

**NSLPP MEETING HELD ON 06/04/22****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement

ADDRESS/WARD: 1B Samora Avenue, Cremorne (C)**APPLICATION No:** D413/21**PROPOSAL:** Alterations and additions to an existing part two/three storey detached dwelling**PLANS REF:**

| Plan No. | Description | Prepared by | Dated |
|----------|----------------------|-------------|------------|
| 02 | Roof Plan - Proposed | Living Lot | 21/03/2022 |
| 04 | LGF Plan – Demo | Living Lot | 21/03/2022 |
| 05 | LGF Plan - Proposed | Living Lot | 21/03/2022 |
| 07 | GF Plan – Demo | Living Lot | 21/03/2022 |
| 08 | GF Plan - Proposed | Living Lot | 21/03/2022 |
| 10 | L1 Plan – Demo | Living Lot | 21/03/2022 |
| 11 | L1 Plan – Proposed | Living Lot | 21/03/2022 |
| 13 | NE & SW Elevations | Living Lot | 21/03/2022 |
| 14 | NW Side Elevation | Living Lot | 21/03/2022 |
| 15 | SE Side Elevation | Living Lot | 21/03/2022 |
| 16 | Long Sections | Living Lot | 21/03/2022 |
| 17 | Short Sections | Living Lot | 21/03/2022 |

OWNER: Joseph Hunt & Elizabeth Hunt**APPLICANT:** Neche Page**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 29 March 2022**DATE LODGED:** 29 November 2022**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to an existing part two/three storey detached dwelling located at No.1B Samora Avenue, Cremorne.

The application is reported to North Sydney Local Planning Panel for determination as the proposal is subject to a variation to the building height development standard that is greater than 10%, which requires determination of the application by the Panel as directed by the Director of Planning and the Environment.

Notification of the proposal has attracted no submissions.

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and was generally found to be satisfactory.



This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP. It is considered that the variation to the building height development standard could be supported because the building elements in breach of the LEP building height development standard would not cause material impacts on the amenity of the adjoining properties as well as the character of the locality.

The proposal generally complies with the DCP's setback provisions and site coverage requirements. The unbuilt upon and landscaped areas of the existing site do not comply with the relevant DCP requirements. Nevertheless, a condition has been recommended requiring additional landscaping treatments to increase soft landscaping within the subject site. Furthermore, additional window treatments are recommended to protect visual privacy for an adjoining property to the south of the subject site.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to the imposition of standard and site specific conditions.

LOCATION MAP

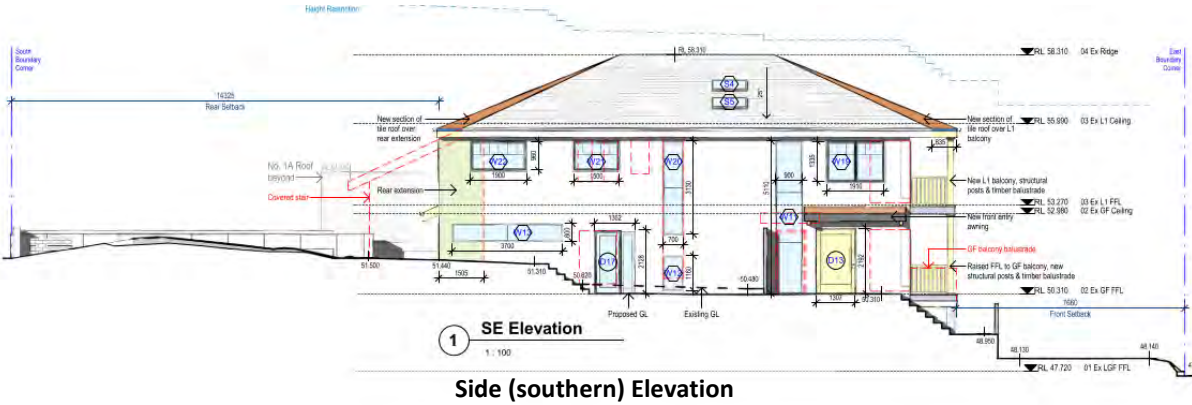
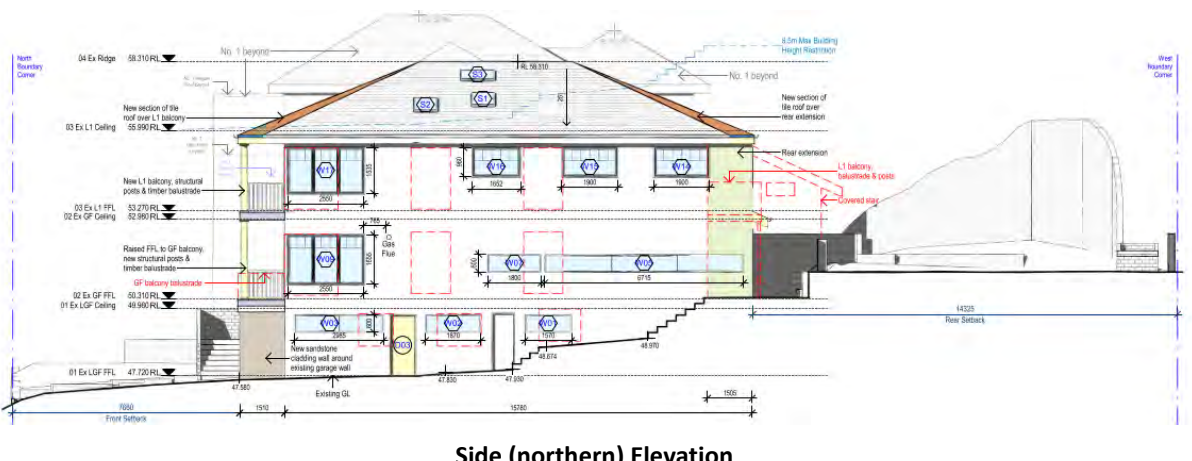
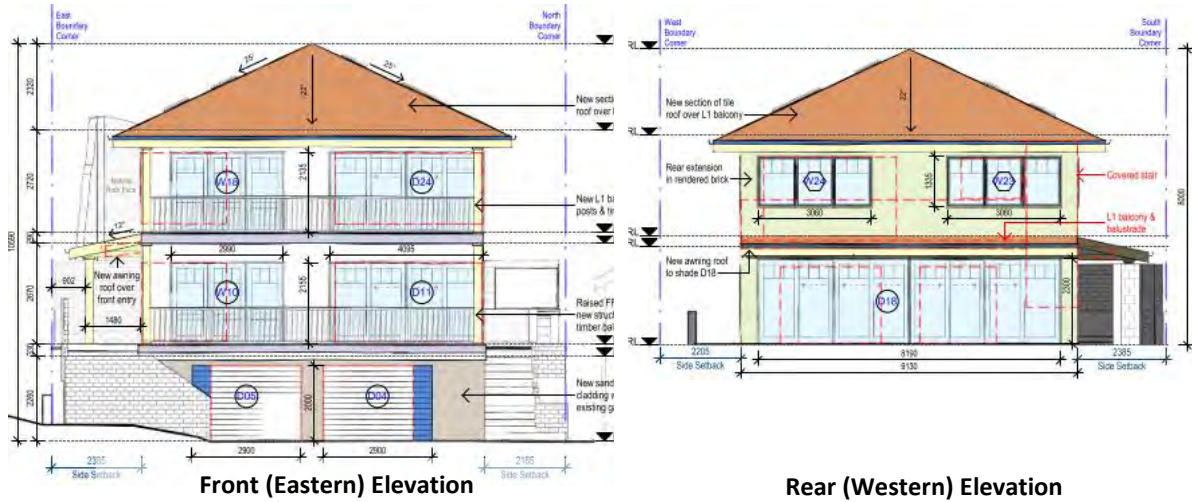


 Property/Applicant ● Submitters - Properties Notified 

DESCRIPTION OF PROPOSAL

This application seeks NSLPP approval for alterations and additions to an existing two storey detached dwelling with an underfloor double garage for use as a single occupancy. The proposed works are summarised as follows:

- (a) Lower ground floor:
- Demolition of existing internal partitioning walls and alterations to the existing internal layout to provide a bathroom and storage areas at the rear of the building.
 - Changes to the fenestration on the north-western (side) elevation to provide replacement highlight windows (W01, W02, W03) and a new doorway to the garage (D03).
- (b) Ground floor level:
- Demolition of existing internal partitioning walls and the existing laundry.
 - Re-configuration of the internal layout including the replacement of the rear balcony with a rear extension to provide an entry area and a lounge room at the front of the building and an open plan living, dining and kitchen areas at the rear of the building. This level also provides a laundry that adjoins the stairwell and a pantry and a wine cellar adjacent to the new open plan dining and kitchen area.
 - Fenestration changes including removal of existing windows, the enlargement of full height openings to the front balcony (W10, D11) and the rear patio (D18), installation of new splashback windows to kitchen and pantry (W05, W07), new living room windows (W13), a new stairwell window (W12), a new laundry door (D17), a new double height window adjacent to the main dwelling entry (W11) and the enlargement of the lounge room window (W09).
 - Construction of a replacement front balcony.
 - Installation of an awning over the main dwelling entrance on the side (southern) elevation.
- (c) First Floor (L1) level:
- Demolition of existing internal partitioning walls and an existing external staircase connecting the rear yard and the existing kitchen at the rear of L1.
 - Re-configuration of the internal layout and the construction of a rear extension to provide a master bedroom with walk in robe and ensuite bathroom, three bedrooms, a home office and a bathroom.
 - Fenestration changes including removal of existing windows, the enlargement of full height openings to the front balcony (W18, D24), installation of new bedroom windows on the rear elevation (W23, W24), new highlight bedroom windows (W14, W15, W16, W22) on the side elevations, a new highlight bathroom window (W21), a new stairwell window (W20), a new double height window adjacent to the main dwelling entry (W11), a new home office window (W19) and the enlargement of the master bedroom window (W09).
 - Construction of the front balcony.
- (d) Roof :
- Extension of the hip roof on the front and rear elevations over the new front balcony and the rear extension.
 - Installation of new skylights (S1 to S7).
 - Replacement of existing roof tiles.



Figures 1 to 4: Proposed Development

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 (Low Density Residential)
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- North Sydney Local Infrastructure Contributions Plan 2020
- Environmental Planning & Assessment Act 1979 (As amended)

- Environmental Planning & Assessment Regulations 1996
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing) 2021
- Local Development
- North Sydney Local Infrastructure Contributions Plan 2020

POLICY CONTROLS

DCP 2013

DESCRIPTION OF LOCALITY

The legal description of the land is Lot 2 DP 19883 and Lot 21 DP221264, and is known as No. 1B Samora Avenue. The subject site contains two allotments with a total area of 538.9sqm. The larger allotment (Lot 2 DA19883) has an area of 513.8sqm and the other allotment (Lot 21 DP 221264) is significantly smaller in area (25.1sqm) and is located to the west of the main allotment (Figure 5).

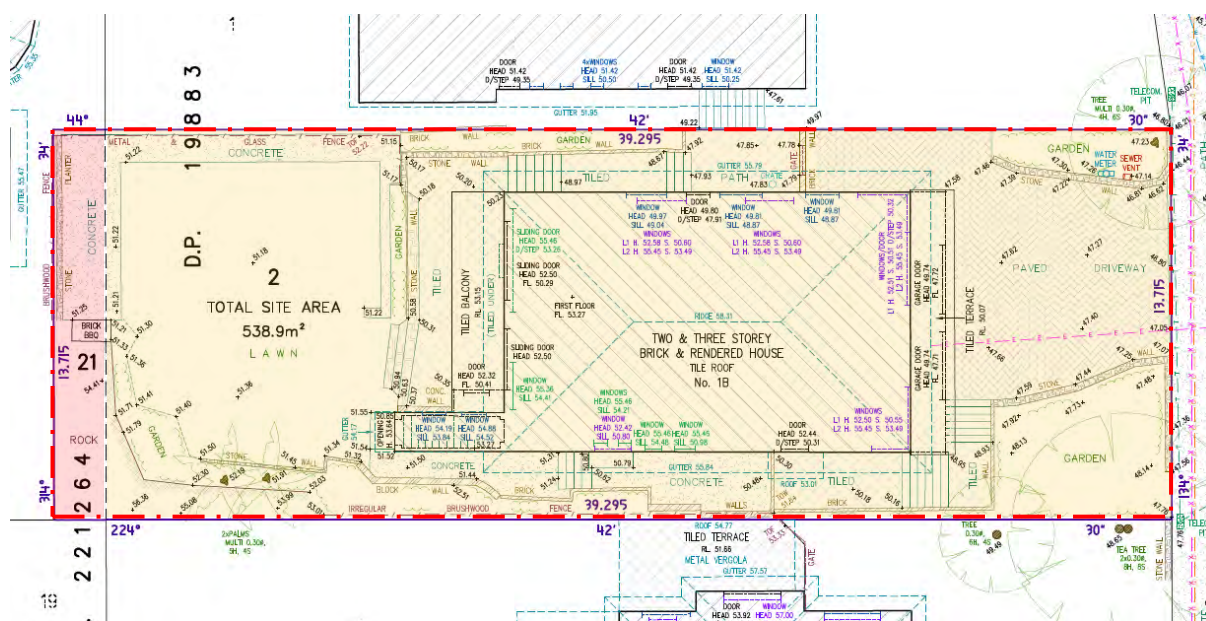


Figure 5: Subject Site – Survey Plan

The property is located on a sloping site that rises by up to 4.9m from the street boundary to the base of a rock face at the rear boundary of the main allotment. A 3m high rock face occupies the southern side of the smaller allotment at the rear of the subject site. Both pedestrian and vehicular access to the site are off Samora Avenue.

The subject site is currently occupied by a part two/three storey dwelling house with parking on the lower ground floor.



Figure 6: Subject Site

The Locality is characterised by low density residential dwellings. A two storey detached dwelling is located to the north of the subject site at No.1A Samora Avenue. To the south of the subject site is a part two/three storey detached dwelling at No.1 Samora Avenue.

At the rear of the subject site to the west is a part two/three storey detached dwelling elevated from the rear yard of the subject site at No.43 Tobruk Avenue. Across the road to the east is a detached dwelling at No. 2 Ryries Parade.



Figure 7: The Locality

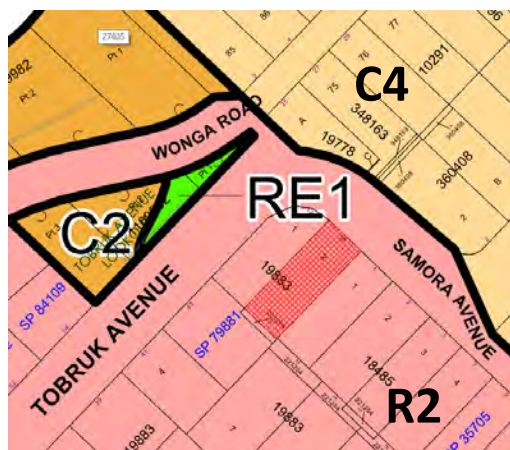


Figure 8: Zoning



Figure 9: Building Height

Development History

Previous Applications

- **June 2014** – Council was advised that a swimming pool at the rear of the subject site had been filled and used as private open space.

Current application

- **29 November 2021** – The subject application (**D414/21**) for alteration and additions to the existing detached dwelling was lodged with Council.
- **10 December 2021 to 18 January 2022** – The adjoining property owners and the Willoughby Bay Precinct were notified about the proposed development. The notification has attracted no submissions.
- **23 February 2022** – A site inspection was carried out by the Assessing Officer following the easing of COVID -19 restrictions.
- **24 March 2022** – The applicant submitted updated drawings showing the storage areas at the rear of the garage on the lower ground floor.

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.

ENGINEERING

The application was referred to Council's Development Engineer who raised no objection to the proposal because the existing driveway crossing is fit for the purpose of the proposed development and stormwater drainage would be connected and discharged via the existing kerb side stormwater outlet. Therefore, no additional engineering conditions are recommended. A footpath damage bond of \$4,000.00 is recommended for the protection of Council's infrastructure.

LANDSCAPING

The application was referred to Council's Landscape Officer who raised no objection to the proposal subject to conditions requiring protection of existing trees and planting of new/replacement trees.

SUBMISSIONS

The subject application was notified to adjoining properties and the Willoughby Bay Precinct inviting comment between 10 December 2021 and 18 January 2022. Council's notification has attracted no submissions.

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). Consequently, there would be no material changes to the requirements between the repealed SEPPs and the new consolidated SEPPs.

- SREP (Sydney Harbour Catchment) 2005 - Chapter 10 in SEPP (Biodiversity and Conservation) 2021
- SEPP (Vegetation in Non-Rural Areas) 2017 - Chapter 2 in SEPP (Biodiversity and Conservation) 2021
- SEPP No 19—Bushland in Urban Areas - Chapter 6 in SEPP (Biodiversity and Conservation) 2021
- SEPP 55 (Remediation of Land) – Chapter 4 in SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

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 to have no impacts on the harbour and its foreshores. As such, the development satisfies the provisions contained within the above SREP and Chapter 10 of the new SEPP.

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 does not require development consent. The proposal meets the objectives of the SEPP because there would be no clearance 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 proposal does not involve removal of existing vegetation. Appropriate conditions have also been recommended to ensure protection of existing tree and new/replacement planting to maintain the landscape setting of the subject property.

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.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to an existing dwelling and are permissible in the zone with development consent.

It is noted that during the site inspection that the existing internal layout has the potential for use as an attached dual occupancy, however there is no evidence that the building is being used as a dual occupancy. Furthermore, the proposed works would involve the removal of the additional kitchen and the layout of the proposed dwelling would support the use of the building as a single occupancy.

A condition is also recommended that the dwelling be used as a single occupancy (**Condition I1**) to ensure that the approved use for the proposed development is clear.

2. Objectives of the zone

The proposal is consistent with the relevant objectives of the R2 (Low Density Residential) zone for reasons detailed throughout this report.

Part 4 – Principal Development Standards

| Principal Development Standards – North Sydney Local Environmental Plan 2013 | | | | |
|--|----------|----------|---------|-------------------------------------|
| Site Area – 538.9m ² | Existing | Proposed | Control | Complies |
| Clause 4.3 – Heights of Building | 10.59m | 10.59m | 8.5m | NO – Clause 4.6 Variation submitted |

3. Height of Building

Clause 4.3(2) of the LEP 2013 and the LEP building height map specify a maximum building height of 8.5m for the subject site. The maximum height of the existing building at 10.59m breaches the LEP maximum height limit by 2.09m.

The proposed front balconies and the proposed rear extension at the rear of the existing building would result in a minor extension of the roof. The maximum height of the proposed works would reach 10.59m to match the height of the existing roof ridge. In addition to the roof extension, the proposed skylights would also be located above the 8.5m LEP building height limit as indicated in **Figure 10** below.

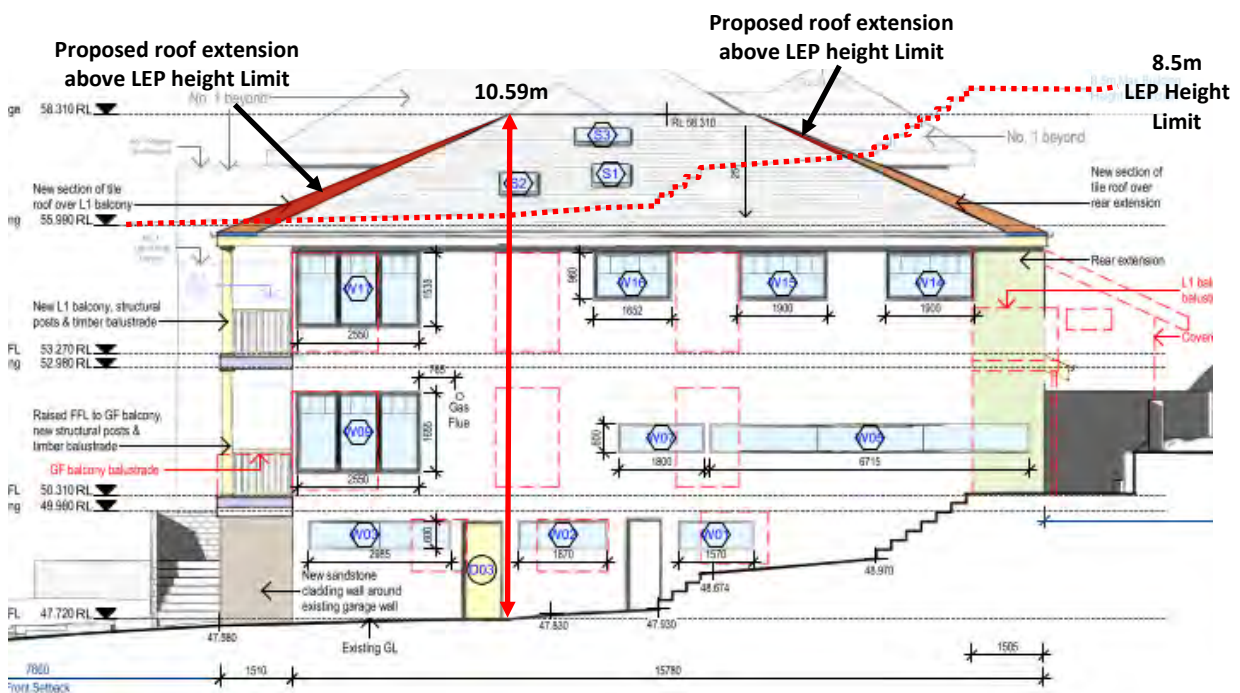


Figure 10: Proposed works and LEP Height Limit

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of LEP 2013 specifies that the consent may be granted for development that contravenes a development standard imposed by an environmental planning instrument, in circumstances, where compliance with the standard is unreasonable or unnecessary in the circumstances, also where there are sufficient environmental planning grounds to justify a non compliance with the development standard.

Given that the proposal involves building elements in breach of the LEP maximum building height development standard, the applicant has submitted a written request for a variation to this development standard pursuant to Clause 4.6(2) of the LEP.

Consideration has been given to the following building height objectives under Clause 4.3(1) of the LEP 2013 and the written request submitted by the applicant seeking variation to the maximum building height development standard.

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

Comment:

The proposed works would generally retain the form of the existing building and respects the existing landform.

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

Comment:

The proposal would result in a minor extension of the roof above the LEP height limit on the front and the rear of the existing roof as shown on **Figure 10**. The proposal is unlikely to cause material view loss for the adjoining properties, given that there would be no change to the overall height of the building and a minor increase in the building envelope.

In particular, the proposal would have no material impacts on the significant water, district and skyline views as seen across the front boundary of No.1 Samora Avenue to the south because the proposed works would be located across the side boundary of No.1 Samora Avenue away from the significant views across the front boundary.

