



NSLPP MEETING HELD ON 01/02/2023

Attachments:

1. Architectural Plans
2. Clause 4.6 Statement
3. Streetscape Analysis

ADDRESS/WARD: 44 Ellalong Road, Cremorne

APPLICATION No: DA142/22

PROPOSAL: Alterations and additions to an existing dwelling house including a swimming pool and associated works

PLANS REF: Architectural Plans, prepared by Action Plans, Revision B, Plan no.'s DA00-DA28, dated 9 September 2022

OWNER: C J Milne

APPLICANT: C J Milne

AUTHOR: Miguel Rivera, Senior Assessment Officer

DATE OF REPORT: 16 December 2022

DATE LODGED: 18 May 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing dwelling house on land identified as No. 44 Ellalong Road, Cremorne, and legally described as Lot 45 in DP 10291.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the proposal involves a departure from a development standard that is greater than 10%.

Council's notification of the original plans has attracted one (1) submission, raising concerns associated with privacy impacts.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 (NSLEP 2013), North Sydney Development Control Plan 2013 (NSDCP 2013) and the relevant State Planning Policies and it was generally found to be satisfactory given the site's constraints, context and setting.

The application involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013. The roof of the existing dwelling is measured at 10.2m, and therefore, does not comply with this development standard. As the proposal comprises a new roof that utilises a similar form and pitch as the existing roof and is extended southward, this non-compliance is carried over into portions of the built form that currently comply, and as such, Council is unable to regard this as a pre-existing variation. The proposed development involves a maximum height of 10.2m above existing ground level. This represents a departure of 1.7m or 20% from the development standard.

The Applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported on the grounds that sufficient planning grounds have been identified in the applicant's Clause 4.6 written variation request and the included information has demonstrated that compliance with this development standard is unreasonable or unnecessary in the circumstances.

The proposed development will result in a built form that is appropriately responsive to the context of the site and sympathetic to and in keeping with the established character of the immediate locality and the Bennelong and Northern Foreshore Neighbourhood of North Cremorne.

The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval given the proposal's compliance to and consistency with the key objectives and controls within State Planning Policies and under Council policy including NSLEP 2013 and NSDCP 2013, and lack of adverse impacts from the development on adjoining and surrounding properties.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for alterations and additions to and ancillary structures for an existing dwelling house at No. 44 Ellalong Road, Cremorne.

Specifically, the proposed development involves the following elements:

Tree removal:

- Removal of a site tree (Crepe myrtle) in the front setback.

Lower ground floor:

- Partial removal of the rear wall of existing laundry.
- Demolition of the rear stairs and retaining wall.
- Construction of a new rear living room.
- Construction of internal stairs leading to the ground floor.

Ground floor:

- Replacement of the garage door and window openings to the front bedrooms.
- Changes to layout of the ground floor to comprise of a bedroom, office, lounge room, bathroom, laundry, open plan kitchen and dining room, rear deck and internal stairs to the first floor.
- Replacement of the external stairs to access rear yard.
- Construction of a new carport to the front of the existing garage.

First floor:

- Retention of the Bedroom 3 and Bedroom 4 northern wall and window;
- Changes to layout of the first floor to comprise of two (2) bedrooms with front facing balcony, landing/sitting area, bathroom, master bedroom with walk-in-robe, ensuite and rear-facing balcony.

Ancillary works:

- Construction of a new in-ground swimming pool and associated pool fencing.
- Cut/fill and grass establishment to create a levelled turf area in rear yard – adjacent to pool.
- Demolition of existing masonry fence with hedges and installation of a metal infill and masonry fence.

A site/roof plan, existing floor and demolition plans, proposed floor plans, elevations, sections and pool section are shown in Figures 1 to 13 below.

The Applicant provided documentation including a cost estimate report identifying that the cost of works for the proposed development is estimated to be \$941,000.00.

