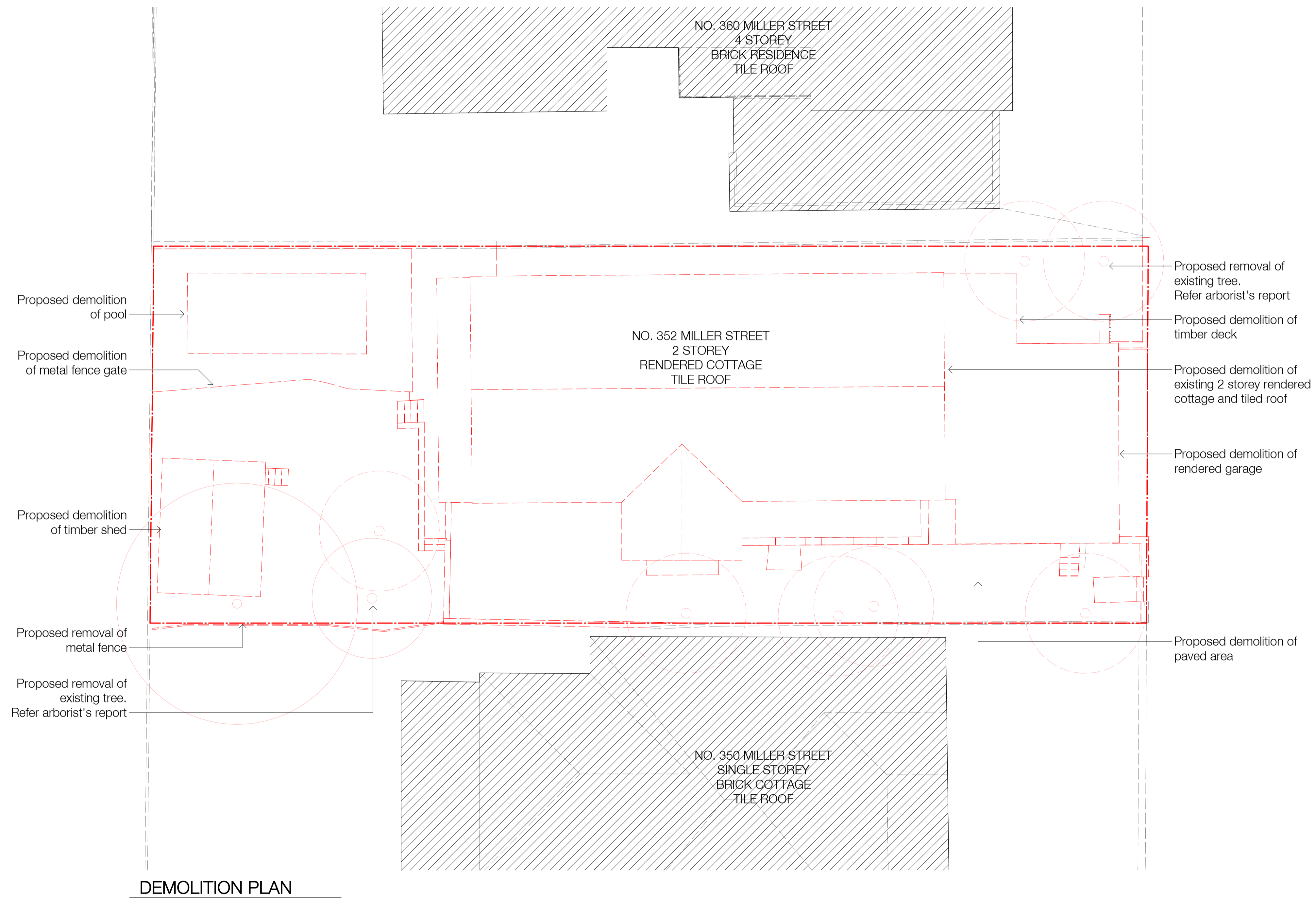
Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Drawing Name
SITE ANALYSIS

Date	Scale	Sheet Size	SJB Architects
26.04.2022	As indicated	@ A1	
Drawn	Chk.		
PB	SH		
Job No.	Drawing No.	Revision	
6319	DA-0103	/ E	

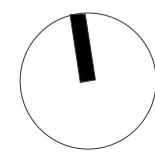
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DEMOLITION PLAN

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Date
26.04.2022

Scale
1 : 100

Sheet Size
@ A1

Drawn
PB

Chk.
SH

Drawing Name
DEMOLITION PLAN

Job No.
6319

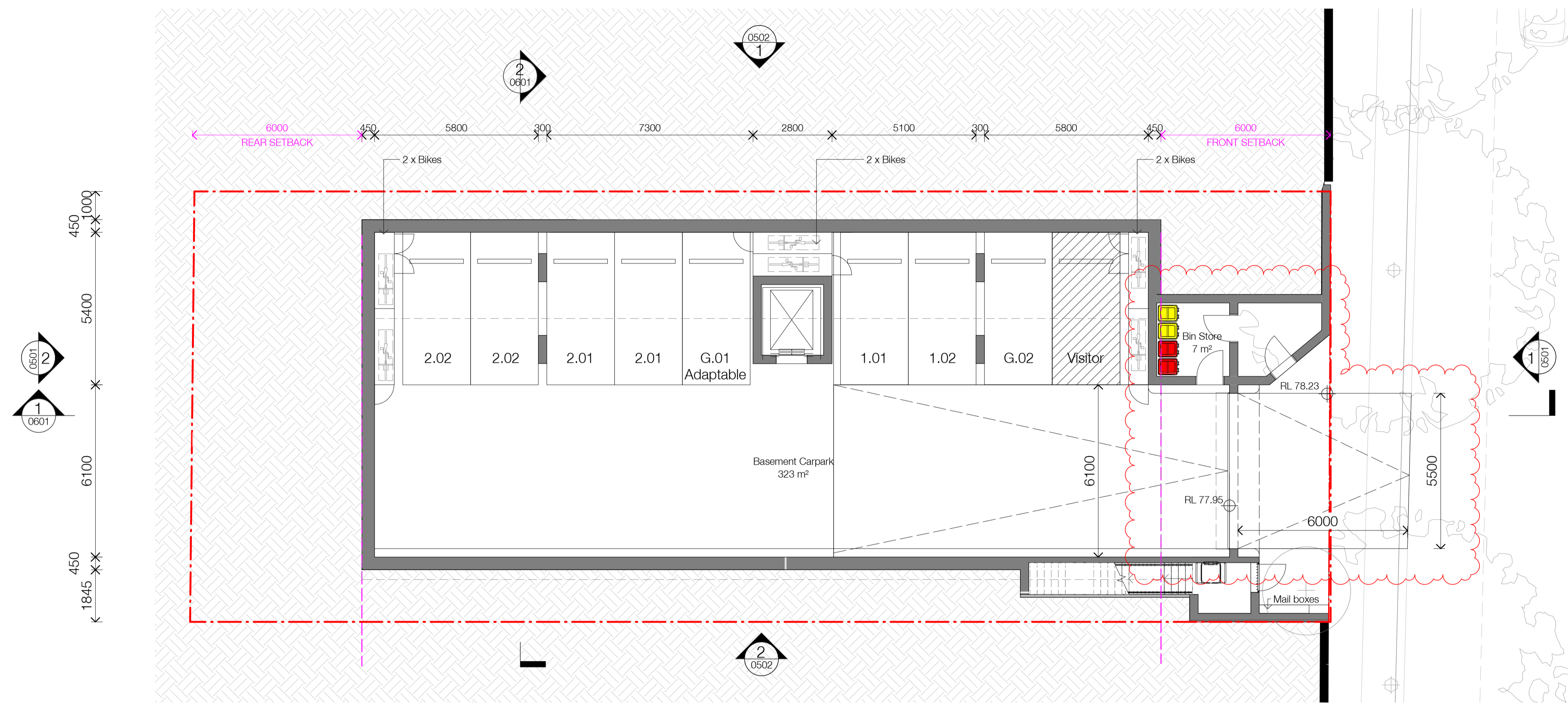
Drawing No.
DA-0105

Revision
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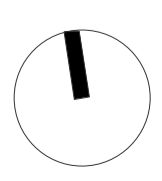




1 Basement
1 : 100@A1

YIELD ANALYSIS		
	NSA	GFA
Ground	194sqm	203sqm
Level 1	176sqm	185sqm
Level 2	159sqm	170sqm
Level 3	85sqm	85sqm
Totals	614sqm	643sqm
<i>Unit Mix</i>		
4x 2 Bed		
2x 3 Bed		
Total 6 Units		
<i>Allowable Car Space</i>		
4x 2 Bed	@1 per unit	4 spaces
2x 3 Bed	@1.5 per unit	3 spaces
Visitor	@0.25 per unit	2 spaces
Total Cars Allowable	9 spaces	
Total Cars Provided	8 spaces	
(inclusive of 1 adaptable space and 1 visitor)		

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Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Drawing Name
FLOOR PLAN - BASEMENT

Date
26.04.2022

Scale
As indicated

Sheet Size
@ A1

Drawn
PB

Chk.
SH

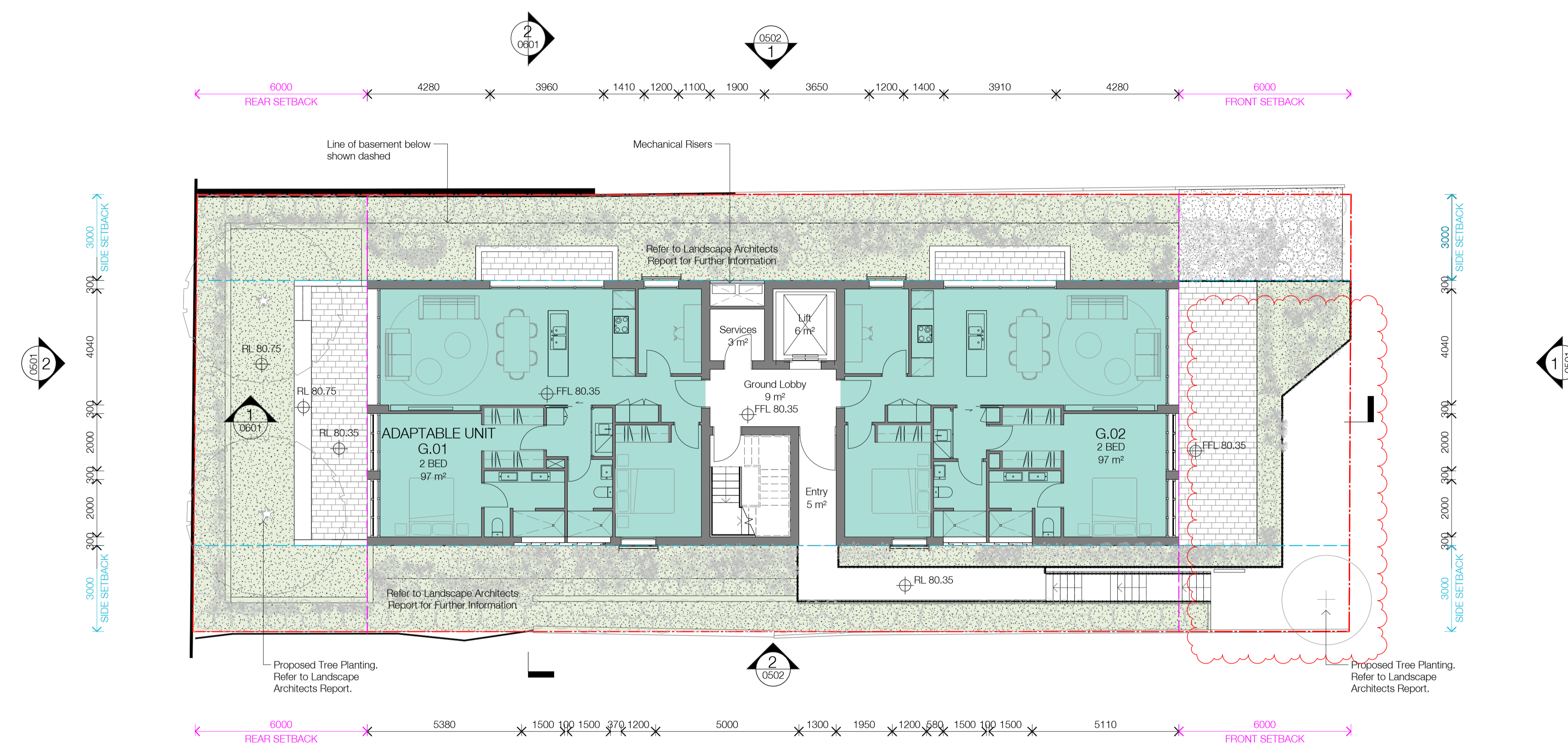
Job No.
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Drawing No.
DA-0201