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

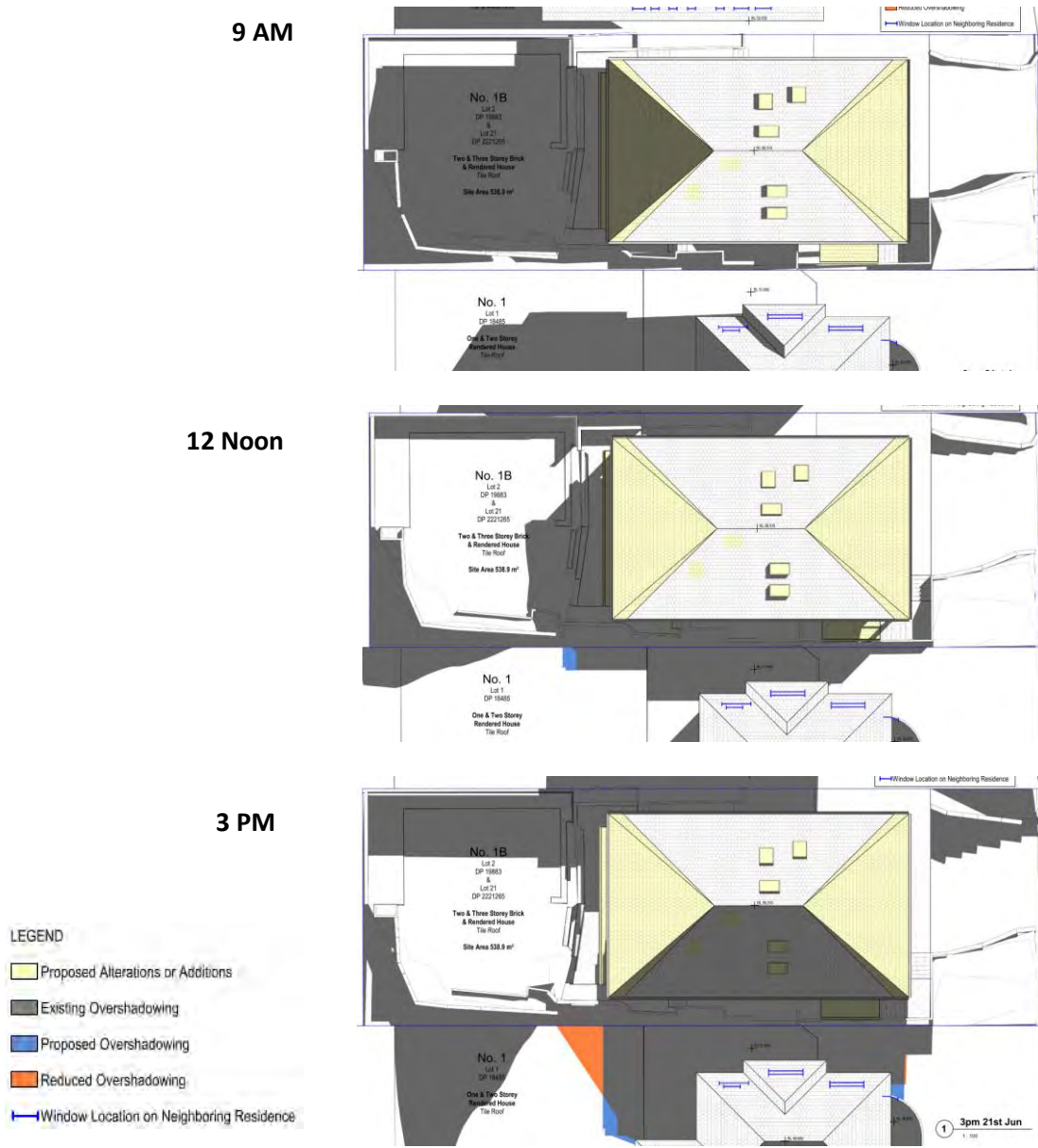
Comment:

An examination of the shadow diagrams submitted with the application has indicated that the shadows caused by the new building elements would generally affect the adjoining property to the south of the subject site at No.1 Samora Avenue after midday during mid winter (21 June).

There would be minor additional shadowing on the front and rear gardens and on the side (northern) elevation of the dwelling within the adjoining property at No.1 Samora Avenue.

Furthermore, the proposal would also result in reduced shadows within the rear garden of No.1 Samora Avenue because of the proposed removal of an existing external staircase and laundry at the rear of the dwelling within the subject site as shown in **Figures 11-13** below.

It is therefore considered that the shadowing impacts would have no material impacts on the residential amenity of No.1 Samora Avenue and the other adjoining properties.



Figures 11 - 13 : Shadow Diagrams (21 June)

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

Comment:

As mentioned earlier in this report, the building elements in breach of the LEP maximum height limit would be confined to the roof and the new skylights.

These new building elements would not cause material privacy impacts for the adjoining properties.

- (e) to ensure compatibility between development, particularly at zone boundaries,***
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.***

Comment:

The proposal would maintain a characteristic part pitched and hipped roof form and the proposed changes to the existing building would generally be consistent with nearby development within the locality in terms of building height, built form, bulk and scale.

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Strict compliance with the building height control is considered to be unreasonable and unnecessary as the elements in breach of the height control will not have material impacts the streetscape or the amenity of adjoining properties.

Given that the building elements above the LEP height limit would not be easily discernible from the public domain or result in unacceptable loss of significant views, overshadowing or privacy impacts, the proposal is considered to be satisfactory.

That there are sufficient environmental planning grounds to justify contravening the development standard.

The new building elements above the LEP height limit would be confined to a minor extension of the existing roof and the installation of five (5) skylights. It is concluded that these building element above the LEP building height limit would have no material impact on neighbouring properties and the locality in terms of the built forms within the locality and the amenity of the surrounding properties. There are sufficient environmental planning grounds to justify contravening the building height control.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The written justification as submitted by the applicant seeking variation to Clause 4.3(2) in NSLEP 2013 is considered to be well founded in the site circumstances and the variation to the LEP maximum building height development standard would be consistent with the building height objectives as contained in Clause 4.3 of the LEP and the objectives of the R2 (Low Density Residential) zone. Therefore, the approval of the proposed variation to the LEP maximum building height development standard is in public interest.

4. Earthworks


The proposal does not involve earthworks/excavation, therefore, proposal does not offend the planning objectives/provisions for Clause 6.10 in North Sydney LEP 2013.

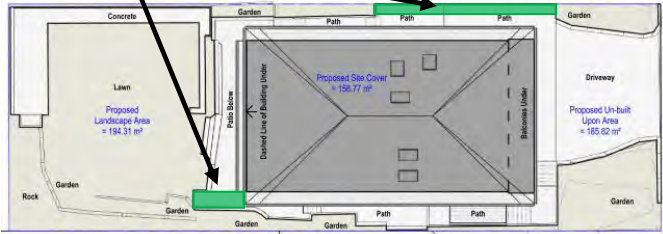
NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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 | | |
| Population Mix Maintaining Residential Accommodation | Yes (via condition) | <p>The proposal would not change the population mix nor the level of residential accommodation available within the locality.</p> <p>Whilst the internal layout of the existing building has the potential for use as an attached dual occupancy, there is no evidence that the building is being used as such.</p> <p>Furthermore, the proposed works would involve the removal of the existing second kitchen on the first floor and the layout of the proposed dwelling would suggest a single occupancy.</p> <p>A condition is also recommended that the dwelling be used as a single occupancy (Condition 11) to ensure that the approved use of the proposed development is observed by the applicant.</p> |
| Affordable Housing for Seniors/Persons with disability | Yes | The proposed development would not affect the supply of affordable housing and housing for seniors or people with disabilities. |
| 1.3 Environmental Criteria | | |
| Topography | Yes | The proposed development would not alter the existing topography of the subject site. |
| Views | Yes | As indicated earlier in this report the proposal would not cause material impacts on significant views as seen from the adjoining properties. |
| Solar Access | Yes | <p>The shadow diagram submitted with the application has indicated that there would be some minor shadowing on the adjoining property at No.1 Samora Avenue between 12noon and 3pm during mid winter (21 June) (Figures 11-13).</p> <p>However, the additional overshadowing would not cause a material loss of solar access due to the small increase in the building envelope. In addition, the rear yard of the adjoining property at No. 1 Samora Avenue is likely to receive additional solar access because of the proposed removal of an existing external staircase and a laundry at the rear of the existing building within the subject site.</p> |
| Acoustic Privacy | Yes | <p>The proposed modifications are unlikely to increase noise nuisance for the adjoining properties because the proposed works would not materially change the residential use of the property. The new first floor balcony on the front elevation is unlikely to cause material noise impacts given that the balcony would serve the master bedroom.</p> <p>The proposed extension at the rear of the dwelling would occupy part of an existing patio on the ground floor and the removal of the first floor balcony. The proposed works are likely to reduce noise impacts for the adjoining property with the internalisation of activities within the new building elements.</p> |
| Visual Privacy | Yes | <p>As indicated earlier in this report, the new building works above the LEP height limit would have no material privacy impacts for the adjoining properties.</p> <p>The proposed first floor balcony on the front elevation is unlikely to cause material overlooking of the adjoining properties because of the established screen planting along the common property boundary with the adjoining property to the south at No.1 Samora Avenue and the front building line of the adjoining dwelling to the north at No. 1A Samora Avenue is located well behind the proposed front balcony.</p> |

| | | <p>The proposed fenestration changes on the northern (side) elevation are considered acceptable given that new first floor windows would overlook the roof of the existing dwelling at No.1 Samora Avenue.</p> <p>Whilst the new first floor windows on the southern (side) elevation would replace some existing windows, it is considered that some visual privacy protection measures are warranted to ensure visual privacy for the adjoining property at No.1 Samora Ave. A condition is recommended requiring opaque/translucent glazing be applied to W11 and W20 and the lower panes of W19, W21 and W22 to minimise visual privacy impacts for No.1 Samora Avenue (Condition C1).</p> <p>The proposed works on the rear elevation are considered acceptable in terms of visual privacy because of the removal of the first floor balcony and the installation of replacement bedroom windows at the rear of the existing building.</p> <p>The proposed skylights would not cause any adverse visual privacy impacts because of their location on the roof plane away from any habitable rooms.</p> <p>The proposed fenestration changes on the ground floor are unlikely to cause a material impact on the visual privacy for the adjoining properties because of the screening provided by boundary fencing and existing screen planting along the property boundaries.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------|----------|---|---------------|----------|----------|---------|----------|---------------------|--|--|--|--|---------------|--------|--------|-------|-----|---------------|--------|--------|-------|-----|--------------|--|--|--|--|---------------|--------|--------|---------------|-----|---------------|--------|--------|---------------|-----|-------------|--|--|--|--|---------------|--------|--------|--------------|--------|---------------|--------|--------|------|-----|
| 1.4 Quality built form | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Context | Yes | The proposed development is generally consistent with the context and the character of the locality. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subdivision Pattern | Yes | The proposal would not change the subdivision pattern of the subject site and the locality. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Siting | Yes | The proposal would not alter the general siting and orientation of the subject main dwelling. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Setback – Side | Yes | <p>The proposal complies with DCP side boundary setback controls as shown below.</p> <table border="1" data-bbox="683 1238 1409 1626"> <thead> <tr> <th>Elevation</th> <th>Existing</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Lower Ground Floor:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>- N Elevation</td> <td>2.205m</td> <td>2.205m</td> <td>900mm</td> <td>Yes</td> </tr> <tr> <td>- S Elevation</td> <td>2.385m</td> <td>2.385m</td> <td>900mm</td> <td>Yes</td> </tr> <tr> <td>Ground Floor</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>- N Elevation</td> <td>2.205m</td> <td>2.205m</td> <td>900mm - 1.5m*</td> <td>Yes</td> </tr> <tr> <td>- S Elevation</td> <td>2.385m</td> <td>2.385m</td> <td>900mm - 1.5m*</td> <td>Yes</td> </tr> <tr> <td>First Floor</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>- N Elevation</td> <td>2.205m</td> <td>2.205m</td> <td>1.5m – 2.5m*</td> <td>Yes/No</td> </tr> <tr> <td>- S Elevation</td> <td>2.385m</td> <td>2.385m</td> <td>1.5m</td> <td>Yes</td> </tr> </tbody> </table> <p>* Variable side boundary setback due to sloping site</p> <p>It is noted that the eastern end of the northern elevation of the existing building and the proposed first floor front balcony would breach the DCP side boundary setback requirement for building elements over 7m by 295mm.</p> <p>The proposed variation is considered to be acceptable because the proposed development would not change the existing building envelope significantly and there would be no material amenity impacts on the adjoining properties as the result of the new building elements on the northern elevation as detailed earlier in this report.</p> | Elevation | Existing | Proposed | Control | Complies | Lower Ground Floor: | | | | | - N Elevation | 2.205m | 2.205m | 900mm | Yes | - S Elevation | 2.385m | 2.385m | 900mm | Yes | Ground Floor | | | | | - N Elevation | 2.205m | 2.205m | 900mm - 1.5m* | Yes | - S Elevation | 2.385m | 2.385m | 900mm - 1.5m* | Yes | First Floor | | | | | - N Elevation | 2.205m | 2.205m | 1.5m – 2.5m* | Yes/No | - S Elevation | 2.385m | 2.385m | 1.5m | Yes |
| Elevation | Existing | Proposed | Control | Complies | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lower Ground Floor: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - N Elevation | 2.205m | 2.205m | 900mm | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - S Elevation | 2.385m | 2.385m | 900mm | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground Floor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - N Elevation | 2.205m | 2.205m | 900mm - 1.5m* | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - S Elevation | 2.385m | 2.385m | 900mm - 1.5m* | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| First Floor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - N Elevation | 2.205m | 2.205m | 1.5m – 2.5m* | Yes/No | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| - S Elevation | 2.385m | 2.385m | 1.5m | Yes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|---|------------------------------------|--|
| <p>Setback – Front</p> | <p>Yes</p> | <p>The proposal would result in a reduction in the front building setback by approximately 300mm to 7.6m. This is considered to be acceptable as it is generally consistent with the front boundary setback for the dwellings on the western side of Samora Avenue at 7m as illustrated in Figure 14 below.</p>  <p style="text-align: center;">Figure 14: Front building setbacks</p> |
| <p>Setback - Rear</p> | <p>Yes</p> | <p>The proposal would increase the rear boundary setback from 11.9m to 14.3m due to the proposed removal of an existing external staircase. The proposal also complies with the 10m minimum rear boundary setback as indicated in the DCP character statement for the Northern Foreshores Neighbourhood within the North Cremorne Planning Area.</p> |
| <p>Form Massing Scale Built Form Character</p> | <p>Yes</p> | <p>The design, form and massing of the proposed works are considered to be appropriate and generally consistent with the built form character of the locality including the adjoining properties.</p> |
| <p>Dwelling Entry</p> | <p>Yes</p> | <p>The existing dwelling entrance on the southern (side) elevation would be retained. The proposed awning above the dwelling entrance would provide an improved sense of address with weather protection.</p> |
| <p>Roofs</p> | <p>Yes</p> | <p>The roof form for the proposed roof extension is generally consistent with the roof form of the existing building and the surrounding development.</p> |
| <p>Materials</p> | <p>Yes (via condition)</p> | <p>The applicant has submitted a schedule of finishes and materials featuring tiled roof, rendered external walls in neutral tones and a sandstone cladding on the base of the dwelling. The proposal is considered to be generally satisfactory. A condition is recommended requiring the submission of a detailed schedule of materials, finishes and colours to ensure compatibility with the surrounding development (Condition C8).</p> |
| <p>1.5 Quality Urban Environment</p> | | |
| <p>Vehicle Access and Parking</p> | <p>No change</p> | <p>The proposal would not change the parking and vehicular access arrangements via the existing driveway off Samora Avenue</p> |

| <p>Site Coverage Inbuilt Upon Area Landscaped Area</p> | <p>No (acceptable on merit and via condition)</p> | <p>A table is provided below demonstrating the level of compliance with the provisions in NSDCP 2013 for site coverage, unbuilt upon areas and landscaped area:</p> <table border="1" data-bbox="683 367 1375 784"> <thead> <tr> <th>Site Area: 538.9sqm</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site coverage (Max 40%)</td> <td>164.12sqm (30.5%)</td> <td>158.77sqm (29.5%)</td> <td>Yes</td> </tr> <tr> <td>Unbuilt Upon Area (Max 20%)</td> <td>181.2sqm (33.6%)</td> <td>185.82sqm (34.5%) 175.82sqm* (32.6%)</td> <td>No</td> </tr> <tr> <td>Landscaped Area (Min 40%)</td> <td>193.58sqm (35.9%)</td> <td>194.31sqm (36%) 204.31sqm* (37.9%)</td> <td>No</td> </tr> </tbody> </table> <p>* with the imposition of a condition requiring additional soft landscaping (Condition C2).</p> <p>The proposal would result in a reduction in site coverage to comply with the DCP (29.5%). However, the existing unbuilt upon area and landscaped area do not comply with the DCP requirements and the proposal would result in additional paved area due to the proposed removal of the existing rear staircase and paving on the footprint of this structure.</p> <p>It is recommended that a condition be imposed requiring additional soft landscaping to replace the paving on the footprint of the existing external staircase at the rear and the addition of a planter along the northern (side) property boundary within northern side setback to enhance the landscape quality within the subject site and the locality (Condition C2)</p> <p>Additional soft landscaping</p>  <p>Figure 15 : Additional Soft Landscaping</p> | Site Area: 538.9sqm | Existing | Proposed | Complies | Site coverage (Max 40%) | 164.12sqm (30.5%) | 158.77sqm (29.5%) | Yes | Unbuilt Upon Area (Max 20%) | 181.2sqm (33.6%) | 185.82sqm (34.5%) 175.82sqm* (32.6%) | No | Landscaped Area (Min 40%) | 193.58sqm (35.9%) | 194.31sqm (36%) 204.31sqm* (37.9%) | No |
|---|---|---|------------------------|----------|----------|----------|------------------------------------|----------------------|----------------------|-----|--|---------------------|---|----|--|----------------------|---|----|
| Site Area: 538.9sqm | Existing | Proposed | Complies | | | | | | | | | | | | | | | |
| Site coverage (Max 40%) | 164.12sqm (30.5%) | 158.77sqm (29.5%) | Yes | | | | | | | | | | | | | | | |
| Unbuilt Upon Area (Max 20%) | 181.2sqm (33.6%) | 185.82sqm (34.5%) 175.82sqm* (32.6%) | No | | | | | | | | | | | | | | | |
| Landscaped Area (Min 40%) | 193.58sqm (35.9%) | 194.31sqm (36%) 204.31sqm* (37.9%) | No | | | | | | | | | | | | | | | |
| <p>Landscaping</p> | <p>Yes (via condition)</p> | <p>As mentioned earlier in this report, Council’s Landscape Officer has recommended conditions requiring protection of existing trees and planting of new/replacement trees. Additional soft landscaping would be required in order to provide improved landscaping for the subject site (Condition C2).</p> | | | | | | | | | | | | | | | | |
| <p>1.6 Efficient Use of Resources</p> | | | | | | | | | | | | | | | | | | |
| <p>Energy Efficiency</p> | <p>Yes</p> | <p>The applicant has submitted a BASIX certificate to demonstrate complies with the energy efficiency requirements.</p> | | | | | | | | | | | | | | | | |

Relevant Planning Area (North Cremorne Planning Area) – Part C of NSDCP 2013

The proposal has also been assessed against Part C of North Sydney DCP 2013 in particular Section 5 of the Character Statement for North Cremorne Planning Area and Section 5.4 for the Benelong and Northern Foreshore Neighbourhoods. The proposal is generally consistent with the characteristic building elements as specified in 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 contributions payable have been calculated in accordance with Council's Contributions Plan as follows:

Contribution amounts payable

| Applicable contribution type | | |
|--|-------------------|--------------|
| s7.12 contribution details | Development cost: | \$837,100.00 |
| <i>(payment amount subject to indexing at time of payment)</i> | Contribution: | \$8,371.00 |

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|--|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision | Yes |
| 5. | Traffic generation and Carparking provision | Yes |
| 6. | Loading and Servicing facilities | N/A |
| 7. | Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |
| 8. | Site Management Issues | Yes |

- | | | |
|----|---|-----|
| 9. | All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979 | Yes |
|----|---|-----|

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R2 (Low Density Residential) zone where alterations and additions to an existing dwelling are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory.

The application proposes alterations and additions to an existing two storey detached dwelling that is a permissible form of development in the R2 Low Density Residential Zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP. It is considered that the variation to the building height development standard could be supported because the building elements in breach of the LEP building height development standard would not cause material impacts on the amenity of the adjoining properties as well as the character of the locality.

The proposal generally complies with DCP's setback and site coverage requirements. The unbuilt upon and landscaped areas of the existing site do not comply with the relevant DCP requirements. Consequently, a condition has been recommended requiring additional landscaping treatments to increase soft landscaping within the subject site. Furthermore, additional window treatments are recommended to protect visual privacy for an adjoining property to the south of the subject site.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to the imposition of standard and site specific conditions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Willoughby Bay Precinct inviting comment between 10 December 2021 and 18 January 2022. The notification has attracted no submissions.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 (Maximum Building Height) and grant consent to Development Application No.413/21 for alterations and additions to an existing dwelling house on land at No.1B Samora Avenue, Cremorne, subject to the following site specific and attached standard conditions:-

Visual Privacy Protection

C1. Opaque/translucent glazing shall be applied to the following windows on the southern elevation of the building to protect visual privacy of the adjoining property at No.1 Samora Avenue:

- (a) W11 and W20; and
- (b) the lower panes of W19, W21 and W22

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

(Reason: To protect visual privacy for the adjoining property.)

Landscaping Treatments

C2. The following landscaping treatments shall be provided to enhance the landscaping quality of the subject site:

- (a) The area within the rear yard occupied by the footprint of the external staircase at the rear of the main dwelling to be removed as part of this application; and
- (b) A new planter bed with soft landscaping, measuring 10.6m in length and 650mm in width, shall be provided to replace the existing paving within the northern side building setback along the northern property boundary as marked in red on the approved plans. The new planter bed shall provide a continuous soft landscaping strip along the northern property boundary connecting the existing garden beds on the eastern and western sides of the subject property; and
- (c) Planting of 1 x *Melaleuca armillaris* (75l) within the rear yard of the subject site.

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

(Reason: To enhance landscaping quality within the subject site.)

Robin Tse
SENIOR ASSESSMENT OFFICER

Robyn Pearson
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
1B SAMORA AVENUE, CREMORNE
DEVELOPMENT APPLICATION NO. 413/21

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 |
|----------|----------------------|-------------|------------|
| 02 | Roof Plan - Proposed | Living Lot | 21/03/2022 |
| 04 | LGF Plan – Demo | Living Lot | 21/03/2022 |
| 05 | LGF Plan - Proposed | Living Lot | 21/03/2022 |
| 07 | GF Plan – Demo | Living Lot | 21/03/2022 |
| 08 | GF Plan - Proposed | Living Lot | 21/03/2022 |
| 10 | L1 Plan – Demo | Living Lot | 21/03/2022 |
| 11 | L1 Plan – Proposed | Living Lot | 21/03/2022 |
| 13 | NE & SW Elevations | Living Lot | 21/03/2022 |
| 14 | NW Side Elevation | Living Lot | 21/03/2022 |
| 15 | SE Side Elevation | Living Lot | 21/03/2022 |
| 16 | Long Sections | Living Lot | 21/03/2022 |
| 17 | Short Sections | Living Lot | 21/03/2022 |

(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)

**1B SAMORA AVENUE, CREMORNE
DEVELOPMENT APPLICATION NO. 413/21**

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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)

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

- C1. Opaque/translucent glazing shall be applied to the following windows on the southern elevation of the building to protect visual privacy of the adjoining property at No.1 Samora Avenue:

- (a) W11 and W20; and
- (b) the lower panes of W19, W21 and W22

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

(Reason: To protect visual privacy for the adjoining property.)

Landscaping Treatments

- C2. The following landscaping treatments shall be provided to enhance the landscaping quality of the subject site:

- (a) The area within the rear yard occupied by the footprint of the external staircase at the rear of the main dwelling to be removed as part of this application;
- (b) A new planter bed with soft landscaping, measuring 10.6m in length and 650mm in width, shall be provided to replace the existing paving within the northern side building setback along the northern property boundary as marked in red on the approved plans. The new planter bed shall provide a continuous soft landscaping strip along the northern property boundary connecting the existing garden beds on the eastern and western sides of the subject property; and
- (c) Planting of 1 x *Melaleuca armillaris* (75litre) within the rear yard of the subject site.

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

(Reason: To enhance landscaping quality within the subject site.)

Dilapidation Report Damage to Public Infrastructure

- C3. 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)

Structural Adequacy of Existing Building

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

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

Sediment Control

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

**1B SAMORA AVENUE, CREMORNE
DEVELOPMENT APPLICATION NO. 413/21**

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

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

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

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

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

Waste Management Plan

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

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

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

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

Skylight(s)

- C7. 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)

External Colours and Finishes

- C8. The external colours and finishes, in addition to those specified in the submitted Schedule of External Finishes, prepared by Living Lot and received by Council on 29 November 2021, shall match those as existing and/or be compatible with surrounding development. A detailed schedule of external colours and finishes, based on the abovementioned submitted Schedule of External Finishes, prepared by Living Lot, 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 issues Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Roofing Materials - Reflectivity

- C9. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

- C10. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Stormwater Disposal

- C11. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

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

- C12. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$4,000.00 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

- C13. Prior to the issue of any construction certificate, security in the sum of \$11,000.00 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

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would have attained at the completion of the work.