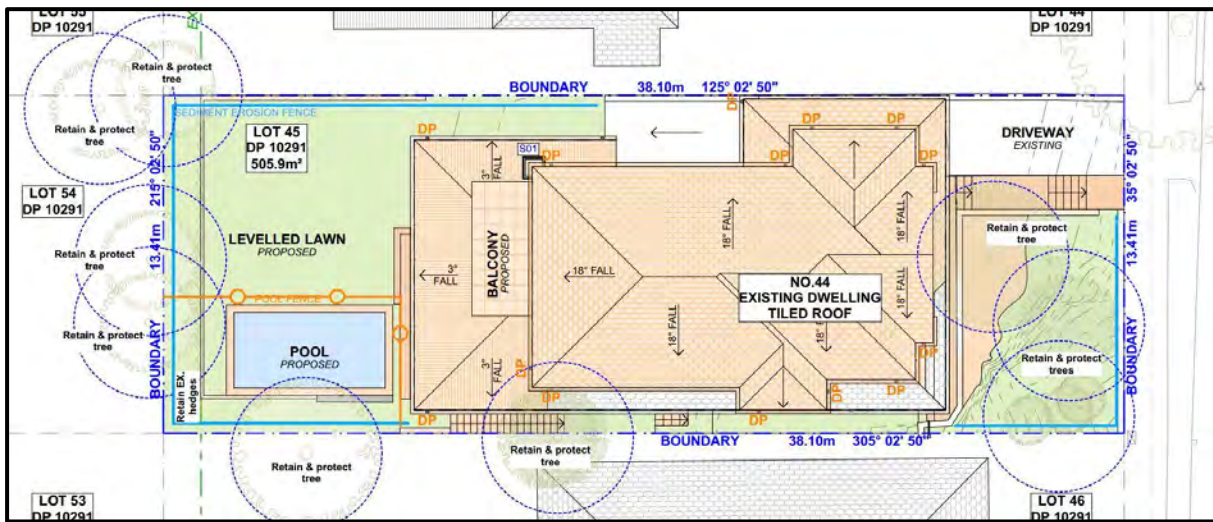


Figure 1: Site/roof plan

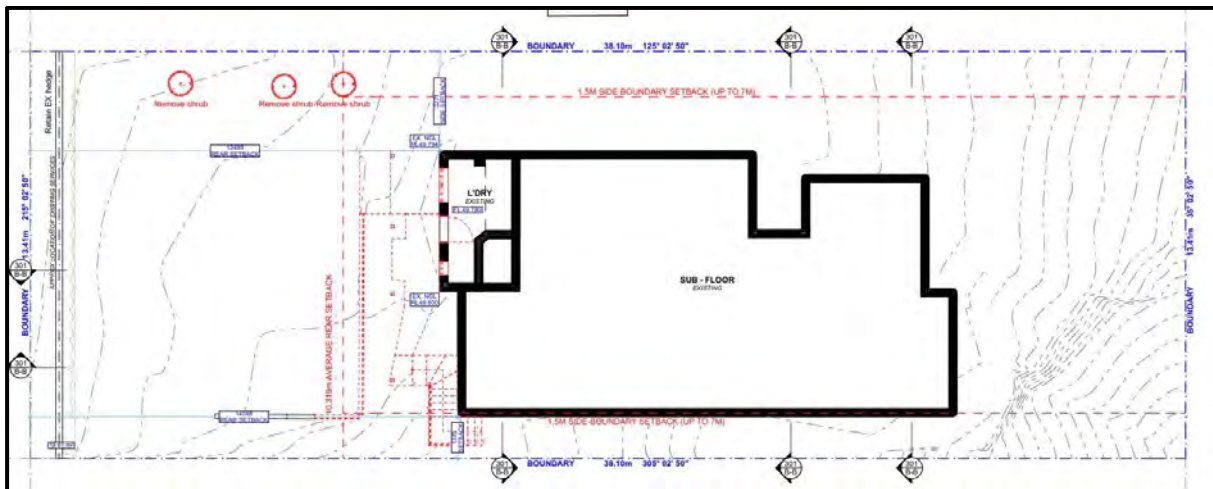


Figure 2: Existing lower ground floor and demolition plan

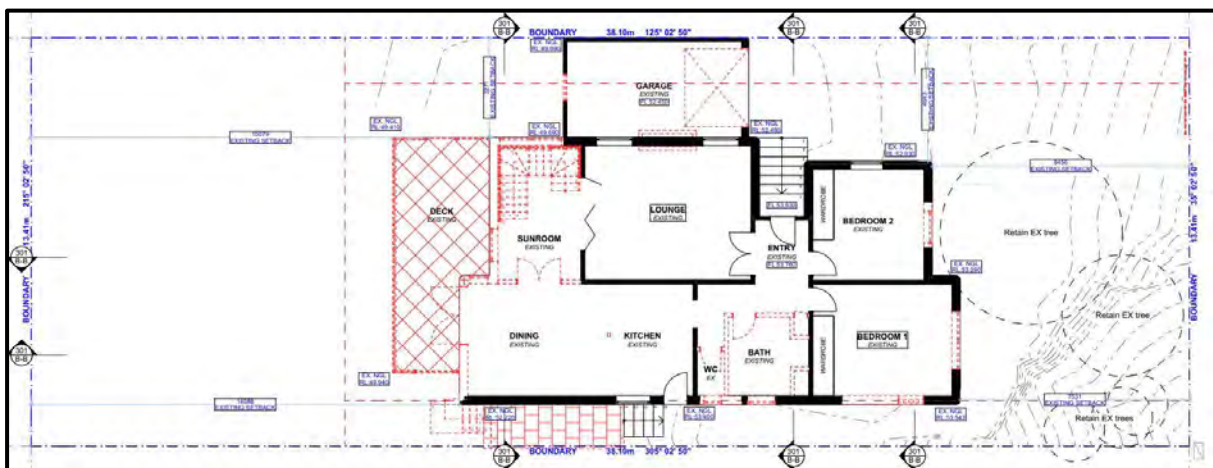


Figure 3: Existing ground floor and demolition plan

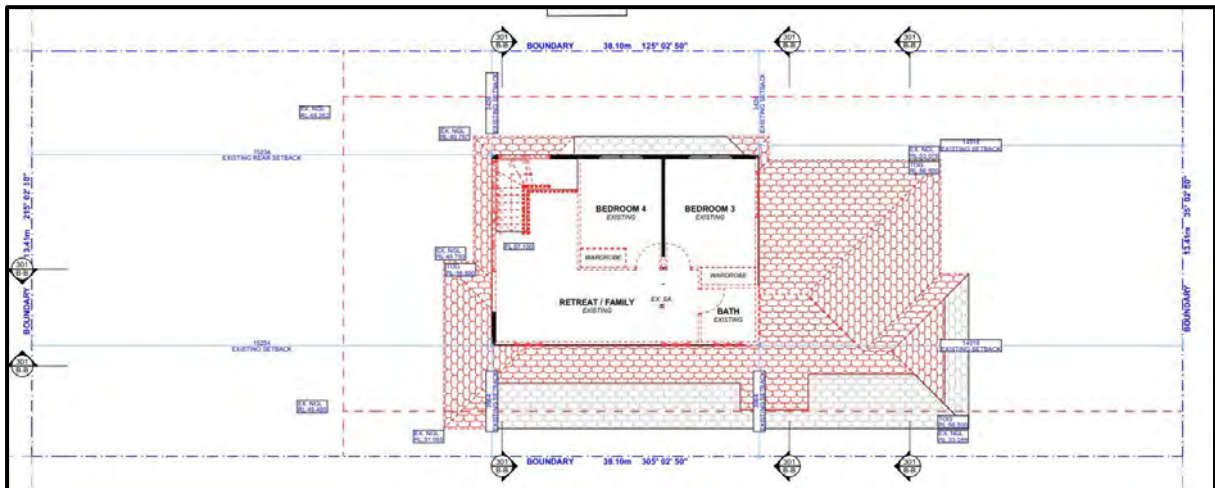


Figure 4: Existing first floor and demolition plan

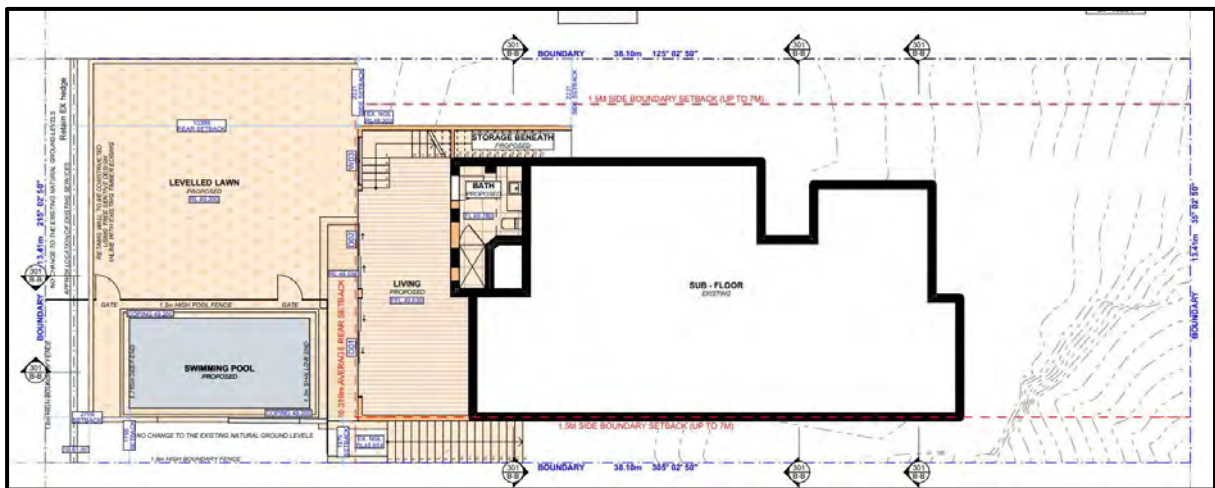


Figure 5: Proposed lower ground floor



Figure 6: Proposed ground floor

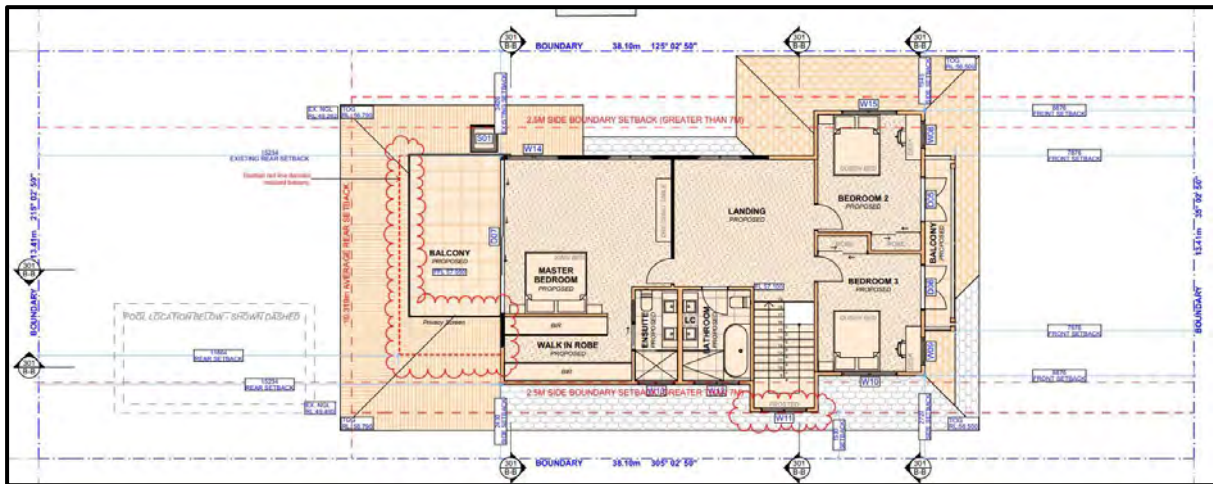


Figure 6: Proposed upper ground floor

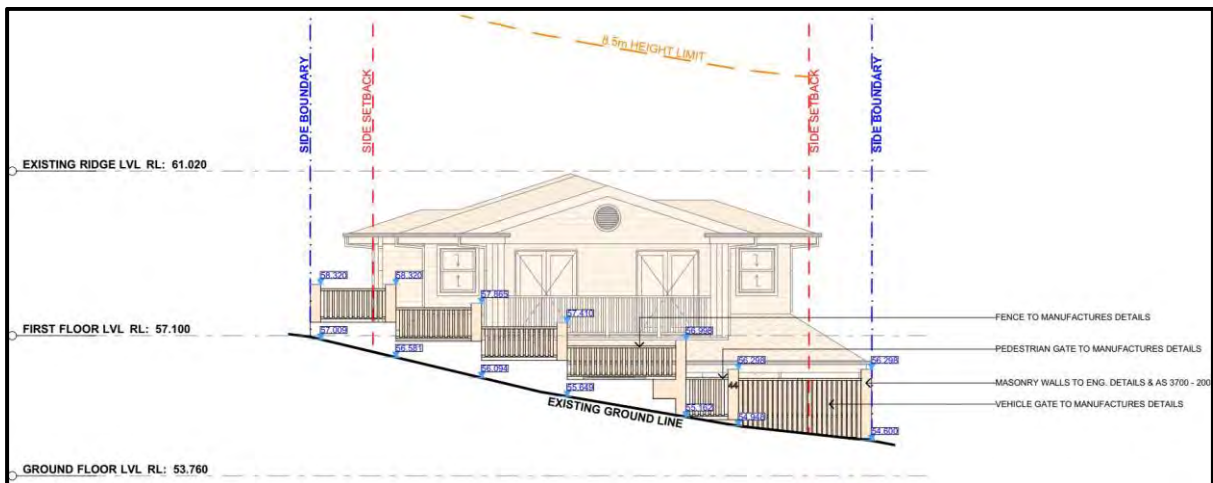


Figure 7: Street (south-east) elevation

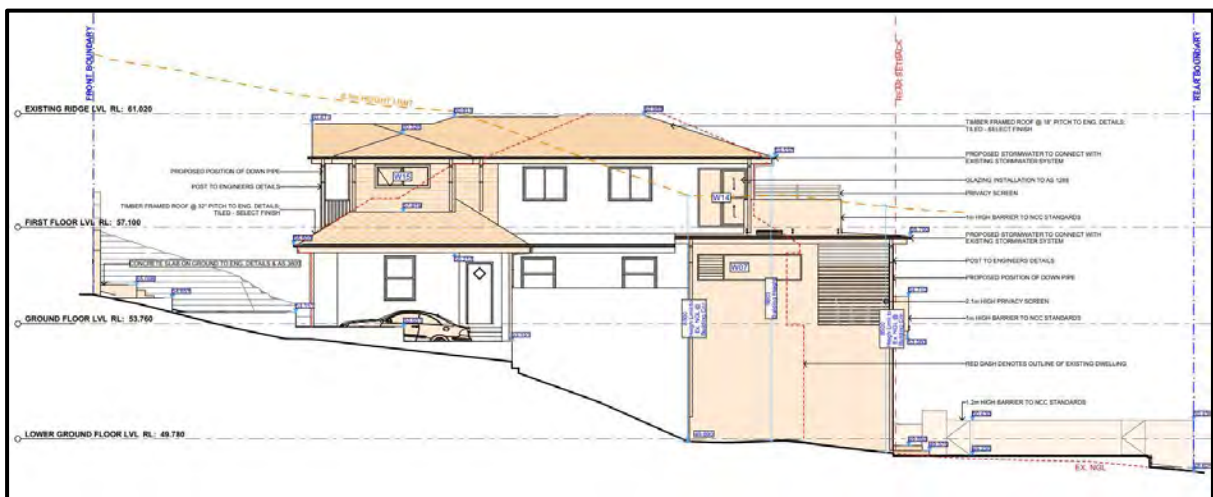


Figure 8: North-east elevation

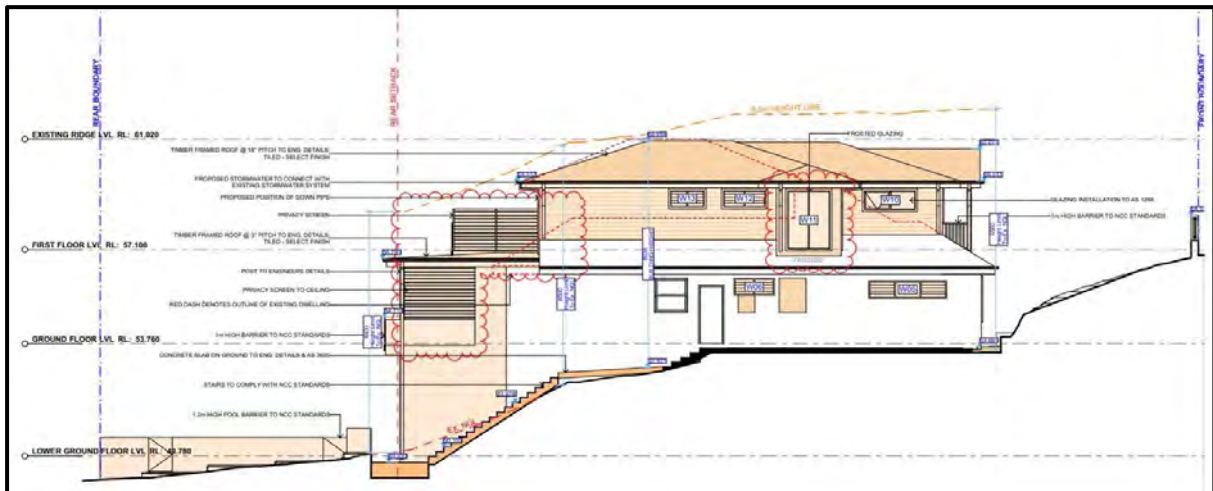


Figure 9: South-west elevation

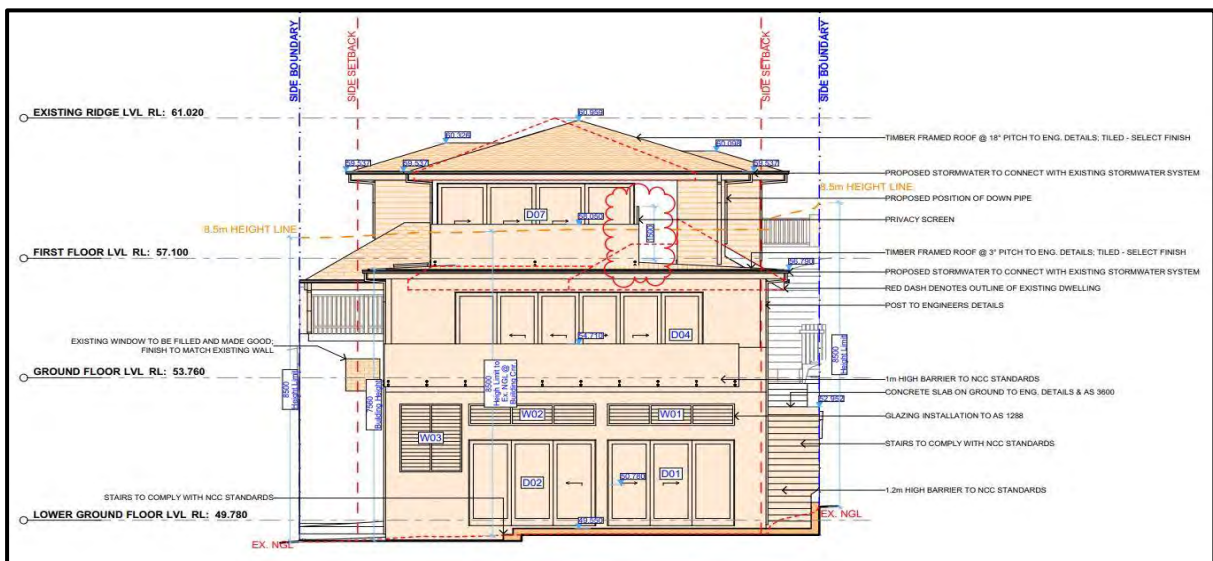


Figure 10: Rear (north-west) elevation

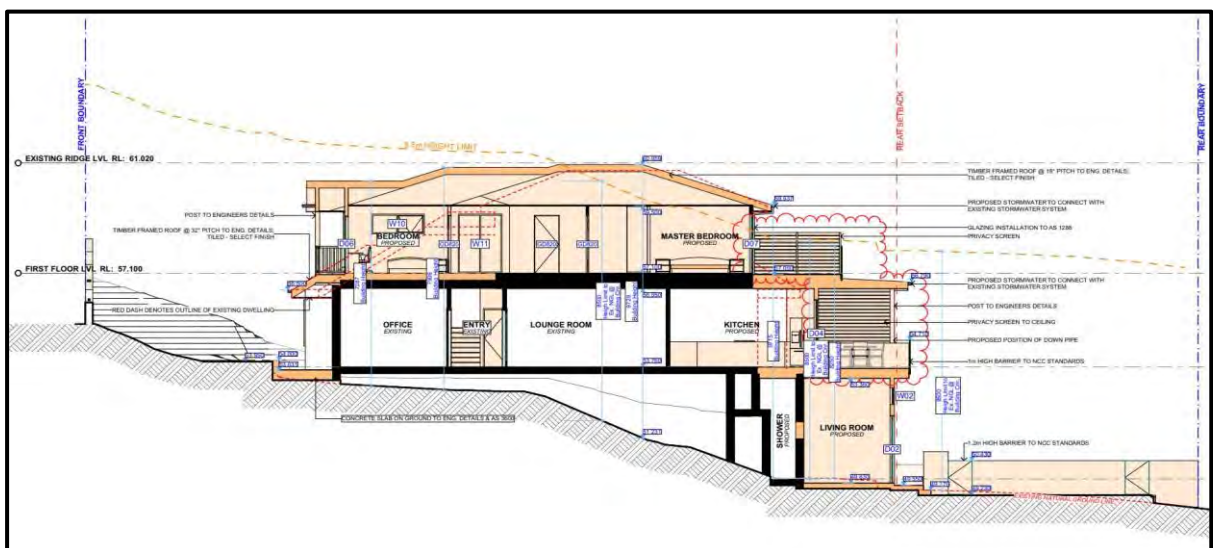


Figure 11: Long section

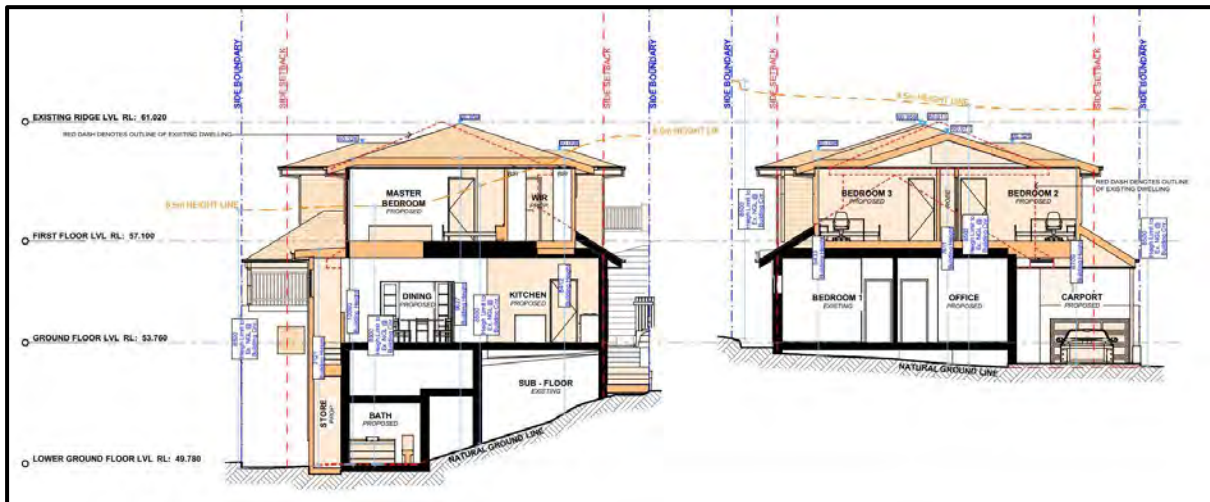


Figure 12: Cross sections

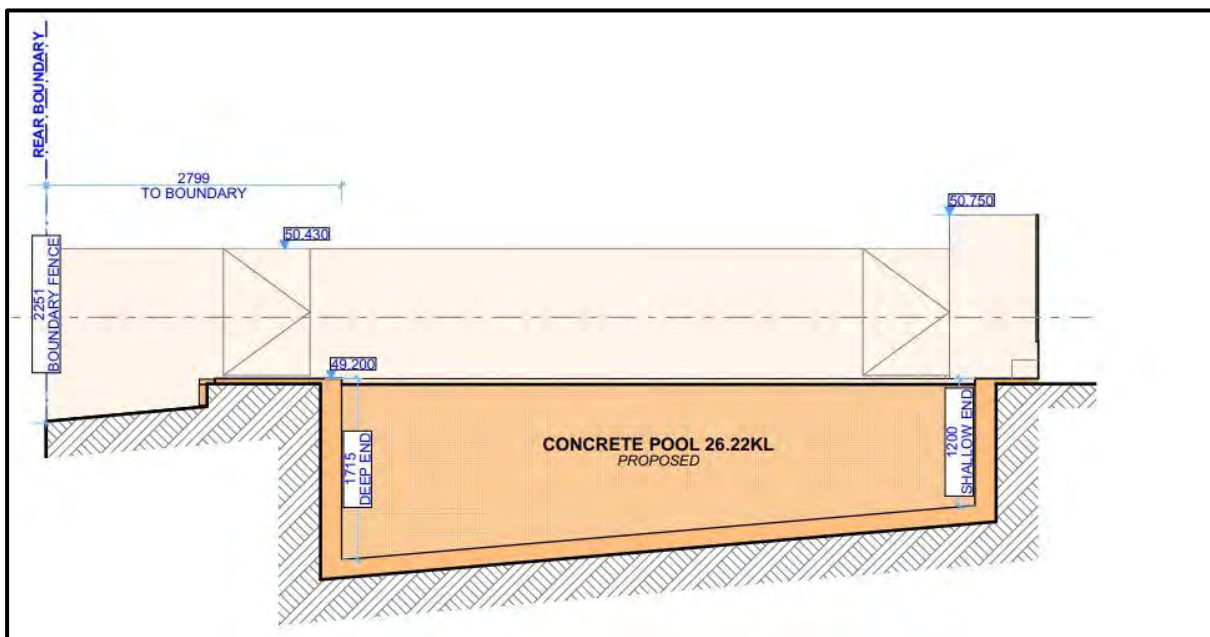


Figure 13: Pool section

STATUTORY CONTROLS

Environmental Planning and Assessment Act 1979 (as amended)
 Environmental Planning and Assessment Regulation 2021

North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Zoning – C4 – Environmental Living
- Clause 5.10 – Heritage conservation:
 - Item of heritage – No
 - In vicinity of heritage item – No
 - Conservation area – No
- Clause 6.9 – Limited development in foreshore area – No
- Clause 6.10 – Earthworks – Yes, related to new footings for dwelling additions, front fence and carport, construction of swimming pool, and levelling of the rear yard

State and regional environmental planning policies:

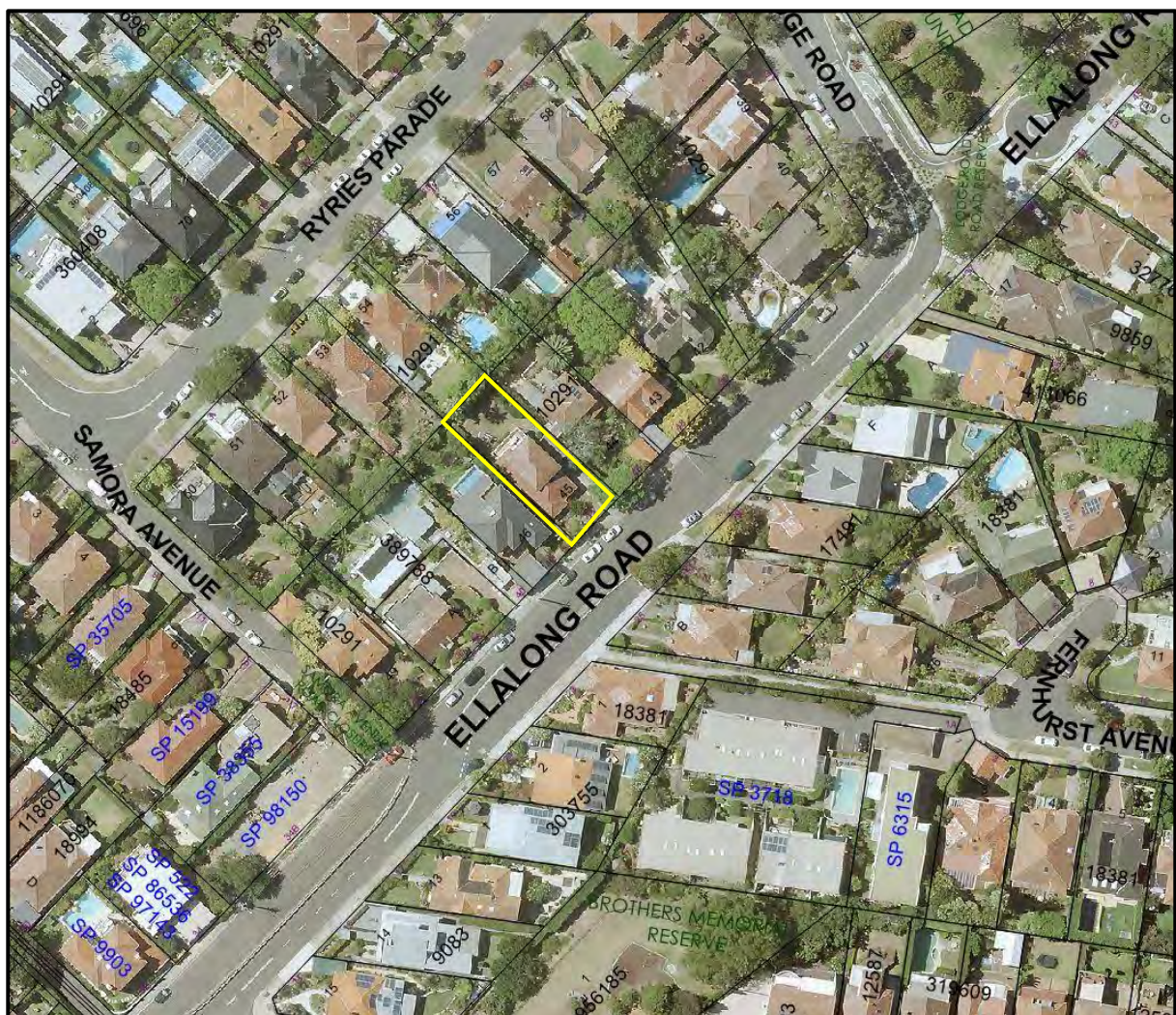
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

POLICY CONTROLS

North Sydney Local Infrastructure Contributions Plan
North Sydney Development Control Plan 2013 (NSDCP 2013)
Sydney Harbour Foreshores and Waterways Area DCP 2005

DESCRIPTION OF LOCALITY

The subject site identified as No. 44 Ellalong Road, Cremorne, and is legally known as Lot 45 in DP 10291. The site is a rectangular allotment, located on the north western side of Ellalong Road, and comprising a total area of 505.9m² (Refer to Figure 14). The site comprises a 13.41m wide frontage and a maximum depth of 38.1m. The site features a steep topography – with an 8.29m fall to the rear (north-western) boundary.