Revision
/ E

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1 Plan - Ground Level
1 : 100@A1

- 1 BED
- 2 BED
- 3 BED
- BALCONY
- TERRACE

YIELD ANALYSIS

	NSA	GFA
Ground	194sqm	203sqm
Level 1	176sqm	185sqm
Level 2	159sqm	170sqm
Level 3	85sqm	85sqm
Totals	614sqm	643sqm

Unit Mix
4x 2 Bed
2x 3 Bed

Total 6 Units

Allowable Car Space

4x 2 Bed	@1 per unit	4 spaces
2x 3 Bed	@1.5 per unit	3 spaces
Visitor	@0.25 per unit	2 spaces

Total Cars Allowable	9 spaces
Total Cars Provided	8 spaces
(inclusive of 1 adaptable space and 1 visitor)	

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Client: Link Investments Pty Ltd
Project: Multi-Residential Development
352 Miller Street, Cammeray

Date: 26.04.2022
Scale: As indicated
Sheet Size: @ A1

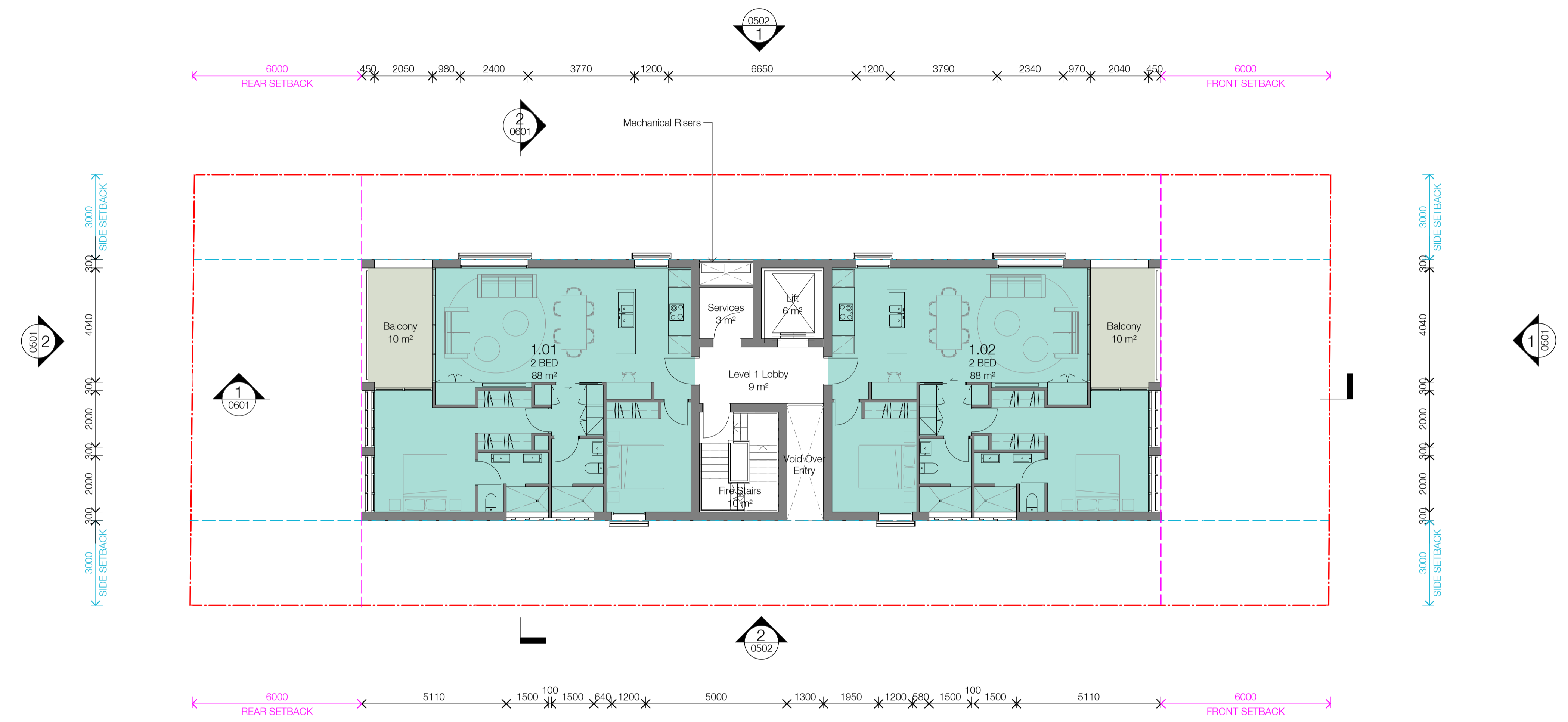
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Chk: SH

Drawing Name: FLOOR PLAN - GROUND

Job No.: 6319
Drawing No.: DA-0202
Revision: / E

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1 Level 1
1: 100@A1

- 1 BED
- 2 BED
- 3 BED
- BALCONY
- TERRACE

YIELD ANALYSIS

	NSA	GFA
Ground	194sqm	203sqm
Level 1	176sqm	185sqm
Level 2	159sqm	170sqm
Level 3	85sqm	85sqm
Totals	614sqm	643sqm

Unit Mix
4x 2 Bed
2x 3 Bed

Total 6 Units

Allowable Car Space

4x 2 Bed	@1 per unit	4 spaces
2x 3 Bed	@1.5 per unit	3 spaces
Visitor	@0.25 per unit	2 spaces

Total Cars Allowable	9 spaces
Total Cars Provided	8 spaces
(inclusive of 1 adaptable space and 1 visitor)	

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Client: **Link Investments Pty Ltd**
Project: **Multi-Residential Development**
352 Miller Street, Cammeray

Drawing Name: **FLOOR PLAN - LEVEL 1**

Date: **26.04.2022** Scale: **As indicated** Sheet Size: **@ A1**

Drawn: **SH**
Chk: **SH**

Job No.: **6319** Drawing No.: **DA-0203** Revision: **/ E**

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1 Level 2
1 : 100@A1

- 1 BED
- 2 BED
- 3 BED
- BALCONY
- TERRACE

YIELD ANALYSIS

	NSA	GFA
Ground	194sqm	203sqm
Level 1	176sqm	185sqm
Level 2	159sqm	170sqm
Level 3	85sqm	85sqm
Totals	614sqm	643sqm

Unit Mix
4x 2 Bed
2x 3 Bed

Total 6 Units

Allowable Car Space

4x 2 Bed	@1 per unit	4 spaces
2x 3 Bed	@1.5 per unit	3 spaces
Visitor	@0.25 per unit	2 spaces

Total Cars Allowable	9 spaces
Total Cars Provided	8 spaces
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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Drawing Name
FLOOR PLAN - LEVEL 2

Date
26.04.2022

Scale
As indicated

Sheet Size
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Drawn
SH

Chk.
SH

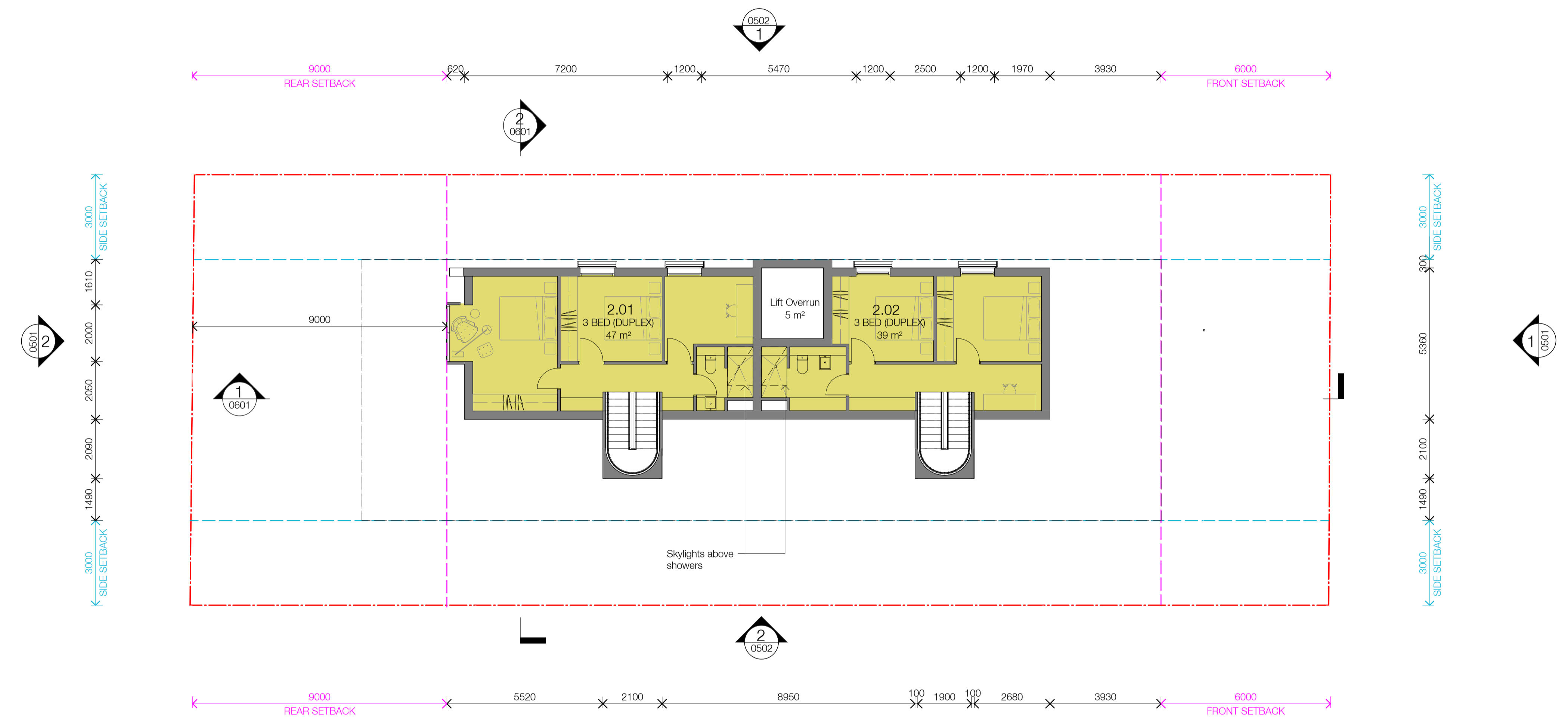
Job No.
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Drawing No.
DA-0204

Revision
/ E

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1 Level 3
1 : 100@A1

- 1 BED
- 2 BED
- 3 BED
- BALCONY
- TERRACE

YIELD ANALYSIS

	NSA	GFA
Ground	194sqm	203sqm
Level 1	176sqm	185sqm
Level 2	159sqm	170sqm
Level 3	85sqm	85sqm
Totals	614sqm	643sqm

Unit Mix
4x 2 Bed
2x 3 Bed

Total 6 Units

Allowable Car Space

4x 2 Bed	@1 per unit	4 spaces
2x 3 Bed	@1.5 per unit	3 spaces
Visitor	@0.25 per unit	2 spaces

Total Cars Allowable 9 spaces
Total Cars Provided 8 spaces
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E	26.04.2022	Updated Issue for DA Approval - Driveway		