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

SCHEDULE

| Tree | Location | Height (m) |
|----------------------|--|-------------------|
| 3x camellia sasanqua | Council verge in front of the subject site | 1.8m |
| 1 x Photinia robusta | Council verge in front of the subject site | 4m |

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

Protection of Trees

C14. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

| Tree | Location | Height (m) |
|----------------------|--|-------------------|
| 3x camellia sasanqua | Council verge in front of the subject site | 1.8m |
| 1 x Photinia robusta | Council verge in front of the subject site | 4m |
| 1 x Melaleuca asp. | Within the front setback of the adjoining property at No.1 Samora Avenue | 8m |
| Mixed hedges | Within the front setback of the adjoining property at No.1 Samora Avenue | 4m |

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.

No approval is granted for pruning of the trees contained in the above table.

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

Garbage and Recycling Facilities

C15. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Asbestos Material Survey

C16. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Section 7.12 Contributions

- C17. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is:

| Applicable contribution type | | |
|--|-------------------|--------------|
| s7.12 contribution details | Development cost: | \$837,100.00 |
| <i>(payment amount subject to indexing at time of payment)</i> | Contribution: | \$8,371.00 |

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C18. 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) | \$11,000.00 |
| Footpath Damage Bond | \$4,000.00 |
| TOTAL BONDS | \$15,000.00 |

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Note: The following fees applicable

| | |
|----------------------------|-------------------|
| Fees | |
| Section 7.12 Contributions | \$8,371.00 |
| TOTAL FEES | \$8,371.00 |

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

(Reason: Compliance with the development consent)

BASIX Certificate

- C19. 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. A437283 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

Protection of Trees

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

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

Temporary Fences and Tree Protection

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

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

| Tree | Location | Height (m) |
|----------------------|--|-------------------|
| 3x camellia sasanqua | Council verge in front of the subject site | 1.8m |
| 1 x Photinia robusta | Council verge in front of the subject site | 4m |
| 1 x Melaleuca asp. | Within the front setback of the adjoining property at No.1 Samora Avenue | 8m |
| Mixed hedges | Within the front setback of the adjoining property at No.1 Samora Avenue | 4m |

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

Public Liability Insurance - Works on Public Land

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

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

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

Commencement of Works' Notice

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

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

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

Dust Emission and Air Quality

E4. 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

E5. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

E6. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

E7. The applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E8. 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

- E9. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

E10. 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)

Installation and Maintenance of Sediment Control

E11. 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

- E12. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E13. 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

- E14. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

- E15. 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

- E16. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed

that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

E17. 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

E18. 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:

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- 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)

Demolition

- F6. 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

- F7. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

- F8. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

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

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

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

(Reason: Maintain quality of public assets)

Damage to Adjoining Properties

- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

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Utility Services

- G3. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Asbestos Clearance Certificate

- G4. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

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

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

Certification of Tree Condition

- G5. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below:

| Tree | Location | Height (m) |
|-----------------------------|--|-------------------|
| 3x <i>camellia sasanqua</i> | Council verge in front of the subject site | 1.8m |
| 1 x <i>Photinia robusta</i> | Council verge in front of the subject site | 4m |
| 1 x <i>Melaleuca asp.</i> | Within the front setback of the adjoining property at No.1 Samora Avenue | 8m |
| Mixed hedges | Within the front setback of the adjoining property at No.1 Samora Avenue | 4m |

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

- G6. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:
- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
 - (b) the disposal points and methods used.

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

BASIX Completion Certificate

- G7. 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)

Required Tree Planting

- G8. On completion of works and prior to the issue of an Occupation Certificate trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

Schedule

| Tree | Location | Pot Size |
|---------------------------------|--|----------|
| 1 x <i>Melaleuca armillaris</i> | Within the rear yard of the subject site | 75 Litre |

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

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

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

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Unpaved Verge

- G9. 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)

Compliance with Certain conditions

- G10. Prior to the issue of any Occupation Certificate, Conditions C1 and C2 must be certified as having been implemented on site and complied with.

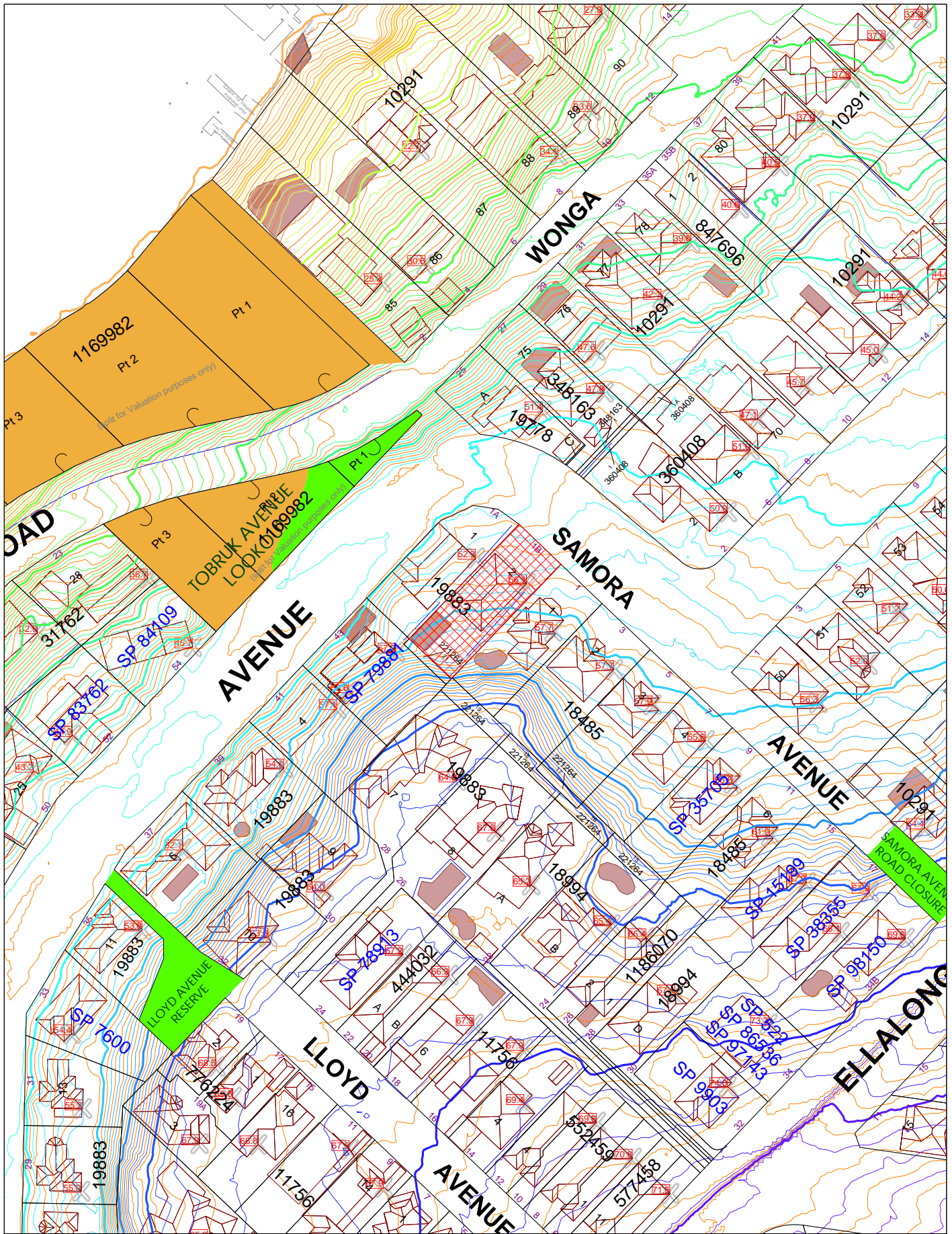
(Reason: To ensure the development is completed in accordance with the requirements of this consent)

I. Ongoing/Operational Conditions

Single Occupancy

- I1. Nothing in this consent authorises the use of the premises other than for a single occupancy.

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



North Sydney Council

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



EXCEPTIONS TO DEVELOPMENT STANDARDS NORTH SYDNEY LEP 2013 - CLAUSE 4.6 VARIATION

Proposal - The proposal involves alterations and additions to an existing two storey dwelling.

Property - No. 1B Samora Avenue, Cremorne

Standard - Variation relates to the development standard contained within North Sydney Local Environmental Plan 2013 concerning;

Clause 4.3 – Height of buildings.

1.0 POLICY AND GUIDELINES FOR ITS APPLICATION

Clause 4.6 – Exceptions to development standards under North Sydney Local Environmental Plan 2013 (LEP), permits flexibility in the application of development standards where it can be shown that strict compliance is justified by not contravening the subject development standard by demonstrating, the following under Clause 4.6 (3) (a) and (b):

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The relevant justification is the identification of the objective of the particular standard to be varied and whether or not the proposed development is consistent with the underlying object or purpose of that standard and with the broader planning objectives for the locality. It is not sufficient merely to demonstrate that a proposed development will have no harmful environmental effects, or that it is compatible with existing surrounding development where such development does not comply with a development standard or is inconsistent with the broader planning objectives for the locality.

2.0 DEVELOPMENT STANDARD SOUGHT TO BE VARIED

2.1 Clause 4.3 (2) – Height of buildings

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

The intended alterations and additions to the dwelling will result in an amended building height commencing from 8.5 metres (approximate gutter line) marginally increasing through the revised hip roof pitch to the existing 10.6 metres maximum for the existing roof ridge line.



It should be noted at this stage, that the existing dwelling's roof ridgeline is an existing 10.6 metres, and will not be altered by this proposal, refer to **figure 12** below.

3.0 ZONE OBJECTIVES - CONSIDERATION

Prior to the consideration of Clause 4.6, the zone objectives first need to be addressed and the permissibility of the development proposal resolved. The site is zoned R2 - Low Density Residential. The zoning objectives are reproduced below and discussed against the proposal:

“Zone R2 - Low Density Residential

“1 Objectives of zone

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

1. To provide for the housing needs of the community within a low density residential environment.

Comment - The development proposal increases the rear elevation of the building and introduces a first floor balcony off the master bedroom and home office at the front elevation. The design concept extends to roof profile over these additions for weather protection, for window and door shading to meet BASIX compliance requirements and visual appearance. The revised roof pitch extends the roof plate and thus the roof outline (refer to **figure 12** below).

Overall, the proposed improvements to the dwelling provides the needs of the owners while maintaining the low density development environment.

2. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment - the intended refurbishments to the dwelling that result in the marginal increase in roof footprint/pitch will not be in conflict with the abovementioned objective as the proposal improvements by design, to each floor level accommodates the daily amenity needs of the owners without impacting on neighbours.

3. To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.

Comment - the development proposal is an expectancy of residents to upgrade their residential amenity where possible, both internally and externally. The proposal before Council is unassuming and does not include any additional floor level that may introduce a loss of views and increased overshadowing. In this case, the roof ridgeline remains as existing. It is our view that the proposal meets the expectations of the above objective by upholding the amenity of the adjoining and surrounding residential character.



4. **To ensure that a high level of residential amenity is achieved and maintained.**

Comment - the development proposal has been prudently designed with the consideration of surrounding similar development that has taken place either with new development or with dwellings with major alterations and additions. The increase in building height does not involve an increase in roof ridgeline and conserves a hip profile to maintain views over the subject property. This design approach ensures that surrounding neighbours maintain their existing high level of residential amenity. To this end, the maximum building height as proposed would not play any significant role in compromising the required outcome desired by the LEP or DCP standards/objectives, for height control under clause 4.3.

4.0 **CONSIDERATIONS under CLAUSE 4.6 of LEP 2013**

4.1 **What is the underlying object or purpose of the standard?**

Clause 4.3 – Height of buildings

"(1) The objectives of this clause are as follows"..... with an assessment against the proposed development.

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

Comment - as detailed elsewhere, the proposed alterations and additions acknowledge the topography of the site and does not introduce any building work that involves the stepping of any floor levels. The resultant dwelling will sit as existing and not extensively impose on the natural landform.

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

Comment – as detailed above, the existing roof ridgeline will be retained and is not to be increased. The building height in question is only the hip end pitch and minor increase in roof perimeter. This outcome preserves views over the dwelling for surrounding properties. (refer to **Figure 12**)

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

Comment – *the proposal does not involve reduced boundary setbacks or the increase in overall height of the dwelling, such as the roof ridgeline. This design outcome that also involves the removal of the external laundry and stairs at the rear of the dwelling marginally improves solar access, preserves solar access to adjoining properties.*

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

Comment – the proposed alterations and additions result in the preservation of visual and acoustic privacy towards adjoining properties with purposeful placement of windows and a front facing balcony off a bedroom and home business room.

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

Comment – the proposed work is consistent with the adjoining and surrounding residential character and is not adjoining other zone boundaries.

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

Comment – the development proposal does not increase the low density zoning and visually promotes the residential character of the precinct.

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

Comment – the development proposal visually maintains the existing two story above garage built form when viewed from the public place and surrounding properties.



Figure 12 The finished NW side elevation. (this copy is not to scale)

Figure 12 above, is a representation of the resultant physical building height increase circled in red. As can be viewed, the dwelling itself has not been increased in height, but only for the numerical increase of the roof extension over the new additions thus, marginally increasing the roof perimeter with a revised hip roof pitch.

This outcome is an acceptable planning outcome as the non-compliance in building height under clause 4.3 does not impose on adjoining or surrounding properties in terms of;

- Loss of sunlight via significant increase in overshadowing.
- Loss of iconic views over the existing dwelling.
- Detrimental impact on the visual and acoustic privacy



Overall, the proposed development has been appropriately assessed against the relevant aims of LEP 2013 and R2 zone objectives. The proposed development does not detrimentally compromise or conflicts with existing residential character of adjoining or surrounding residential properties.

4.2 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

In determining whether a development standard should be set aside to permit the granting of development consent, it must be demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case having regard to the stated and underlying objectives, the intent of the standard and the broader planning objectives for the locality.

Clause 4.6 (3) (a) and (b) of the LEP is reproduced below;

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

4.4 - Consideration of Clause 4.6(3)(a)(b) is addressed in detail below;

- **The development standard subject to the variation request.**

Under the provisions of clause 4.3 (2) of the LEP 2013, the subject land has a maximum building height 8.5 metres which has been exceeded by a range from a complying 8.5 metres to a maximum existing non-complying height of 10.6 metres.

(a) Demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances.

- **The objectives of the development standard are achieved notwithstanding non-compliance with the standard.**

The objectives of the development standard have been addressed under section 4.1 above, noting that the proposal, by design, is in general compliance with the DCP objectives and provisions. This design approach that involves the roof pitch and increase in roof perimeter, only increases the roof height of the revised hip design extending to the existing roof ridgeline. This minimises any perceived increase in bulk and scale with no discernible loss of natural sunlight or view loss for adjoining properties. On this basis, the development with the revised roof design overwhelmingly meets the underlying clause 4.3 objectives.



- **The underlying objectives or purpose would be defeated or thwarted if compliance was required.**

As detailed above, the proposed exceedance in building height is not visually dominant from the public place or from neighbouring properties as the roof pitch will appear to remain the same. Other controls such as the existing building height and boundary setbacks are generally unchanged.

Consequently, if Council were to enforce strict compliance with the maximum building height restriction in this case by the intended design, the objectives would frustrate any purposeful positive improvement to the subject dwelling achieving Council's zone objectives.

- **Environmental planning grounds to justify contravening the building height development standard.**

In terms of the locality being of an appropriate zoning, Samora Avenue and surrounding streets permit similar building improvements to that now proposed. The R2 zoning is appropriate, with the subject development proposal not compromising the zoning objectives, it will not detrimentally impact adjoining properties with regards to any significant loss of views, solar access, or loss of visual and acoustic privacy.

The specific structure that exceeds the maximum building height only involves the revised hip roof pitch design. This structure, which is located only at the front and rear of the roof area, is not viewed as a dominating roof element. The proposed exceedance in building height in this circumstance is reasonable and poses no serious detrimental impact on overshadowing or view loss to adjoining properties.

- **Is the development proposal in the public interest? - Clause 4.6(4)(a)(ii)**

The development proposal and minor exceedance in building height is considered acceptable and consistent within the streetscape environment and not something that the community would strongly perceive to be an inappropriate planning outcome for such a low density building improvement, while maintaining housing choice and amenity.

When considering that the building will maintain complying boundary setbacks, building bulk and scale and visual amenity, compliance with the building height development standard is unreasonable and unnecessary in the circumstance and would not pose any significant risk to the public interest.

In summing up – The minor non-compliance in building height development standard, is reasonable in the circumstance and is not visually reflected in terms of the proposed dwelling being overwhelmingly non-compliant with other LEP or DCP objectives/controls.

Although there is a non-compliance in the revised building height development standard, the relevant Land and Environment Court of NSW 'Planning Principles' have been considered and we are of the opinion that they have not been seriously compromised thus, confirming that the development proposal maintains a positive planning outcome for the public interest.

In terms of environmental impact, we are of the belief that there is no detrimental impact on the natural or built environment outside the proposed building footprint, (with the exception of the swimming pool, which will be compliant) or any cumulative impact on land adjoining.



Overall, the said non-compliance is negligible and does not compromise the relevant provisions and objectives of the R2 zoning, the development standard objectives, or the aims of LEP 2013.

4.5 Granting of development consent.

For Council to be satisfied, Clause 4.6 (4) of the LEP is to be considered against the development proposal. Clause 4.6 (4) is reproduced below:

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Director-General has been obtained.

Comment - This written request to council for consideration of a variation to the building height development standard development standard has appropriately addressed subclause (3) above and has demonstrated that the development is not in conflict with the public interest and vastly improves the existing internal habitable amenity for the owners with no material impact to neighbours. Therefore, the development proposal is not inconsistent with the intent of the development standard, the objectives within the R2 Zone or LEP 2013.

4.6 Is the exception to the development standard well founded?

For all the above reasons, the exception is well founded and supports an application for consent to the development proposal, which is non-compliant with the building height development standard under Clause 4.3 (2) of LEP 2013. The proposal will provide for a positive outcome for the community and will not give rise to any significant environmental impact on the natural or man-made surroundings or for adjoining properties. This is essentially due to maintaining compliance with boundary setbacks, landscaping, and building form.

The flexibility provided by Clause 4.6 of the LEP is appropriate under the circumstances and strict compliance with the said development standard is both unreasonable and unnecessary. Accordingly, the above non-compliance is therefore well founded.



5.0 CONCLUSION

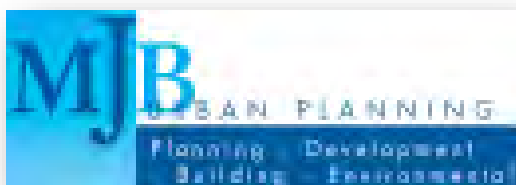
To this end, the overall development is seen to meet Council's relevant planning objectives for the site, environmental amenity and being in the public interest, while being compatible with Council's policies for economical sustainable development. Accordingly, the overall proposal is well thought-out and consistent with the said development standard for the reasons outlined in detail above.

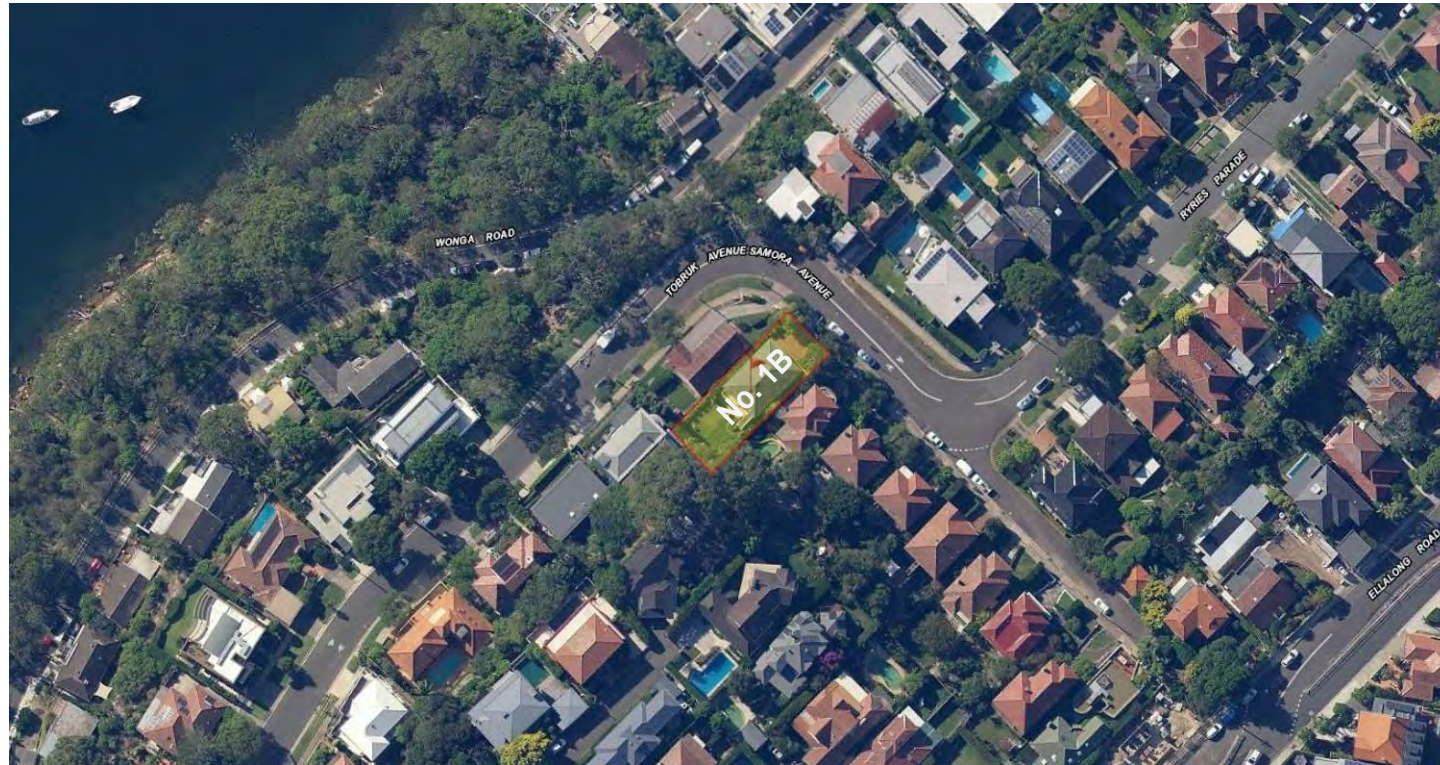
The proposed development satisfies Clause 4.6 (3) of the LEP 2013 in that it is consistent with the proper management and conservation of the natural and man-made resources of the land in accordance with the objects of the Environmental Planning and Assessment Act 1979.

Therefore, compliance with the building height development standard as proposed is therefore, unnecessary, and unreasonable in the circumstances of the case, and refusal of the development application on the stated matter is not warranted. For the reasons set out above, the proposed departure from the said development standard is well founded.

A handwritten signature in black ink, appearing to read 'Michael Buckley'.

Michael Buckley -
Consultant Town Planner
Principal - MJB Urban Planning
PO Box 341,
GYMEA NSW 2227 Mobile: 0400 218 669





Location Map

Source: <https://maps.six.nsw.gov.au>



Site Calculations:

Lot No/Section/DP: 2/-/DP19883 & 21/-/DP221264
Land Zoning: R2 - Low Density Residential
Site Area: 538.9 m²

| CALCULATION | CONTROL | EXISTING | PROPOSED | COMPLIANCE |
|-------------------------|------------------------------|------------------------------|-------------------------------|-------------------------------------|
| Max. Site Coverage | 40% (215.56 m ²) | 30% (164.12 m ²) | 29% (158.77 m ²) | YES |
| Max. Un-built Upon Area | 20% (107.78 m ²) | 33% (181.20 m ²) | 34% (185.82 m ²)* | NO (but Site Cover well under Max.) |
| Min. Landscaped Area | 40% (215.56 m ²) | 35% (193.58 m ²) | 36% (194.31 m ²)* | NO (but increased from existing) |
| Max. Building Height | 8.5 m | 10.6 m | 10.6 m | NO (existing) |
| Setbacks | Front | 7.960 m | 7.660 m | |
| | Rear | 11.995 m | 14.325 m | |
| | Side (NW) | 2.205 m | No change | |
| | Side (NE) | 2.285 m | No change | |

DRAWING NOTES:

All dimensions in millimetres unless otherwise stated.
 All levels to AHD (Australian Height Datum).
 Works to be in accordance with the National Construction Code, Australian Standards and all other governing authorities concerned.