**Figure 14: Aerial map showing subject site (outlined in yellow) and surrounding properties.
(Source: SIS Map and Spatial Information Exchange Maps)**

The site is predominantly modified and currently occupied by a 2-storey dwelling house with an attached garage and a lower ground floor (undercroft area) below the ground floor, comprising a laundry room (refer to Figures 15 to 22). It is noted that this lower ground floor is disjointed from the upper levels within the house. The existing dwelling house and garage occupy a large portion of the land – with the remaining open areas consisting of a concrete driveway, side access passageways and external stairs, and some vegetated areas (refer to Figures 15 to 22). These vegetated areas are in the form of perimeter garden beds, grassed lawn areas and scattered trees within the front setback and rear yard.

The site benefits from having vehicular access off Ellalong Road, via a long driveway situated along the north-eastern side of the front setback (refer to Figure 15).



Figure 15: Front setback of subject site – showing front fence with hedges, driveway and dwelling house



Figure 16: Western view of front setback – showing front fence with hedges, driveway and access path to the north-western side setback



Figure 17: Rear of existing dwelling house and access stairs leading to rear yard. Lower ground floor (laundry room) shaded in blue



Figure 18: North-western view (towards rear boundary) of the rear yard – taken from the ground floor deck



Figure 19: North-eastern side of rear yard – view towards No. 46 Ellalong Road



Figure 20: Back view of attached garage and laundry window



Figure 21: South-western side of rear yard – view towards No. 42 Ellalong Road



Figure 22: Existing stairwell taken from first floor of dwelling house

The immediate locality features a predominantly low density residential, suburban character comprised of multi-storey dwelling houses on generous-sized, sloping allotments, set within a steep and hilly landscape (refer to Figure 23). The terrain along Ellalong Road is reflective of the steep, sloping areas in the general vicinity of North Cremorne. The unique landscape setting and significant changes to ground levels provides land/water views and vistas towards Willoughby Creek, Willoughby Bay, Middle Harbour and beyond. At the subject site, these views and vistas may be regarded as distant/district views.

Ellalong Road comprises a mixture of scattered street tree planting, sandstone/masonry retaining walls and embankments and residential housing of varying architectural and eclectic styles, roof forms and materiality. The dwelling houses typically step with site gradients and have carports/garaging generally situated forward of house building line. The front setbacks of residences feature solid masonry/stone/metal fences combined with perimeter planting (such as tall hedges) and a single or multiple small trees.

The site is surrounded and adjoined by the following residences:

- Front: 27 Ellalong Road (dwelling house) (refer to Figure 24).
- Rear: 9 Ryries Parade (dwelling house).
- North-east-adjointing: 46 Ellalong Road (dwelling house) (refer to Figure 25).
- South-west-adjointing: 42 Ellalong Road (dwelling house) (refer to Figure 26).



Figure 23: Streetscape along Ellalong Road



Figure 24: Dwelling house at No. 27 Ellalong Road



Figure 25: Dwelling house at No. 46 Ellalong Road



Figure 26: Dwelling house at No. 42 Ellalong Road

RELEVANT HISTORY

Previous applications

DA134/14 – 44 Ellalong Road, Cremorne

On 11 November 2014, Council (under delegated authority) granted consent to development application DA134/14. This application sought consent for construction of a new in-ground swimming pool in the rear yard of the premises. There are no construction certificates issued for the approved works under this application. A site visit to the premises confirmed that the works for the approved pool did not commence. It is noted that this consent has lapsed.

Current Application

Date	Action
18 May 2022	The subject application was lodged with Council.
3 June 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 17 June 2022. One (1) submission was received during this period.
13 July 2022	A site inspection was conducted by Council's Assessment Officer.
26 July 2022	A Request for Information (RFI) Letter was sent to the Applicant via the Planning Portal. The letter advised of matters that required addressing including building height and Clause 4.6 request for variation, site coverage, landscaped area and landscaping comments, west (rear) elevation and privacy impacts.
13 September 2022	The Applicant submitted additional information via the Planning Portal to address the matters raised in the RFI letter.
4 November 2022	A 2 nd RFI letter was sent to the Applicant via the Planning Portal. The letter advised of outstanding issues pertaining to site coverage and landscaped area, which required addressing.
30 November 2022	The Applicant submitted further information via the Planning Portal to resolve the outstanding issues.

INTERNAL REFERRALS

ENGINEERING

Council's Development Engineer reviewed the application and confirmed that no objections were raised with regard to the proposed vehicular access and parking, and stormwater management system, subject to the imposition of recommended conditions.

Planning comment: The above comments are noted and concurred with. Any recommended conditions will be included should consent be granted.

LANDSCAPING

Council's Landscape Development Officer reviewed the application and provided the following commentary with regard to the proposed tree removal and new landscaping treatments:

This assessment assumes that encasement of the mains sewer running through the rear setback of 44 Ellalong Rd shall not be required. Confirmation that such encasement shall not be required shall be confirmed prior to consent, and should such encasement be necessary, a revised landscape assessment shall be required.

On the basis that no sewer encasement is required, the following conditions shall apply:

One (1) x Jacaranda mimosifolia located in the council verge in front of 46 Ellalong Road shall be retained and protected in accordance with AS4970. Trunk and branch protection shall be installed (notably to branches overhanging 44 Ellalong & VXO).

No pruning shall be permitted.

A tree bond of \$8,000 shall be applied.

No objection shall be raised to the removal of T1 Lagerstroemia indica located within the front setback of 44 Ellalong Road, subject to the replacement planting of one (1) x Lagerstroemia indica (75l) within the front setback of 44 Ellalong Road, and the additional removal of two (2) x existing juvenile Acer sp in the Council verge in front of 44 Ellalong Road and replacement planting of two (2) x Lagerstroemia indica (45l) in the Council verge in front of 44 Ellalong Road.

Trees T2-T9 and G1 shall be retained and protected in accordance with AS4970.

All recommendations contained within the Arborist Report prepared by Hugh The Arborist dated 20/12/21 shall be strictly adhered to. -Sensitive construction techniques including hand excavation, pier & beam construction, & flexible location of piers/footings shall be carried out within the TPZ of any protected tree, no roots greater than 30mm shall be cut. Excavation & level changes within the TPZ of protected trees shall be minimised, and no over excavation beyond proposed structures shall be permitted.

SW shall be redirected outside the TPZ of the Jacaranda mimosifolia in the council verge in front of 46 Ellalong Road, and proposed pipework shown along SW edge of proposed pool shall be relocated along NE pool edge.

The existing hedge along the SW boundary of 44 Ellalong Road (rear setback) shall either be retained and protected in accordance with AS4970 or shall be replaced with similar hedging plants (300mm pot size at min 1m centres) capable of establishing as a hedge able to be maintained at 1.8-2m high (min).

Planning comment: The above comments are noted and considered. The Applicant provided correspondence confirming that the proposed works would not require the Sydney Water sewer main to be encased. As such, no further information is required and any recommended conditions will be included should consent be granted.

SUBMISSIONS

Original Plans

In accordance with Council's Community Participation Plan, Council notified adjoining properties and the Willoughby Bay Precinct Committee of the proposed development from 3 to 17 June 2022. Council received one (1) submission from No. 42 Ellalong Road, Cremorne (south-west adjoining neighbour) during this period.

The matters raised in this submission are listed below:

- Privacy impacts – proposed balconies (first floor and ground floor)
- Privacy impacts – stairwell window
- Privacy impacts – ground level windows

The above issues are summarised and addressed later in this report.

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

Amended Proposal – 14 November 2022

The Applicant submitted an amended design and additional information in response to the submission and any correspondence from Council. The nature of the changes within the final scheme were such that it was determined that a re-notification of the revised design and associated plans was not required as per Council's Community Participation Plan.

The revised design involves providing frosted glazing for the stairwell window (refer to window reference W11 – on south-west elevation) and privacy screens along the sides of the balconies (both ground floor and first floor). The amended proposal is not considered to have additional or greater impacts compared to the original design in terms of amenity, views or streetscape impacts. Therefore, re-notification was not required in accordance with Council's Community Participation Plan.

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:

SEPP (Biodiversity and Conservation) 2021

The following sections apply to the proposed development and have been considered in the assessment:

Chapter 2 – Vegetation in non-rural areas

The proposed development involves the removal of one (1) tree (a *Lagerstroemia indica*) in the front setback. Council's Landscape Development Officer confirmed that this removal was supported subject to tree replacement conditions imposed. A number of landscape and tree protection conditions will be imposed as recommended by Council's Development Officer – ensuring an appropriate and acceptable landscape outcome can be achieved for the subject site. As such, the application satisfies the respective aims under Chapter 2 of this SEPP.

Chapter 10 – Sydney Harbour Catchment

It is noted that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 has been included in Chapter 10 of this SEPP since its endorsement in December 2021. Having regard to Chapter 10 of this SEPP and the Sydney Harbour Foreshores and Waterways Area DCP 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 site's location in suburban, residential area of Cremorne. The proposed development is of a bulk, scale and design that are proportionate and appropriate to the subject site and respective of site constraints and the site's location and setting within the Sydney Harbour Catchment. As such, the proposed development is acceptable having regard to the provisions contained within SREP 2005 and the Sydney Harbour Foreshores and Waterways DCP 2005.

SEPP (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has been used as a dwelling house for over 20 years and as such is unlikely to contain any contamination. The nature and location of the proposed development (involving alterations and additions to an existing dwelling house and ancillary structures) are such that any applicable requirements of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been submitted with the application to satisfy the aims of this SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and is considered to be satisfactory with respect to the relevant aims of the Plan.

Permissibility

The site is zoned C4 – Environmental Living under the provisions of the North Sydney Local Environmental Plan 2013. Development for the purposes of alterations and additions to and ancillary structures for a *dwelling house* is permissible with the consent of Council in the C4 – Environmental Living zone.

Objectives of the zone

The objectives of the C4 – Environmental Living zone are stated below:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The location and nature of the proposal are such that the current use of the site as a single dwelling house will be retained and the majority of the extensions to the dwelling will be situated either within the building footprint or on paved/un-built upon or modified areas. Aside from a single tree in the front setback, the proposed development does not involve removal of any substantial nor significant native vegetation and as such will not damage the ecological and scientific values of the area.

The proposed setbacks and building separation enable a relatively contained built form that relates appropriately with adjoining properties and aligns with the general development pattern featured in the immediate vicinity and along Ellalong Road. The built form has been designed to have a similar design and scale as the existing dwelling house and the extensions will not result in any significant view loss impacts – such that the aesthetic values of the area are diminished.

The proposed development has been designed with respect to the unique setting, context and constraints of the site (including the steep topography) and with consideration of adjoining and surrounding properties. The proposed development will facilitate a reasonable extension to the dwelling and establishment of ancillary structures that will provide an improved amenity and additional functionality for future occupants, without compromising the amenity of other residential properties. As such, the proposal comprises built form and architectural design that will not result in any significant, adverse impacts on the environment and neighbouring residences and are considered acceptable and able to achieve the key objectives of the C4 – Environmental Living Zone.

Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under NSLEP 2013 as follows:

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area – 505.9m ²	Proposed	Control	Complies
Clause 4.1 – Subdivision Lot Size	No submission proposed	Min. 450m ²	Yes
Clause 4.3 – Heights of Buildings	New roof over first floor (at rear): 10.2m	Max. 8.5m	No (1.7m) 20% variation
	New roof over first floor (at front): 8.91m		No (0.41m) 4.8% variation

Clause 4.3 – Height of Buildings

The proposed development involves a maximum height of 10.2m, which is partially caused by the retention of the existing roof form of the dwelling house and further extension of the first floor, which distributes the roof and height variation to some parts of the built form that currently comply. The proposed height of 10.2m represents a 1.7m or 20% variation to the maximum height of buildings development standard under Clause 4.3 of NSLEP 2013. The majority of the proposed building complies with the maximum height provision.

A detailed discussion regarding the proposed height breach and its assessment against Clause 4.6 of the NSLEP 2013 are discussed below.

Clause 4.6 – Exceptions to development standards

The Applicant has provided a written request to vary the development standard under Clause 4.3 of NSLEP 2013 – maximum height of buildings.

Extent of the Variation

As described above, the proposed development involves a maximum height of 10.2m, which represents a 1.7m or 20% variation to the maximum height of buildings development standard.

Height plane diagrams are shown in Figures 27 to 29 below.