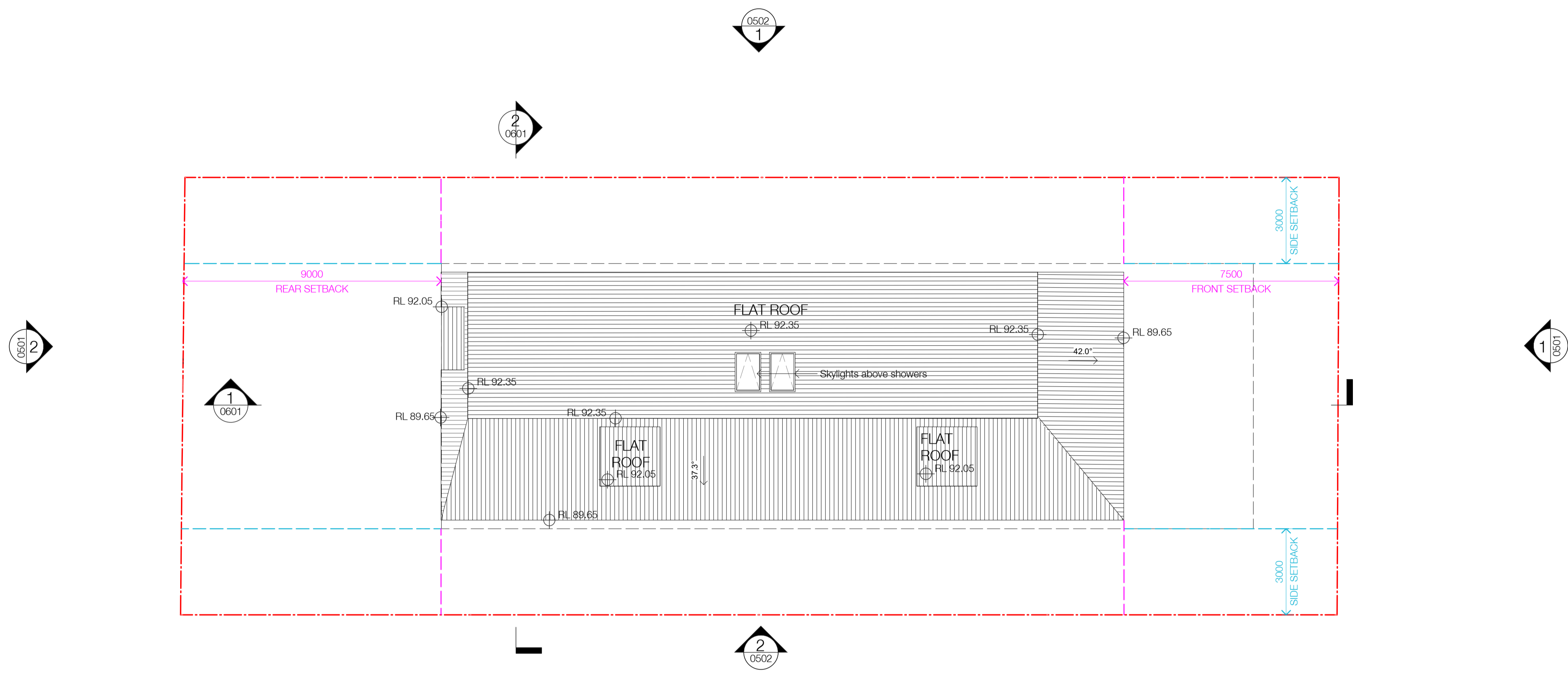
Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Client: **Link Investments Pty Ltd**
Project: **Multi-Residential Development**
352 Miller Street, Cammeray
Drawing Name: **FLOOR PLAN - LEVEL 3**

Date	Scale	Sheet Size	SJB Architects
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PB	SH		
Job No.	Drawing No.	Revision	
6319	DA-0205	/ E	

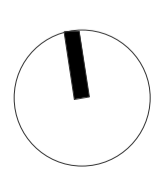
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1 Roof
1 : 100@A1

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Client
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Project
Multi-Residential Development
352 Miller Street, Cammeray

Drawing Name
FLOOR PLAN - ROOF

Date
26.04.2022

Scale
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Sheet Size
@ A1

Drawn
PB

Chk.
SH

Job No.
6319

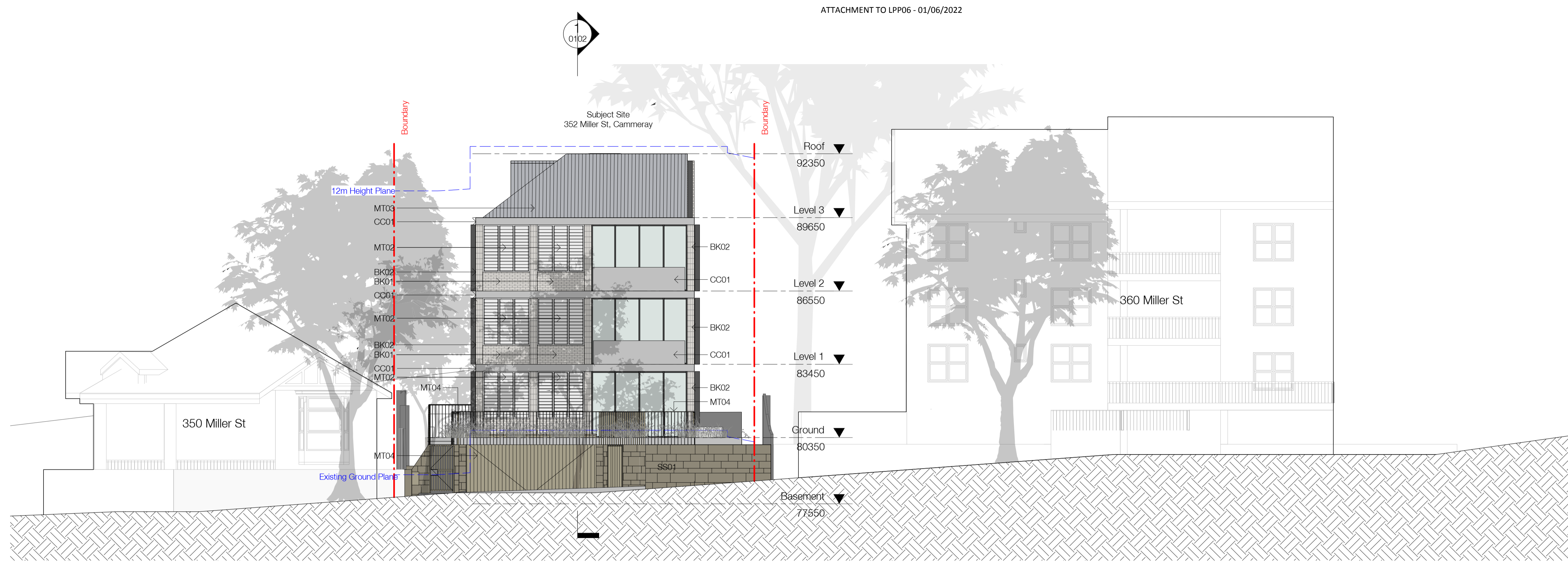
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Revision
/ E

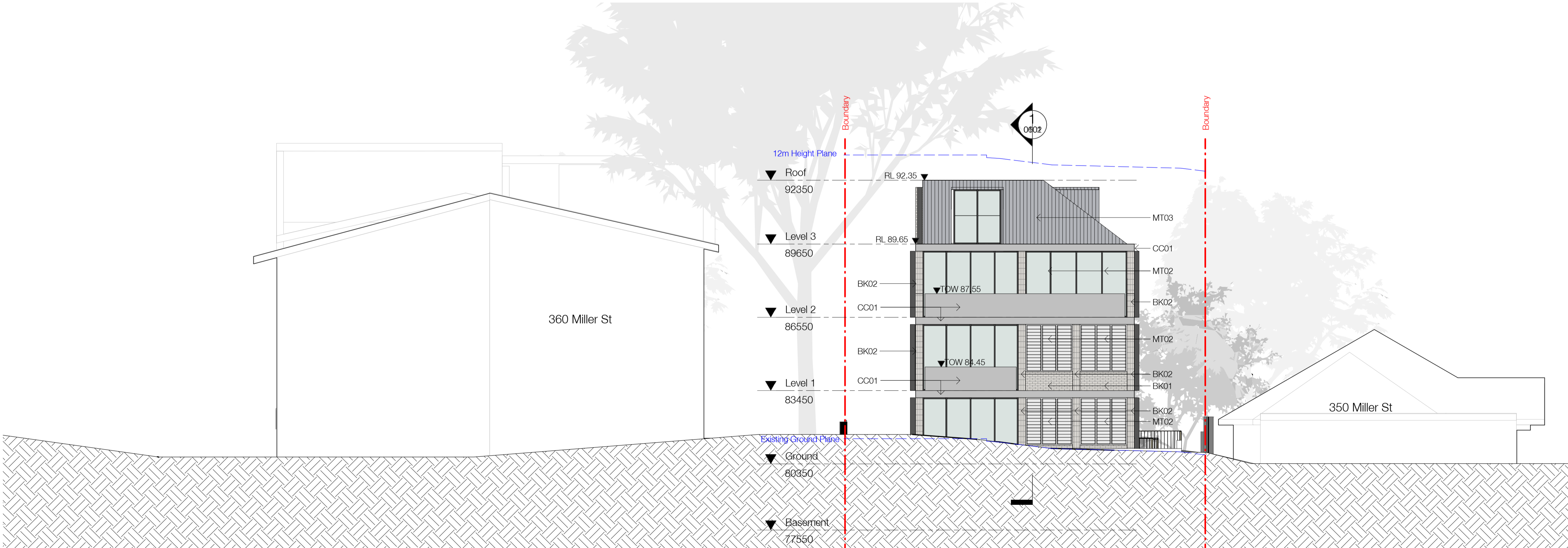
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1 EAST ELEVATION
1 : 100@A1



2 WEST ELEVATION
1 : 100@A1

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Client: Link Investments Pty Ltd
 Project: Multi-Residential Development
 352 Miller Street, Cammeray
 Drawing Name: ELEVATION - EAST & WEST

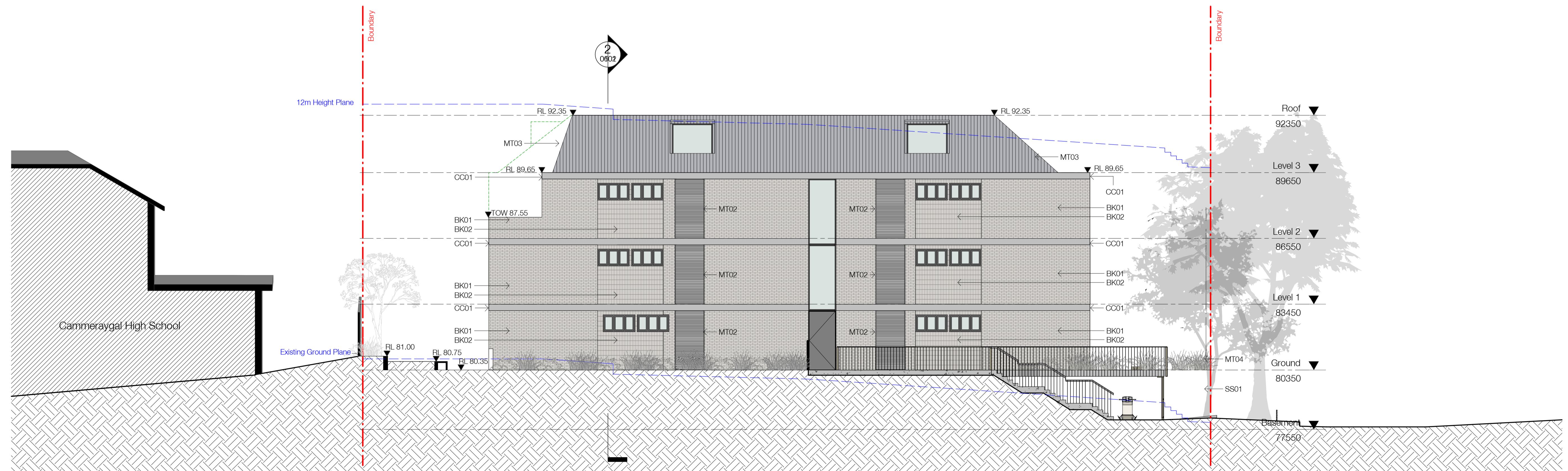
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 Job No.: 6319
 Drawing No.: DA-0501
 Revision: / E

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1 NORTH ELEVATION
1 : 100@A1



2 SOUTH ELEVATION
1 : 100@A1

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E	26.04.2022	Updated Issue for DA Approval - Driveway		

Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Date
26.04.2022

Scale
1 : 100

Sheet Size
@ A1

Drawn
DB

Chk.
SH

Drawing Name
ELEVATION - NORTH & SOUTH

Job No.
6319

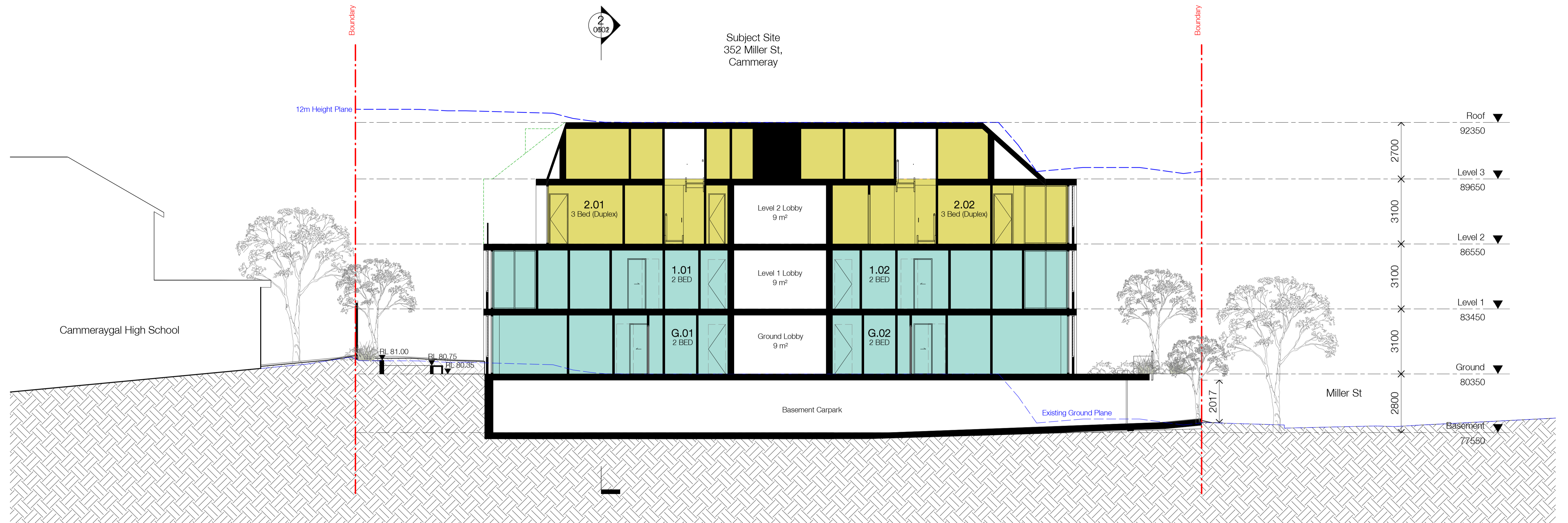
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Revision
/ E

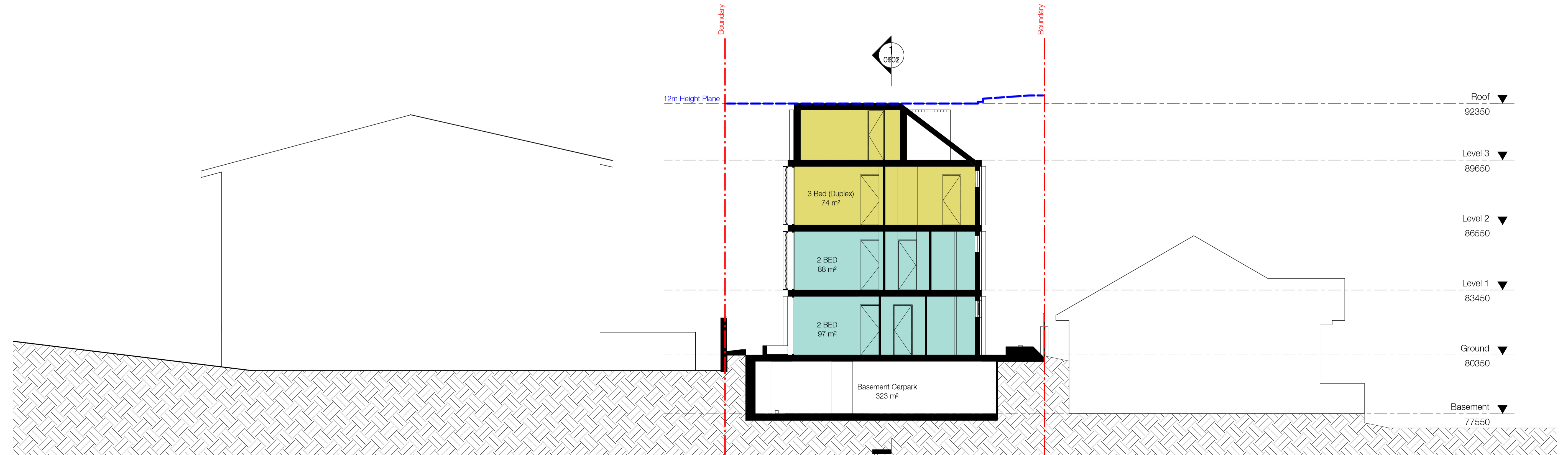
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Subject Site
352 Miller St,
Cammeray



1 SECTION A
1 : 100@A1



2 SECTION B
1 : 100@A1

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Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Date
26.04.2022

Scale
1 : 100

Sheet Size
@ A1

Drawn
PB

Chk.
SH

Drawing Name
SECTIONS

Job No.
6319

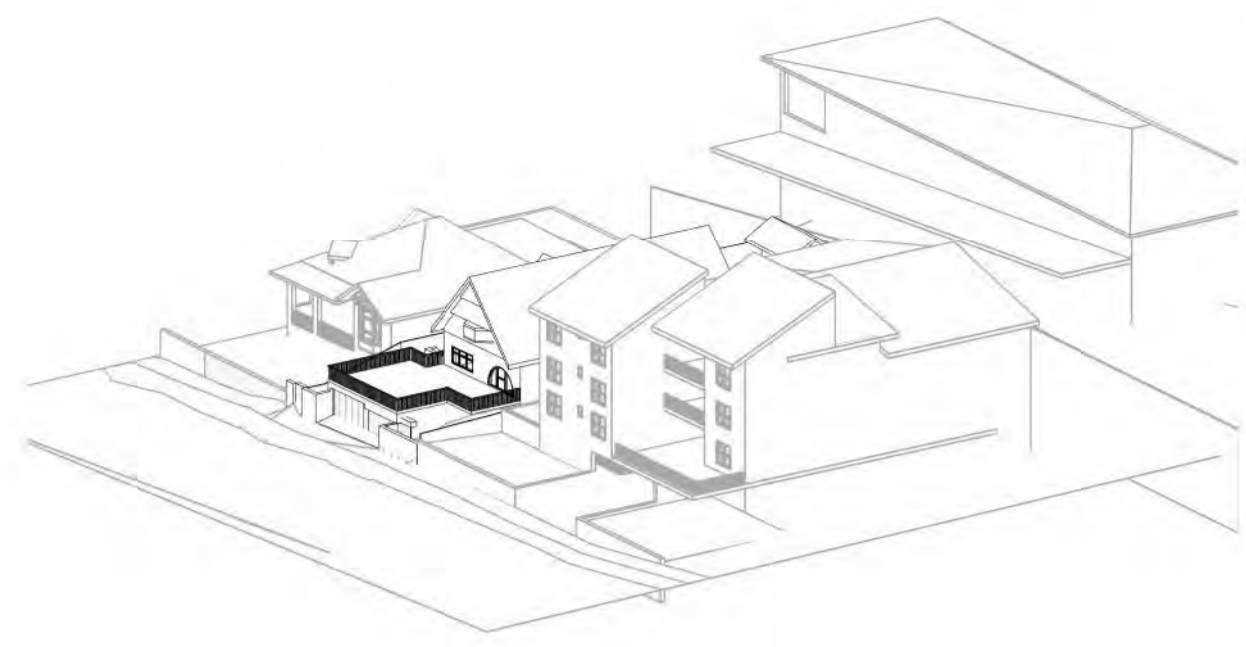
Drawing No.
DA-0601

Revision
/ E

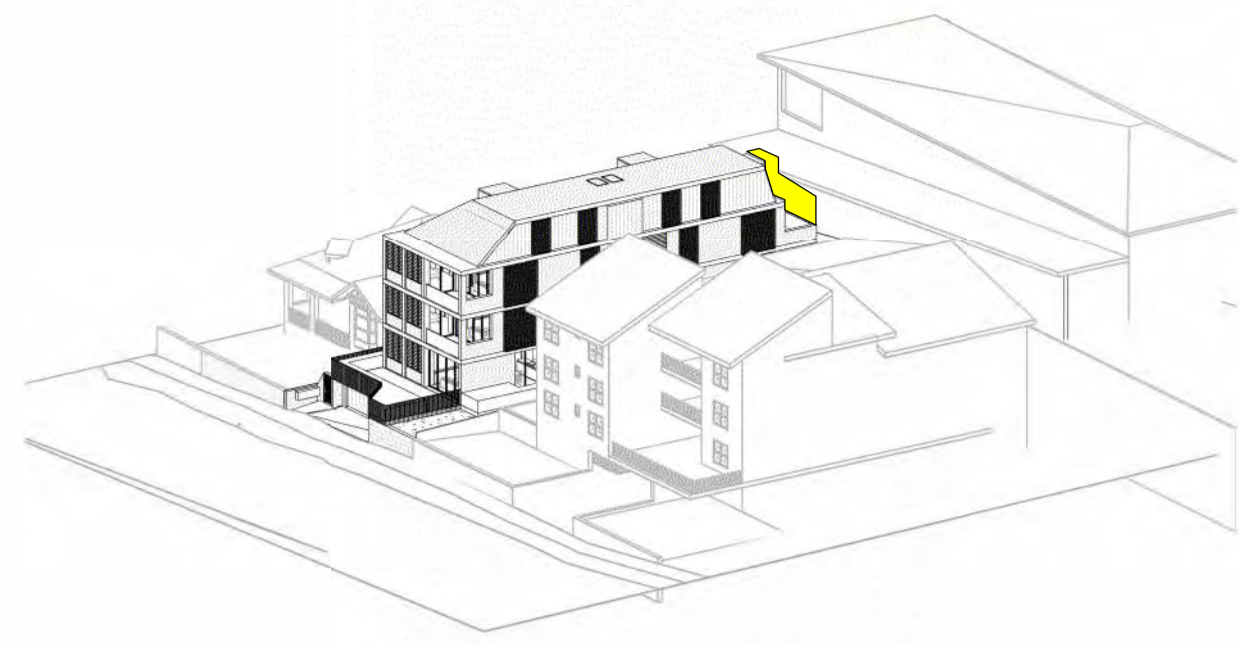
Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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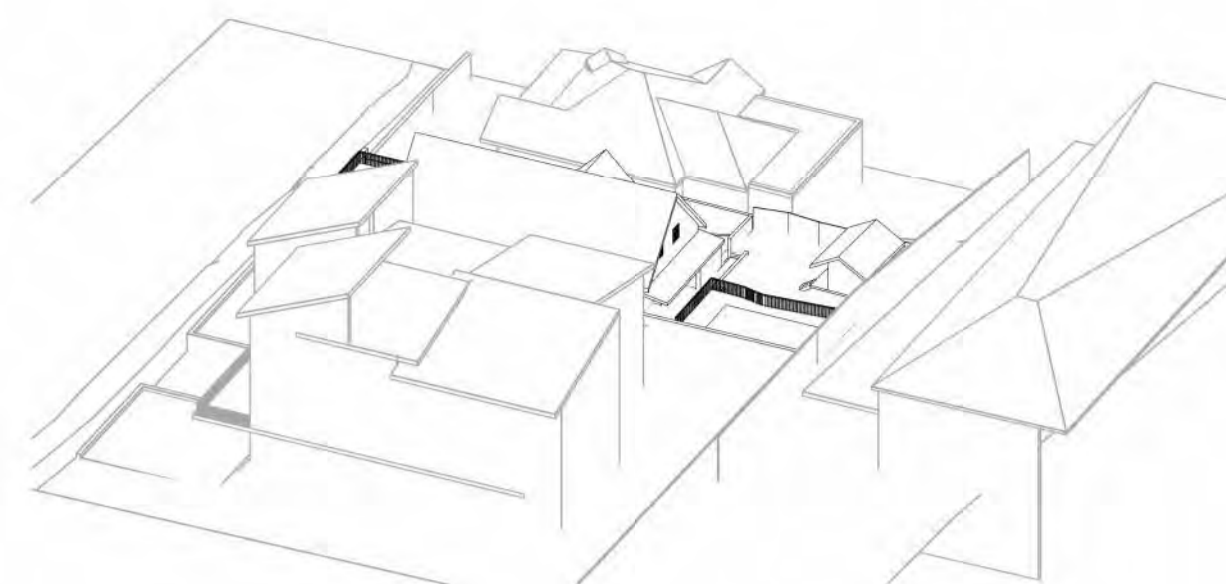