Development Application Drawings

1B Samora Avenue, Cremorne NSW 2090

Contents

| Sheet: | Sheet Name: |
|--------|--------------------------------|
| 01 | Site & Roof Plan - Existing |
| 02 | Site & Roof Plan - Proposed |
| 03 | LGF Plan - Existing |
| 04 | LGF Plan - Demo |
| 05 | LGF Plan - Proposed |
| 06 | GF Plan - Existing |
| 07 | GF Plan - Demo |
| 08 | GF & Landscape Plan - Proposed |
| 09 | L1 Plan - Existing |
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| 11 | L1 Plan - Proposed |
| 12 | Site Calculations |
| 13 | NE & SW Elevations - Proposed |
| 14 | NW Side Elevation - Proposed |
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| 16 | Long Sections |
| 17 | Short Sections |
| 18 | BASIX Requirements |
| 19 | Shadows 9am March 21st |
| 20 | Shadows 12pm March 21st |
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| 23 | Shadows 12pm June 21st |
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| 26 | Shadows 12pm September 21st |
| 27 | Shadows 3pm September 21st |
| 28 | 3D Views |

Attachments:

1. Site Survey prepared by Bee & Lethbridge
2. Statement of Environmental Effects prepared by MJB Urban Planning
3. BASIX Certificate prepared by LivingLot
4. Stormwater Plan, Sediment & Control Plan by NB Consulting Engineers

No. 1A

Lot 1
DP 19883
**One & Two Storey Brick,
Rendered & Clad House**
Tile & Metal Roof

Boundary 39.294 m

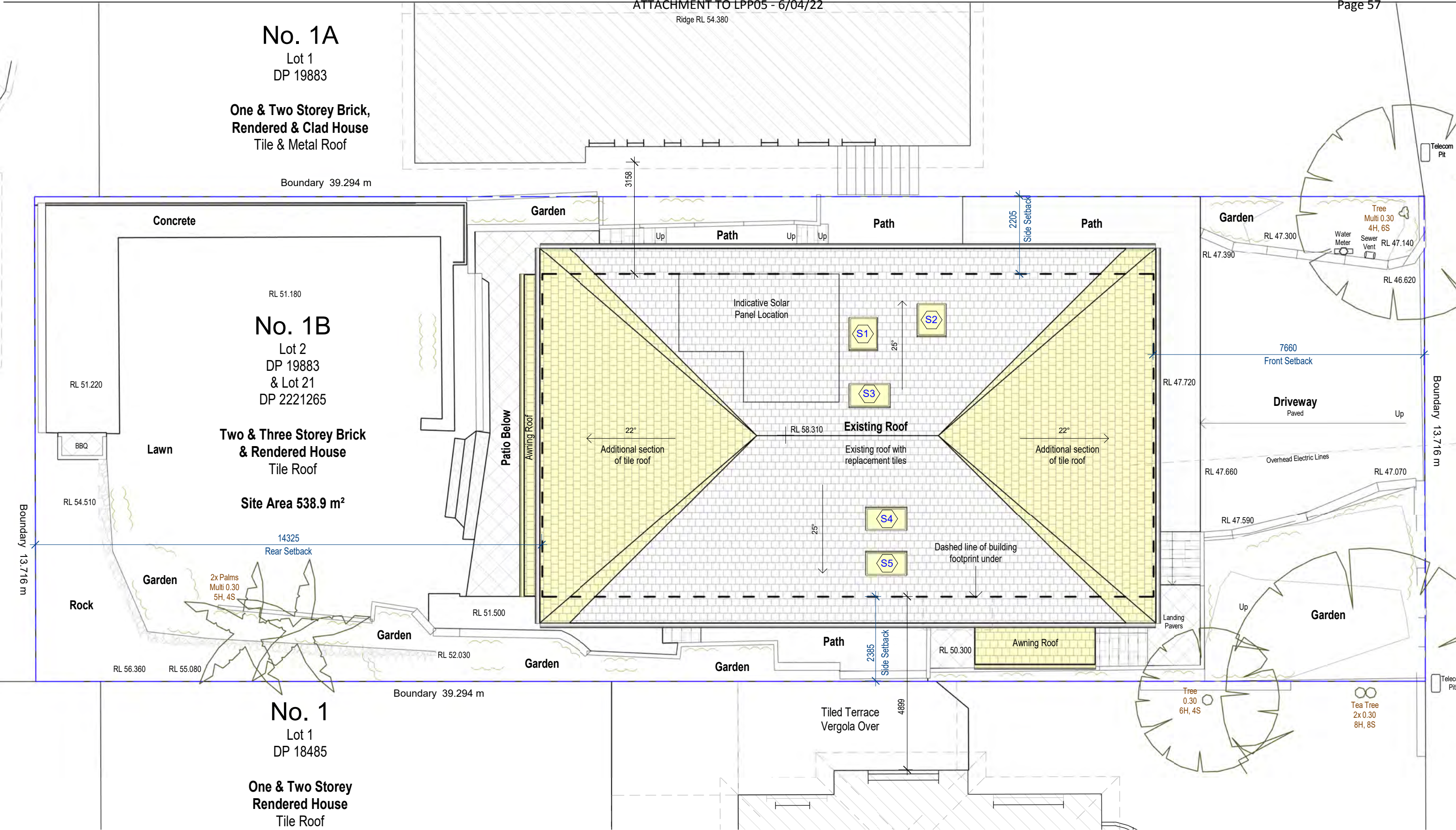
No. 1B

Lot 2
DP 19883
& Lot 21
DP 2221265
**Two & Three Storey Brick
& Rendered House**
Tile Roof

Site Area 538.9 m²

No. 1

Lot 1
DP 18485
**One & Two Storey
Rendered House**
Tile Roof



BASIX INSULATION REQUIREMENTS:
FLAT CEILING, PITCHED ROOF
Additional insulation required: ceiling: R2.50 (up), roof: foil/sarking
Other specifications: dark (solar absorptance 0.70)

ABBREVIATIONS:
Ex = Existing
FFL = Finished Floor Level
GF = Ground Floor
GL = Ground Level
L1 = Level 1

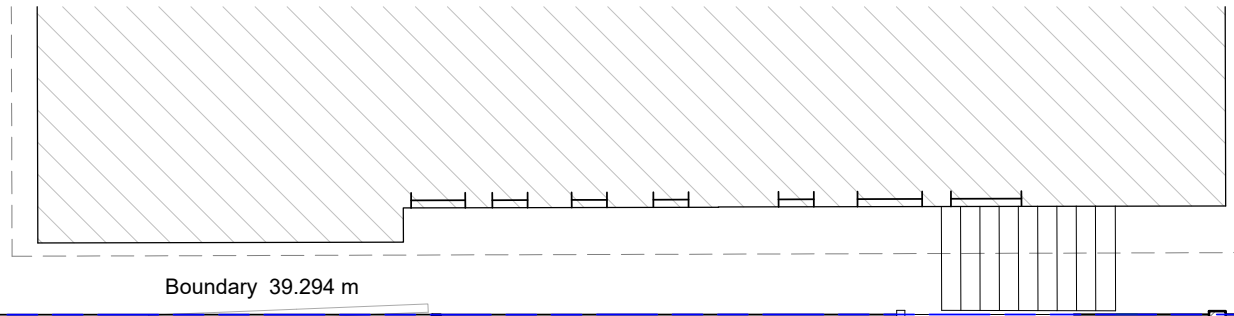
LEGEND:
[Yellow Box] = Proposed Development

1 Roof Plan - Proposed
1 : 100

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



Boundary 39.294 m

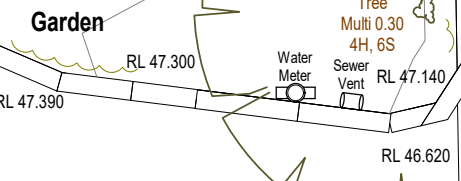
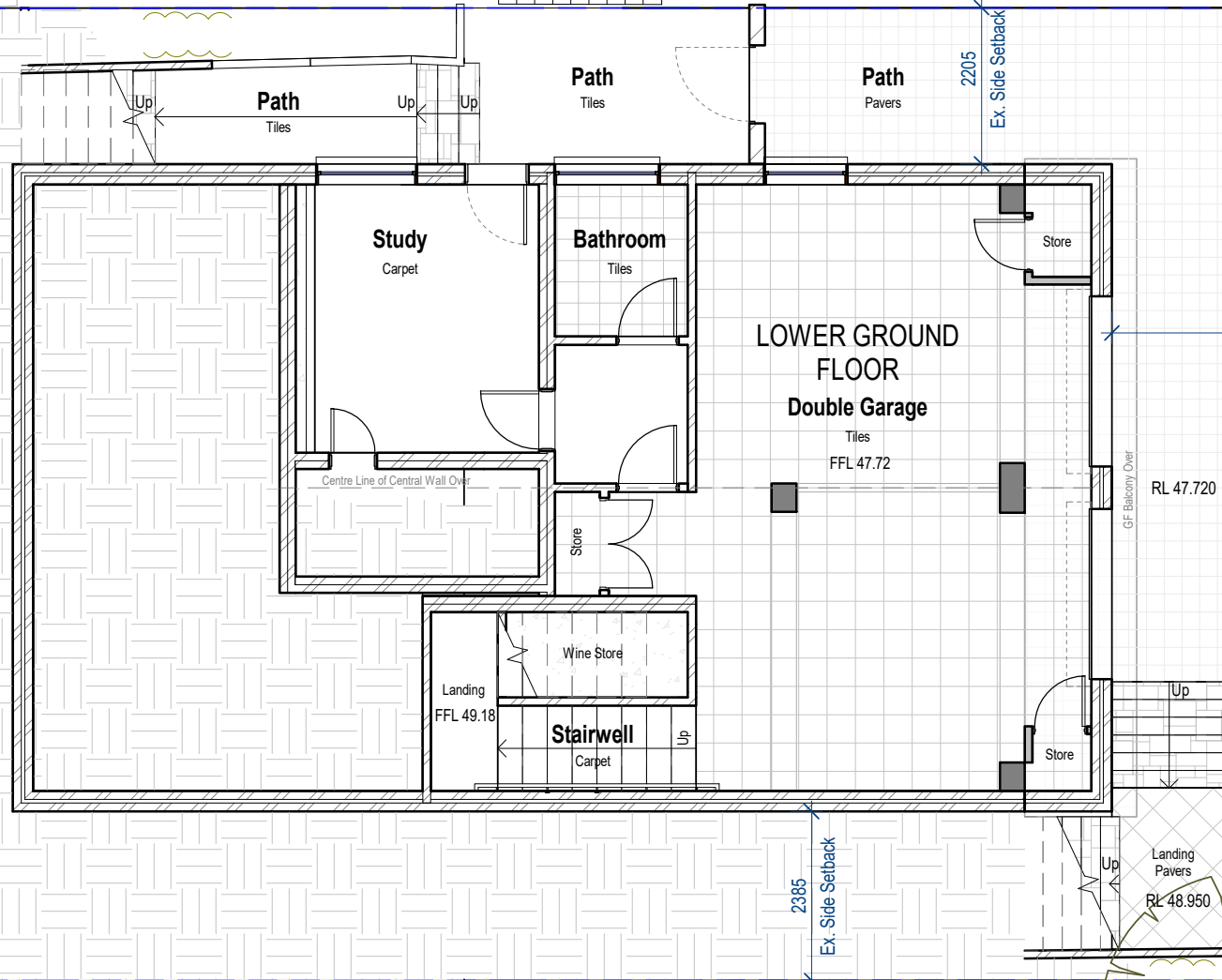
No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

Boundary 13.716 m



Ex. Front Setback 7960

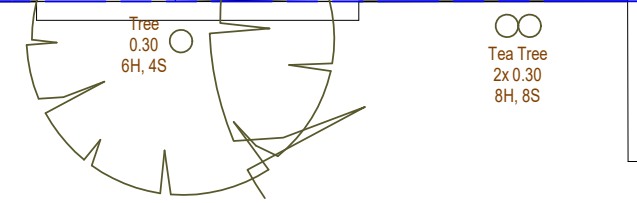
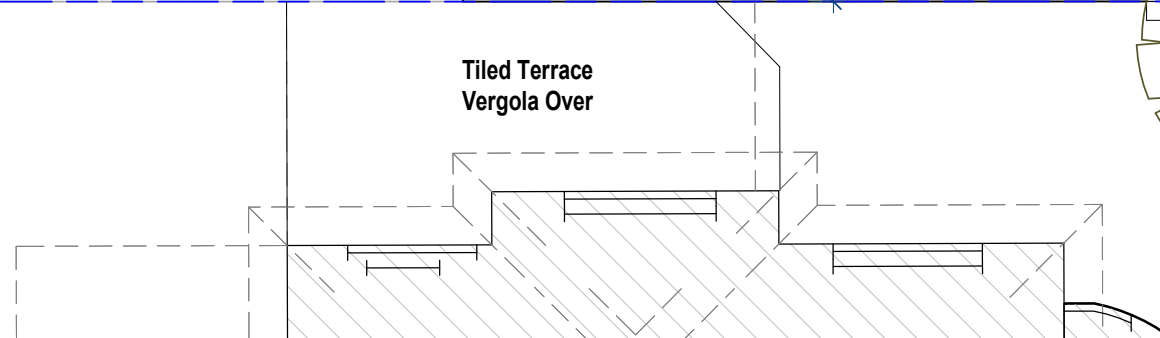
SAMORA AVENUE
Boundary 13.716 m

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof

Boundary 39.294 m

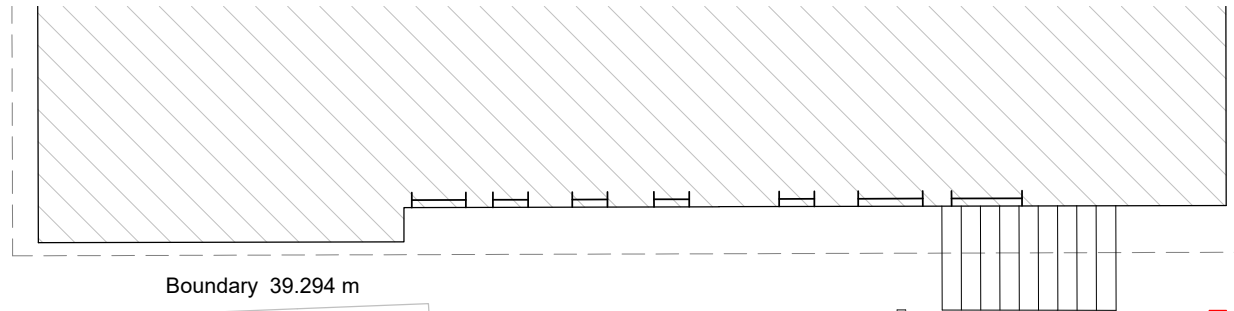


1 LGF Plan- Existing
1 : 100

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



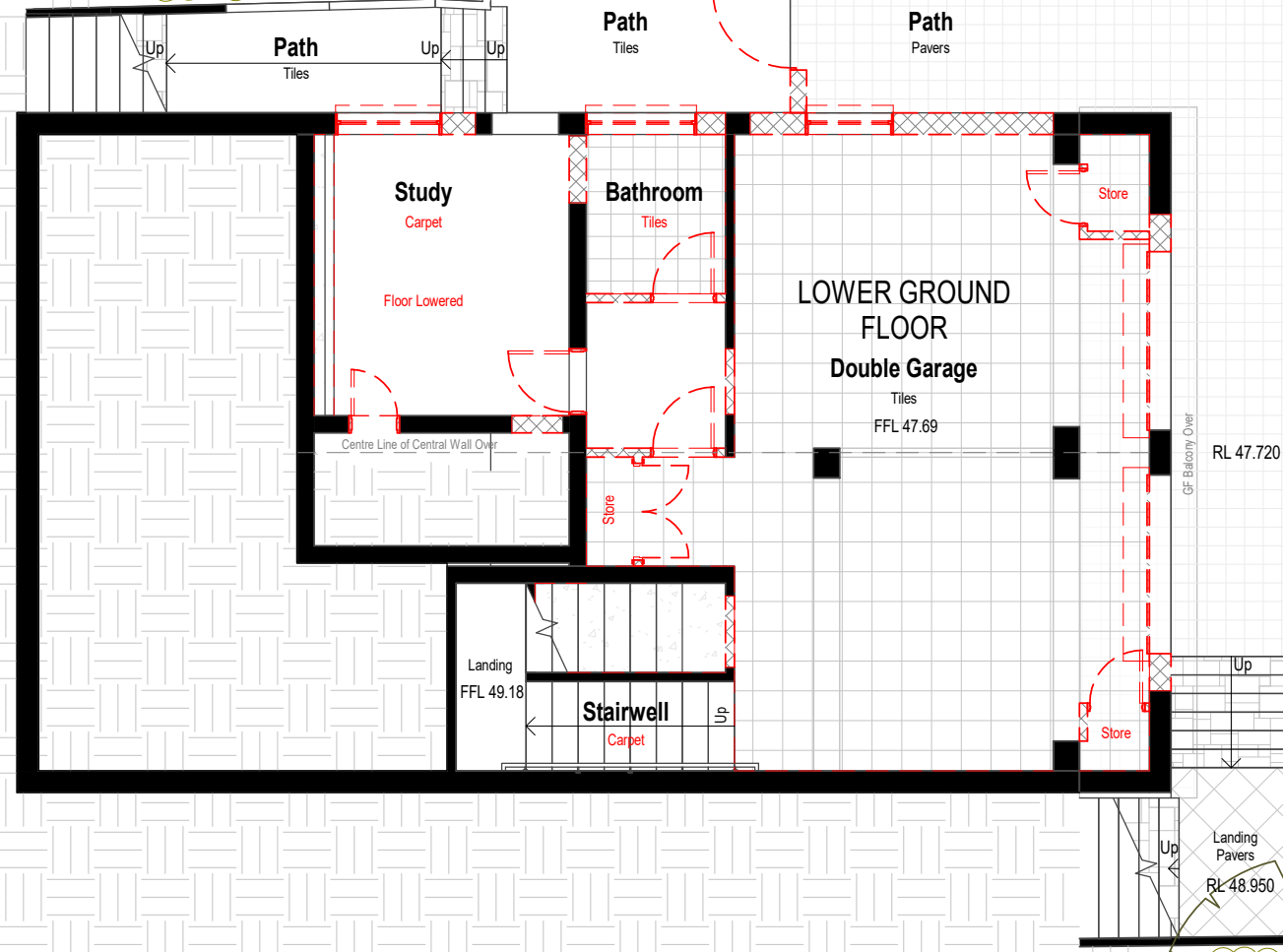
Boundary 39.294 m

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

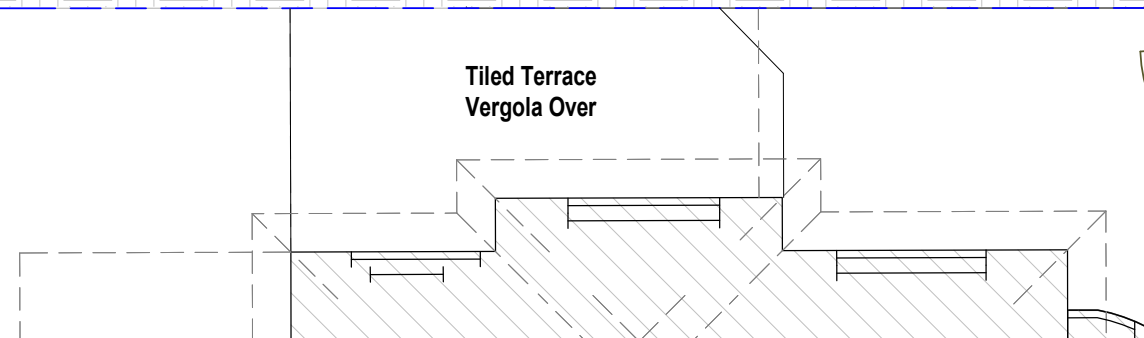


Boundary 39.294 m

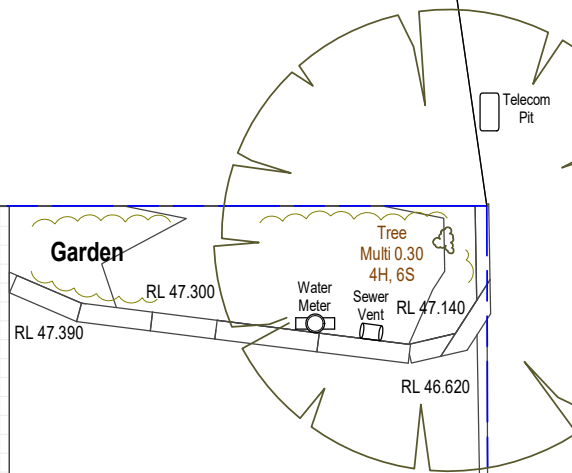
No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



Tiled Terrace
Vergola Over



Garden

Driveway
Paved

Garden

SAMORA AVENUE

Boundary 13.716 m

Boundary 13.716 m

DEMOLITION: All demolition work must be carried out in accordance with the provisions of Australian Standard 2601: The Demolition of Structures.