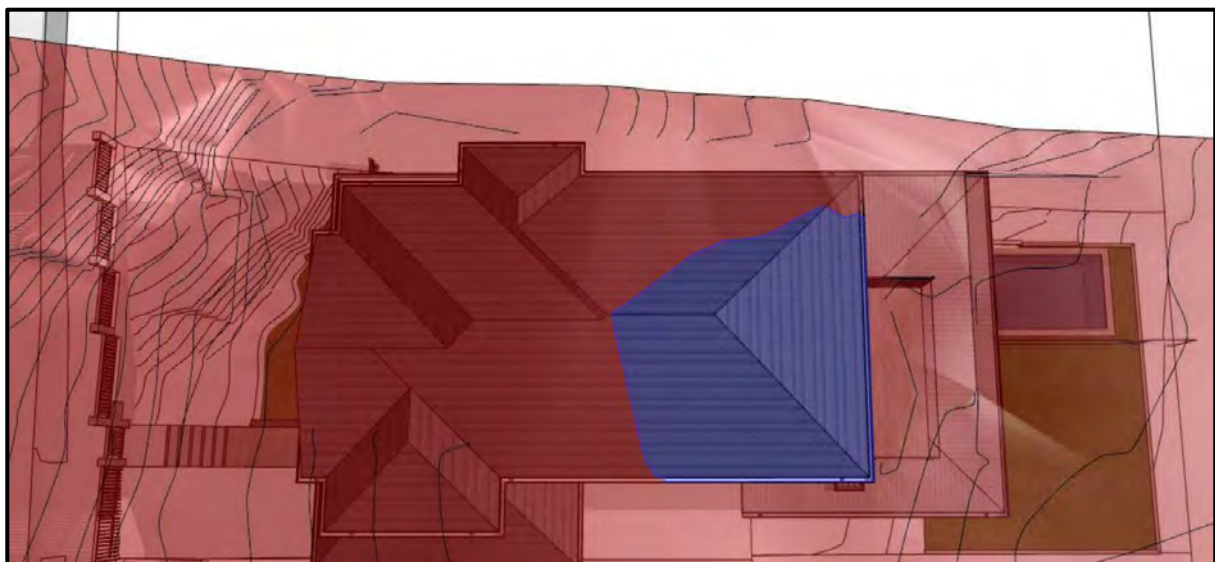


Figure 27: Height plane diagram – aerial view

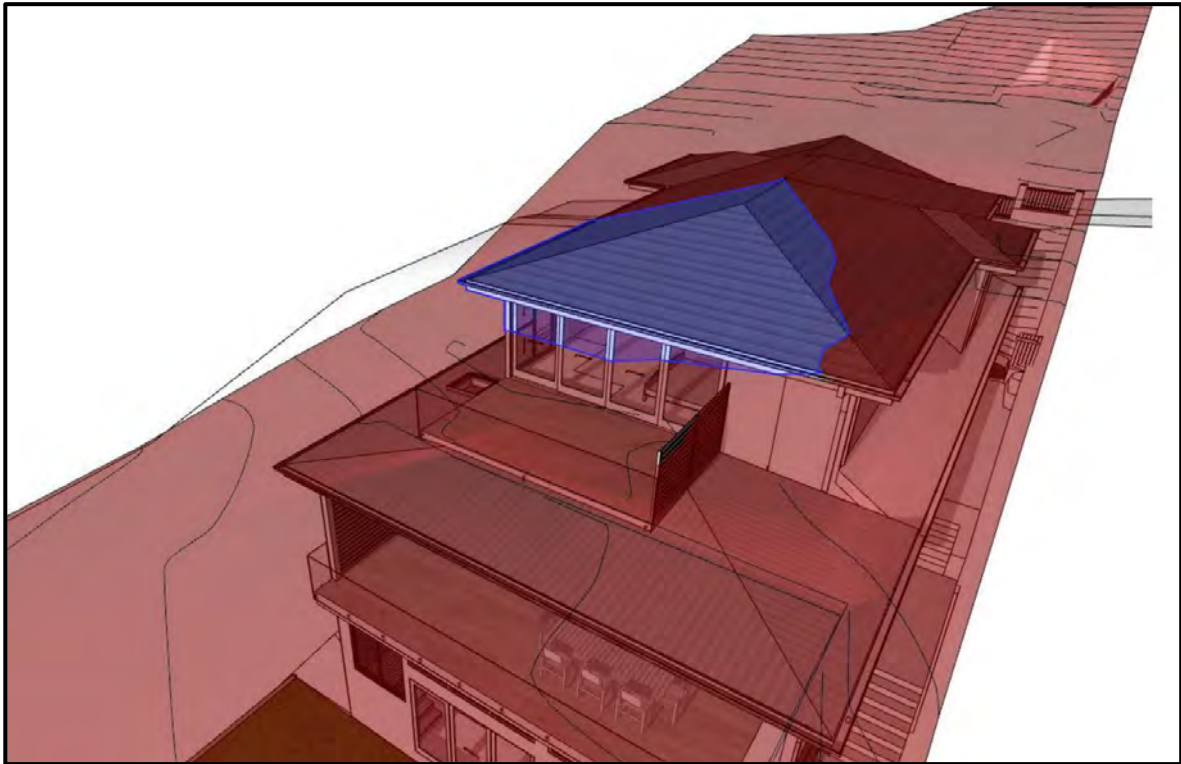


Figure 28: Height plane diagram – rear perspective 1

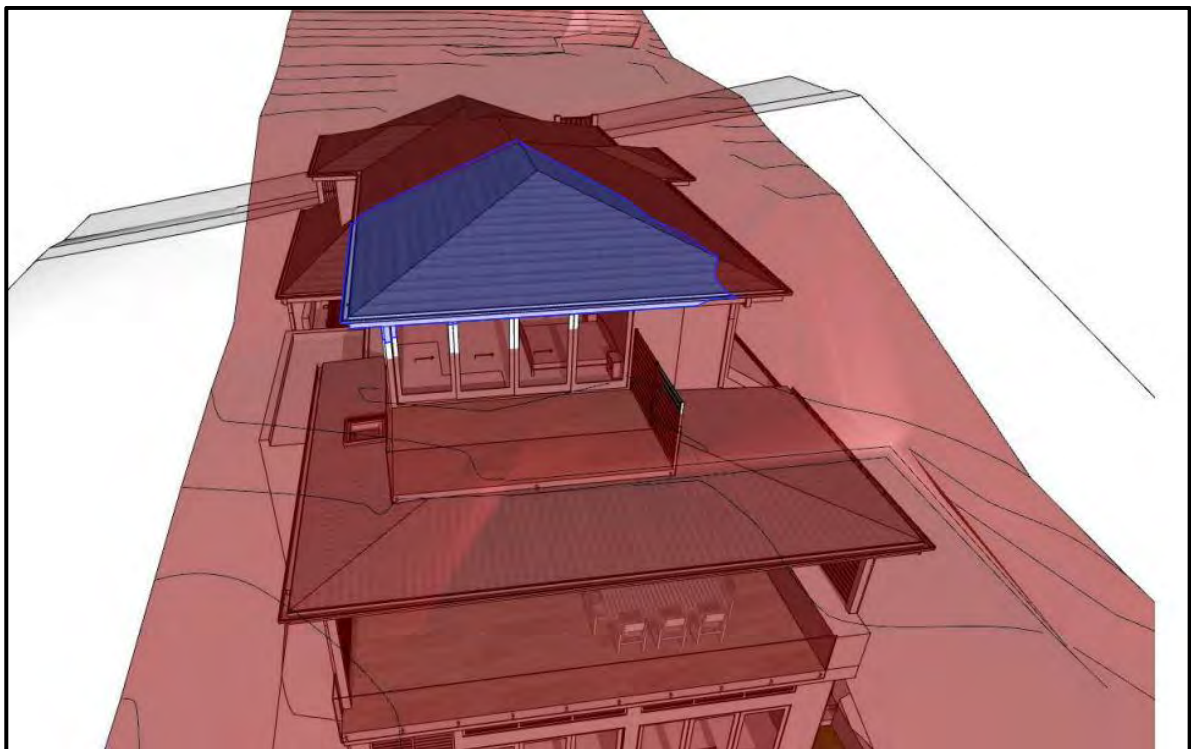


Figure 29: Height plane diagram – rear perspective 2

Clause 4.6(3)(a) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

For reference the objectives of the development standard are as follows:
Clause 4.3 of the NSLEP 2013

(1) The objectives of this clause are as follows:-

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (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,*
- (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.*

The Applicant's written request relies upon Webhe Test 1 (consistency with the standard's underlying purpose or objective) to demonstrate that compliance with the development standard is unreasonable and unnecessary. In response to Clause 4.6, the following excerpts are relevant and contained within the Applicant's written request:

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

The variation is largely the result of the slope of the site and a need to construct within the constraints of the existing dwelling. The vast majority of the building complies with the maximum height control. The resulting dwelling is of a lesser scale than the neighbouring dwellings and presents as a compliant residence to Ellalong Road.

The small breach allows for the retention of the upper-level bedrooms in the proposed development with an alternate roof form allowing for a slightly reduced ridge height.

The proposed development has been designed to reflect the natural landform and steps down the site, which, notably, falls 2.8m from the southern Vale Street frontage to the northern rear boundary. As a result of the proposal stepping down the site, when viewed from Vale Street, the development appears as a three storey building, and the fourth storey is only visible at the rear of the site. By stepping down the site the proposal reduces the visual bulk of the development, whilst also respecting the natural topography of the land.

The proposed variation is considered reasonable for the steep site at 18.3% or 1.56 metres and remains compatible, if not lesser than, with the prevailing height of buildings, and streetscape character within the locality. Consideration of the heights of neighbouring dwellings clearly demonstrates higher roof forms consistently in the area.

The dwelling design steps with the site and the small variation results where the site drops away.

The variation is consistent with surrounding development, a result of the site topography and limited to a small form where impacts are negligible. It is considered this objective is met, despite the numerical variation.

Objective (b) is to promote the retention and, if appropriate, sharing of existing views. The proposal does not adversely impact views of adjoining or adjacent properties.

While no views are considered to be lost, we also note that the variation is at the rear of the site and at the same RL as evident as the front, where height is easily compliant. There is no view loss as a result of the proposed variation.

It is considered this objective is met, despite the numerical variation.

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

The proposed variation to height does not result in any unreasonable solar access impacts to adjoining dwellings. Solar access for neighbours is fully compliant with the vast majority of the dwelling well under the height control.

Given that compliant solar access is achieved for the neighbour, despite the height variation sought, it is considered the underlying objective of this clause has been satisfied.

Objective (d) is to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings.

The small area of height variation does not result in any loss of privacy for neighbouring sites, with layout of lots and topography resulting in differing floor levels and natural screening through vegetation.

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

The proposed development is consistent in scale, if not lesser than neighbours.

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

The number of storeys steps with the site and is unchanged from existing. The development retains a 2-storey form.

Council's evaluation of the Applicant's written request confirmed that the objectives of the development standard and the relevant zone (R4) have been achieved and the non-compliance with the development standard can be supported (as demonstrated in the 'Objectives of the zone' section above and the section below).

The Applicant's written request nominates "environmental planning grounds" which should be considered to justify the variation and that support for the variation will be in the public interest. Council's assessment of this request confirms that sufficient environmental planning grounds have been demonstrated and support for the variation is in the public interest.

The proposed development is considered below, having regard to the objectives of the development standard.

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

The proposed development has been designed to conform to the landforms and with respect to the significant fall to the rear boundary and the dramatic change in levels, unique to the site. Despite the challenging topography, it is noted that the majority of the built form complies with the 8.5m height limit and the primary components that exceed this are associated with the back of the upper level roof, in a location where the site experiences a significant fall. The location and design of the non-compliant components are such that the height variations will not be highly visible nor impactful when viewed from public domain and can be regarded as minor. This objective is achieved by the proposed development.

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

As mentioned above, the unique and steep topography and hilly landscape featured in the subject site and surrounds presents opportunities for residences to enjoy some land/water views and vistas towards Willoughby Creek, Willoughby Bay, Middle Harbour and beyond. These opportunities are generally reliant upon open corridors and gaps between buildings as well as the topography.

The proposed development is predominantly contained within the existing footprint of the dwelling house. It is further noted that the height of the existing house also features a similar exceedance to the height limit. Accordingly, the current obscuring of views/outlooks and view loss impacts associated with the existing dwelling are considered similar in extent as the proposal.

The proposed development comprises ample setbacks from property boundaries and any extension or projection of the house will be situated towards the front (within the footprint) or in the rear yard, where the site falls. The location and nature of the proposal are such that there will be negligible view loss impacts. Given the above considerations, the proposed development satisfies this objective.

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

A detailed analysis on overshadowing impacts is provided below (refer to DCP section). It has been demonstrated that the extent of overshadowing impacts on existing development, public reserves and streets, is reasonable and acceptable. The proposed development achieves this objective.

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

The final scheme has been designed to provide sufficient separation distances and design features (such as privacy screens and highlight windows) that allow for adequate visual and acoustic privacy between future occupants and neighbouring properties. The proposed development generally satisfies this objective.

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

The subject site is situated in the C4 – Environmental Living zone, immediately adjacent to areas zoned R2 – Low Density Residential zone (refer to Figure 30).

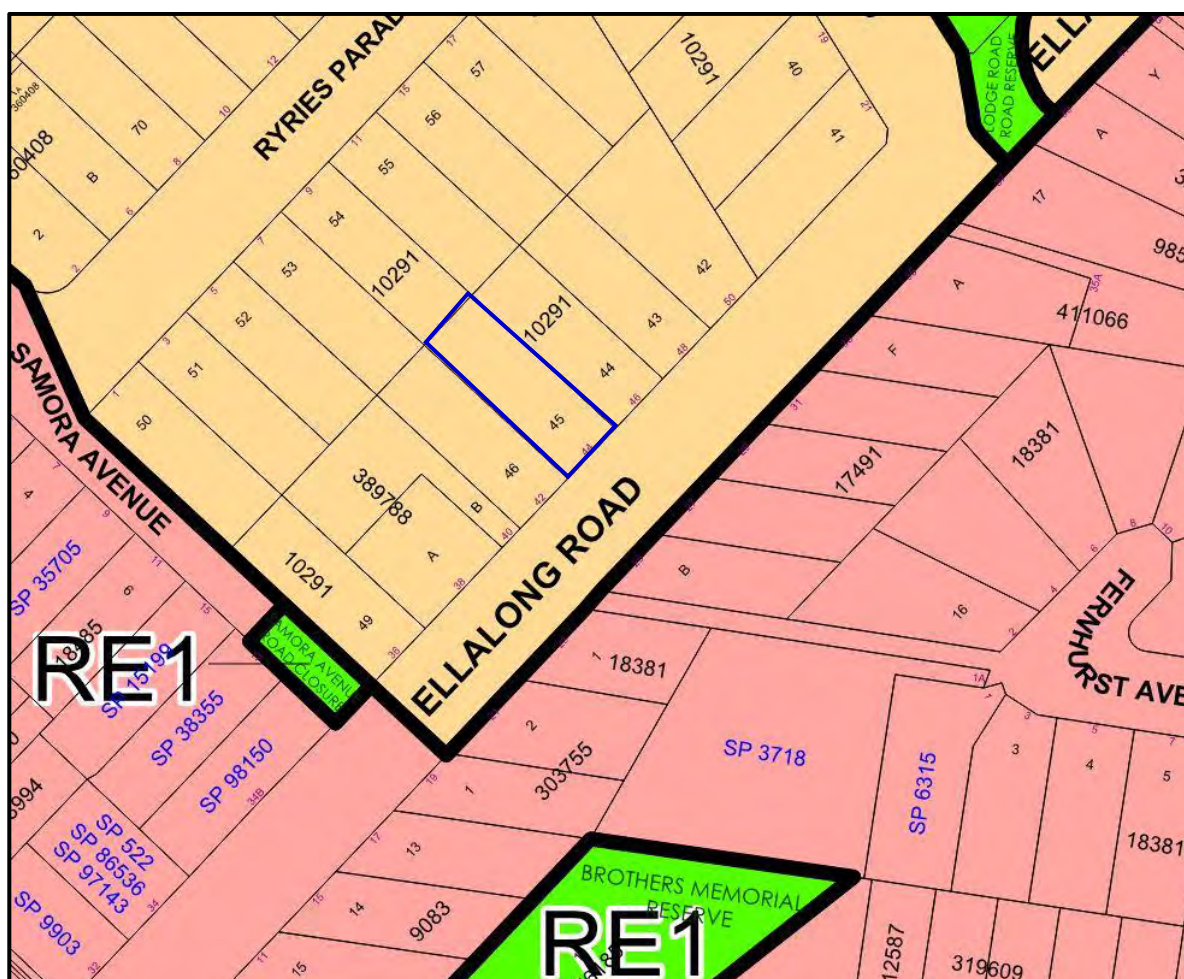


Figure 30: Zoning Map showing subject site (outlined in blue) and surrounding properties

The proposed development is considered an acceptable design and planning outcome for the site that is sympathetic and responsive to the site's context being adjacent to a low density residential area (to the south). The proposed development achieves this objective.

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

The proposed development is of an appropriate scale, bulk and density that is compatible with and consistent to the development pattern of the locality and context of the site. As described in throughout this report, the scale and density of the development adequately responds to the site's constraints, context and setting. The proposed height variation is primarily associated with a small section of the upper roof that is not considered excessive and will not be highly visible. This roof will be similar in form, scale and height as the roof of the existing dwelling (which is also non-compliant) and as such, the non-compliance will not be highly discernible.

The overall presentation and architectural expression of the proposed development are considered characteristic of the immediate residential suburban area.

It is noted that the excess height does not result in any significant adverse impacts or vastly different impacts compared a fully compliant building. The proposal involves alterations and additions that utilise the majority of the existing dwelling house including the finished floor levels. As such, any height exceedance may be attributed to the design intent. On balance, the potential impacts associated with the proposed height contravention are regarded as reasonable and acceptable.

In light of the extent of height variation and the overall design, built form, massing and massing of the final scheme, the proposed development is considered acceptable and reasonable, and thus, satisfies this objective.

(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

It is noted that the existing dwelling house comprises a unique design that does not step with the falling topography of the site. The current ground floor is set at RL 53.76 and is accessed via several steps from the back of the driveway (at RL 52.48). Between the driveway and the rear of the dwelling house and garage, the site features a significant change in levels (2.79m to 3.07m). Consequently, the rear portion of the dwelling house comprises an elevated ground floor and lower ground floor and subfloor area. The proposed development intends on utilising the existing levels of the dwelling house, which already consists of a lower ground floor, ground floor and first floor. Whilst the scheme does not maintain a 2-storey development within the C4 – Environmental Living zone – it does maintain the existing development (a multi-level house) that is already established within the land. The proposed development achieves this objective.

Clause 4.6(4)(a)(ii) Applicant's written request

The written request provided by the Applicant adequately addresses the matters required by subclause (3) as discussed above.

Clause 4.6(4)(a)(ii) Public Interest

The proposed development would be in the public interest because it is consistent with the objectives of the development standard for maximum height of buildings and the objectives of the zone as discussed above.

Conclusion

The Applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013. The written request has adequately addressed subclause (3) and, subject to satisfying conditions, is considered to be in the public interest because it is consistent with the relevant development standard and the objectives of the zone.

Part 6 – Additional local Provisions

Clause 6.10 – Earthworks

The proposed development involves minor earthworks associated with the new footings for dwelling additions, front fence and carport, the construction of swimming pool and the levelling of the rear yard. An assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013.

As per the provisions of Clause 6.10(3), the following matters are required to consider before consent can be issued.

- (3) Before granting development consent for earthworks (or for development involving *ancillary earthworks*), the consent authority must consider the following matters:
 - (a) *the likely disruption of, or any detrimental effect on:*
 - (i) *drainage patterns and soil stability in the locality of the development, and*
 - (ii) *natural features of, and vegetation on, the site and adjoining land,*

The proposed earthworks are considered minor and do not have the potential to detrimentally affect soil stability, drainage patterns and adjoining land.

With regard to natural features, it is noted that an existing sandstone rock formation is embedded into the existing dwelling house (refer to Figure 31).



Figure 31: Existing sandstone rock formation at the rear of the dwelling house

The proposed development does not involve removal of this formation and the rear wall of lower ground floor will be retained as is. As such, no natural features will be impacted by the proposed earthworks.

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

The proposed development will maintain the residential (dwelling house) use of the land, at a scale and density that are in accordance with the locality, C4 – Environmental Living zoning and zone objectives applicable to the site.

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

Given the residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would give rise for concern relating to the quality of material to be utilised as fill or of any existing material that will be disturbed.

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

Given the minor nature of the proposed earthworks it is unlikely that these works will result in adverse, unreasonable amenity impacts. Conditions can be imposed to manage any construction impacts. The proposed development and associated earthworks are acceptable in this regard.

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

The proposed development involves minimal filling and excavation. Conditions can be imposed to ensure fill material is adequate and fit for purpose and any waste material from excavation exported and disposed of appropriately.

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

The site has an extended history of residential accommodation usage. The likelihood of disturbing any relics is very low. Whilst some rock outcropping is evident onsite – the proposed works will not impact this element. Conditions can be imposed to ensure the sandstone rock formation is to remain in-situ.