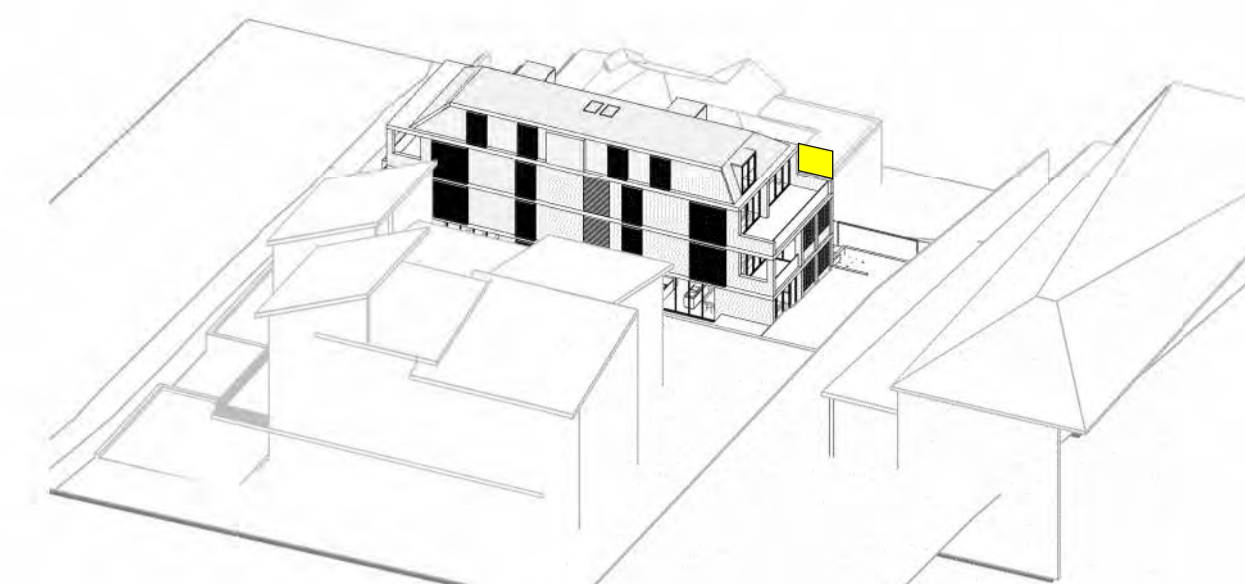
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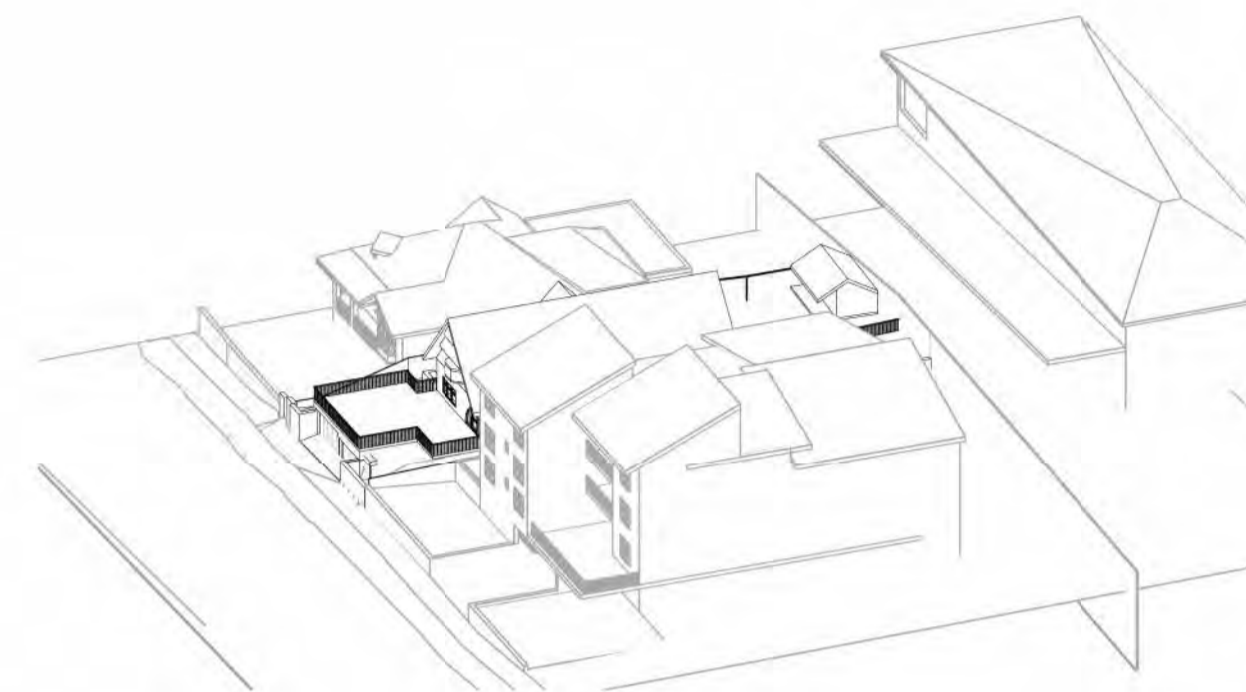
Sun View_9am



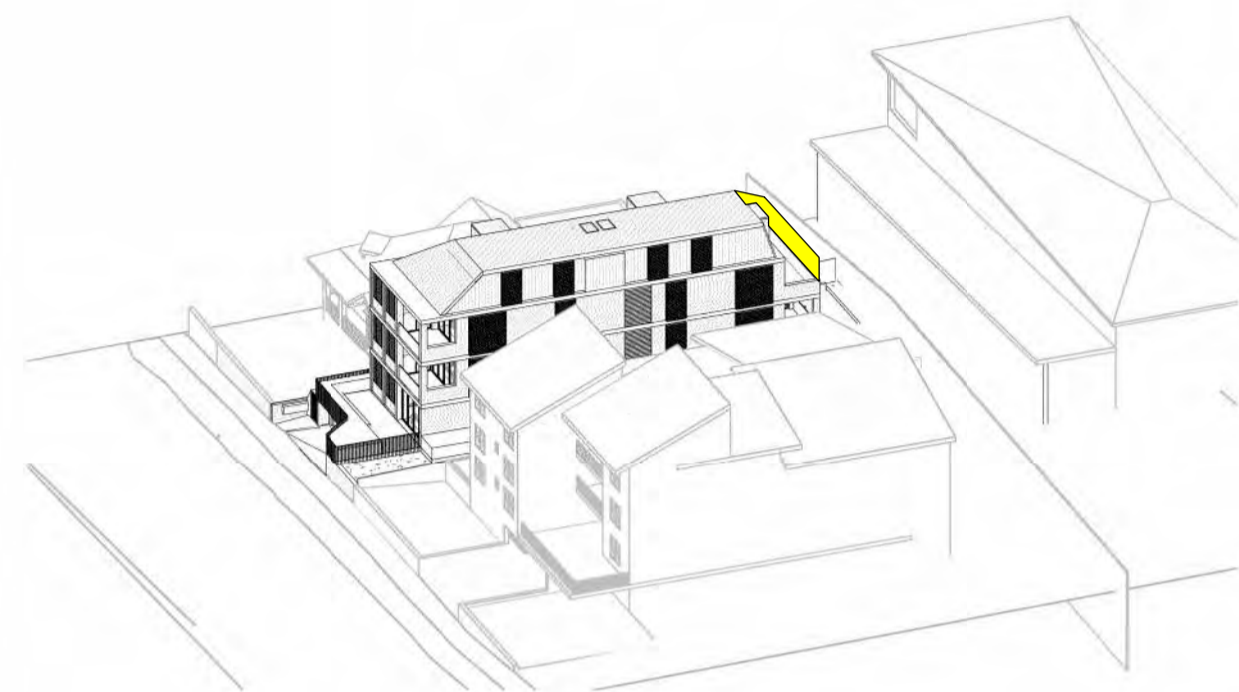
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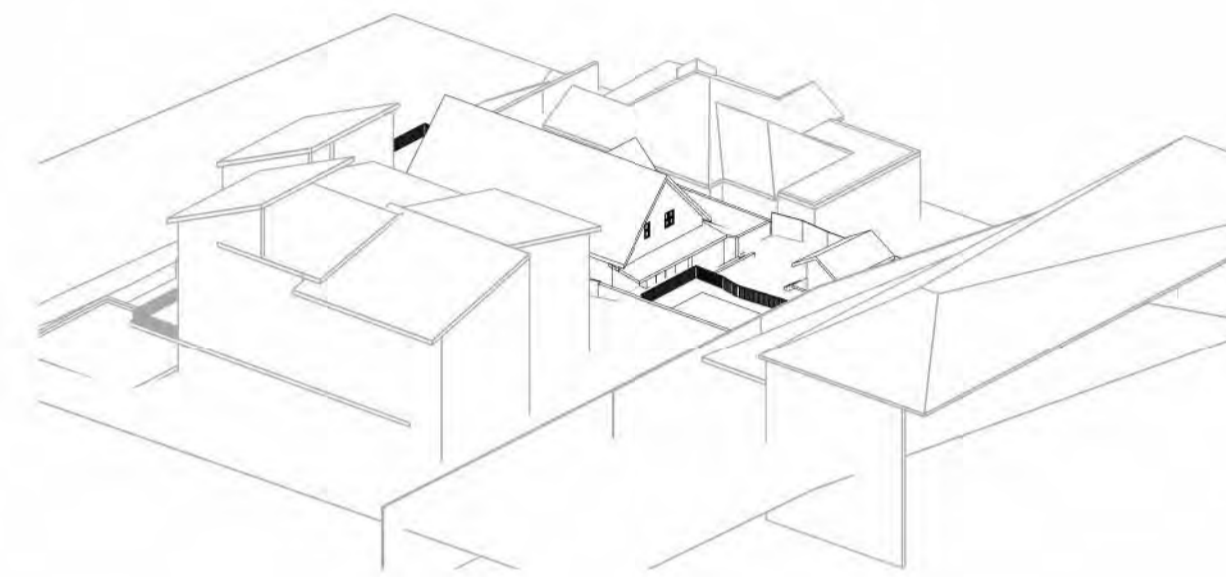
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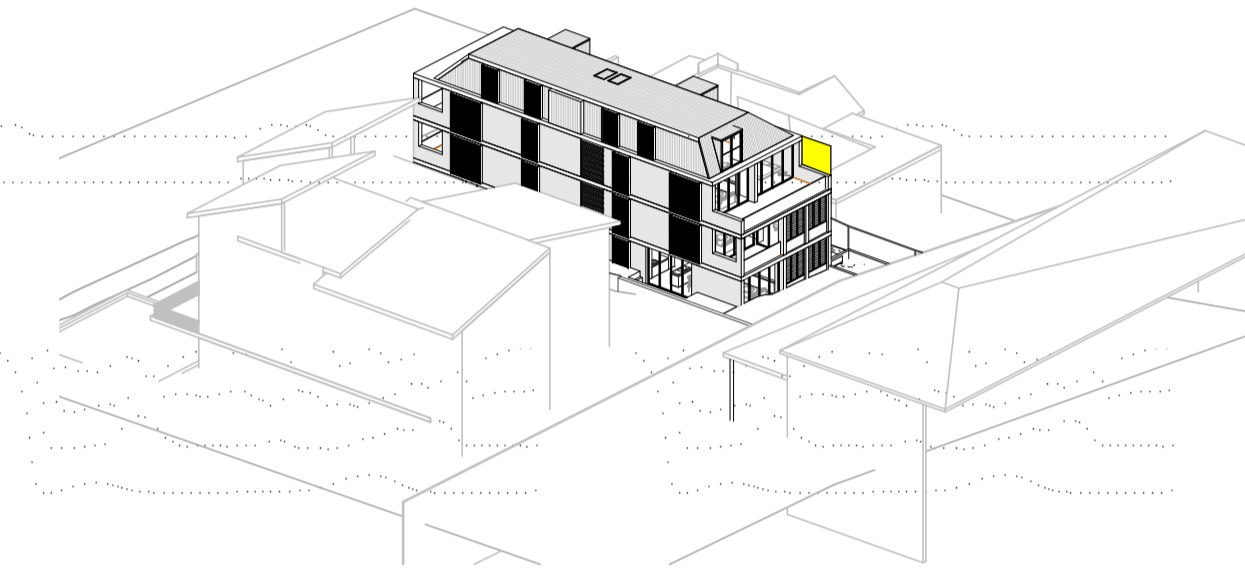
Sun View_10am_Existing