LEGEND

| | |
|--|-------------------------------------|
| | Existing structure to be demolished |
| | Existing building to remain |

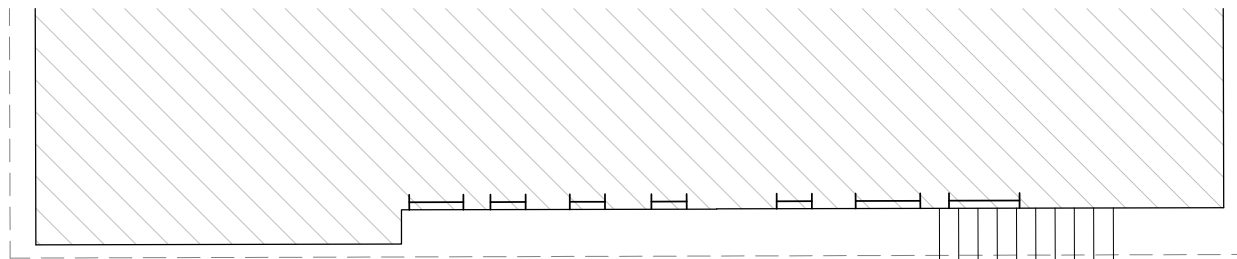
1 LGF Plan- Demo

1 : 100

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



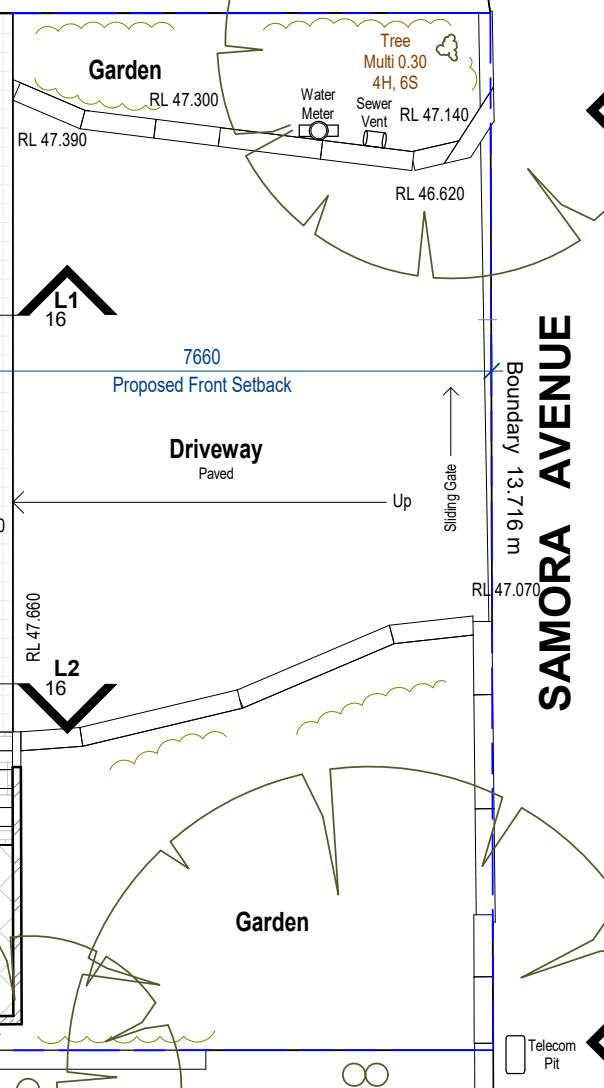
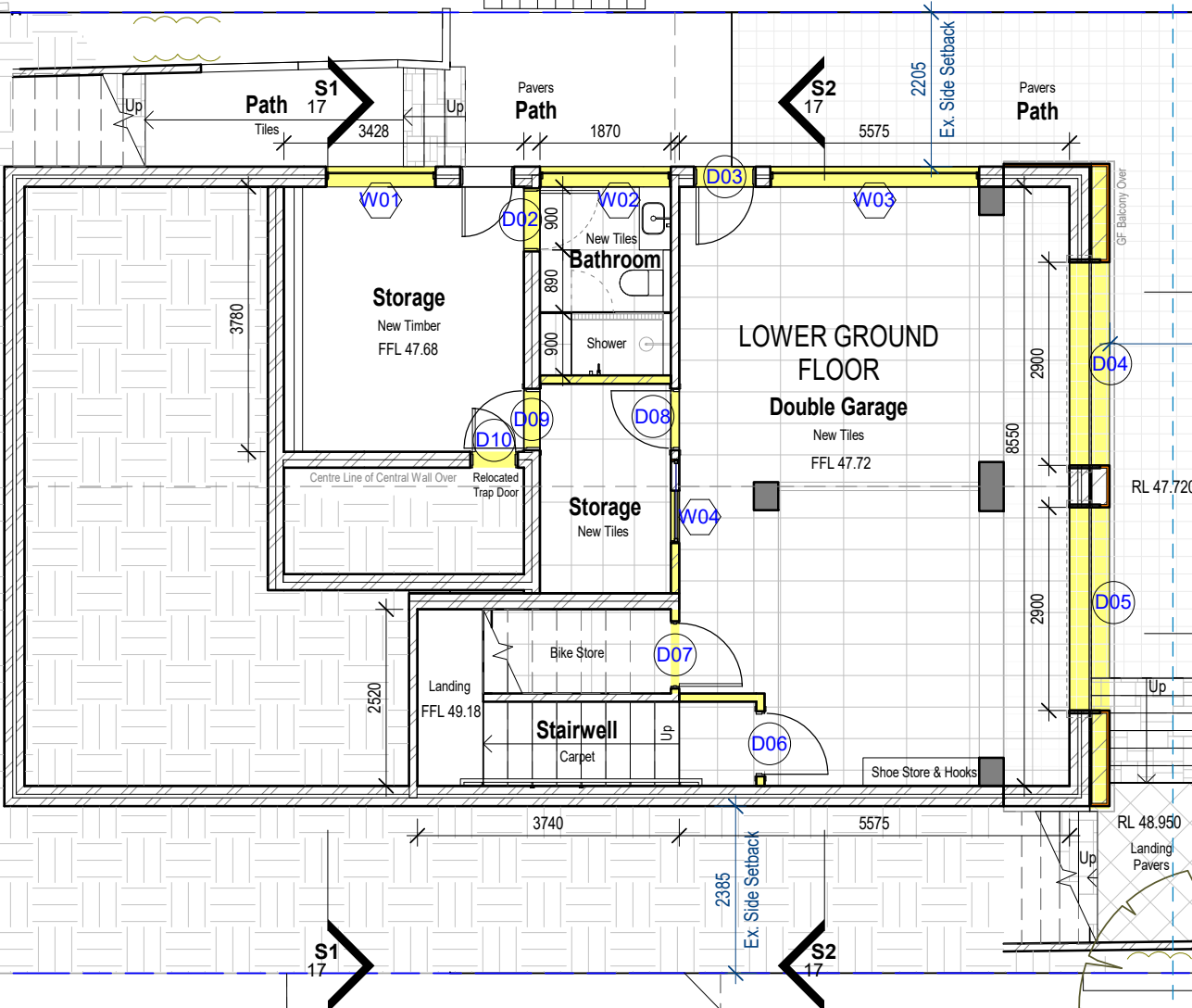
Boundary 39.294 m

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²



No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof

Boundary 39.294 m

Tiled Terrace
Vergola Over

1 LGF Plan- Proposed
1 : 100

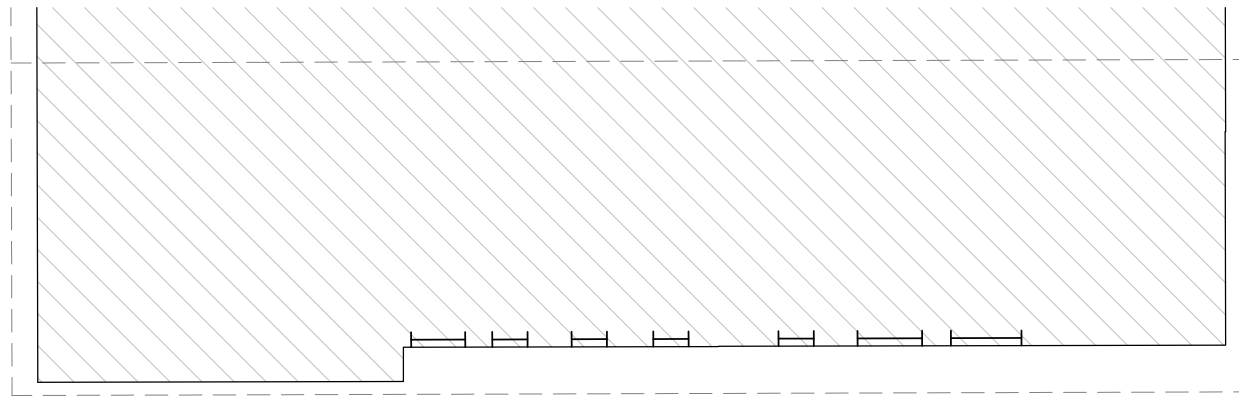
ABBREVIATIONS:
A/C = Air Conditioning
Ex = Existing
FFL = Finished Floor Level
GF = Ground Floor
GL = Ground Level
LGF = Lower Ground Floor
L1 = Level 1

LEGEND
[Symbol] = Existing Walls to Remain
[Symbol] = Proposed Alterations
[Symbol] = Hard wired interlinked Smoke Detector (to NCC 3.7.2 Smoke Alarms)

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



Boundary 39.294 m

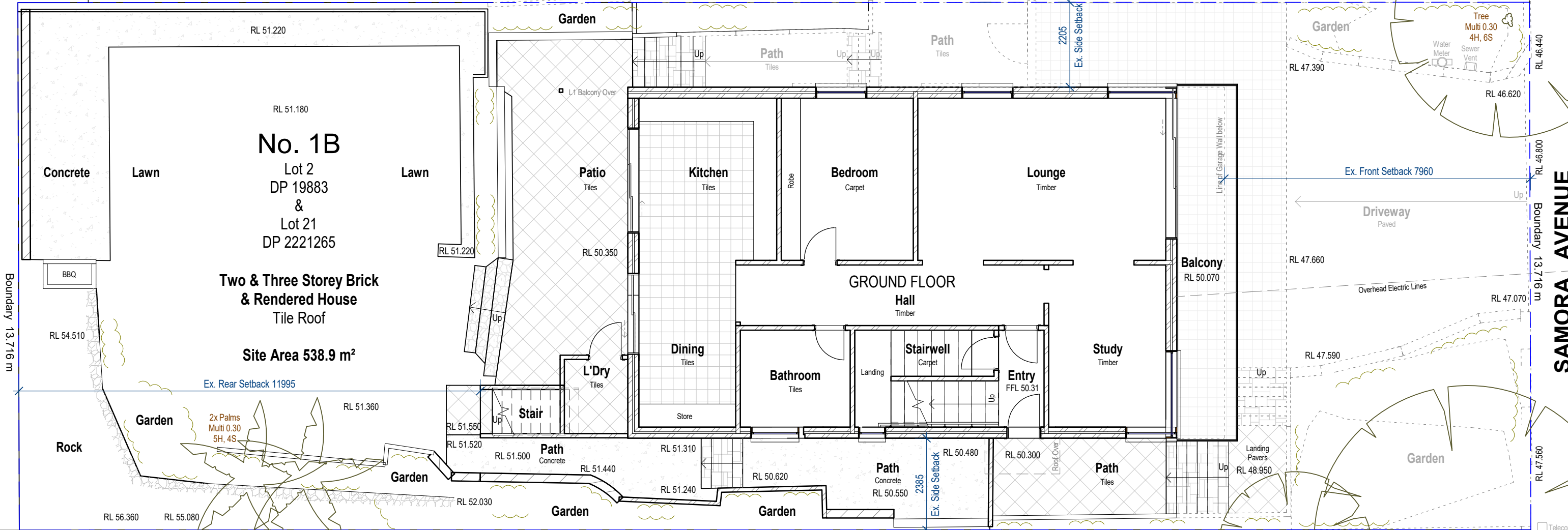
No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

Ex. Rear Setback 11995



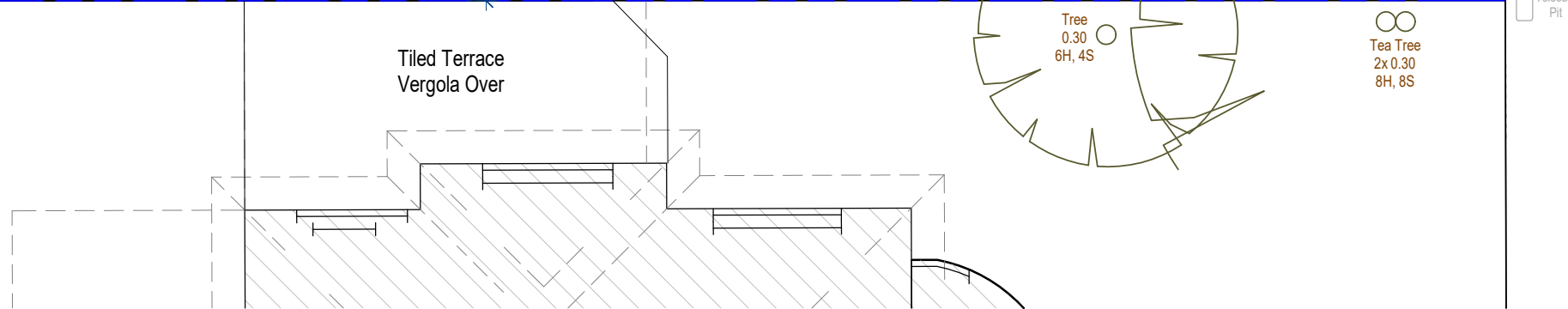
Boundary 13.716 m

Boundary 13.716 m
SAMORA AVENUE

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof

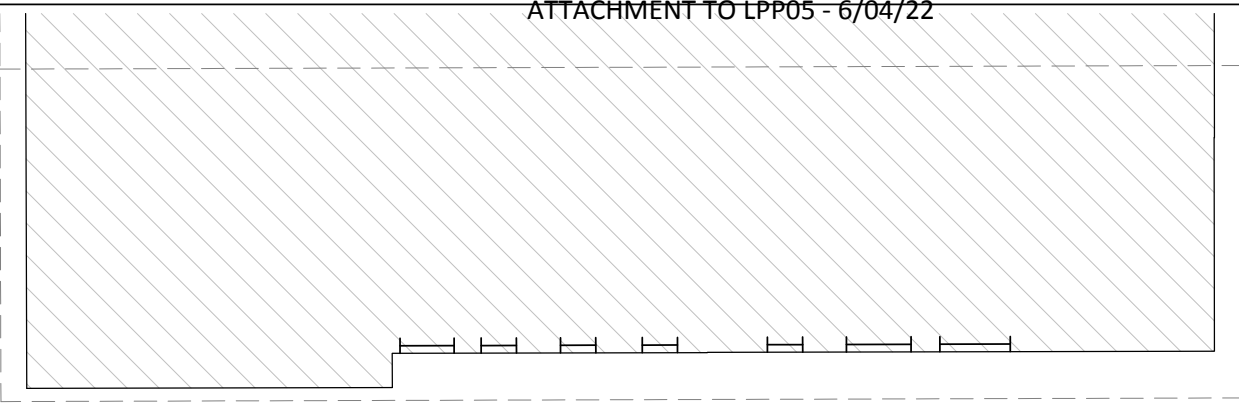


1 GF Plan - Existing
1 : 100

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



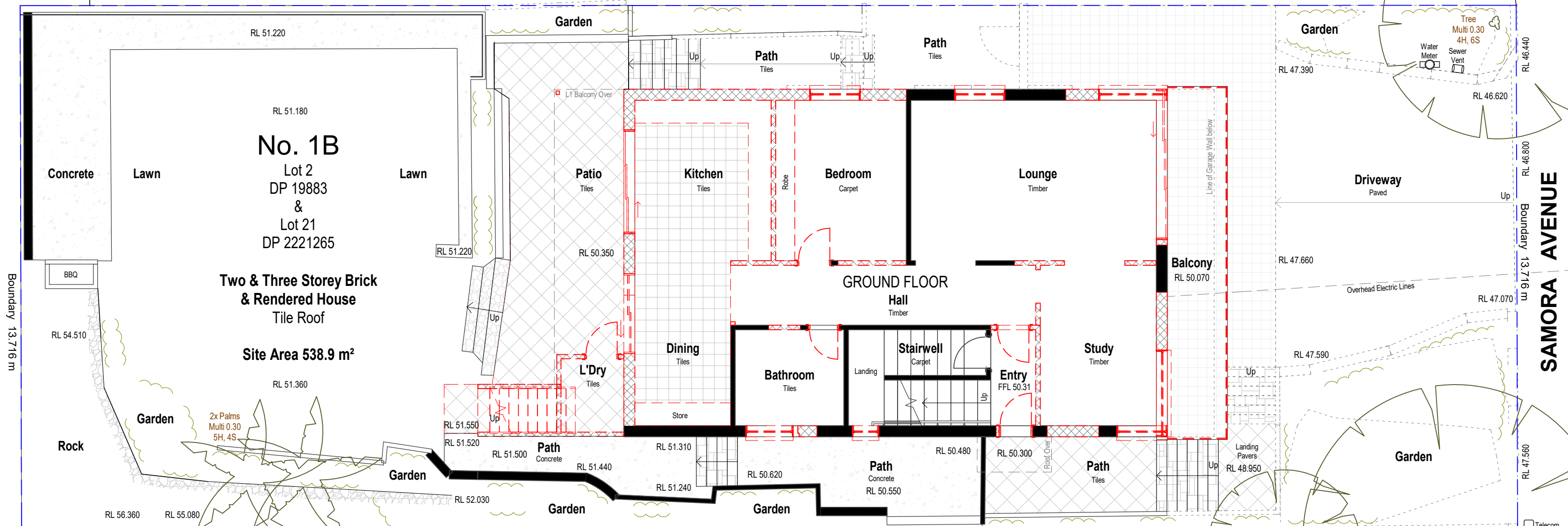
Boundary 39.294 m

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

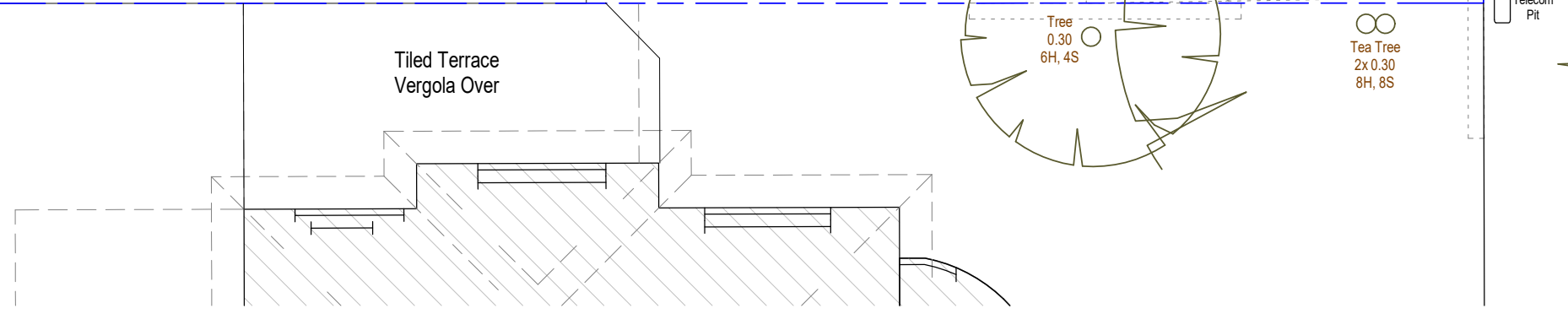


Boundary 39.294 m

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



DEMOLITION: All demolition work must be carried out in accordance with the provisions of Australian Standard 2601: The Demolition of Structures.

LEGEND

- Existing structure to be demolished
- Existing building to remain

1 GF Plan - Demo

1 : 100



(C) LivingLot Pty Ltd
22 Pindari Ave, Mosman NSW 2088
T: +61 449 903 460
E: neche@livinglot.com.au
ABN: 98 158 331 705

Drawn By : Neche Page
Checked By : Neche Page

1B Samora Ave, Cremorne 2090
DA Drawings
For : Hunt & Woodhouse

Lot 2 / DP 19883 & Lot 21/ DP 2221265
Sheet Name : GF Plan - Demo



Date: 21/03/2022 8:25:28 AM
Drawing Number:
07
Scale: As indicated

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof




Site Area 538.9 m²
14325
Proposed Rear Setback

No. 1

Lot 1
DP 18485

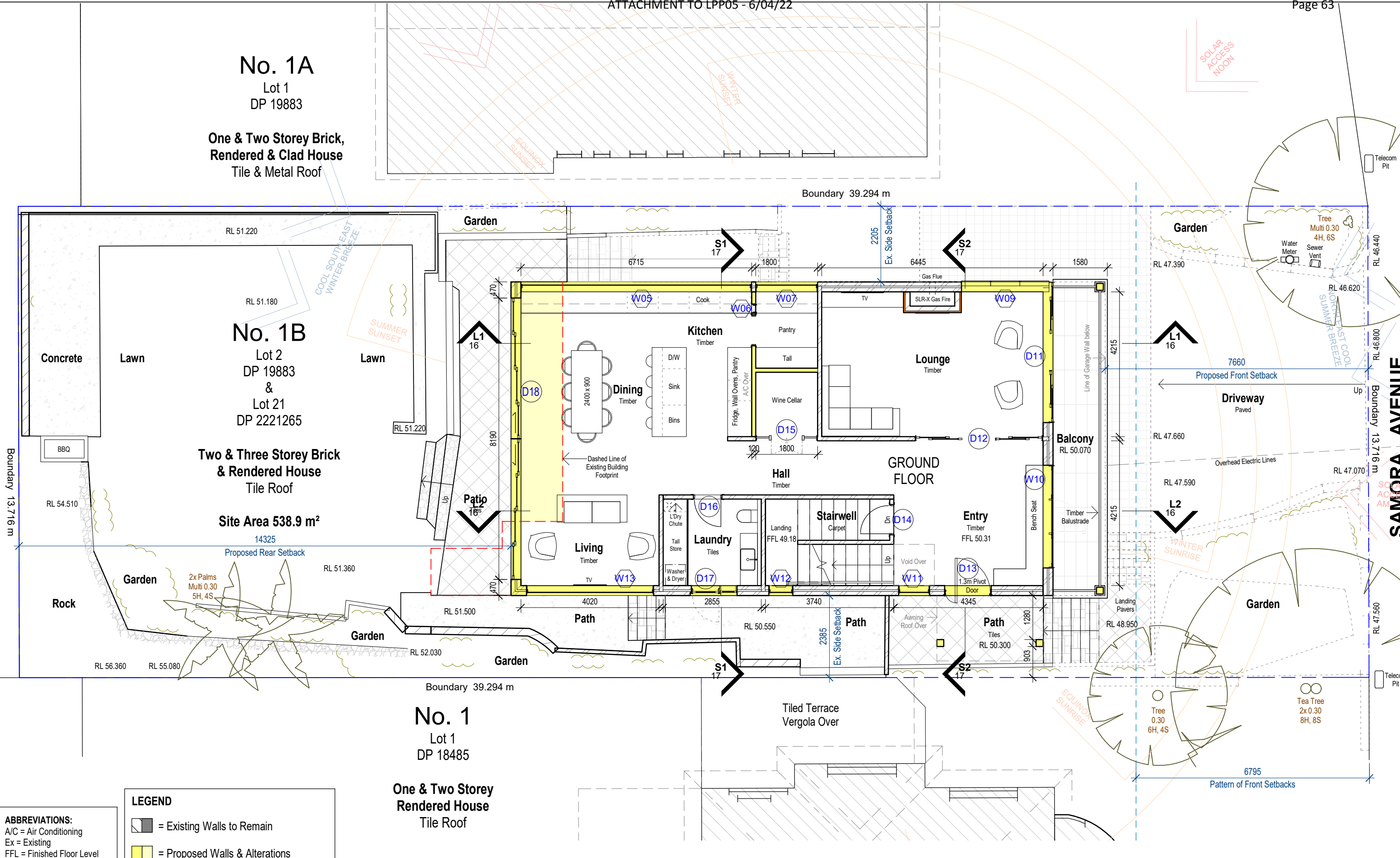
One & Two Storey
Rendered House
Tile Roof

LEGEND

-  = Existing Walls to Remain
-  = Proposed Walls & Alterations
-  = Hard wired interlinked Smoke Detector (to NCC 3.7.2 Smoke Alarms)

ABBREVIATIONS:
 A/C = Air Conditioning
 Ex = Existing
 FFL = Finished Floor Level
 GF = Ground Floor
 GL = Ground Level
 LGF = Lower Ground Floor
 L1 = Level 1