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

The site does not supply any drinking water catchments. If the proposed development is supported, appropriate sediment and erosion control measures can be included to prevent sediment movement into adjoining properties.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the proposed excavation and filling within the site and to surrounding properties and found that the proposed earthworks are acceptable, subject to the imposition of conditions of development consent. Accordingly, the proposed development is supportable in this regard.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed development has been assessed under the following headings within NSDCP 2013:

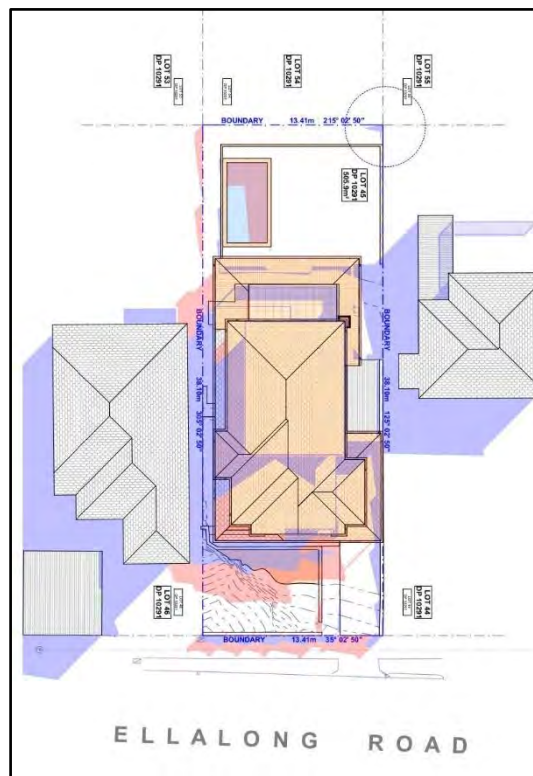
Part B, Section 1 – Residential Development

North Sydney Development Control Plan 2013 Part B Section 1 – Residential Development		
Control	Compliance	Comments
1.2 Social amenity		
Maintaining residential accommodation	Yes	The existing dwelling house use is retained and residential accommodation is considered maintained.
1.3 Environmental criteria		
Topography	Yes	The existing topography surrounding the dwelling house remains largely unchanged. The proposed levelling of the rear yard requires some excavation and filling – however, this levelling will not significantly alter the site topography. As mentioned above, the earthworks are considered minor and limited to footings, the construction of the pool and the yard levelling. The majority of existing trees and vegetation within the premises are retained. The proposed removal of an existing site tree was assessed by Council’s Landscape Development Officer and was supported, subject to conditions for tree replacement.
Properties in proximity to bushland	Yes	The subject site is within Buffer Area B – as per Appendix 4. The site does not adjoin land zoned E2 – Environmental Conservation. The proposed landscape outcome is considered acceptable, subject to specific landscape conditions imposed.

<p>Views</p>	<p>Yes</p>	<p>The site context and surrounds presents opportunities for residences to enjoy some land/water views and vistas towards Willoughby Creek, Willoughby Bay, Middle Harbour and beyond. These opportunities are generally reliant upon open corridors and gaps between buildings as well as the topography.</p> <p>The proposed development is predominantly contained within the existing footprint of the dwelling house. It is further noted that the height of the existing house also features a similar exceedance to the height limit. Accordingly, the current obscuring of views/outlooks and view loss impacts associated with the existing dwelling are considered similar in extent as the proposal.</p> <p>The proposed development comprises ample setbacks from property boundaries and any extension or projection of the house will be situated towards the front (within the footprint) or in the rear yard, where the site falls. The location and nature of the proposal are such that there will be negligible view loss impacts. Given the above, the proposed development will not result in any significant view loss.</p>
<p>Solar access</p>	<p>Yes – Main living area, principal POS of dwelling</p> <p>Yes – Neighbouring properties</p>	<p>The subject site is able to achieve sufficient solar access for future occupants given the main living room and private open space of the dwelling are situated in and orientated towards the north-western portion of the site. Side-facing windows (some of these are existing openings) are also proposed within the ground and first floors – ensuring ample light can be provided in other habitable zones.</p> <p>Given that the general orientation of properties along the north-western side of Ellalong Road are south-east to north-west, the immediately adjoining properties will receive sufficient solar access (3 hours) during mid-winter.</p>



Shadows at 9am – mid-winter (21 June)



Shadows at 12pm – mid-winter (21 June)



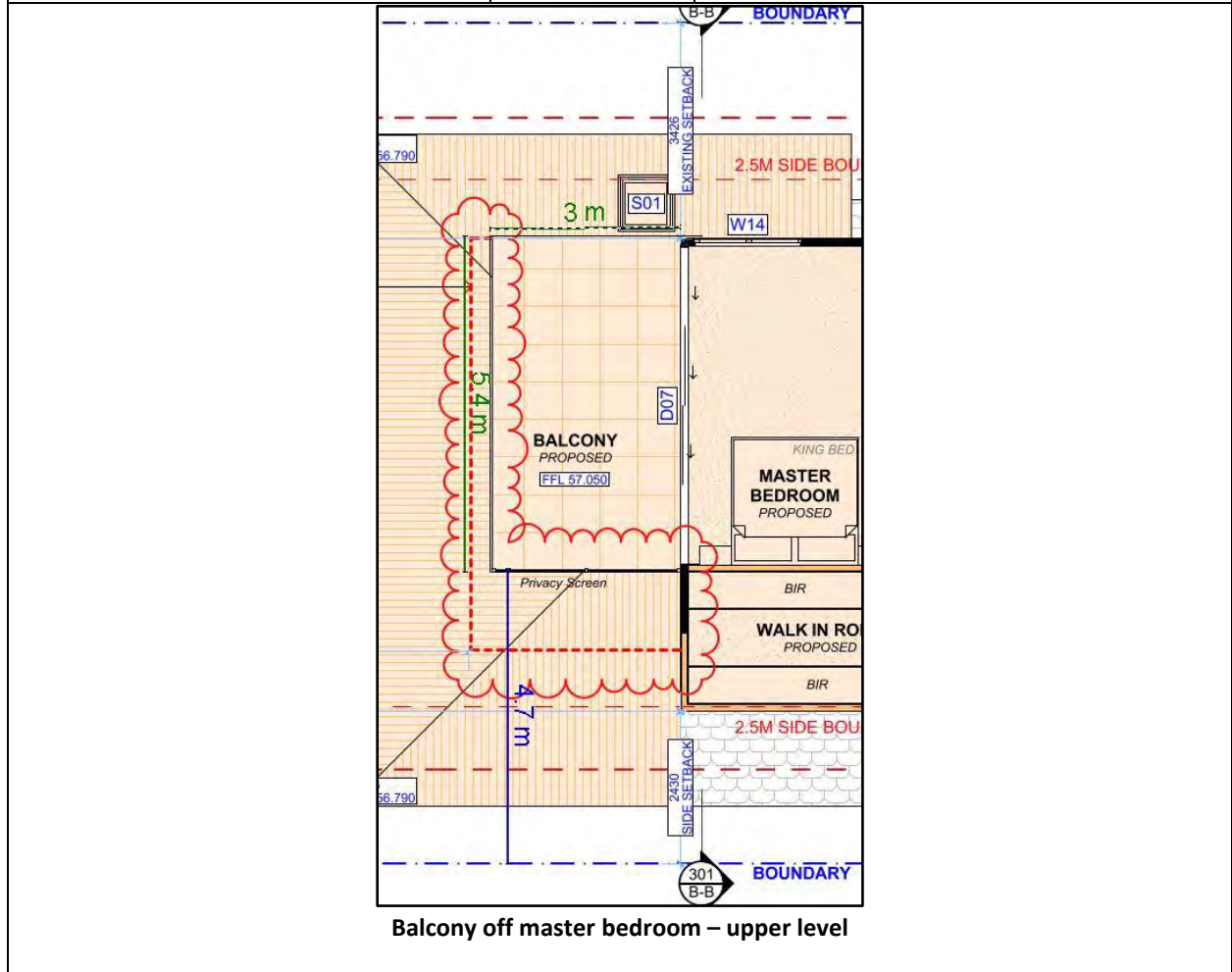
Shadows at 3pm – mid-winter (21 June)

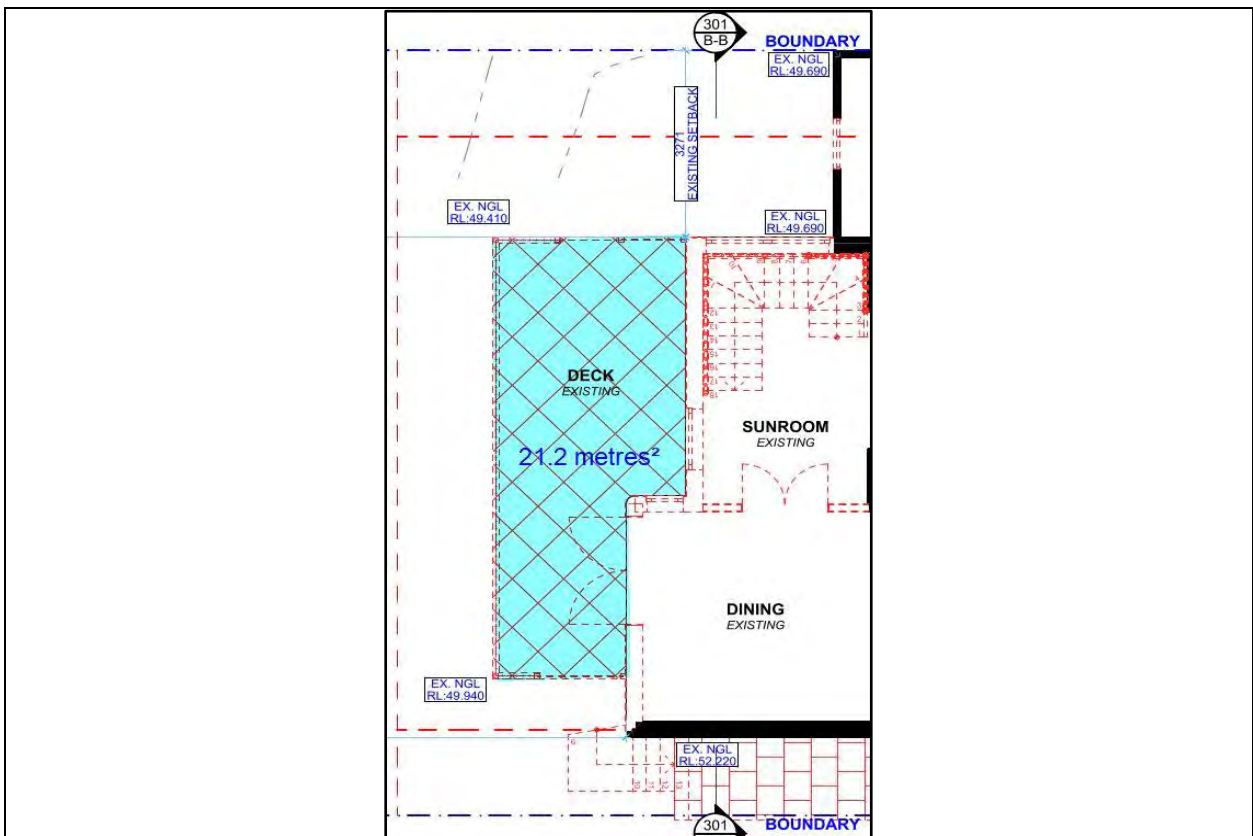
Overshadowing impacts

The proposed development will result in some additional overshadowing – mostly generated by the expanded ground and first floor levels. It is noted that the only additional overshadowing experienced by a neighbouring residence (No. 42 Ellalong Road) will be experienced between 9am-11am during mid-winter. Between 11am and 3pm, this neighbour will not be overshadowed by the proposed development, and the respective internal living rooms and private open space of this neighbour will receive the required three (3) hours of solar access during mid-winter. The orientation of the site and adjoining properties, and the general orientation of living rooms and private open spaces that face north-west ensure that all affected properties will receive three (3) hours of solar access during mid-winter. As such the respective solar access objectives and requirements under the DCP are achieved and any potential additional overshadowing impacts generated by the proposal are considered reasonable and acceptable.

<p>Acoustic privacy</p>	<p>Yes</p>	<p>The proposed balcony (as amended) and deck are regarded as elevated areas that may facilitate entertainment and could generate acoustic privacy impacts – however, these spaces have been designed with respect of adjoining properties and the site context. Further assessment of these elements are provided below.</p> <p><u>Balcony</u> The balcony on the upper level is off the master bedroom and measured at 5.4m by 3m (refer to diagram below). It is centrally located and comprises privacy screens on both sides. It has generous setbacks to property boundaries, with side setbacks of 3.4m to 4.7m and a rear setback of 15.2m. Given its design and being off a master bedroom and not connected to any internal living spaces or the rear yard, it is unlikely that this space will create significant acoustic privacy issues.</p>
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		<p>Deck</p> <p>The proposed deck on the ground floor is an extension of the existing deck. This space will be increased in size from 21.2m² to 30.1m² in area, and will have reduced side setbacks compared to the existing deck. Notwithstanding this, the proposed deck does comply with the required setbacks and also features floor to ceiling privacy screens along both sides – ensuring any acoustic impacts are minimised. It is further noted that the deck is elevated due to the unique design of the dwelling house and ground floor, and the dramatic change in existing ground levels at this portion of the site. A number of elevated internal and external living and leisure spaces occur through the locality and the proposed deck (as per the existing deck) demonstrates merit and appropriately suits the site context and setting. On balance, any potential acoustic privacy impacts associated with the proposed deck are considered reasonable and acceptable.</p>
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Existing deck – ground floor



Proposed deck – ground floor

Vibration	N/A	The subject site does not adjoin any busy roads and railway corridors.
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Visual privacy	Yes	<p><u>Context</u></p> <p>As mentioned above, the properties along the north-western side of Ellalong Road typically slope to the rear and have south-east to north-west aspects, with some land/water views and vistas of Willoughby Creek, Willoughby Bay, Middle Harbour and beyond. Accordingly, the primary internal living areas, balconies, decks and private open spaces in these residences have been designed to suit the context. Notably, many residences have elevated decks and balconies that face the rear and generally present some overlooking opportunities on other properties (refer to Figures 32 and 33 below). It is noted that the elevated terrace/balcony areas at the rear of No. 42 and 44 Ellalong Road are relatively open and do not have any privacy screens/structures that would prevent overlooking from these spaces.</p> <p><u>Impacts – windows/openings</u></p> <p>It is noted that the lower ground, ground and first floor levels are existing within the dwelling house and the finished floor levels of these remain unchanged. Many of the existing windows/openings throughout the dwelling house will be retained. The windows on the first floor are predominantly from bedrooms, landing, bathrooms and stairwell, which are considered low activity spaces. The stairwell window will be frosted to prevent overlooking from this area. Most of the new south-west-facing windows are highlight windows. On the north-eastern side, highlight windows are proposed for the stairwell (ground floor) and for the bedroom (first floor). The corner window (W14) for the master bedroom replaces an existing window (currently within a sitting room/landing). A review of all the windows and openings as proposed has determined that these components will not generate unreasonable and adverse privacy impacts.</p> <p><u>Impacts – balcony (first floor)</u></p> <p>The proposed balcony off the master bedroom has been amended to be smaller in dimensions, with ample setbacks from the sides and rear and with privacy screens to minimise overlooking on side-adjointing neighbours. This balcony is centrally located and is considered to have merit given the context of site and surrounds and the existence of elevated living and recreational areas in residences. The proposed balcony, being off a master bedroom, will not likely generate unreasonable and significant privacy impacts.</p>
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	<p><u>Impacts – terrace (ground floor)</u></p> <p>The proposed terrace has been enlarged; however, similar to the balcony, it comprises sufficient setbacks from the sides and rear and has privacy screens to minimise overlooking on side-adjointing neighbours. Given the site context and that there is already an existing terrace for the dwelling house, the proposed terrace is considered to have merit and will not likely generate unreasonable and significant privacy impacts.</p>
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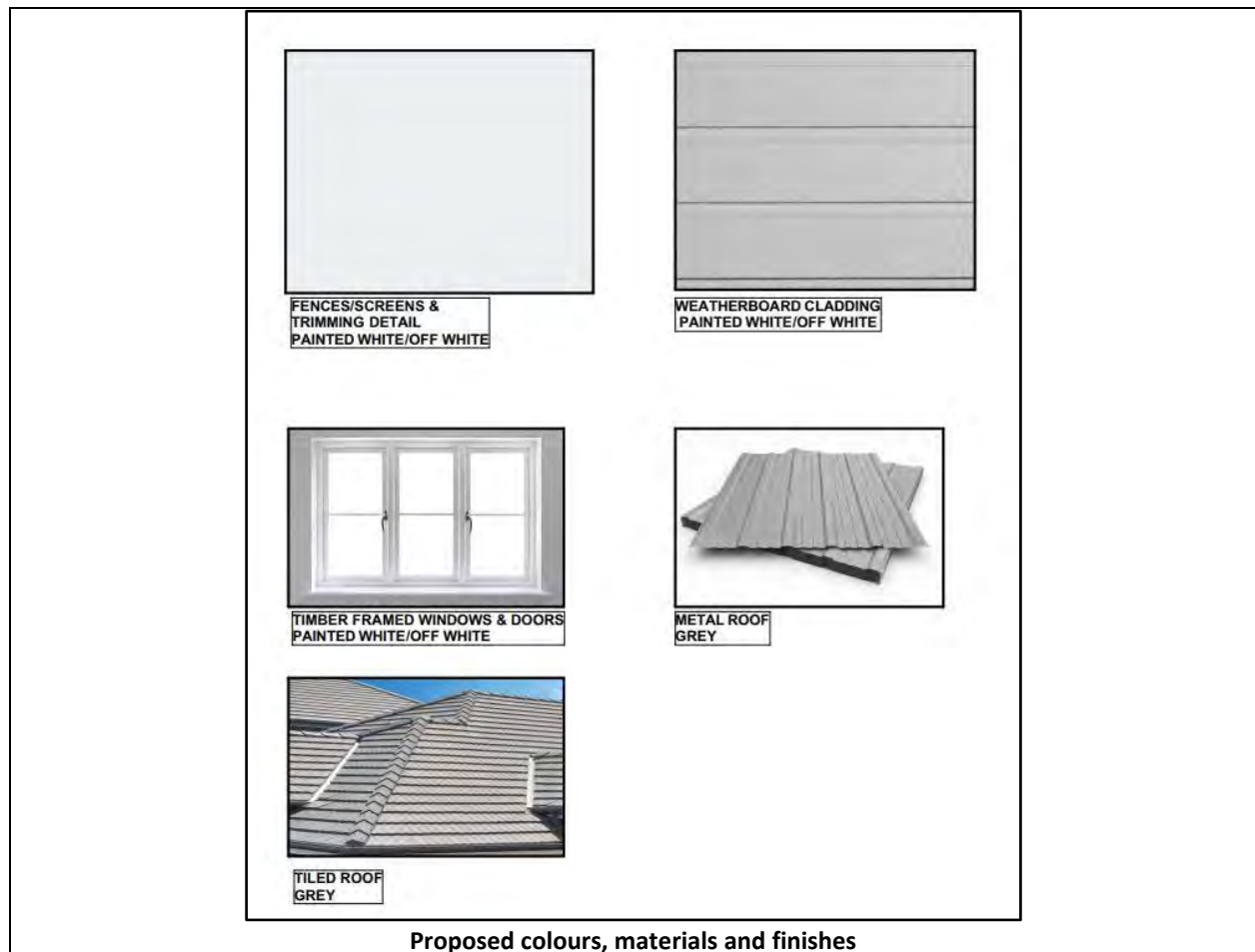
Figure 32: View of No. 46 Ellalong Road – existing elevated terrace/balcony areas (circled in yellow)