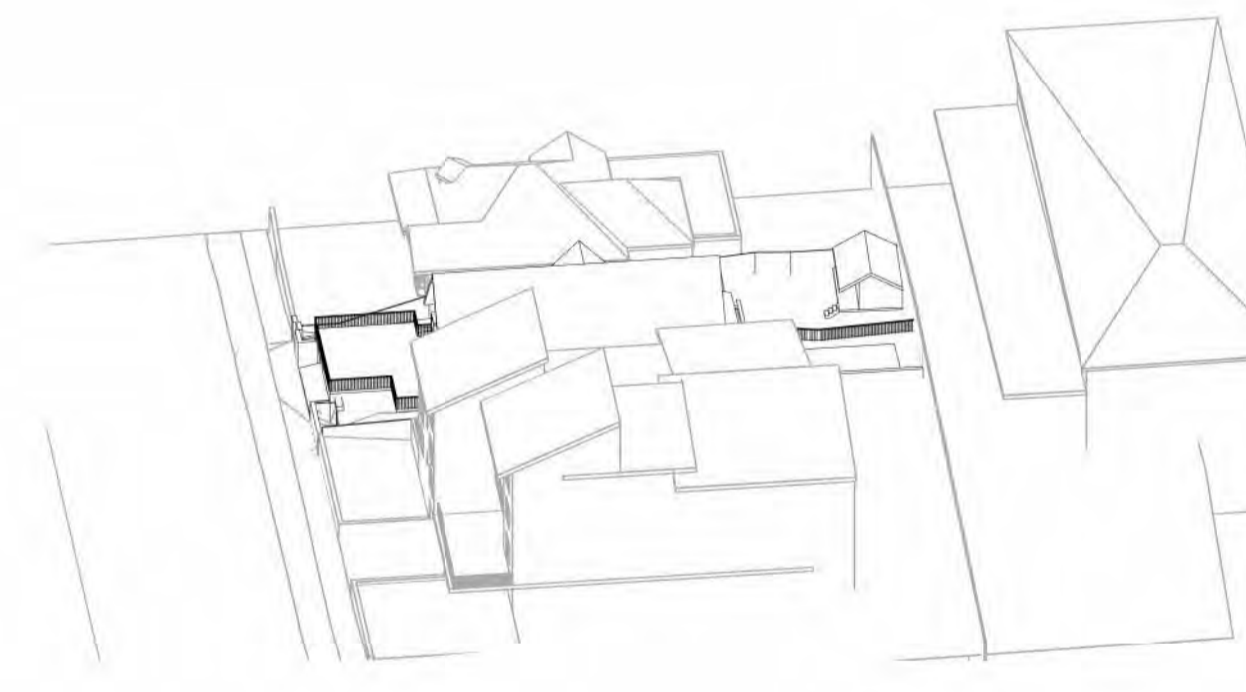
Sun View_10am



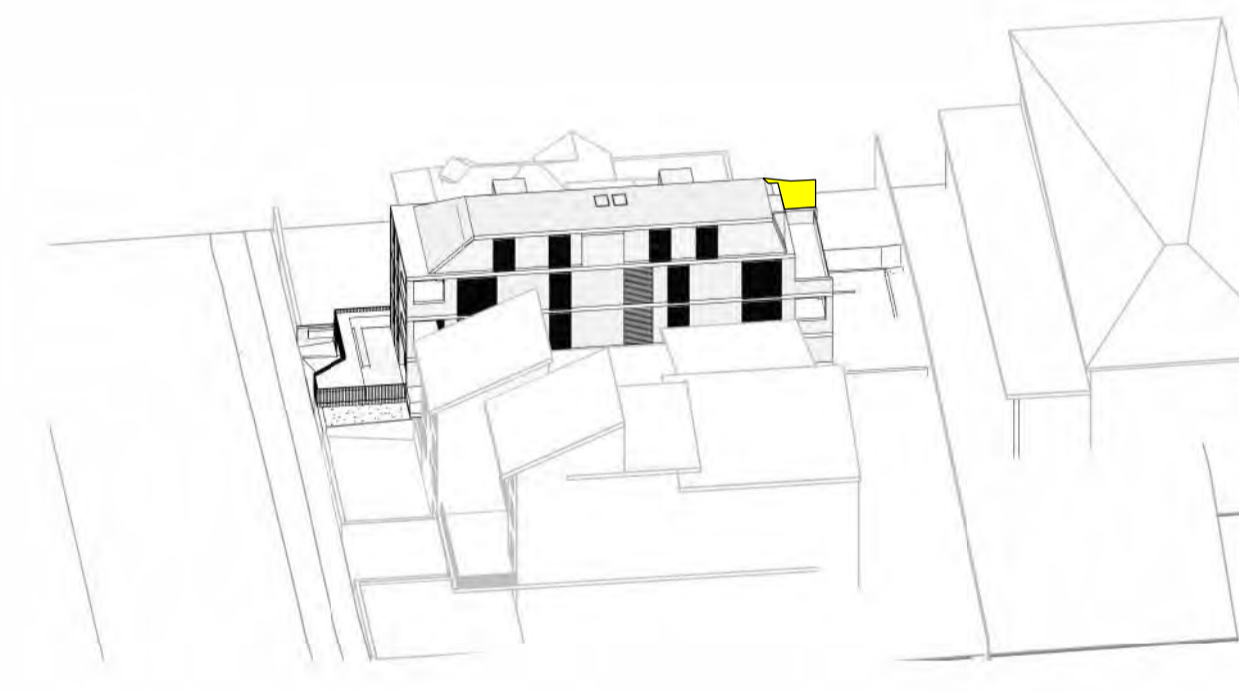
Sun View_2pm_Existing



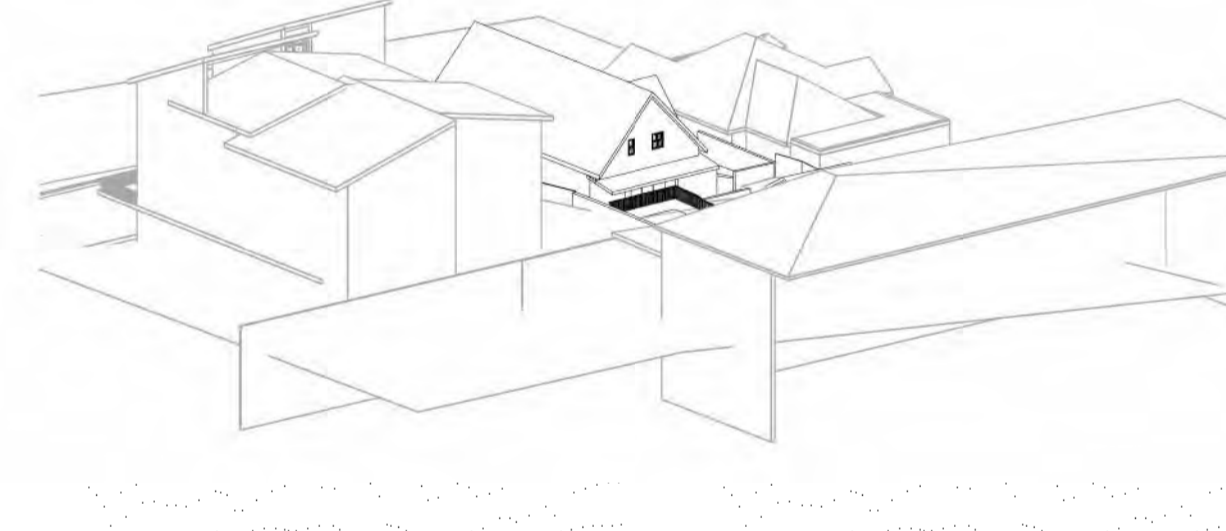
Sun View_2pm



Sun View_11am_Existing



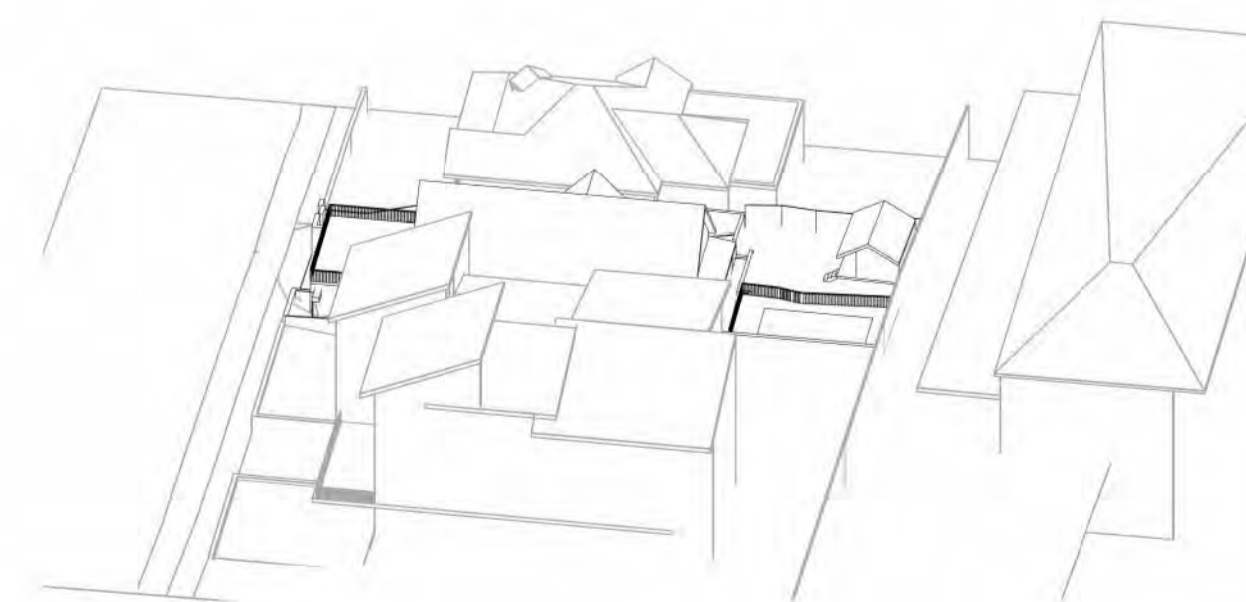
Sun View_11am



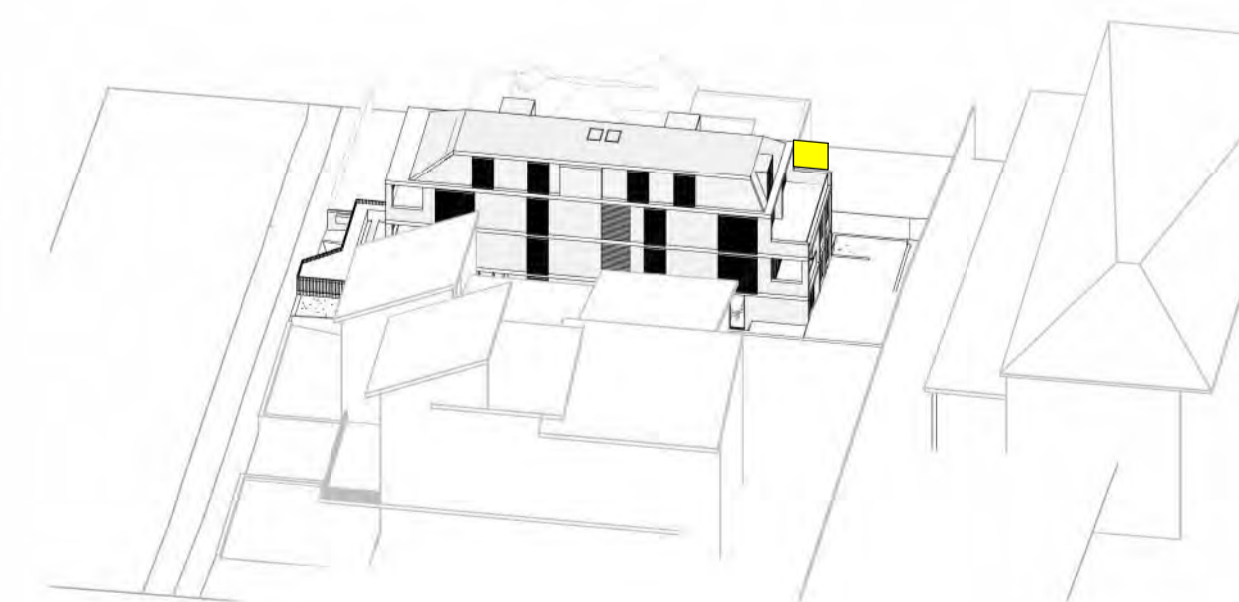
Sun View_3pm Existing




Sun View_3pm



Sun View_12pm_Existing



Sun View_12pm

 Yellow shaded area denotes solar access gained by increased setback to 9 metres on Levels 2 and 3.