1 GF Plan - Proposed
1 : 100



No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

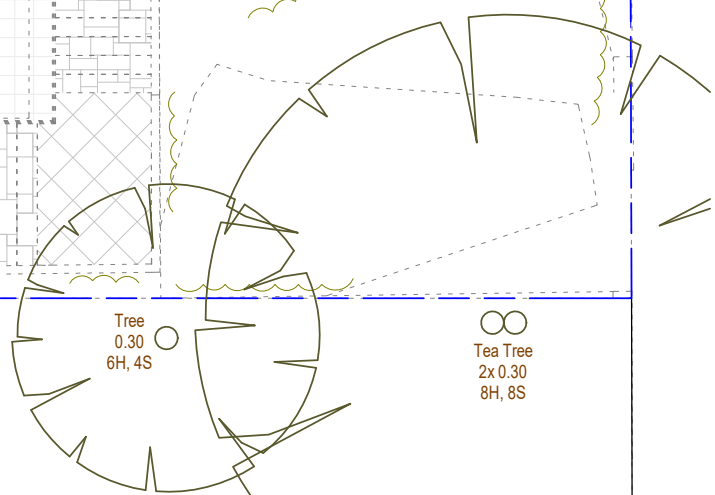
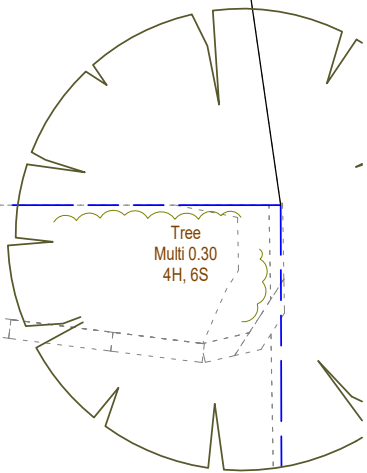
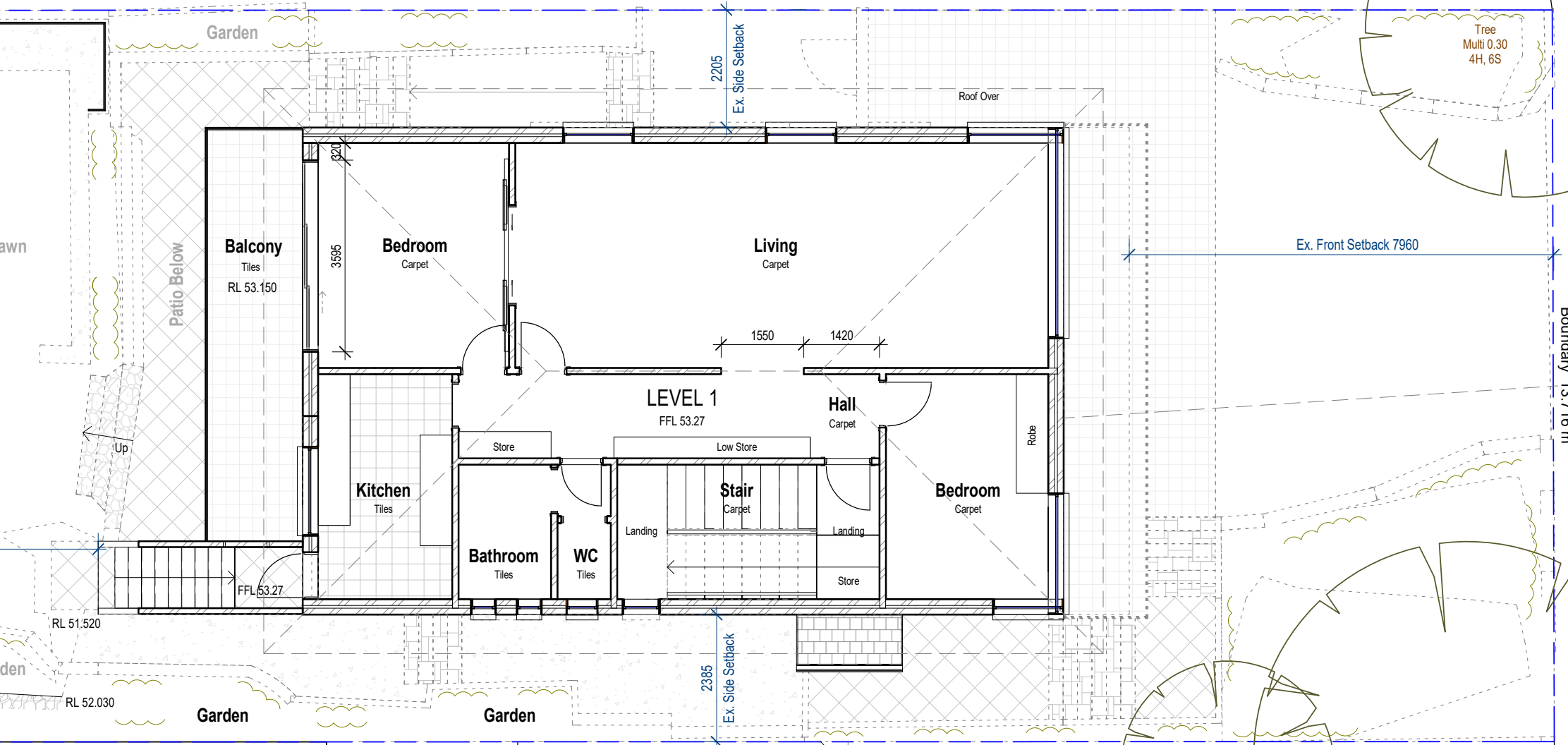
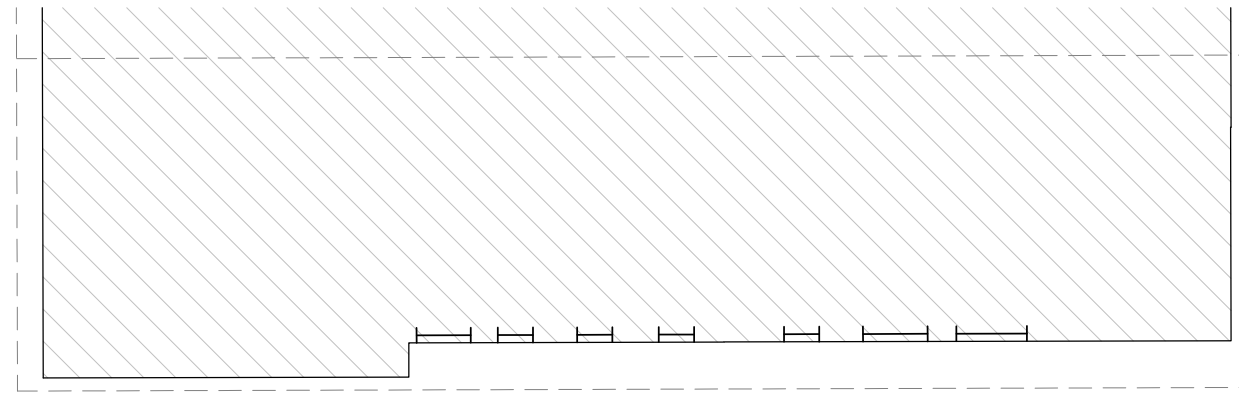
Site Area 538.9 m²

Ex. Rear Setback 11995

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



1 L1 Plan - Existing
1 : 100

Boundary 13.716 m

Boundary 13.716 m

SAMORA AVENUE



No. 1A

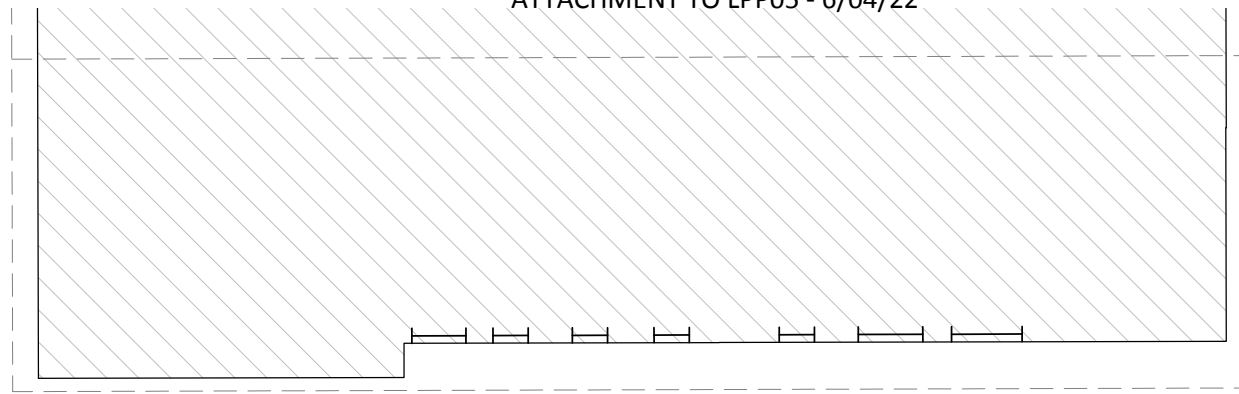
Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof

DEMOLITION: All demolition work must be carried out in accordance with the provisions of Australian Standard 2601: The Demolition of Structures.

LEGEND

-  Existing structure to be demolished
-  Existing building to remain



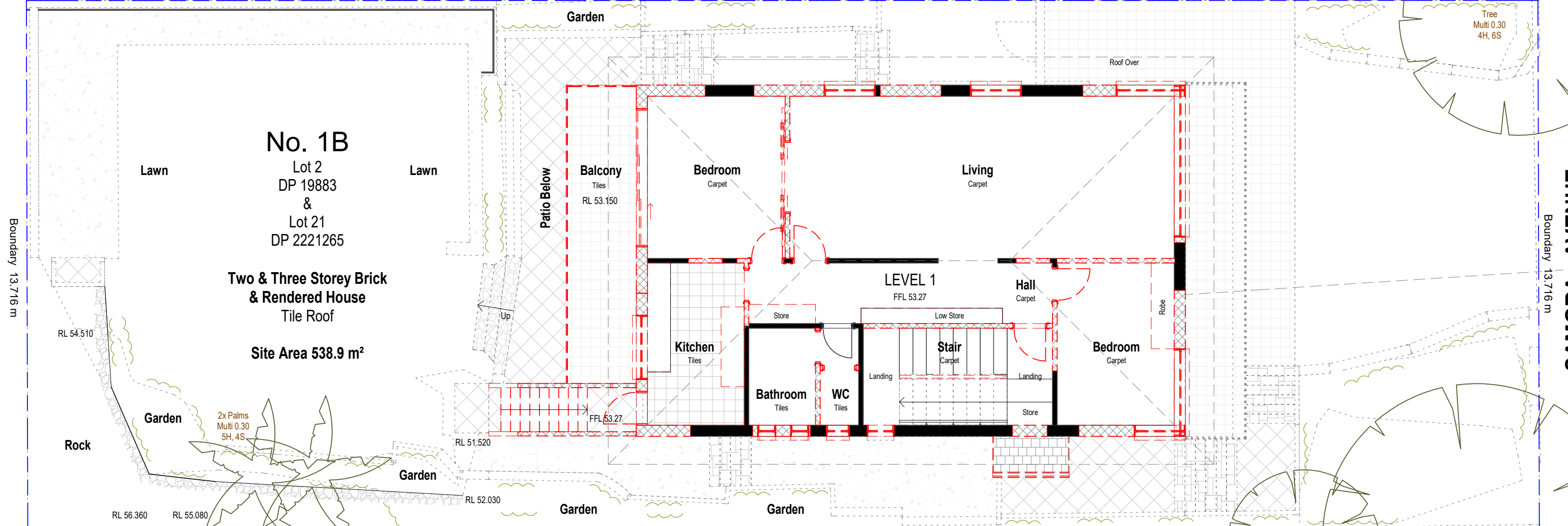
Boundary 39.294 m

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²



Boundary 13.716 m

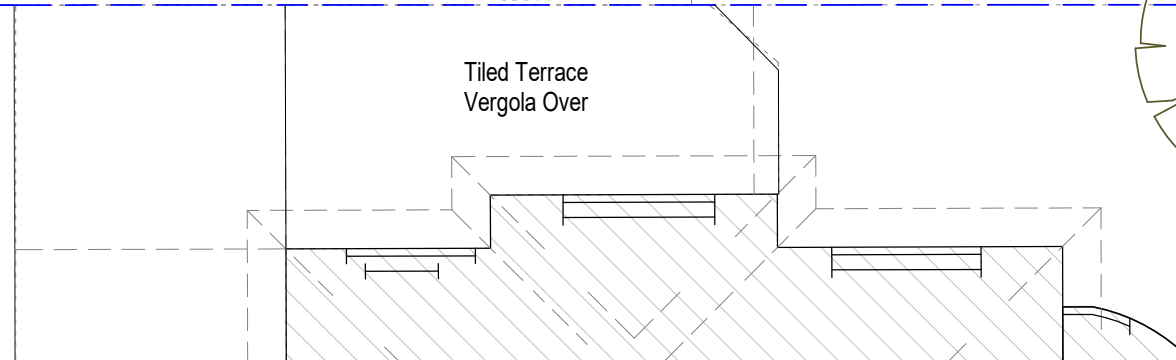
Boundary 13.716 m

SAMORA AVENUE

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



1 L1 Plan - Demo

1 : 100



(C) LivingLot Pty Ltd
22 Pindari Ave, Mosman NSW 2088
T: +61 449 903 460
E: neche@livinglot.com.au
ABN: 98 158 331 705

Drawn By : Neche Page
Checked By : Neche Page

1B Samora Ave, Cremorne 2090
DA Drawings
For : Hunt & Woodhouse

Lot 2 / DP 19883 & Lot 21/ DP 2221265
Sheet Name : L1 Plan - Demo



Date: 21/03/2022 8:25:31 AM
Drawing Number:
10
Scale: As indicated

@ A3

No. 1A
Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof

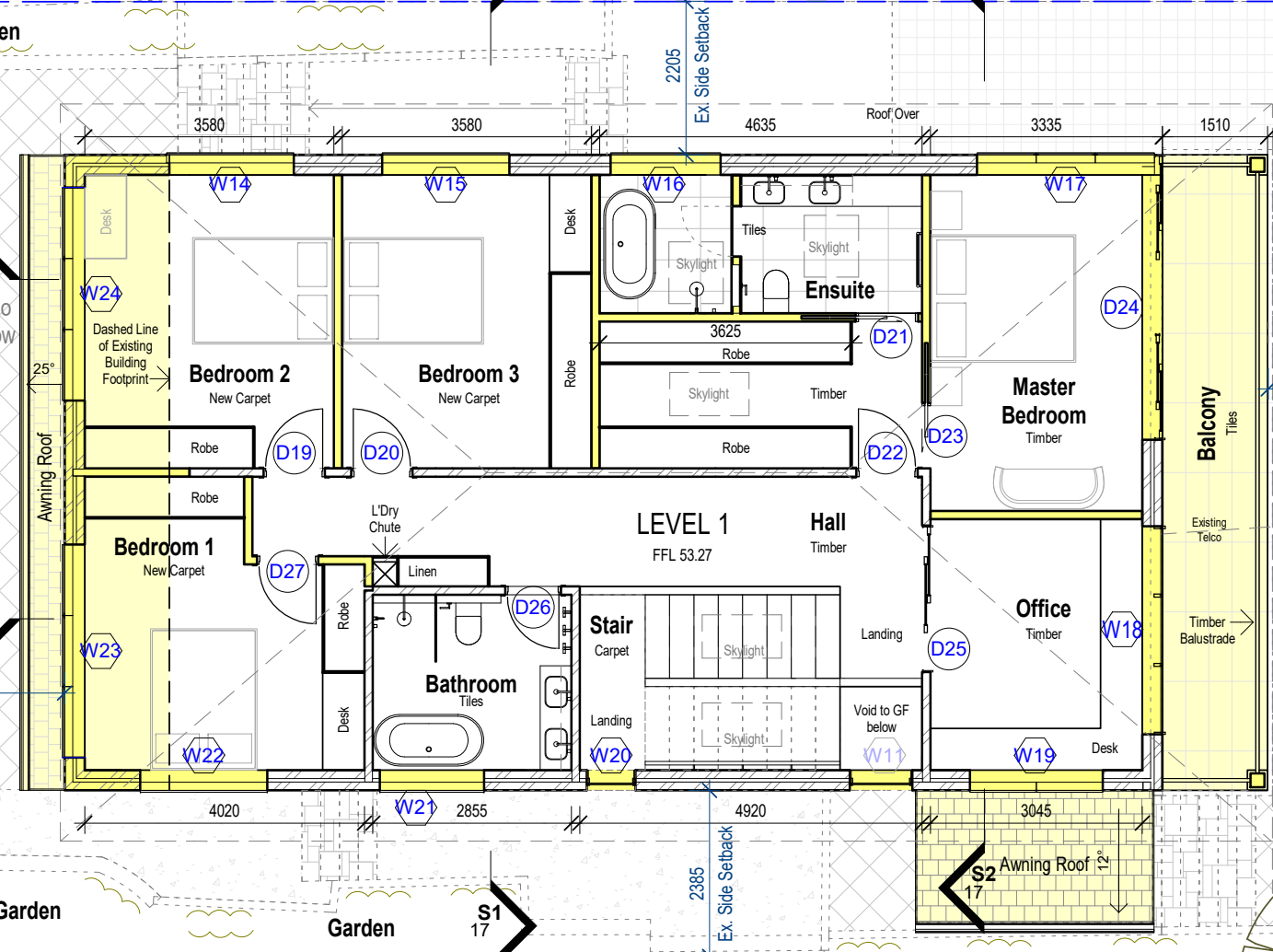
No. 1B
Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²
14325
Proposed Rear Setback

No. 1
Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



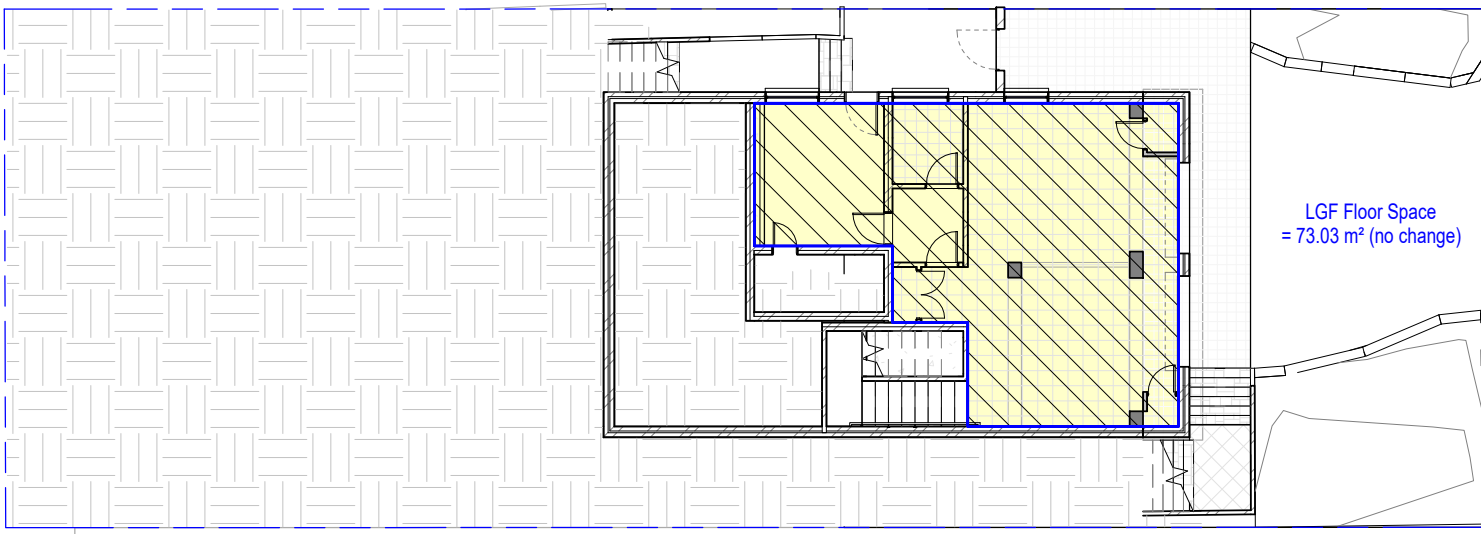
ABBREVIATIONS:
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 Ex = Existing
 FFL = Finished Floor Level
 GF = Ground Floor
 GL = Ground Level
 LGF = Lower Ground Floor
 L1 = Level 1

LEGEND

- = Existing Walls to Remain
- = Proposed Alterations
- = Hard wired interlinked Smoke Detector (to NCC 3.7.2 Smoke Alarms)