Figure 33: View of No. 42 Ellalong Road – existing balcony area (circled in yellow)

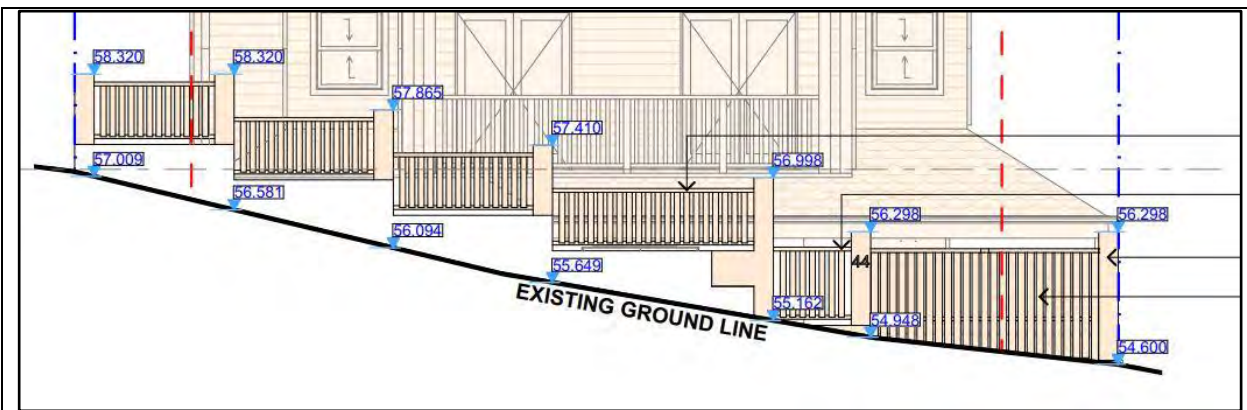
1.4 Quality built form		
Context	Yes	The proposed development is designed, located and orientated in a manner that responds appropriately to the existing characteristics, opportunities and constraints of the site.
Subdivision pattern	N/A	No subdivision proposed.
Streetscape	Yes	The existing crossing and street tree are proposed to remain unchanged.
Siting	Yes	Building footprint is appropriate to the site and relates to adjoining properties.
Setback – front	Yes	The proposed development retains the front setback of the ground floor and comprises a front setback of 7.876m for the upper level extension, which is generally consistent with the first floor levels of the dwelling houses along the northern side of Ellalong Road including No. 42 Ellalong Road.
Setback – side Dwelling houses in zone C4 – Environmental Living 1st storey (up to 4m): 0.9m 2nd storey (up to 7m): 1.5m 3rd storey or higher (>7m): 2.5m	No – upper level Demonstrates merit No – ground floor Demonstrates merit Yes – lower ground floor	The proposed development features side setbacks of: <u>Upper level (>7m)</u> <ul style="list-style-type: none"> • 1.945m (north-eastern boundary) • 1.53m (south-western boundary) • <u>Ground floor (up to 7m)</u> <ul style="list-style-type: none"> • Nil – garage (north-eastern boundary) - existing • 1.375m (south-western boundary) – existing

		<p><u>Lower ground floors (up to 4m)</u></p> <ul style="list-style-type: none"> • 2.21m – stairs to ground floor (north-eastern boundary) • 1.5m (south-western boundary) – living room <p>The variations associated with the ground floor are attributed to the existing dwelling house's setbacks. These variations are considered to have merit as they are pre-existing, and are acceptable.</p> <p>The slight encroachments on the upper level are considered as the majority of this level achieves compliance. The variations relate only to the new bedroom and stairwell and do not contribute to significant massing/bulk. These variations are considered to have merit and are acceptable.</p>
Setbacks – rear	Yes	<p>The rear setback is generally consistent with the rearward projections of dwelling houses on the northern side of Ellalong Road. It is noted that the existing dwelling has a similar rear setback and the first floor features further setback to enable some visual break-up of the mass and bulk when viewed from the rear. The rear balcony needs to be deleted or significantly reduced in dimension.</p>
Form, massing and scale	Yes	<p>The form, massing and scale of the proposed development are consistent with surrounding, characteristic buildings. The bulk and scale are balanced by landscaping treatments and minimised by appropriate setbacks, articulation, fenestration, modulation and material changes.</p>
Built form character	Yes	<p>The proposed development introduces a contemporary style dwelling house with a low pitched roof in a streetscape dominated by traditional, heritage-style dwellings.</p>
Dwelling Entry	Yes	Acceptable.
Roofs	Yes	<p>Roof form is pitched and predominantly hipped at the rear elevation and gabled at the front. These forms are acceptable and occur frequently in the vicinity.</p>
Materials	Yes	<p>A Schedule of Colours, Materials and Finishes was provided. The new components to the house comprise of metal screens (white/off white), timber-framed doors and windows (white/off white), tiled roof (grey), metal roof (grey) and weatherboard cladding (white/off white) – see diagram below. These materials and colours are visible within the streetscape and are considered acceptable and compatible with the character of the area.</p>



Proposed colours, materials and finishes

<p>Front fences</p> <ul style="list-style-type: none"> • Ensure front fences contribute to the characteristic pattern of fences • Enable casual surveillance of public domain • Provide visual and acoustic privacy • Minimise their dominance on the street <p>Maximum height of 1.5m Maximum height of solid portion of 1m</p>	<p>Yes Conditioned to comply</p>	<p>The proposed front fence replaces an existing masonry fence with tall hedging. This fence will have a variable height of 1.3m to 1.84m above existing ground. The new fence will be part-masonry/brick and part-metal infill, with columns and a metal gate (for the driveway). The proposed materials and presentation of the fence are considered acceptable and contribute to the characteristic pattern of fences along Ellalong Road – however, there are height variations proposed. Conditions will be imposed to modify the fence to have a maximum height of 1.5m above existing ground and the solid (masonry) portions to have a maximum height of 1m. To soften the appearance of the fence, conditions will be imposed to retain the existing hedging or replace the existing hedging with appropriate screen planting.</p>
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Proposed front fence

1.5 Quality urban environment

Vehicle Access and Parking
 (Inclusive of considerations required under Part B Section 10 *Car Parking and Transport* of NSDCP 2013)

Yes

Maximum of two (2) spaces are provided – one (1) in the garage, one (1) in the carport.

Site Coverage

No

The subject site is placed in band 3 of Council's site coverage controls which permits a maximum of 40% site coverage (202.36m²) for dwellings on site areas between 500m² and 749m².

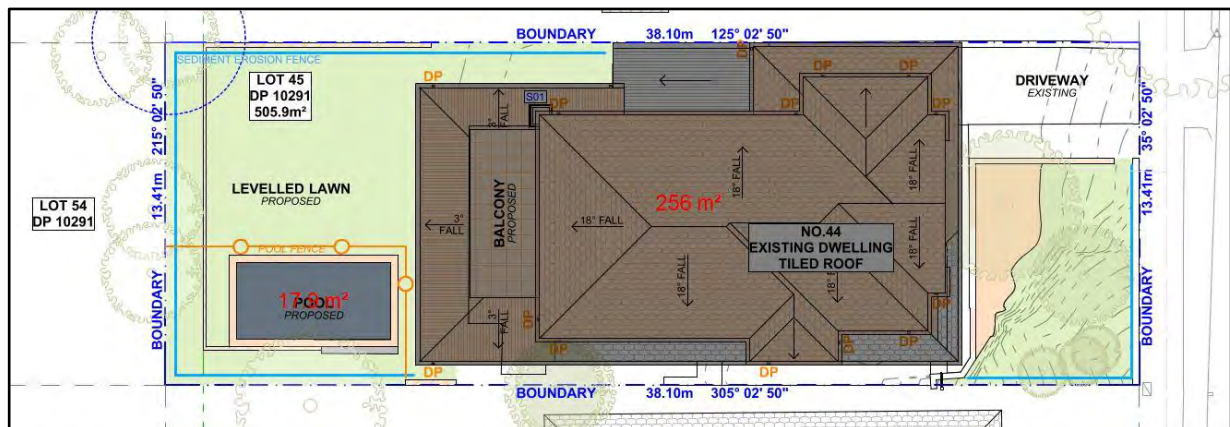
Site area: 505.9m²

Site coverage requirements for detached, attached or semi-detached dwellings:

Lot Size (m ²)	Site Coverage (max.)
0-229	60%
230-499	50%
500-749	40%
750-999	35%
1000+	30%

The proposed building footprint of the proposed development is calculated to be 273.9m², which is 54% of the site area and therefore fails to demonstrate compliance. The proposed variation equates to 71.54m² or 14%.

The Applicant provided a detailed analysis (attachment 3) that reviewed the existing site coverage and landscape area compositions along Ellalong Street and properties surrounding the subject site. An indicative aerial photo is also included below showing the subject site in context with existing adjoining properties.



Compliance diagram – site coverage (shaded in grey)



Existing building footprints in proximity to the site, Source: nearmap

A number of properties of similar dimension and area feature similar site coverages that do not comply with the requirement, including:

- No. 32 Ellalong Road (467m²) – 57.17%.
- No. 34 Ellalong Road (465m²) – 54.41%.
- No. 34b Ellalong Road (556m²) – 48.56%.
- No. 36 Ellalong Road (580.65m²) – 43.2%.
- No. 38 Ellalong Road (461m²) – 42.52%.
- No. 40 Ellalong Road (550.1m²) – 43.8%.
- No. 42 Ellalong Road (510m²) – 45%.
- No. 46 Ellalong Road (515m²) – 41.36%.

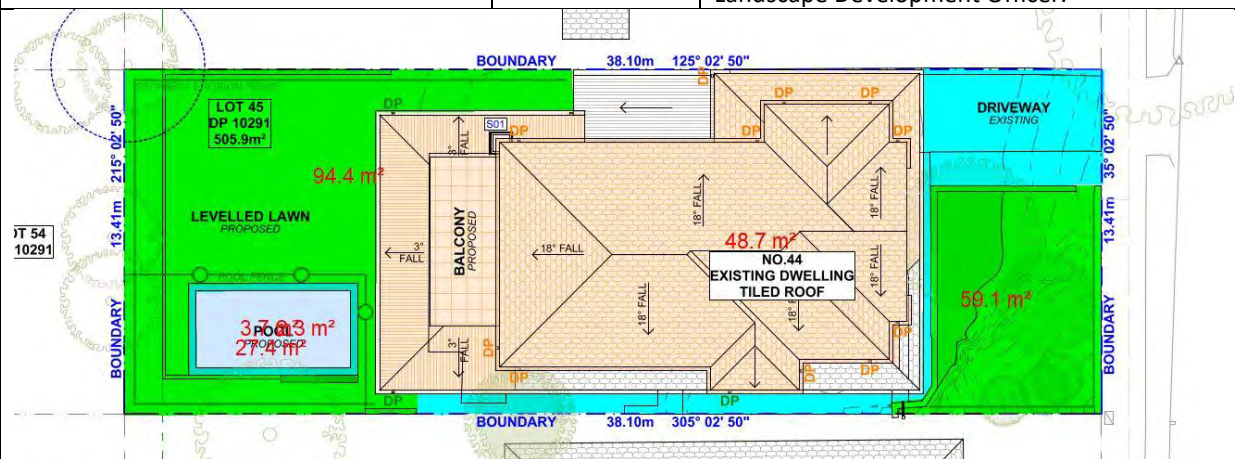
The additional site coverage is attributed to the new pool (18m²), the new carport (30.71m²) and the rear extension primarily at the lower ground floor (37m²), being the enclosure of existing subfloor areas.

While these components provide significant improvements to the dwelling house in terms of residential amenity, functionality and facilities, these variations are of concern when considered in light of current controls against which this proposal must be assessed. The new pool will provide additional recreational spaces for future occupants to enjoy. A pool was approved previously (DA134/14) but that is not constructed and not relevant to this consideration.

The proposed carport and first floor bedroom addition toward the street however contribute to a reduction at the front of the site. To ensure the proposal is appropriately scaled at the front of the site, a condition is recommended to amend the proposal to delete the proposed car port and reduce the first floor bedrooms resulting in a reduction in site area coverage of approximately 30.7m² (6%). Whilst these amendments would still result in non-compliance, the variation would be more consistent with the built form and scale of adjoining dwellings. The resultant site coverage would be approximately 243.2 square metres or 48.1%

Given the site dimensions and area and the site context and streetscape character, the proposed variation is considered a reasonable and acceptable outcome.

<p>Landscape Area</p> <p>Site area: 505.9m²</p> <p>Landscape area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="244 483 635 719"> <thead> <tr> <th>Lot Size (m²)</th> <th>Landscaped area (min.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>30%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>45%</td> </tr> <tr> <td>1000+</td> <td>50%</td> </tr> </tbody> </table>	Lot Size (m ²)	Landscaped area (min.)	0-229	20%	230-499	30%	500-749	40%	750-999	45%	1000+	50%	<p>No Demonstrates merit</p>	<p>A minimum landscaped area of 40% (202.36m²) of the site area is required. The total landscaped area proposed is 181m² or 36% of the site area. The proposal is not compliant with this requirement. The proposed variation equates to 21.36m² or 10.56%. In a similar vein as the merits demonstrated for the proposed site coverage variation, the proposed variation to the minimum landscaped area is regarded as acceptable and reasonable given that this variation achieves a similar proportionate balance of landscaping outcomes and built forms that are currently occurring within the streetscape and immediate vicinity. Conditions will be imposed to provide a detailed landscape plan and provision of specific landscaping outcomes as recommended by Council's Landscape Development Officer.</p>
Lot Size (m ²)	Landscaped area (min.)													
0-229	20%													
230-499	30%													
500-749	40%													
750-999	45%													
1000+	50%													



Compliance diagram – landscaped area (shaded in green) and un-built upon area (shaded in cyan)

<p>Un-built upon area</p> <p>Site area: 505.9m²</p> <p>Un-built upon area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="244 1552 635 1787"> <thead> <tr> <th>Lot Size (m²)</th> <th>Un-built upon area (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>25%</td> </tr> <tr> <td>1000+</td> <td>20%</td> </tr> </tbody> </table>	Lot Size (m ²)	Un-built upon area (max.)	0-229	20%	230-499	20%	500-749	20%	750-999	25%	1000+	20%	<p>Yes</p>	<p>A maximum un-built upon area of 20% (101.18m²) of the site area is allowed. The total un-built upon area proposed is 50m² or 10% of the site area. The proposed development is compliant with this requirement.</p>
Lot Size (m ²)	Un-built upon area (max.)													
0-229	20%													
230-499	20%													
500-749	20%													
750-999	25%													
1000+	20%													
<p>Excavation</p>	<p>Yes</p>	<p>The required excavation for the pool, levelling of the rear yard and footings for the additions is acceptable.</p>												
<p>Landscaping</p>	<p>Yes Conditioned to comply</p>													
<p>Private and Communal Open Space</p>	<p>Yes</p>	<p>A minimum of 160m² is provided.</p>												
<p>Swimming Pools and Spas</p> <p>Objectives</p>	<p>Yes</p>	<p>New pool complies with setbacks and is situated in-ground – it is not elevated and the coping levels are flush (0mm) to the existing ground</p>												

<ul style="list-style-type: none"> To minimise visual impact of pools and spas To minimise acoustic impacts on adjoining properties To minimise the use of potable water supplies 	Yes	line. The pool will be sufficiently screened by fencing and vegetation.
<ul style="list-style-type: none"> Must not exceed 500mm above existing ground level Minimum setback of 1.2m from any property boundary Minimum setback of 6m from a habitable room of an adjoining residence 	Yes	The pool has a minimum 2m setback from any property boundary and a minimum 6m setback from a habitable room of an adjoining residence.
1.6 Efficient Use of Resources		
Energy Efficiency	Yes	The applicant has provided a BASIX Certificate in support of the development application which requires suite of energy efficiency measures such as: <ul style="list-style-type: none"> Energy efficient internal appliances Energy efficient lighting Thermal insulation levels for glazing, walls and ceilings A condition can be imposed to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process.
Passive Solar Design	Yes	The development will perform adequately in this regard.
Natural Ventilation	Yes	The proposed development comprises an adequate number of openings that provide natural ventilation to all habitable rooms within the building.
Hot Water Systems	N/A	
Water Conservation	N/A	
Stormwater Management	Yes	The proposed development has been assessed by Council's Engineer. The proposed stormwater management is acceptable and supportable, subject to recommended conditions of consent.
Waste Management and Minimisation	Yes	A waste management plan is provided, which adequately details the management of waste generated from demolition and construction works.
Green Roofs	N/A	The proposed development does not trigger the relevant controls for green roofs.
Wind Turbines	N/A	Wind turbines are not proposed.