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Rev	Date	Revision	By	Chk.
A	19.05.2021	Draft Consultant Issue		
B	26.06.2021	Issued for DA Approval		
C	29.10.2021	Post-Lodgement - L2 & 3 Increased Setback		
D	03.12.2021	Updated Issue for DA Approval		
E	26.04.2022	Updated Issue for DA Approval - Driveway		

Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Client
Link Investments Pty Ltd

Project
Multi-Residential Development
352 Miller Street, Cammeray

Drawing Name
VIEW FROM SUN DIAGRAMS

Date
26.04.2022

Scale
@ A1

Sheet Size
SJB Architects

Drawn
PB

Chk.
SH

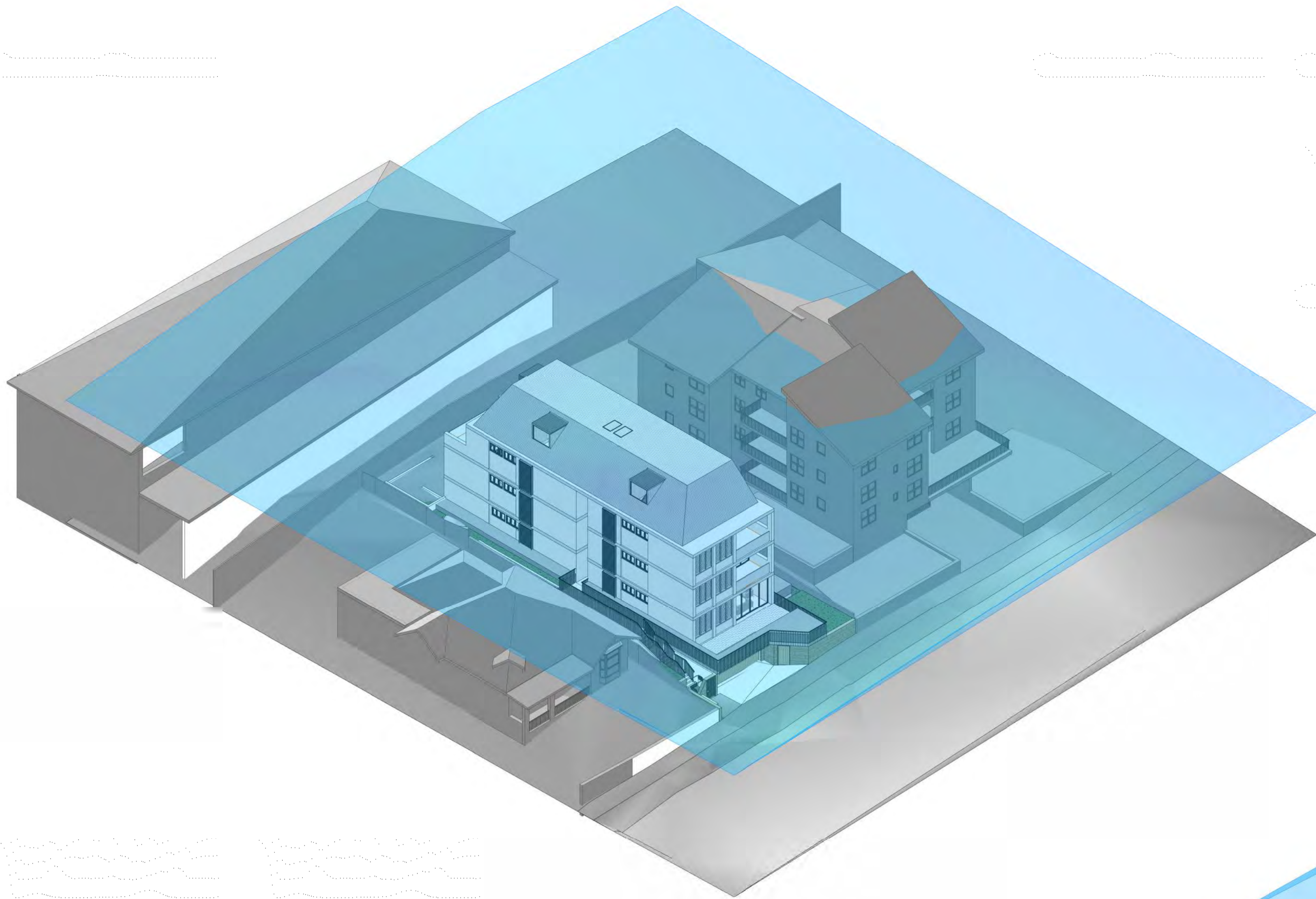
Job No.
6319

Drawing No.
DA-3202

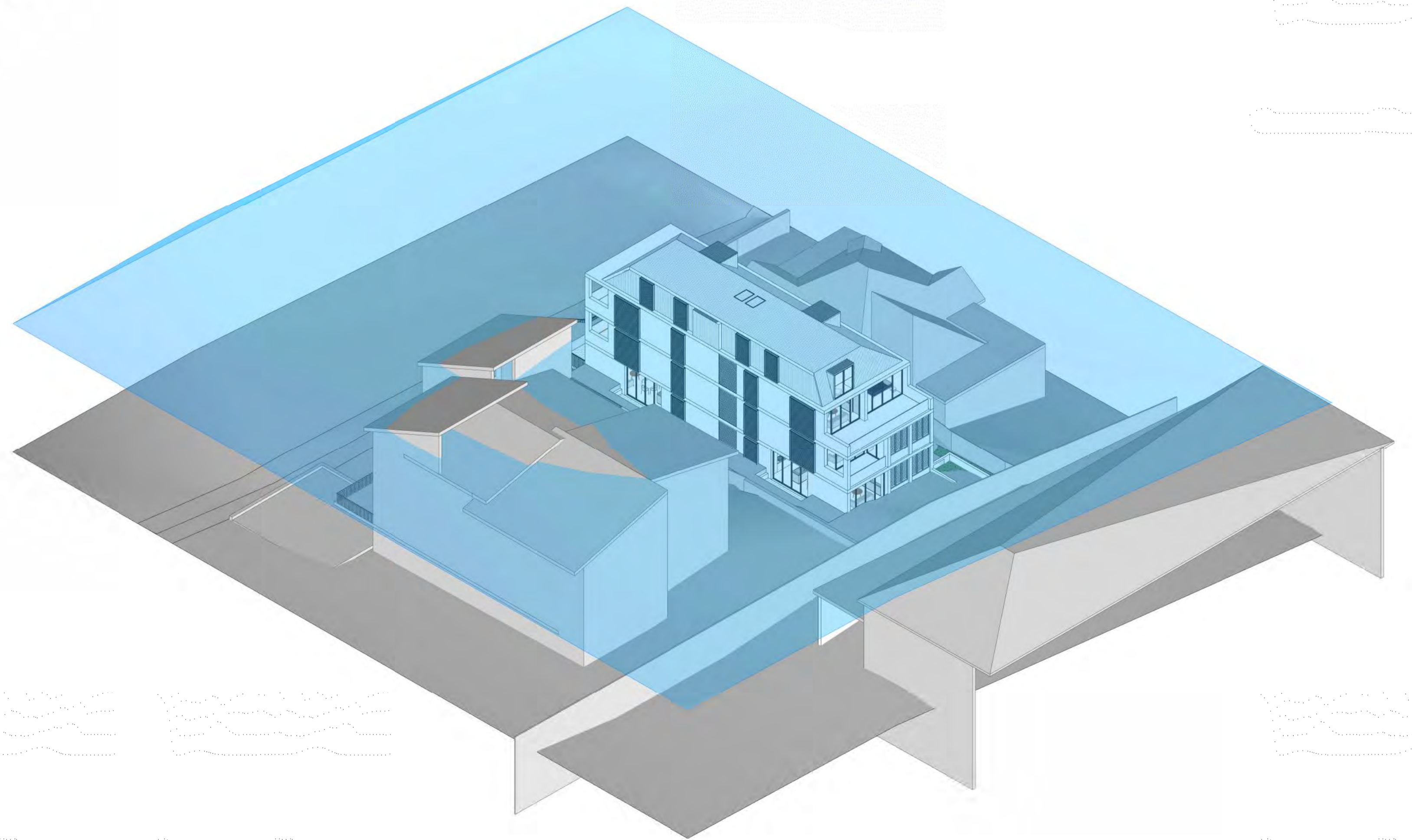
Revision
/ E

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12m Height Plane - View 1



12m Height Plane - View 2

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Client
Link Investments Pty Ltd

Project
Multi-Residential Development
352 Miller Street, Cammeray

Date
26.04.2022

Scale
@ A1

Sheet Size
@ A1

SJB Architects

Drawing Name
HEIGHT PLANE ANALYSIS

Drawn
PB

Chk.
SH

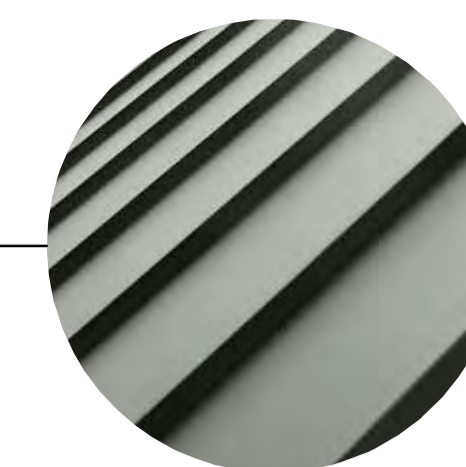
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Drawing No.
DA-3204

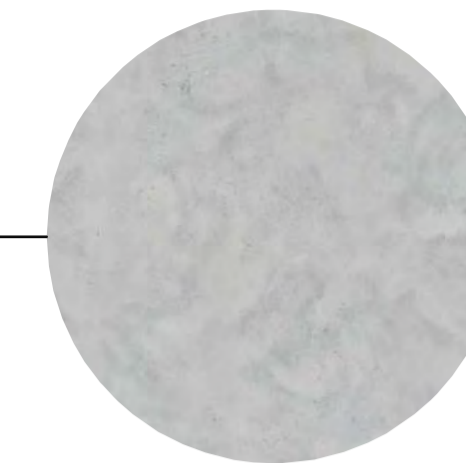
Revision
/ E

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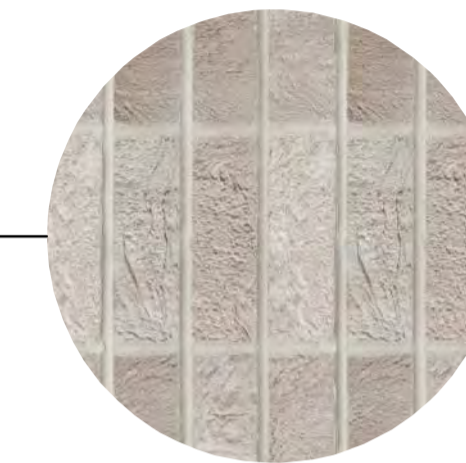




MT03
Roof Metal Finish - Light Grey



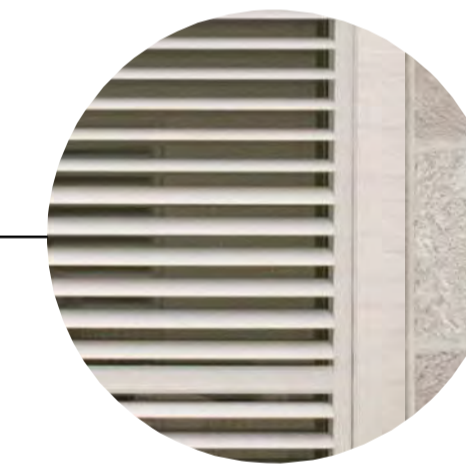
CC01
Concrete



BK02
Brick - Light (Soldier Bond)



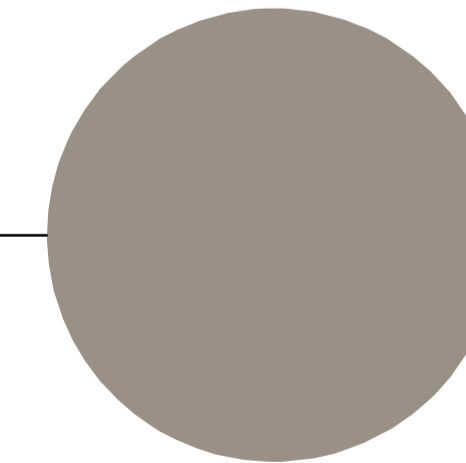
BK01
Brick - Light (Running Bond)



MT02
Metal Finish - White



SS01
Masonry - Sandstone



MT04
Metal Finish - Light Brown

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Client
Link Investments Pty Ltd