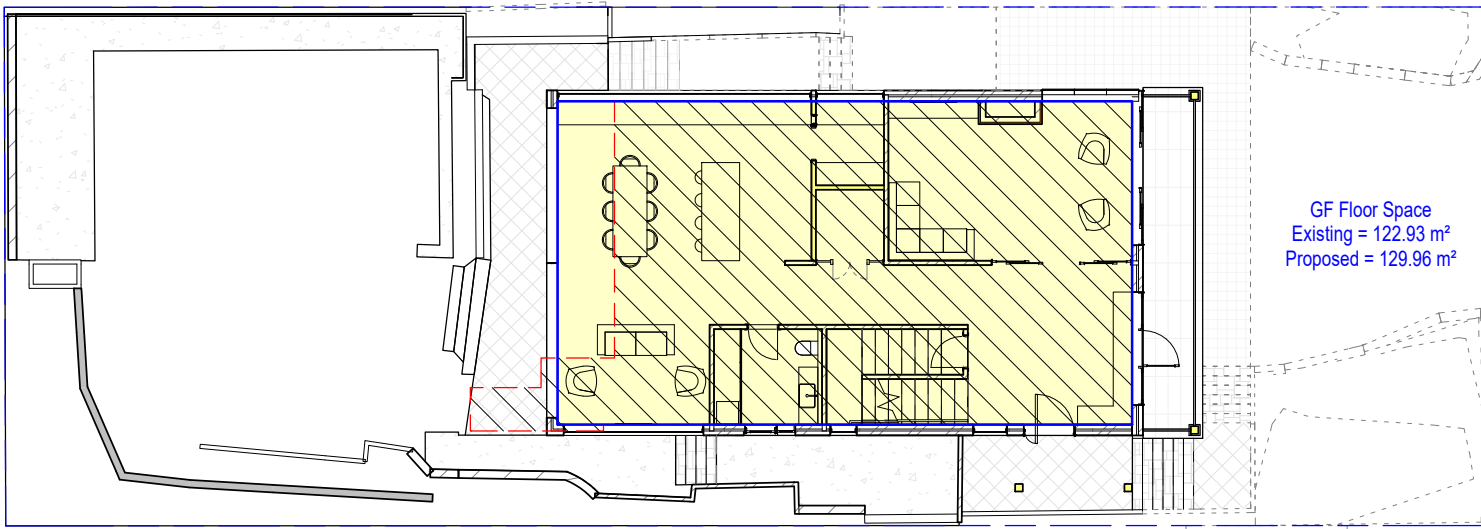
1 L1 Plan - Proposed

1 : 100



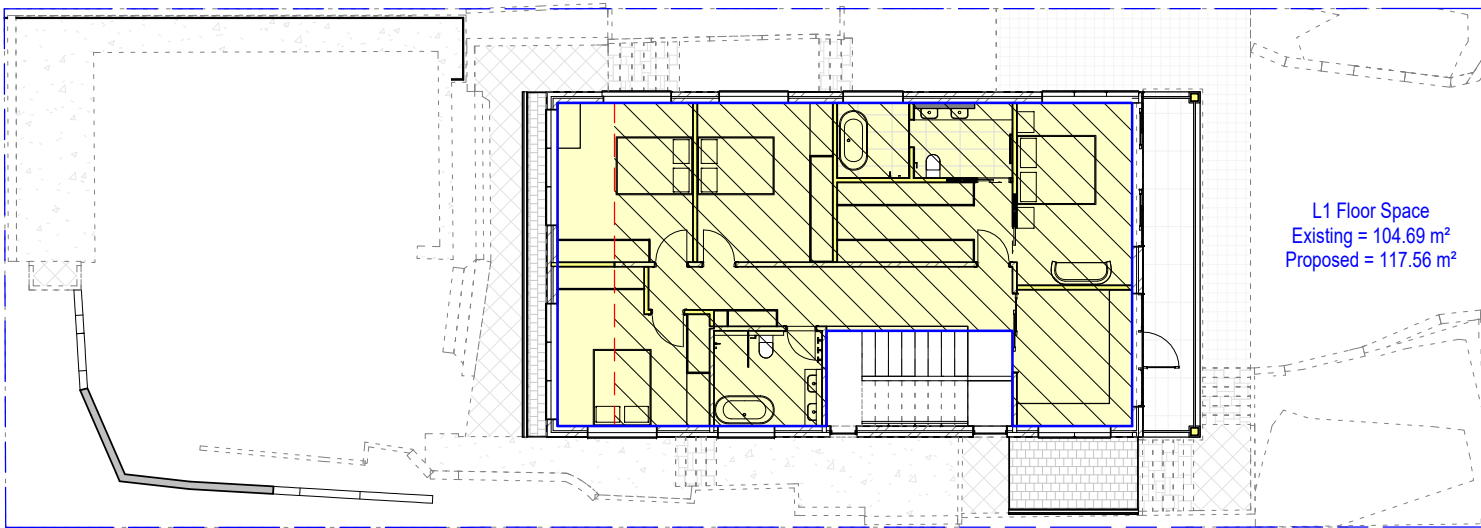
1 Site Calculations - L1

1 : 200



2 Site Calculations - GF

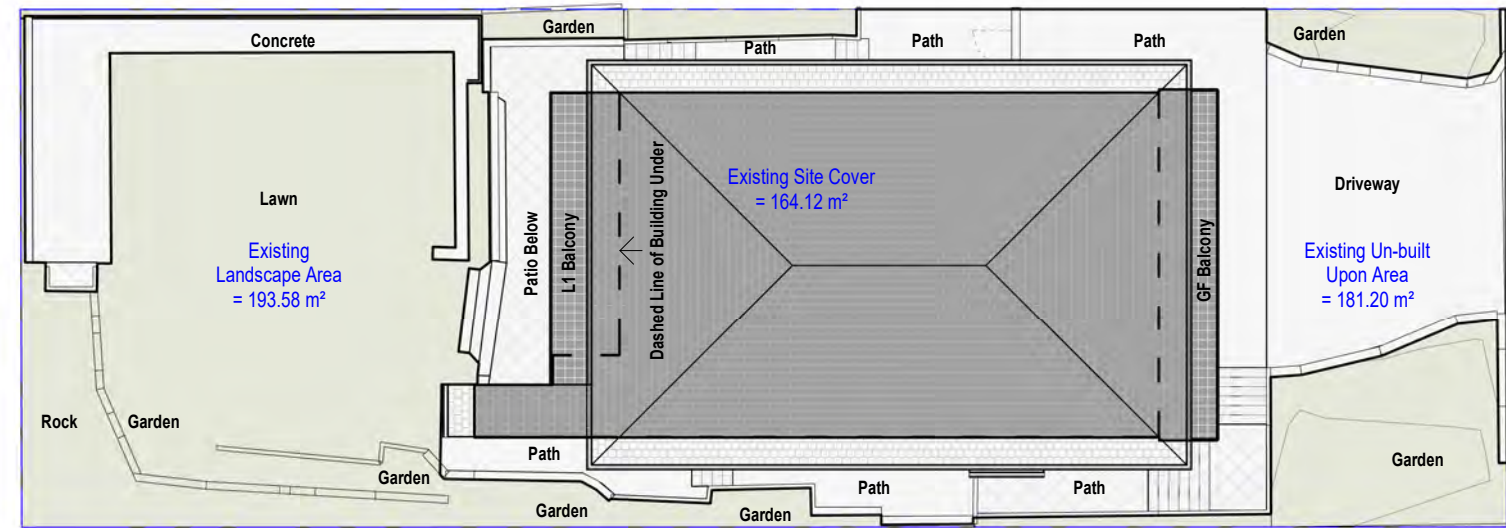
1 : 200



3 Site Calculations - L1

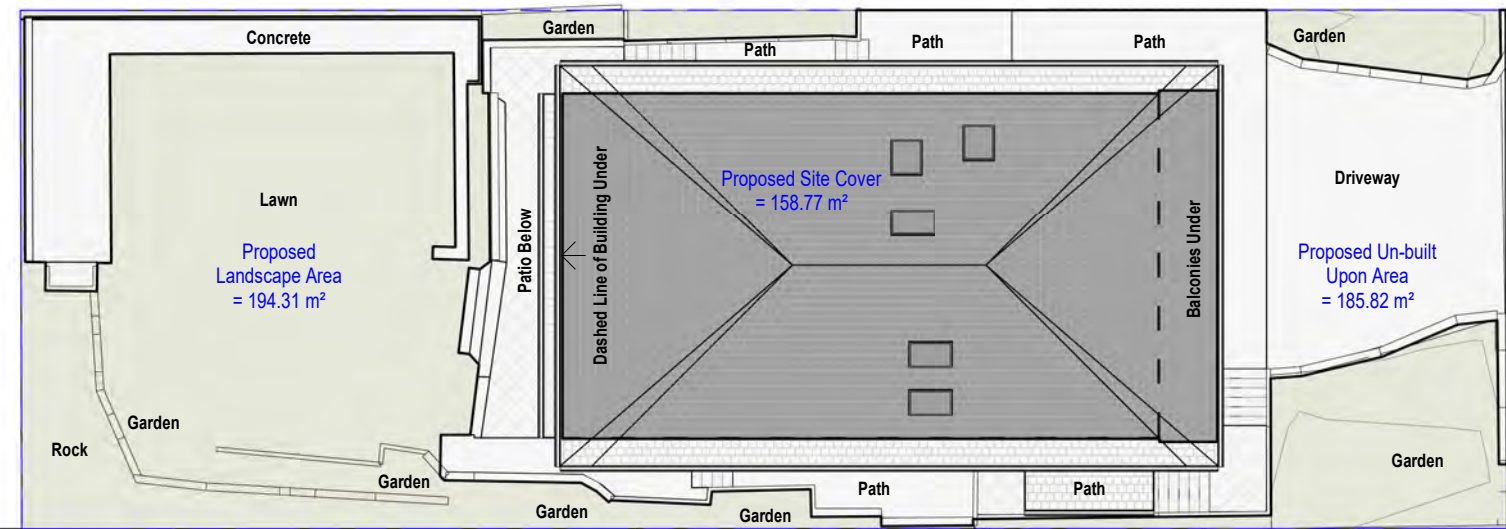
1 : 200

Total Floor Space
Existing Floor Space = 300.7 m²
Total Proposed Floor Space = 320.6 m²



4 Site Calculations - Existing Site

1 : 200



5 Site Calculations - Proposed Site

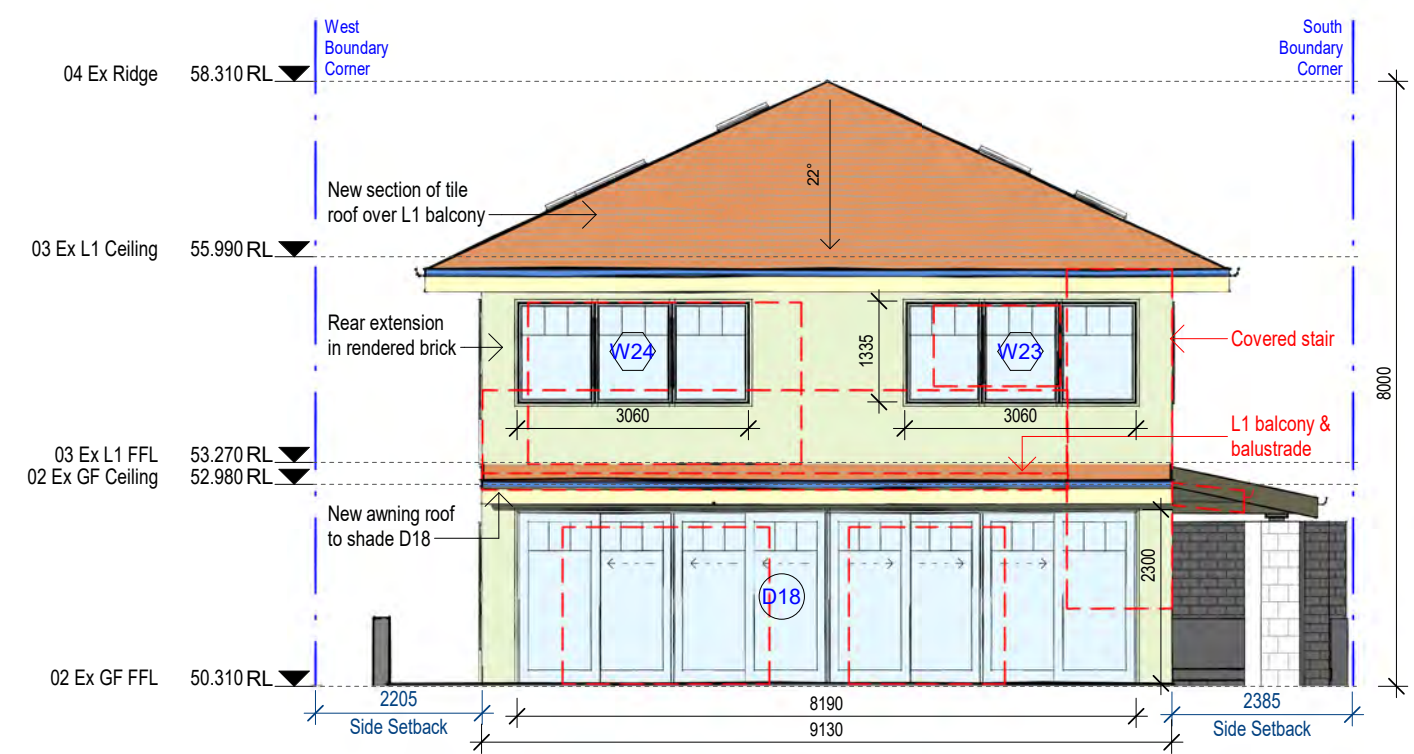
1 : 200

LEGEND

- = Existing Floor Space
- = Proposed Floor Space
- = Landscape Area
- = Un-built Upon Area
- = Site Cover



1 NE Front Elevation
1 : 100



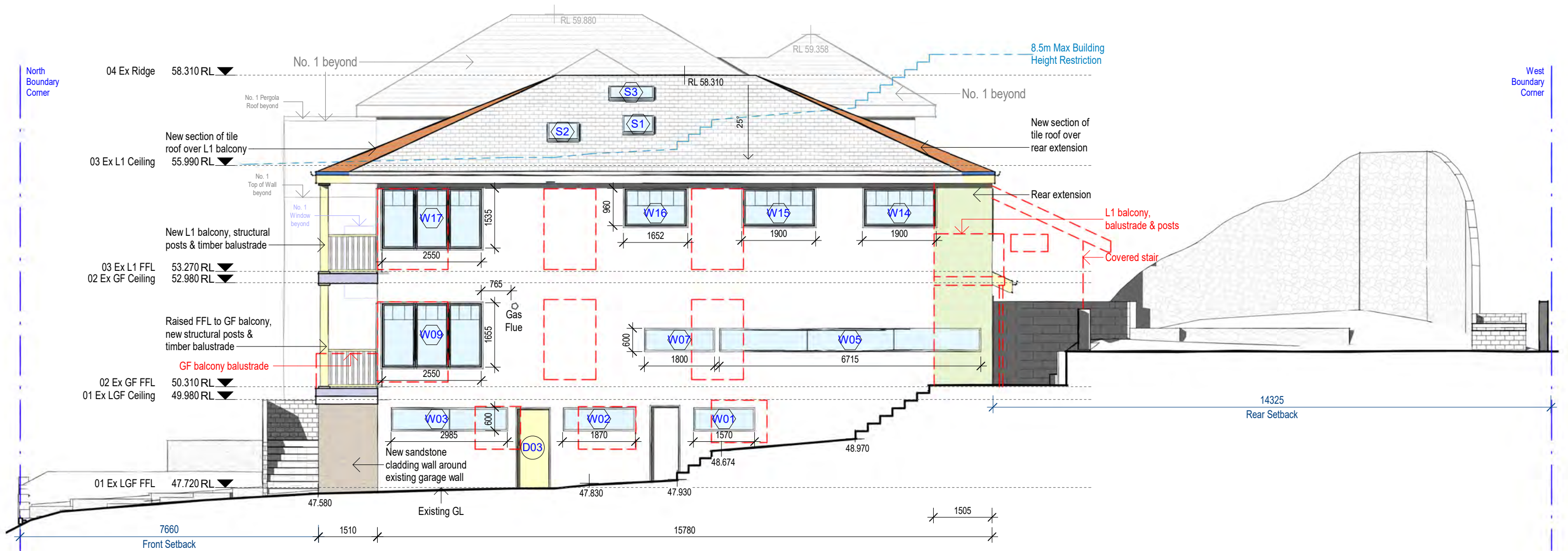
2 SW Rear Elevation
1 : 100

LEGEND

- [Red dashed box] = Existing Windows, Doors & Structure to be demolished
- [Yellow box] = Timber
- [Orange box] = Roof Tiles
- [Grey box] = Tile
- [Green box] = Fibre Cement Sheets / Cement Render
- [Blue box] = Glass
- [Brown box] = Sandstones
- [Dark Blue box] = Steel

ABBREVIATIONS

- Ex = Existing
- FFL = Finished Floor Level
- GF = Ground Floor
- GL = Ground Level
- LGF = Lower Ground Floor
- L1 = Level 1



1 NW Elevation
1 : 100

| LEGEND | |
|---|--|
| | = Existing Windows, Doors & Structure to be demolished |
| | = Timber |
| | = Roof Tiles |
| | = Glass |
| | = Sandstones |
| | = Fibre Cement Sheets / Cement Render |
| | = Sandstones |
| | = Steel |

| ABBREVIATIONS | |
|---------------|------------------------|
| Ex | = Existing |
| FFL | = Finished Floor Level |
| GF | = Ground Floor |
| GL | = Ground Level |
| LGF | = Lower Ground Floor |
| L1 | = Level 1 |



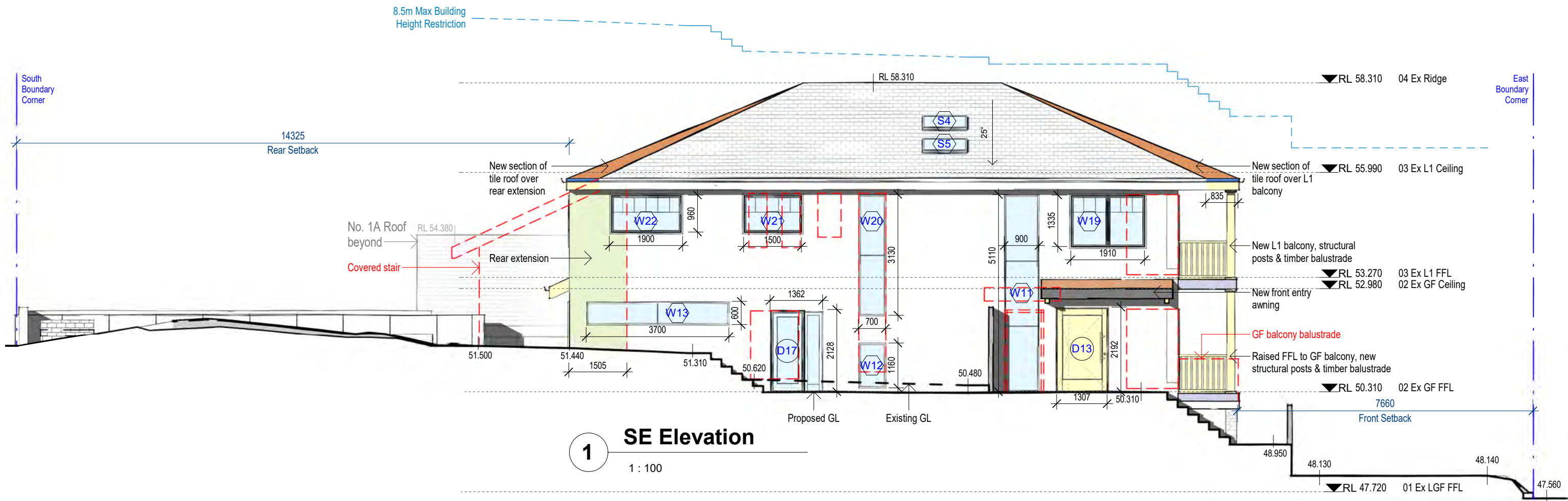
(C) LivingLot Pty Ltd
22 Pindari Ave, Mosman NSW 2088
T: +61 449 903 460
E: neche@livinglot.com.au
ABN: 98 158 331 705

Drawn By : Neche Page
Checked By : Neche Page

1B Samora Ave, Cremorne 2090
DA Drawings
For : Hunt & Woodhouse

Lot 2 / DP 19883 & Lot 21/ DP 2221265
Sheet Name : NW Side Elevation - Proposed

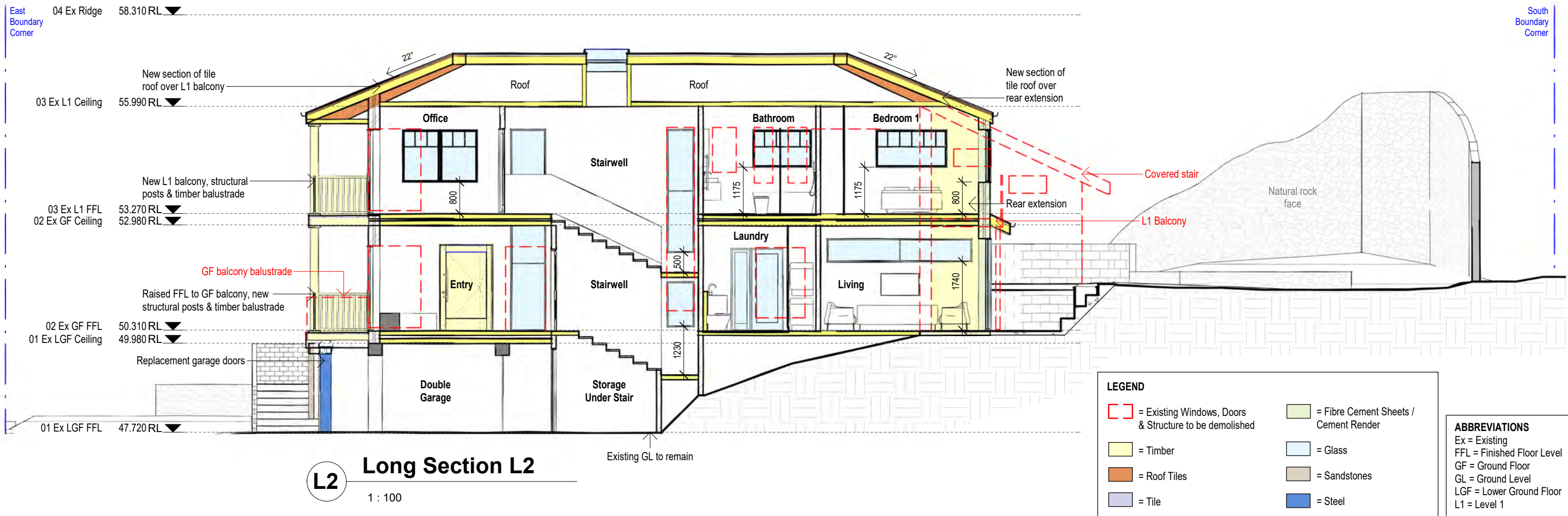
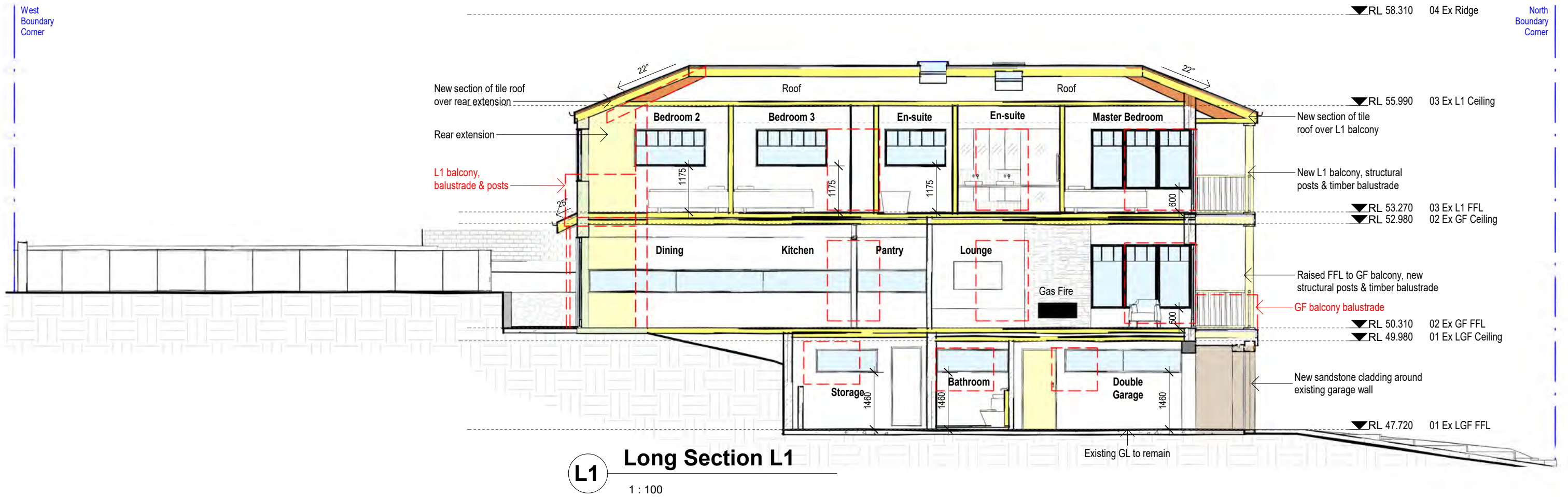
Date: 21/03/2022 8:25:40 AM
Drawing Number:
14
Scale: As indicated



1 SE Elevation
1 : 100

| LEGEND | |
|--|--|
| | = Existing Windows, Doors & Structure to be demolished |
| | = Fibre Cement Sheets / Cement Render |
| | = Timber |
| | = Roof Tiles |
| | = Tile |
| | = Glass |
| | = Sandstones |
| | = Steel |

| ABBREVIATIONS | |
|---------------|------------------------|
| Ex | = Existing |
| FFL | = Finished Floor Level |
| GF | = Ground Floor |
| GL | = Ground Level |
| LGF | = Lower Ground Floor |
| L1 | = Level 1 |