Part B, Section 15 – Bushland

North Sydney Development Control Plan 2013 Section 15 – Bushland		
Control	Complies	Comments
Section 15.2.1 Siting and design	Yes	The site is within Buffer Area B, as per the Bushland Buffer Map. There are no bushland areas that adjoin the site. The design and siting of the proposed development are considered acceptable

		given it utilises the bulk of the current footprint and expanse of the existing dwelling house.
Section 15.2.3 Materials and colours	Yes	The proposed materials and colours are considered acceptable considering the character, setting and context of the site and streetscape.
Section 15.3.2 Landscape design	Yes	The existing sandstone formation embedded in the lower ground floor area will be retained and conditioned accordingly. Conditions will be imposed to provide a detailed landscape plan prior to the release of any construction certificate. To improve the existing vegetation conditions will be imposed to ensure that at least 50% of any new trees, shrubs and ground cover plantings will feature locally occurring native species (as listed on Council's website).
Section 15.3.4 Stormwater run-off and soil erosion	Yes	Conditions will be imposed to ensure appropriate stormwater management and erosion protection are undertaken during the proposed works.

Part C: Character Statements

Section 5 – North Cremorne Planning Area

Section 5.4 – Bennelong and Northern Foreshore Neighbourhood

The application has been assessed against the relevant controls in the Character Statements under Part C in NSDCP 2013 below:

Part C, Section 5.4: Bennelong and Northern Foreshore Neighbourhood		
Control	Complies	Comments
5.4.1 Significant elements		
Topography	Yes	The proposed development does not involve any significant changes to existing levels. The development relates appropriately with the topography of the site.
Nature features	Yes	The proposed development does not involve impacts on any natural features such as shoreline areas, bushlands and wetlands.
Views	Yes	The proposed development will not result in significant view loss.
Subdivision	N/A	The proposed development does not involve any subdivision or land consolidation.
Streetscape	Yes	The proposed development will result in the streetscape being appropriately maintained.
5.4.2 Desired future character		
Primarily low density residential accommodation, generally comprising dwelling houses, semi detached houses and dual occupancies.	Yes	The proposed development generally maintains a single residential dwelling house presentation. Majority of new built elements are primarily situated at the rear of the property. Any articulation and projection to the front portion of the dwelling house will result in a more symmetrical and balanced architectural design that will still read as a dwelling house.
5.4.3 Desired built form		
Form, massing and scale	Yes	The proposed development is an acceptable outcome. Its design, bulk and massing are proportionate to the site, are sympathetic to the streetscape and are not considered excessive.

Roofs	Yes	A distinct pitch roof has been proposed. This design is similar to the existing dwelling's pitch roof. This is considered an acceptable design outcome.
Setback Front: 3m Rear: 10m	Yes	The proposed development comprises setbacks of: <ul style="list-style-type: none"> • Front: 7.53m • Rear: 13m It achieves compliance with these numerical controls.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to the payment of contributions towards the provision of local infrastructure. A Section 7.11 levy is not applicable as the proposed development does not result in an intensification of the current residential use. A Section 7.12 levy is applicable and has been calculated in accordance with the plan. The contribution payment has been calculated as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$941,000.00.
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$9,410.00

Conditions requiring the payment of contributions at the appropriate time will be included in the attached conditions, should the application be supported.

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	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes

9. All relevant S4.15 considerations of *Environmental Planning and Assessment Act 1979* (as amended) Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Willoughby Bay Precinct Committee. Council received one (1) submission from No. 42 Ellalong Road, Cremorne (south-west adjoining neighbour). The matters raised in this submission relate to privacy impacts to certain components within the proposed built form.

Council's responses to the above matters and issues are provided below.

- Privacy impacts – proposed balconies (first floor and ground floor)

Response: Response: The Assessment section above provides adequate discussion on the proposed development in terms of amenity and privacy impacts.

- Privacy impacts – stairwell window

Response: The Assessment section above provides detailed discussion on the proposed development in terms of amenity and privacy impacts. The stairwell window has been modified to have frosted glazing.

- Privacy impacts – ground level windows

Response: The Assessment section above provides sufficient discussion on the proposed development in terms of amenity and privacy impacts. The majority of ground level windows are existing. Windows facing south-west are from low activity spaces (laundry, bathroom, bedroom).

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposed development is located in the R3 – Medium Density Residential zone where development for the purpose of a *dwelling house* is a permissible form of development, with consent from Council. 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

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

The application proposes alterations and additions to and ancillary structures for an existing dwelling house, which are permissible forms of development in the C4 – Environmental Living zone.

With regard to the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Council's notification of the original plans has attracted a single submission, raising concerns regarding privacy impacts. These concerns and issues have been discussed in this report.

Site coverage remains of concern, and it is recommended that a condition be imposed reducing this by approximately 6% to 48%. It is open to the applicant to explore other alternatives to achieve this goal. However, that would require a modification to this consent.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Willoughby Bay Precinct Committee for fourteen (14) days where a number of issues were raised that have been addressed in this report. Conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape and the Bennelong and Northern Foreshore Neighbourhoods of North Cremorne.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. DA142/22 for alterations and additions to an existing dwelling house on land at No. 44 Ellalong Road, Cremorne (Lot 45 in DP 10291) subject to the following site specific and attached standard conditions:

Design Changes

C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- **Delete Carport and reduce first floor bedrooms:** The proposed carport is to be deleted and first floor Bed 2 is to be reduced to delete the northern hipped roof and to align the north-eastern (side) wall of the first floor with the adjacent landing wall. A commensurate redistribution of floorspace may be undertaken by adjustment of the internal wall between Bed 2 & Bed 3.
- **Front Fence:** The entire front fence must be modified to have a maximum elevation of 1.5m above existing ground level. Any solid masonry portions of the fence (except for the columns) must have a maximum height of 1m above existing ground level.

(Reason: To ensure streetscape compatibility and to reduce non-compliance with DCP provisions for site coverage)

Design Changes – Stormwater System

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The stormwater must be re-directed outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.

(Reason: To ensure that any existing canopy trees are retained and protected)

Sandstone Rock Formation

C3. The existing sandstone rock formation must be retained, protected and kept in situ.

Details of any protection works shall be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate.

(Reason To protect significant topographical features of the site)

Landscape Plan

C4. A detailed landscape plan must be provided as part of any application for a construction certificate. The following details must be included in this plan:

- The existing hedges along the front boundary of the site must be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) capable of establishing as a hedge that is able to be maintained at 1.8-2m high (min). This planting must cover the entire perimeter of the front fence (except gate/driveway area).
- The existing hedges along the south-western boundary of No. 44 Ellalong Road (rear setback) must either be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) that is capable of establishing as a hedge able to be maintained at 1.8-2m high (min).
- Screen planting must be established within the rear setback and along the north-eastern boundary (behind perimeter fence) to provide privacy between neighbouring properties. The chosen species must be capable of establishing a hedge that is able to be maintained at 1.8-2m high (min).
- At least 50% of all new plantings (trees, shrubs, ground covers – excluding grass turfed areas) must comprise of Australian native or locally indigenous species.
- The stormwater must be redirected outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.

- A new tree must be established in the front setback. This tree will be one (1) x *Lagerstroemia indica* (75l) and must be at least 3m away from any existing or approved building/structure.
- Two (2) x existing street trees (juvenile *Acer* species) must be removed from the Council verge in front of No. 44 Ellalong Road and replaced with two (2) x *Lagerstroemia indica* (45l) in the Council verge in front of No. 44 Ellalong Road.

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

(Reason: To improve the landscaped outcome within the site and immediate streetscape, to soften the presentation of the built form and fencing and to achieve sufficient residential amenity)

MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
44 ELLALONG ROAD, CREMORNE
DEVELOPMENT APPLICATION NO. 142/22

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

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

Plan No.	Rev No.	Description	Prepared by	Dated
DA01	-	Notation	Action Plans	9 September 2022
DA02	-	Safety Notes	Action Plans	9 September 2022
DA03	B	Site Analysis	Action Plans	9 September 2022
DA04	B	Site/Roof/Sediment Erosion/Waste Management/Stormwater Concept Plan	Action Plans	9 September 2022
DA05	B	Existing Lower Ground - Demolition	Action Plans	9 September 2022
DA06	B	Existing Ground - Demolition	Action Plans	9 September 2022
DA07	B	Existing First Floor - Demolition	Action Plans	9 September 2022
DA08	B	Proposed Lower Ground Floor	Action Plans	9 September 2022
DA09	B	Proposed Ground Floor	Action Plans	9 September 2022
DA10	B	Proposed First Floor	Action Plans	9 September 2022
DA11	B	North East Elevation	Action Plans	9 September 2022
DA12	B	South East Elevation	Action Plans	9 September 2022
DA13	B	South West Elevation	Action Plans	9 September 2022
DA14	B	North West Elevation	Action Plans	9 September 2022
DA15	B	Long Section	Action Plans	9 September 2022
DA16	B	Cross Section	Action Plans	9 September 2022
DA17	B	Additional Cross Sections	Action Plans	9 September 2022
DA18	B	Proposed Pool Sections	Action Plans	9 September 2022

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

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Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Design Changes – Front Fence**

- C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- **Delete Carport and reduce first floor bedrooms:** The proposed carport is to be deleted and first floor Bed 2 is to be reduced to delete the northern hipped roof and to align the north-eastern (side) wall of the first floor with the adjacent landing wall. A commensurate redistribution of floorspace may be undertaken by adjustment of the internal wall between Bed 2 & Bed 3.
- **Front Fence:** The entire front fence must be modified to have a maximum elevation of 1.5m above existing ground level. Any solid masonry portions of the fence (except for the columns) must have a maximum height of 1m above existing ground level.

(Reason: To ensure streetscape compatibility and to reduce non-compliance with DCP provisions for site coverage)

Design Changes – Stormwater System

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The stormwater must be re-directed outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.

(Reason: To ensure that any existing canopy trees are retained and protected)

Sandstone Rock Formation

C3. The existing sandstone rock formation must be retained, protected and kept in situ.

Details of any protection works shall be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate.

(Reason To protect significant topographical features of the site)

Landscape Plan

C4. A detailed landscape plan must be provided as part of any application for a construction certificate. The following details must be included in this plan:

- The existing hedges along the front boundary of the site must be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) capable of establishing as a hedge that is able to be maintained at 1.8-2m high (min). This planting must cover the entire perimeter of the front fence (except gate/driveway area).
- The existing hedges along the south-western boundary of No. 44 Ellalong Road (rear setback) must either be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) that is capable of establishing as a hedge able to be maintained at 1.8-2m high (min).
- Screen planting must be established within the rear setback and along the north-eastern boundary (behind perimeter fence) to provide privacy between neighbouring properties. The chosen species must be capable of establishing a hedge that is able to be maintained at 1.8-2m high (min).
- At least 50% of all new plantings (trees, shrubs, ground covers – excluding grass turfed areas) must comprise of Australian native or locally indigenous species.

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- The stormwater must be redirected outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.
- A new tree must be established in the front setback. This tree will be one (1) x *Lagerstroemia indica* (75l) and must be at least 3m away from any existing or approved building/structure.
- Two (2) x existing street trees (juvenile *Acer* species) must be removed from the Council verge in front of No. 44 Ellalong Road and replaced with two (2) x *Lagerstroemia indica* (45l) in the Council verge in front of No. 44 Ellalong Road.

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

(Reason: To improve the landscaped outcome within the site and immediate streetscape, to soften the presentation of the built form and fencing and to achieve sufficient residential amenity)

Dilapidation Report Damage to Public Infrastructure

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

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C6. A photographic survey and dilapidation report of adjoining properties Nos. 42 Ellalong Road and 46 Ellalong Road, Waverton detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy of Existing Building

- C7. 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)

Geotechnical Report

- C8. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

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

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

Sediment Control

- C9. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

- C10. 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.

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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)

External Colours and Finishes

- C11. The external colours and finishes shall match those as existing and/or be compatible with surrounding development. A schedule of external colours and finishes 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 the completed colours and finishes of the works are compatible with surrounding development)

Work Zone

- C12. 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 Management and Disposal Design Plan - Construction Issue Detail

- C13. Prior to issue of any Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

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- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner via a direct connection to Council's stormwater gully pit in Ellalong Road. When a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- c) Stormwater runoff from roof areas must be conveyed by charged system to Council's stormwater gully pit in Ellalong Road. There must be a minimum difference in height between the most remote section of the roof gutter and the discharge pit at the property boundary of 1.8 meters. In addition, all local and friction losses must be taken into account and therefore, functionality of the system must be supported by hydraulic calculation which must be presented with hydraulic grade line (HGL).

There must be a gravity flow across the footpath from an isolating sealed and lid bolted pit within the property. All pipes must be a minimum of 100 mm and all joints must be solvent welded. A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site dispersal system. Gutter guards must be installed on all gutters to minimize debris entering the system. All gutters and pipes in the system must be designed for a 1 in 100 year ARI storm event.

- d) Stormwater runoff from all other areas must be pumped-out to Council's stormwater gully pit in Ellalong Road.
- e) Any footpath panel on Ellalong Road disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- f) The design and installation of the Rainwater Tanks shall comply with Basix and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- g) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- h) Provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

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

Pump-out System Design for Stormwater Disposal

C14. The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

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

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

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

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

C15. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$4,500.00 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.

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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

- C16. Prior to the issue of any construction certificate, security in the sum of \$8,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

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

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SCHEDULE

Tree bond fee	Amount (\$)
The total bond fee is	<u>\$8,000.00</u>

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

Tree Protection Measures to be shown on Construction Drawings

C17. All recommendations contained within the Arborist Report prepared by Hugh the Arborist, dated 20 December 2021 shall be strictly adhered to.

In addition to the above measures, the following measures must be shown on the Construction Certificate drawings:

- All trees shown for retention must be protected in accordance with AS4970.
- Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footings shall be carried out within the TPZ of any protected tree, no roots greater than 30mm shall be cut.
- Excavation and level changes within the TPZ of protected trees shall be minimised, and no over excavation beyond proposed structures shall be permitted.
- The stormwater shall be re-directed outside the TPZ of the *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of the new pool shall be relocated along north-eastern pool edge.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C18. 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:

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Tree	Location	TPZ (radius)
T2 – site tree <i>Syagrus romanzoffiana</i>	Front setback	3m
T3 – site tree <i>Archontophoenix cunninghamiana</i>	Front setback – south-western corner	2.5m
T4 – site tree <i>Archontophoenix cunninghamiana</i>	Front setback – south-western corner	2.5m
T5 – site tree <i>Syzygium australe</i>	South-western side setback adjacent to No. 42 Ellalong Road	2.2m
T6 – neighbouring tree <i>Waterhousia floribunda</i>	On neighbouring property at No. 42 Ellalong Road – adjacent to boundary (south-western side)	3.2m
T7 – neighbouring tree <i>Washingtonia robusta</i>	On neighbouring property at No. 9 Ryries Parade – adjacent to rear boundary	3m
T8 – neighbouring tree <i>Ficus Benjamina</i>	On neighbouring property at No. 9 Ryries Parade – adjacent to rear boundary	7.2m
T9 – neighbouring tree <i>Syagrus romanzoffiana</i>	On neighbouring property at No. 9 Ryries Parade – adjacent to rear boundary	3m

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.

Sensitive construction techniques including hand excavation, pier and beam, flexible location of piers/footings must be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut.

All other existing site trees must be retained and protected in accordance with AS4970.

Canopy pruning for any protected tree is not permitted.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C19. The following six (6) trees are approved for removal in accordance with the development consent:

Tree	Location	TPZ (radius)
T1 – site tree <i>Lagerstroemia indica</i>	Front setback	4.2m
Two (2) x existing street trees Juvenile <i>Acer</i> species	Council verge adjacent to/in front of No. 44 Ellalong Road.	-

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The removal of the above trees must be compensated by replacement tree planting within the subject site as indicated on the approved landscape plan and plant schedules.

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any trees shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Air Conditioners in Residential Premises

C20. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

"boundary" includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

Swimming Pool Pumps on Residential Premises

C21. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:

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

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

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

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

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Swimming Pool Water to Sewer

- C22. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water 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 comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

- C23. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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(Reason: To ensure noise generated by equipment does not result in offensive noise)

Section 7.12 Contributions

C24. 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 \$9,410.00.

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

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

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

Security Deposit/Guarantee Schedule

C25. 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)	\$8,000.00
Others	\$4,500.00
TOTAL BONDS	\$12,500.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$9,410.00
TOTAL FEES	\$9,410.00

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

C26. 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. A435892 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:

(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)

Structures Clear of Drainage Easements

E4. It is the full responsibility of the Developer and their contractors to:

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

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

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

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

The Principal Certifier must be satisfied that geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations will be undertaken in accordance with best practice.

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

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

Council Inspection of Public Infrastructure Works

- E6. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Stormwater connection

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

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

Removal of Extra Fabric

- E7. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

E8. 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

E9. 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)

Applicant's Cost of Work on Council Property

E10. 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)

Protection of Trees

E11. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the Arborist Report prepared by Hugh The Arborist, dated 20 December 2021, must be implemented for the duration of the works. In addition to the recommendations in the Arborist report, the following measures must be implemented:

- All trees shown for retention must be protected in accordance with AS4970.
- Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers/footings shall be carried out within the TPZ of any protected tree, no roots greater than 30mm shall be cut.

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- Excavation and level changes within the TPZ of protected trees shall be minimised, and no over excavation beyond proposed structures shall be permitted.
- The stormwater shall be re-directed outside the TPZ of the Jacaranda mimosifolia in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of the new pool shall be relocated along north-eastern pool edge.