Project
**Multi-Residential Development
352 Miller Street, Cammeray**

Date **26.04.2022** Scale **1 : 1** Sheet Size **@ A1**

Drawn **PB** Chk. **SH**

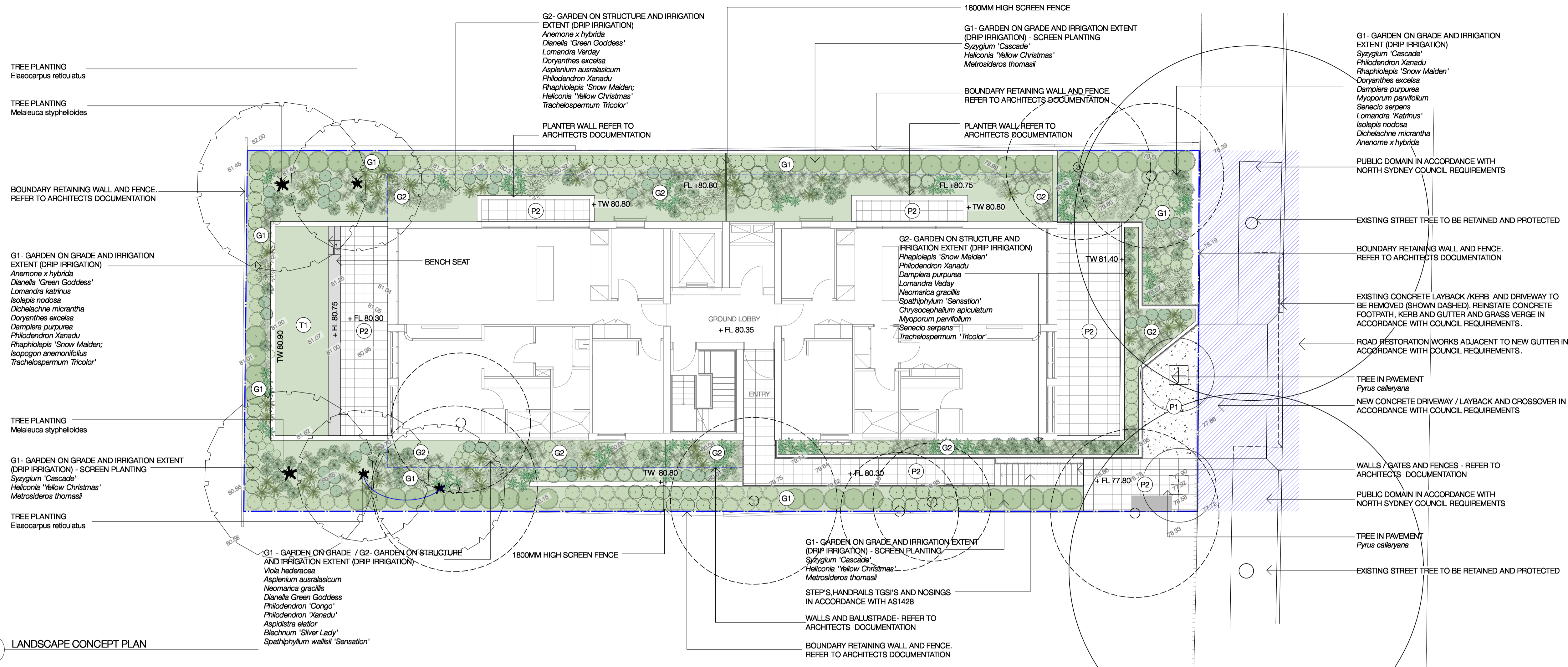
Drawing Name
MATERIAL AND EXTERNAL FINISHES

Job No. **6319** Drawing No. **DA-3205** Revision **/ E**

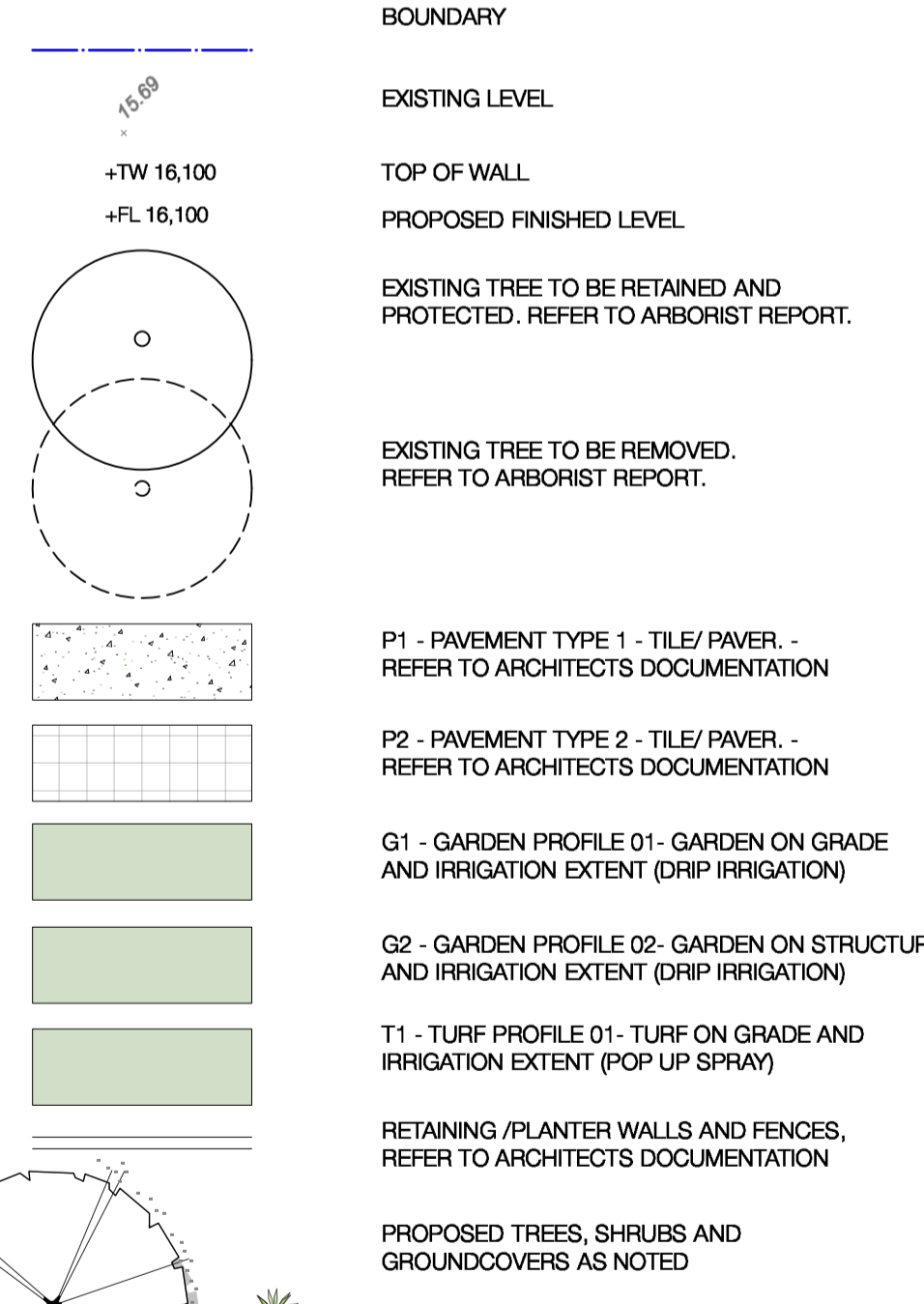
Nominated Architects: Adam Haddow-7188 | John Pradel-7004

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LEGEND



GENERAL NOTES

- DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND ENGINEERING DRAWINGS. NOTE ALL LANDSCAPE HARDWORKS INCLUDING PAVING, STEPS, RETAINING WALLS AND FENCES TO ARCHITECTS DOCUMENTATION AND DETAILS
- ALL PLANTING AREAS TO BE MULCHED, TYPICALLY 50MM DEPTH. ORGANIC MULCH TO CONFORM TO AS 4454-2012 COMPOST, SOIL CONDITIONERS AND MULCHES.
- SOILS TO CONFORM TO AS 4419-2018 SOILS FOR LANDSCAPING AND GARDENS USE.
 SOIL DEPTHS
 - ON GRADE 300MM
 - ON STRUCTURE 600MM
- ALL PLANTING AREAS TO HAVE DRIP IRRIGATION SYSTEM WITH BACK UP PROTECTION TO THE MAIN SUPPLY, TO ALL CURRENT SYDNEY WATERS REQUIREMENTS AND RELEVANT AUSTRALIAN STANDARDS
- MAINTAIN ALL WORKS DURING THE CONTRACT PERIOD FOR 52 WEEKS FROM THE DATE OF PRACTICAL COMPLETION INCLUDING, BUT NOT LIMITED TO WATERING, WEEDING, RUBBISH REMOVAL, REPLACEMENT PLANTING, DISEASE AND PEST CONTROL, PRUNING, SOIL AND MULCH CONTROL REINSTATEMENT.
- GREEN WASTE REMOVAL - ALL GREEN WASTE GENERATED BY THE MAINTENANCE WORK SHALL BE CONTAINED WITHIN THE IMMEDIATE WORK AREA, AND SHALL NOT LEAK INTO ADJACENT AREAS, OR OUTSIDE THE SITE. ALL DEBRIS SHALL BE CONTAINED AND REMOVED FROM SITE TO AN APPROVED CERTIFIED TIPPING AND LEGAL RECYCLING DEPOT LOCATION USING SUITABLE CLOSED WASTE CONTAINERS AND VEHICLES.

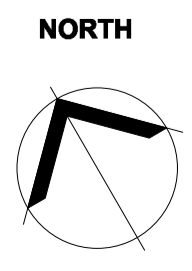
PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	HEIGHT	POT SIZE
PALMS			
<i>Elaeocarpus reticulatus</i>	Blue Berry Ash	8M	400L
<i>Melaleuca styphelioides</i>	Prickly-Leaved Paperbark	15M	400L
SHRUBS AND GROUNDCOVERS			
<i>Anemone x hybrida</i>	Japanese Wind Flower	1M	150MM
<i>Aspidistra elatior</i>	Cast Iron Plant	0.8M	200MM
<i>Asplenium nidus</i>	Birds Nest Fern	0.8M	200MM
<i>Blechnum nudum 'Silver Lady'</i>	Silver Lady Fern	0.6M	200MM
<i>Chrysocapillum apiculatum</i>	Yellow Buttons	0.3M	150MM
<i>Dampiera purpurea</i>	Purple Dampiera	1M	200MM
<i>Dianella green goddess</i>	Green Goddess	0.6M	150MM
<i>Dichelachne micrantha</i>	Short Hair Plume Grass	0.8M	150MM
<i>Heliconia 'Yellow Christmas'</i>	Yellow Christmas	1.5M	200MM
<i>Isopogon anemonifolius</i>	Broadleaf Drumsticks	0.5M	200MM
<i>Isoplepis nodosa</i>	Knobby Club Rush	0.8M	150MM
<i>Lomandra 'Katrinus'</i>	Katrinus	0.7M	150MM
<i>Lomandra 'Verday'</i>	Verday Lomandra	0.6M	150MM
<i>Metrosideros thomasi</i>	Cascade Lily Pilly	4M	300MM
<i>Myoporum parvifolium</i>	Creeping Boobiala	0.1M	150MM
<i>Neomarica gracilliss</i>	Walking Iris	0.7M	150MM
<i>Philodendron 'Congo'</i>	Congo	0.8M	200MM
<i>Philodendron 'Xanadu'</i>	Xanadu	0.8M	200MM
<i>Rhaphiolepis 'Snow Maiden'</i>	Snow Maiden Hawthorn	1M	200MM
<i>Senecio serpens</i>	Blue chalk Sticks	0.1M	150MM
<i>Spathiphyllum wallisii 'Sensation'</i>	Sensation Peace Lily	1M	200MM
<i>Syzygium cascade</i>	Cascade Lily Pilly	5M	300MM
<i>Trachelospermum 'Tricolour'</i>	Tricolour Star Jasmine	0.3M	200MM
<i>Viola hederacea</i>	Native Violet	0.1M	150MM



NOT FOR CONSTRUCTION

REV:	DATE:	DOCUMENT STATUS/ AMENDMENTS
01	07.06.21	For Coordination
02	11.06.21	For Approval
03	28.06.21	For Approval
04	01.03.22	For Approval



black beetle
 Landscape Architecture and Design

Black Beetle Pty Ltd
 Level 1, 1073 Pittwater Road, Collaroy NSW 2097
 Tel: 0422 104 416
 email: blackbeetle@blackbeetle.com.au

PROJECT
 Residential Development
 352 Miller Street, Cammeray NSW

DRAWING TITLE
 Landscape Concept Plan

Drawn IK / GB	Client KDC
LArchitect Authorised IK / GB	Status Development Application
Scale 1:100 @ A1	JOB NUMBER BB 1288
DRAWING NUMBER / ISSUE LA LP 01/04	