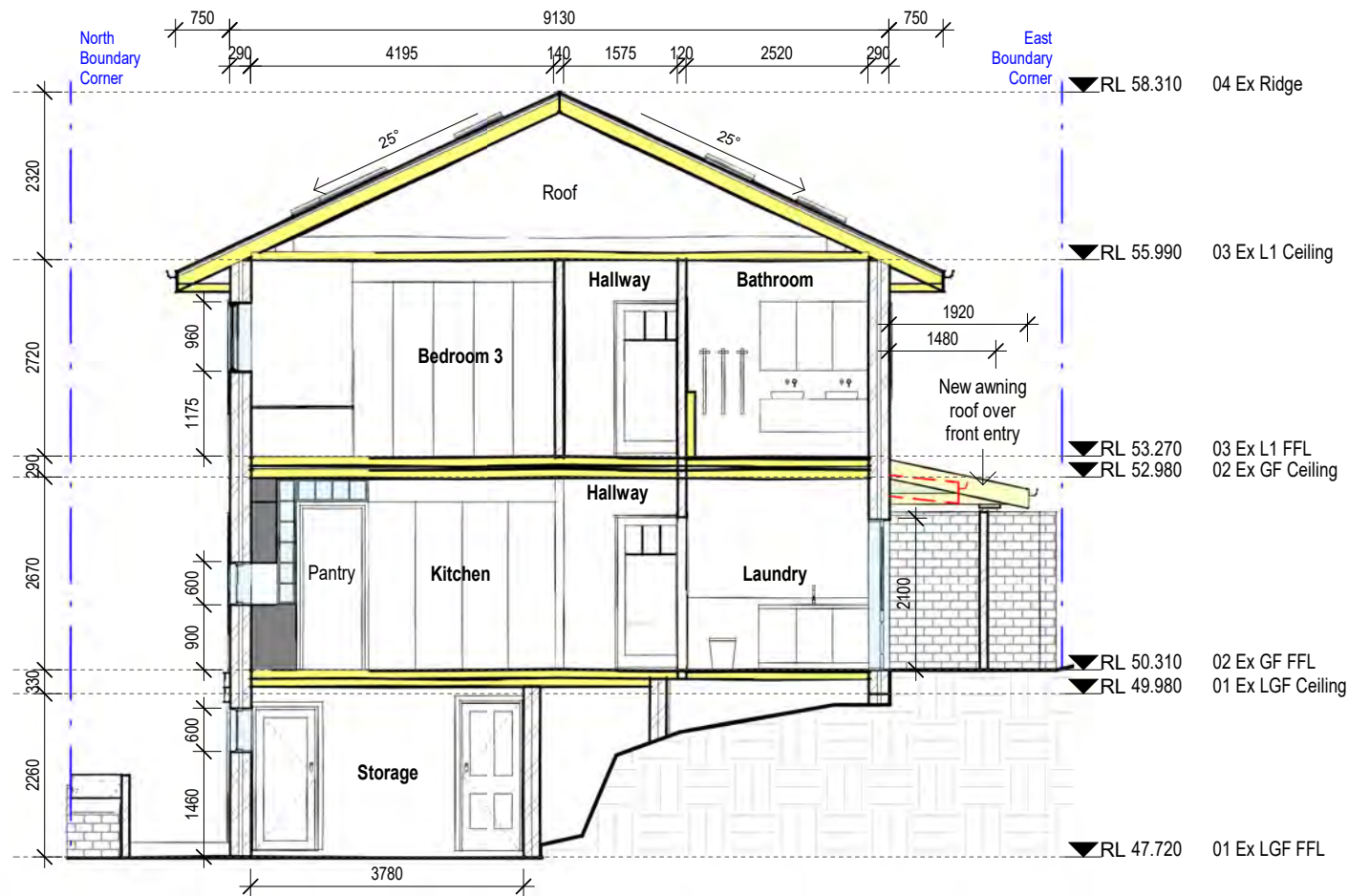


LEGEND

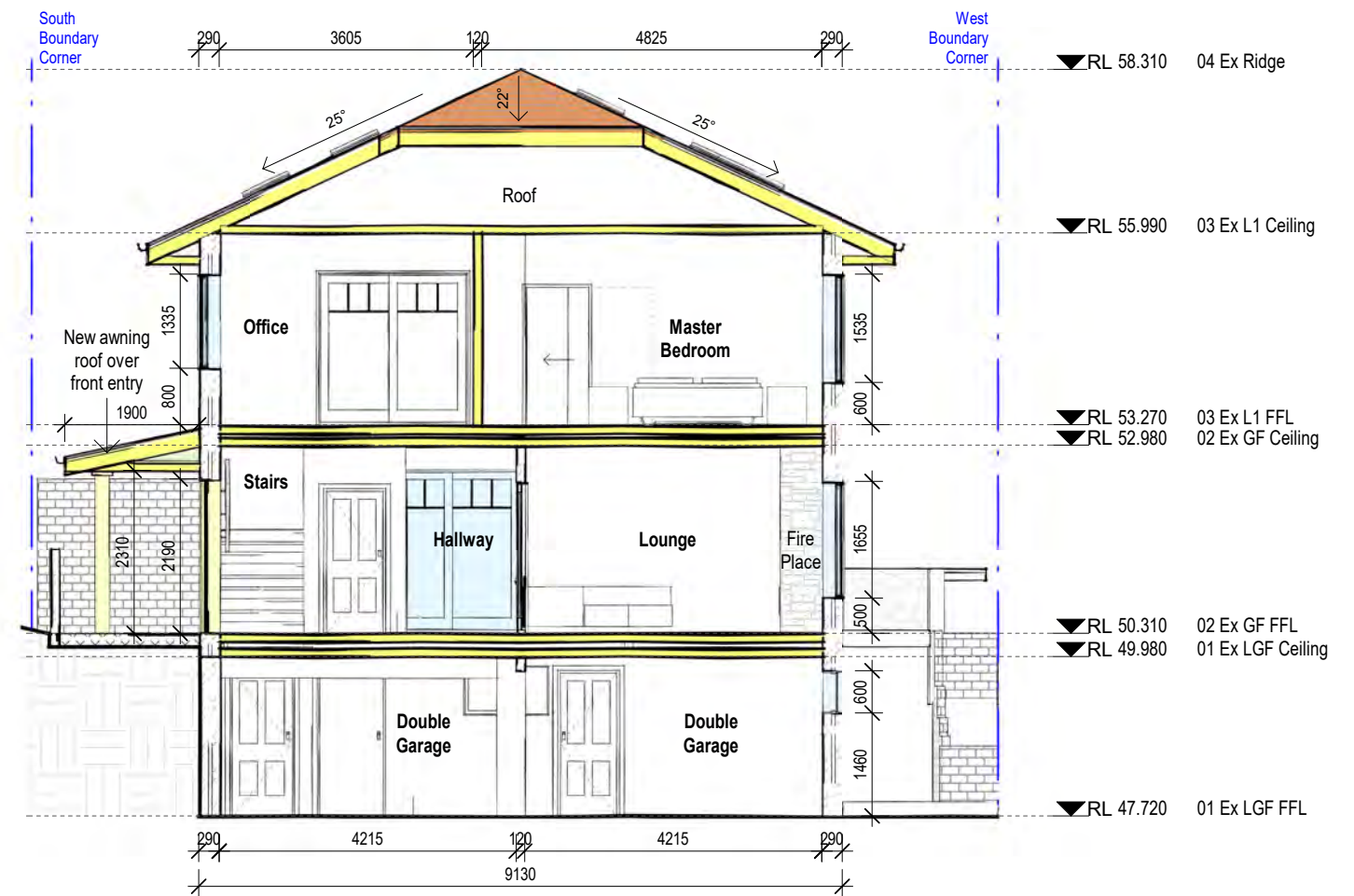
- = Existing Windows, Doors & Structure to be demolished
- = Timber
- = Roof Tiles
- = Glass
- = Sandstones
- = Steel
- = Fibre Cement Sheets / Cement Render

ABBREVIATIONS

- Ex = Existing
- FFL = Finished Floor Level
- GF = Ground Floor
- GL = Ground Level
- LGF = Lower Ground Floor
- L1 = Level 1



S1 Short Section S1
1 : 100



S2 Short Section S2
1 : 100

| LEGEND | |
|---|--|
| | = Existing Windows, Doors & Structure to be demolished |
| | = Timber |
| | = Roof Tiles |
| | = Glass |
| | = Sandstones |
| | = Fibre Cement Sheets / Cement Render |
| | = Steel |

| ABBREVIATIONS | |
|---------------|------------------------|
| Ex | = Existing |
| FFL | = Finished Floor Level |
| GF | = Ground Floor |
| GL | = Ground Level |
| LGF | = Lower Ground Floor |
| L1 | = Level 1 |









1 3D Proposed Front Facade



2 3D Proposed Rear Facade

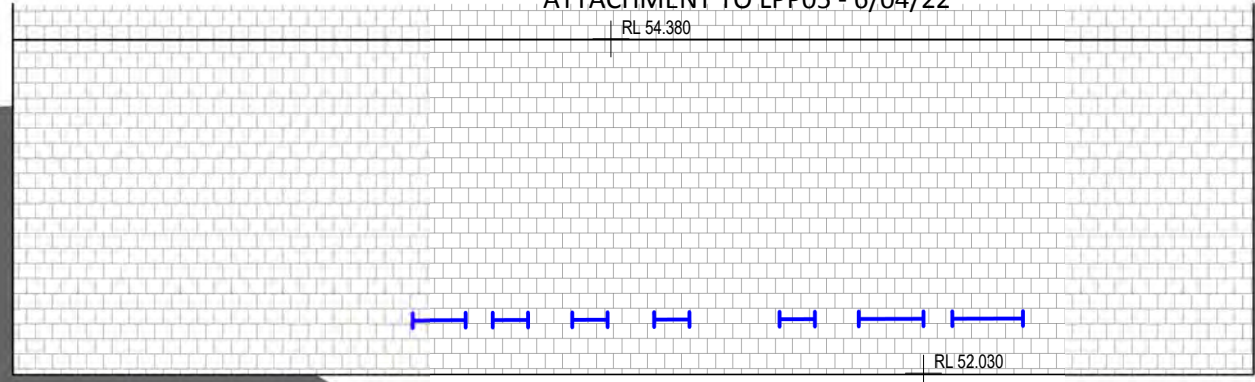
Schedule of External Finishes: 1B Samora Ave, Cremorne 2090 NSW

| Location | Product/Notes | Thumbnail |
|--|---|--|
| Roof Tiles | Tile roof in mid-dark grey tone |  |
| External Wall Finish: Ground Floor & Level 1 | Rendered brick painted white or similar light colour |  |
| External Wall Finish: Lower Ground Floor | Sandstone cladding |  |
| Windows & Doors | Timber painted in white or similar light colour |  |
| Front balcony balustrades | Timber with timber posts painted white or similar light colour |  |
| Garage Doors | Metal roller or sectional garage doors in white or similar light colour |  |

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof



LEGEND

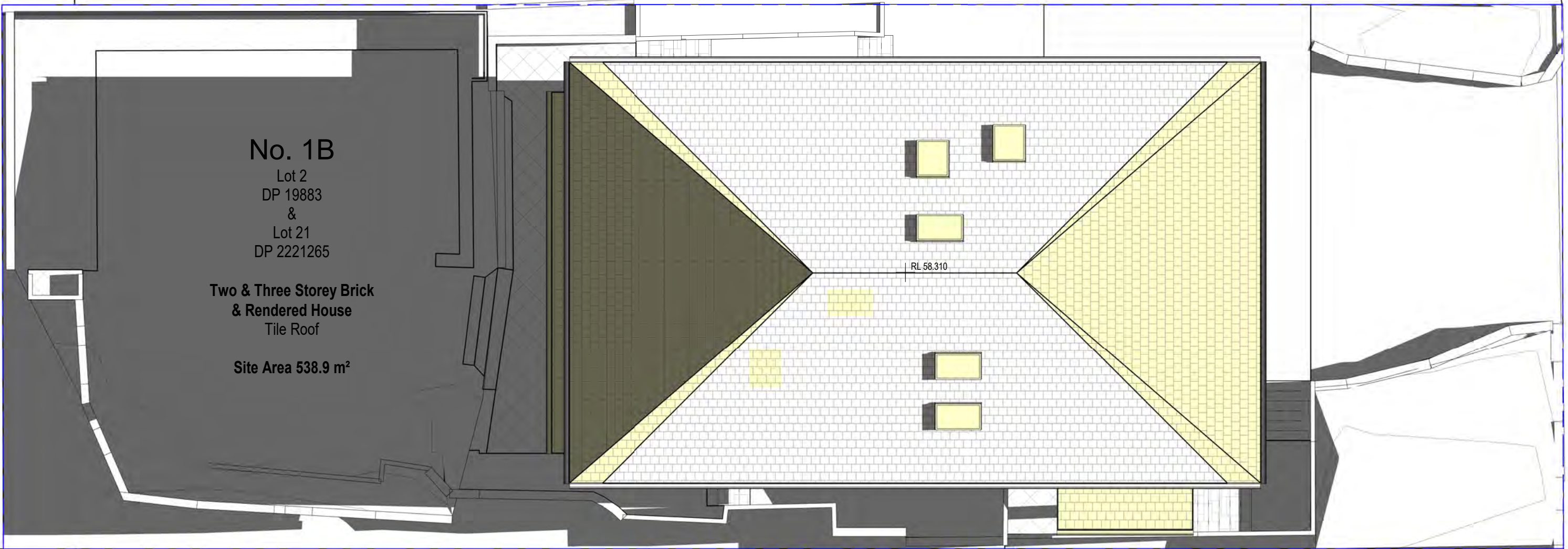
- Proposed Alterations or Additions
- Existing Overshadowing
- Proposed Overshadowing
- Reduced Overshadowing
- Window Location on Neighboring Residence

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

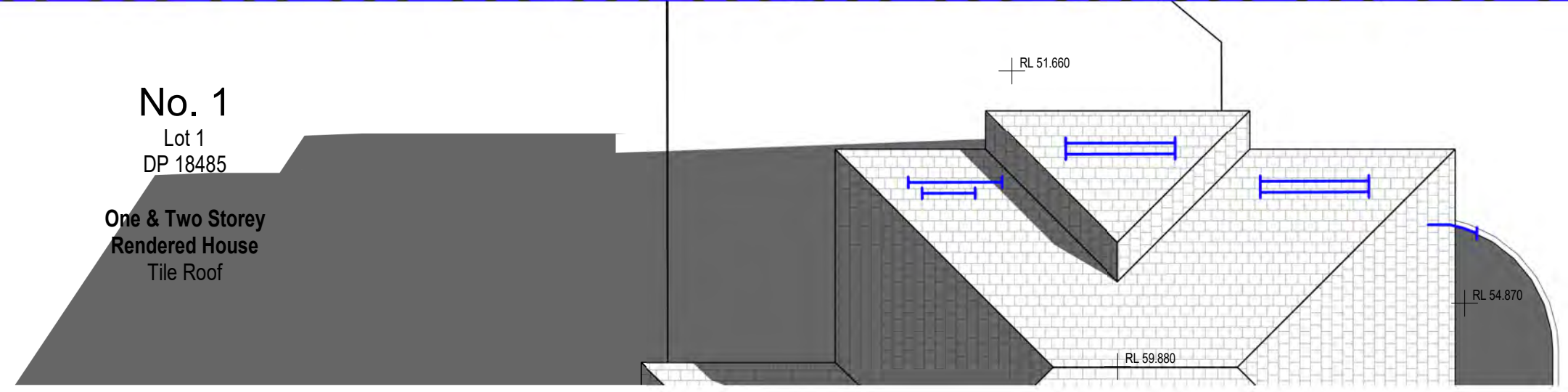


SAMORA AVENUE

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



1

9am 21st Jun

1 : 100



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T: +61 449 903 460
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ABN: 98 158 331 705

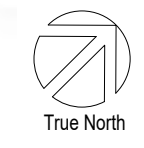
Drawn By : Neche Page
Checked By : Neche Page

1B Samora Ave, Cremorne 2090
DA Drawings

For : Hunt & Woodhouse

Lot 2 / DP 19883 & Lot 21/ DP 2221265

Sheet Name : Shadows 9am June 21st



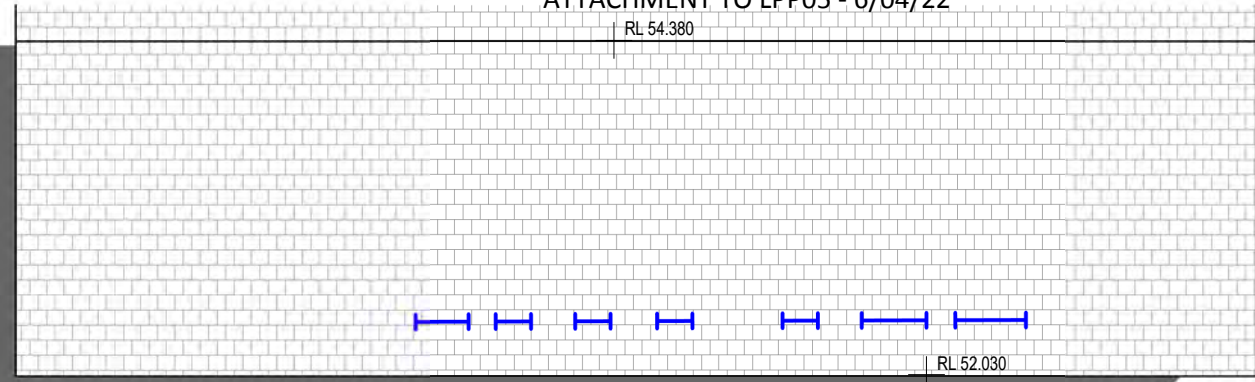
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Scale: As indicated

@ A3

No. 1A

Lot 1
DP 19883

**One & Two Storey Brick,
Rendered & Clad House**
Tile & Metal Roof



LEGEND

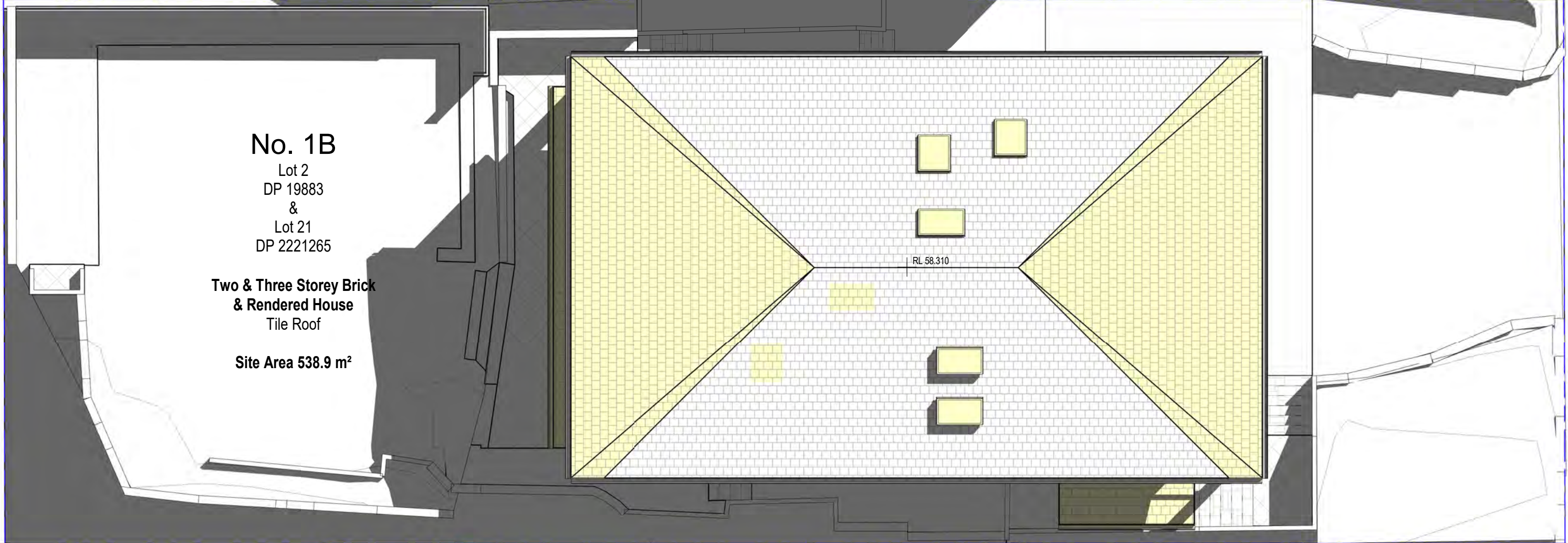
- Proposed Alterations or Additions
- Existing Overshadowing
- Proposed Overshadowing
- Reduced Overshadowing
- Window Location on Neighboring Residence

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

**Two & Three Storey Brick
& Rendered House**
Tile Roof

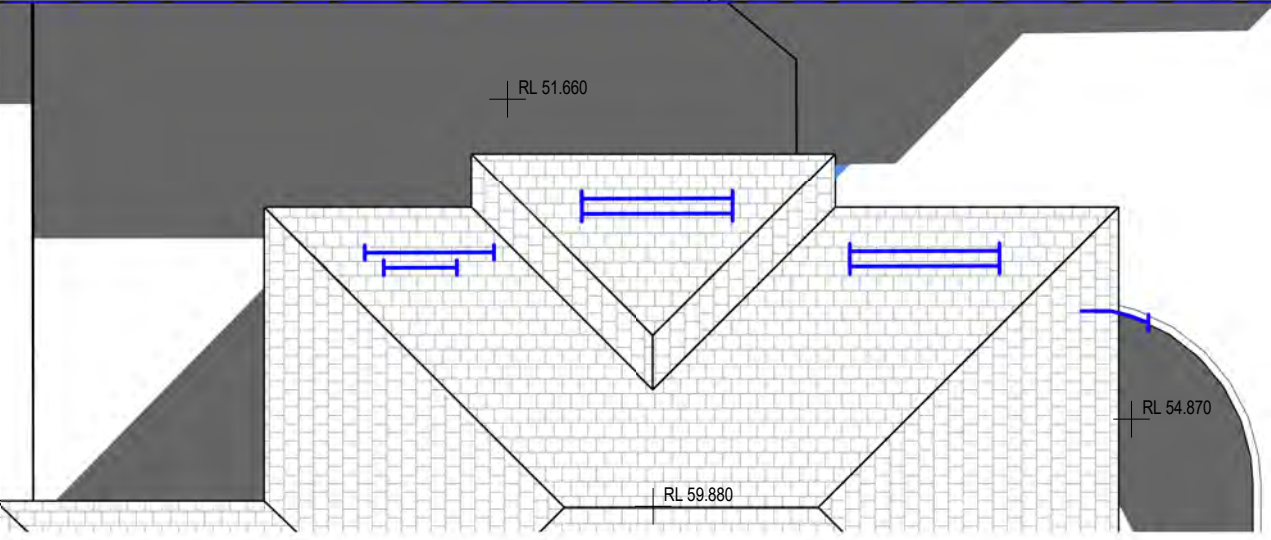
Site Area 538.9 m²



No. 1

Lot 1
DP 18485

**One & Two Storey
Rendered House**
Tile Roof



SAMORA AVENUE

1 12noon 21st Jun
1 : 100

No. 1A

Lot 1
DP 19883

One & Two Storey Brick,
Rendered & Clad House
Tile & Metal Roof

LEGEND

- Proposed Alterations or Additions
- Existing Overshadowing
- Proposed Overshadowing
- Reduced Overshadowing
- Window Location on Neighboring Residence

No. 1B

Lot 2
DP 19883
&
Lot 21
DP 2221265

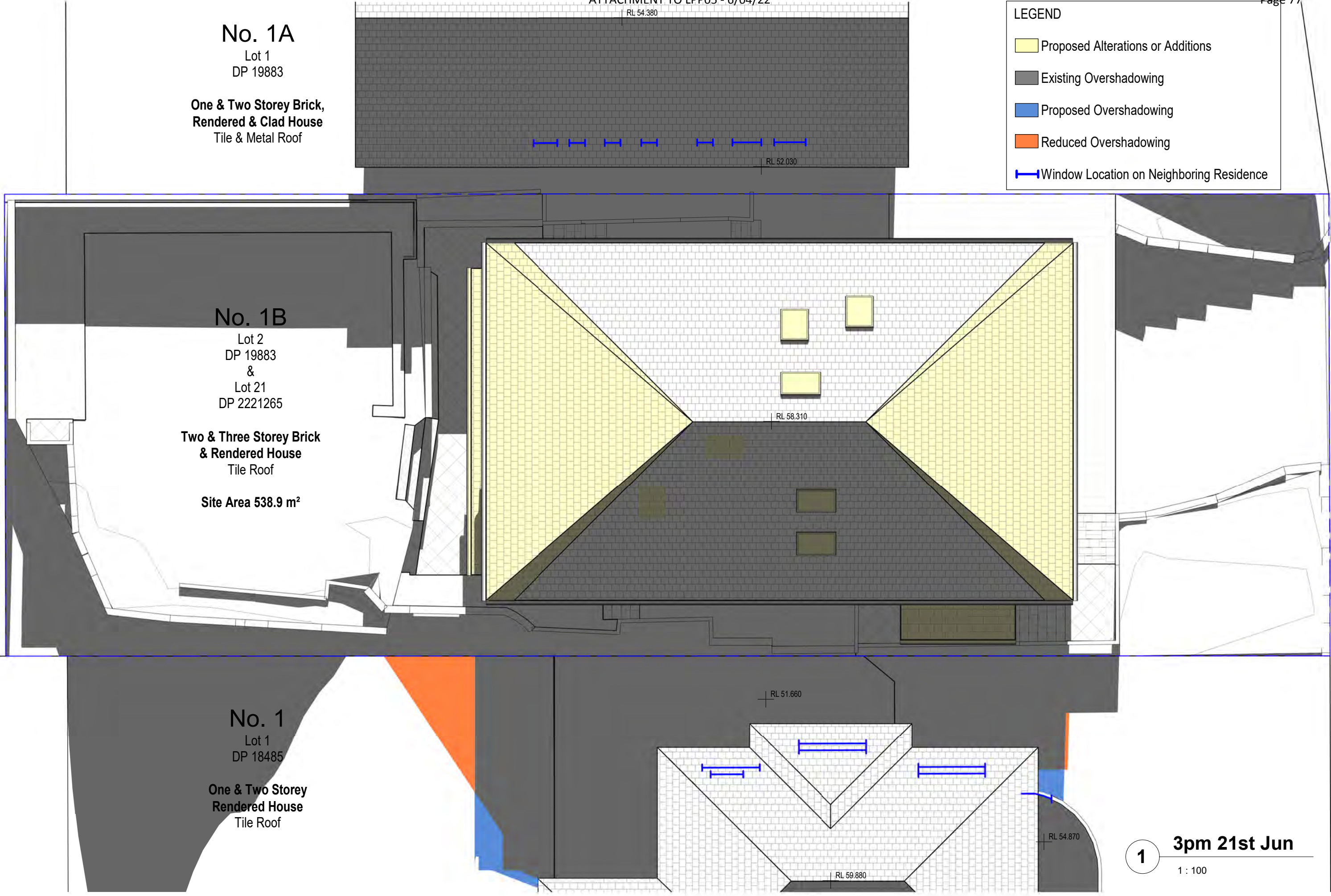
Two & Three Storey Brick
& Rendered House
Tile Roof

Site Area 538.9 m²

No. 1

Lot 1
DP 18485

One & Two Storey
Rendered House
Tile Roof



SAMORA AVENUE

1 **3pm 21st Jun**
1 : 100