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

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

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

Trees to be Removed

- E12. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree	Location	TPZ (radius)
T1 – site tree <i>Lagerstroemia indica</i>	Front setback	4.2m
Two (2) x existing street trees Juvenile <i>Acer</i> species	Council verge adjacent to/in front of No. 44 Ellalong Road.	-

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

Special Permits

- E13. 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

- E14. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

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

Installation and Maintenance of Sediment Control

- E15. 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

- E16. 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)

Prohibition on Use of Pavements

E17. 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

E18. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E19. The only waste derived fill material that may be received at the development site is:

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

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

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

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Waste Disposal

- E20. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

- E21. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

- E22. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation***National Construction Code**

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

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

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

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

Protection of Public Places

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

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

(Reason: Prescribed - Statutory)

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

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

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

(Reason: Maintain quality of public assets)

Certification - Civil Works

- G2. a) An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.
- b) An appropriately qualified and practicing Civil Engineer must certify to the Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Pool Access

- G3. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G4. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions of artificial resuscitation methods.
 - b) A warning stating:
 - (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

- G5. 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)

Covenant and Restriction (Stormwater Control Systems)

- G6. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

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- a) a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 44 Ellalong Road, Cremorne, requiring the ongoing retention, maintenance and operation of the stormwater facility (rainwater harvesting tank),
- b) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument,
- c) the wording on the Instrument making reference to the Council file/s which hold;
 - the Construction plans, and
 - the “Work-as-Executed” (as built) plans.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council’s official seal will be affixed to these documents, prior to submission to the NSW Land Registry Services for registration.

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

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

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

(Reason: Compliance and adequate maintenance of drainage system)

Basement Pump-out Maintenance

- G7. Prior to issue of an Occupation Certificate a Maintenance Regime must be prepared for the basement stormwater pump-out system and submitted to the Principal Certifying Authority for approval with the Occupation Certificate documentation. The regime must specify that the system is to be regularly inspected and checked by qualified practitioners.

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

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

BASIX Completion Certificate

- G8. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate, the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Landscaping

- G9. The new landscaping works as required by this consent and shown on final landscape plans (as approved by the certifier) must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

I. Ongoing/Operational Conditions

Pool Filter

- I1. The swimming pool pump installed at the premises must not operate so as to:
- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (j) before 8.00 am and after 8.00 pm on any Sunday or Public Holiday; or
 - (ii) before 7.00 am or after 8.00 pm on any other day
 - (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

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

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

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

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Single Occupancy

12. 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)

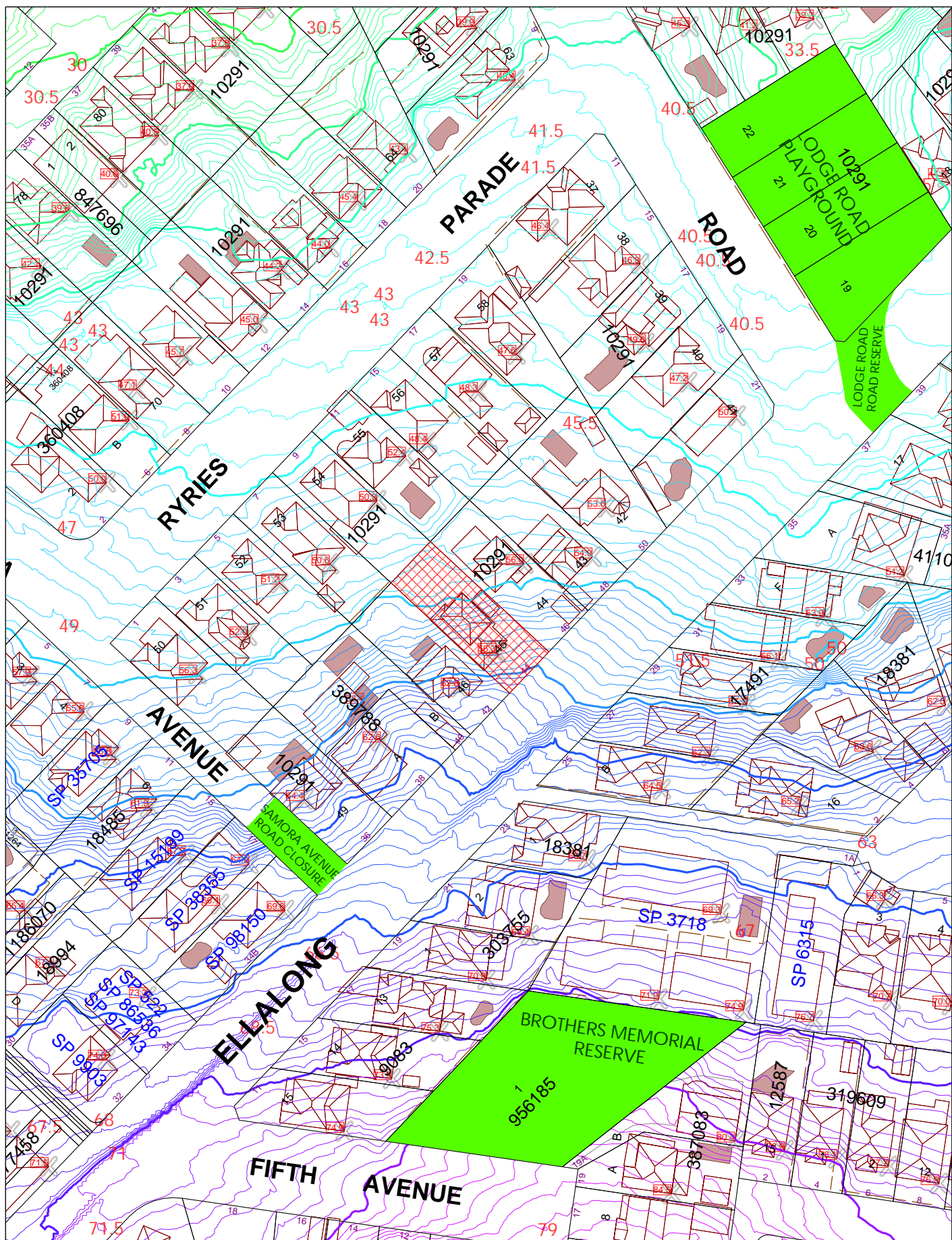
Maintenance of Approved Landscaping

13. The owner of the premises at No. 44 Ellalong Road, Cremorne must maintain the landscaping as approved by this consent.

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

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

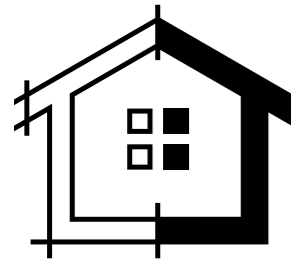
(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)



North Sydney Council

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



ACTION PLANS

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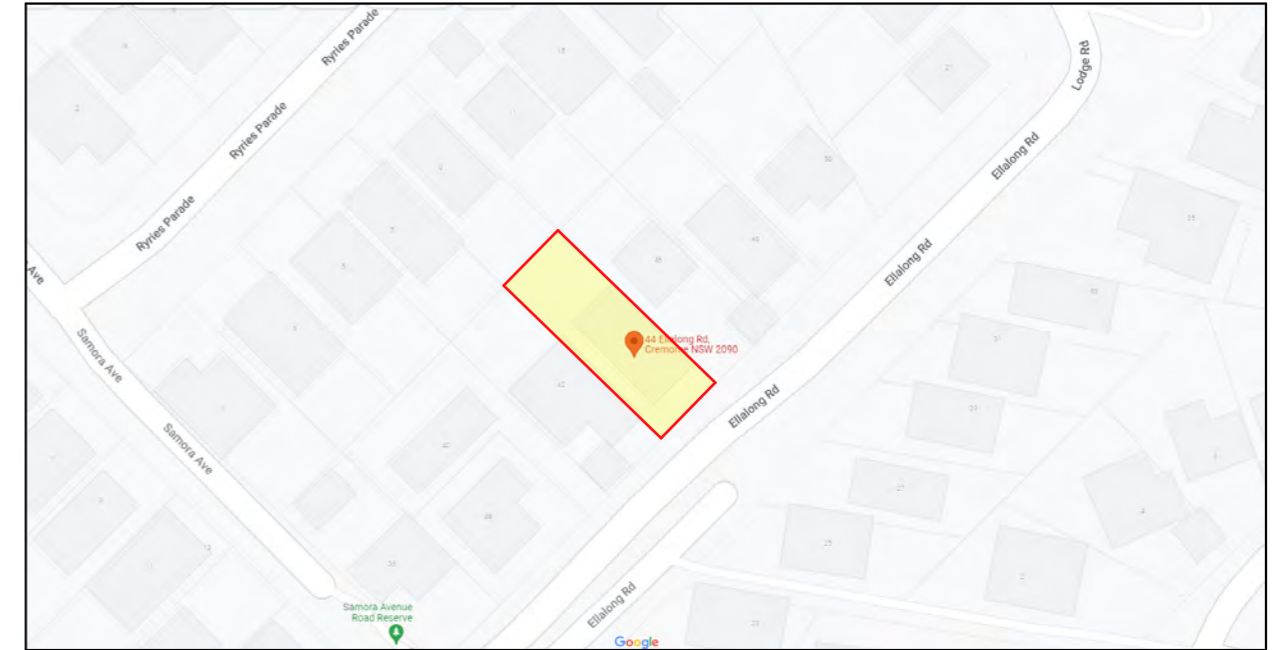
PLANS PUBLISHED
09 September 2022

DEVELOPMENT APPLICATION: **REV A**

These plans are for Council Approval only.

SHEET NUMBER	SHEET NAME	DATE PUBLISHED
DA00	COVER	9/09/2022
DA01	NOTATION	9/09/2022
DA02	SAFTEY NOTES	9/09/2022
DA03	SITE ANALYSIS	9/09/2022
DA04	SITE / ROOF / SEDIMENT EROSION / WASTE MANAGEMENT / STORMWATER CONCEPT PLAN	9/09/2022
DA05	EXISTING LOWER GROUND FLOOR PLAN - DEMOLITION	9/09/2022
DA06	EXISTING GROUND FLOOR PLAN - DEMOLITION	9/09/2022
DA07	EXISTING FIRST FLOOR PLAN - DEMOLITION	9/09/2022
DA08	PROPOSED LOWER GROUND FLOOR PLAN	9/09/2022
DA09	PROPOSED GROUND FLOOR PLAN	9/09/2022
DA10	PROPOSED FIRST FLOOR PLAN	9/09/2022
DA11	NORTH EAST ELEVATION	9/09/2022
DA12	SOUTH EAST ELEVATION	9/09/2022
DA13	SOUTH WEST ELEVATION	9/09/2022
DA14	NORTH WEST ELEVATION	9/09/2022
DA15	LONG SECTION	9/09/2022
DA16	CROSS SECTION	9/09/2022
DA17	ADDITIONAL CROSS SECTIONS	9/09/2022
DA18	PROPOSED POOL SECTIONS	9/09/2022
DA19	AREA CALCULATIONS / SAMPLE BOARD	9/09/2022
DA20	WINTER SOLSTICE 9 AM	9/09/2022
DA21	WINTER SOLSTICE 12 PM	9/09/2022
DA22	WINTER SOLSTICE 3 PM	9/09/2022
DA23	BASIX COMMITMENTS	9/09/2022
DA24	BASIX COMMITMENTS	9/09/2022
DA25	8.5m HEIGHT BLANKET	9/09/2022
DA26	8.5m HEIGHT BLANKET	9/09/2022
DA27	8.5m HEIGHT BLANKET	9/09/2022
DA28	8.5m HEIGHT BLANKET	9/09/2022

44 ELLALONG ROAD, CREMORNE NSW 2090



ITEM DETAILS		DEVELOPMENT APPLICATION		
ADDRESS	44 ELLALONG ROAD, CREMORNE 2090			
LOT & DP/SP	LOT 45 DP 10291			
COUNCIL	NORTH SYDNEY COUNCIL			
SITE AREA	505.9m ²			
FRONTAGE	13.41m			
CONTROLS	PERMISSIBLE / REQUIRED	EXISTING	PROPOSED	COMPLIANCE
	m / m ² / %	m / m ² / %	m / m ² / %	
LEP				
LAND ZONING	E4 – ENVIRONMENTAL LIVING	E4	UNCHANGED	YES
MINIMUM LOT SIZE	450m ²	505.9m ²	UNCHANGED	YES
MAXIMUM BUILDING HEIGHT	8.5m	10.060m	10.060m	NO
DCP				
SITE COVERAGE (MAX)	40% (202.36m ²)	34.1% (172.71m ²)	47.81% (241.88m ²)	NO
LANDSCAPED AREA (MIN)	40% (202.36m ²)	49.46% (250.23m ²)	40.17% (203.24m ²)	YES
UN BUILT UPON AREA (MAX)	20% (101.18m ²)	16% (81.04m ²)	14.14% (71.57m ²)	YES
PRINCIPAL PRIVATE OPEN SPACE	50m ²	0m ²	82.32m ²	YES
FRONT SETBACK	PREVALING BUILDING LINE:	UNCHANGED	UNCHANGED	YES
REAR SETBACK	AVERAGE REAR SETBACK: 10.319m	13.499m	10.399m	YES
SIDE SETBACKS	1.5m UP TO 7m HIGH	NE: 0m SW: 1.375m	NE: UNCHANGED SW: UNCHANGED	YES

SPECIFICATION

- "Approval" - obtained by either an 'Accredited Certifying Authority' or 'Local Council'.
- The Owner will directly pay all fees associated with the following: -
- Building approval from council or accredited certifier, any footpath and kerb deposits with the local council, insurance fees to Building Services Corporation, Long Service Leave levy fees and approval fees by water and sewerage authority. All other fees are to be paid by the builder. The amount of any local authority deposits which are forfeited due to damage or other causes, will be deducted from payments due to the builder.
- The Builder is to provide at his/her own expense adequate Public Risk Insurance and arrange indemnification under the Workers Compensation Act. Works insurance to be as stated in the contract conditions.
- All tenderers are to visit the site to satisfy themselves as to the nature and extent of the Works, facilities available and difficulties entailed in the works as Variations will not be allowed due to work arising owing to neglect of this clause.
- These drawings shall be read in conjunction with all structural and other consultant's drawings and specifications and with any such written instructions as may be issued during the course of the contract.
- Set out dimensions shown on this drawing shall be verified by the builder on site before commencement of any work. Dimensions shall not be obtained by scaling the drawings. Use only figured dimensions. All dimensions are in millimetres.
- The Builder is to ensure all construction, levels and other items comply with the conditions of the Building Approval.
- Any detailing in addition to what is supplied shall be resolved between the Owner and the Builder to the Owner's approval, except for any structural details or design which is to be supplied by the Engineer.
- All work to be carried out in a tradesman like manner and in accordance with the standards, codes and regulations of the Standards Association of Australia, National construction Code of Australia and any statutory authority having jurisdiction over the works.
- All structural work is to be in accordance with the structural details prepared by a suitably qualified structural engineer. Including but not limited to all piers, footings, concrete slabs, retaining walls, steelworks, formwork, underpinning, additional structural loads, timber framing, wind bracing and associated connections. Builder to obtain, prior to finalising the tender unless previously obtained by owners.
- All brickwork is to be selected by owner and is to comply with AS 1640. All masonry is to comply with AS 3700.
- Provide all metalwork and flashings necessary to satisfactorily complete the works.
- All timber construction to be in accordance with AS 1684 - "Timber Framing Code". Level & Grade where necessary under timber floors to provide a minimum clearance of 300mm under bearers or 400mm under joists. Adequate precautions shall be taken to ensure that the surface &/or seepage water does not collect or remain under floor area.
- Sustainable timbers and not rainforest or old growth timber will be use. Recycled timber or second hand timbers are to be sourced and used in preference to plantation timbers, if available and suitable.
- All glazing installed is to comply with AS 1288, 2047 and in accordance with manufacturers recommendations.
- All wall and ceiling linings to be plasterboard and villaboard or equal in wet areas. A breathable wall wrap is to be provided to all external walls. Timber cladding is to be battened out from timber frame to provide an 'air' gap to prevent condensation. Workmanship is to comply with the relevant Australian Standards or installed in accordance with manufacturer's specification. All bathrooms and wet areas to be waterproofed with a flexible membrane to manufacturer's specification and to AS 3740 and Part 3.8.1 of the Building Code of Australia Housing Provisions.
- All Architraves and skirtings to the profile as selected by owner, and painted or stain finish as selected.
- All plumbing and drainage work to be installed and completed by a licensed tradesman and in accordance with the statutory body having authority over the works. Connect all waste to Sydney Water sewer line.
- Connect all stormwater to existing system or street drainage system in accordance with AS 3500 and part 3.1.2 Drainage of the Building Code of Australia Housing Provisions.
- Smoke detector alarms to be installed in accordance with AS3786 and the Building Code of Australia/ NCC clause 3.7.2.2.
- If a member which provides structural support to the work is subject to attack by Termites protection measures are to comply with AS3660 and be installed to manufacturer's specification.
- Stairs and Balustrades to comply with part 3.9.1 & 3.9.2 of the Building Code of Australia Housing Provisions. Provide a handrail along the full length of the flight and a slip resistant finish to the edge of the nosings to comply with 3.9.1 and 3.9.2 of the NCC. No horizontal elements to facilitate climbing between 150mm and 760mm where floor to level below in more than 4m.
- Electrical works to be in accordance with SAA wiring rules and be done by a licenced tradesperson. Obtain electrical layout prior to proceeding. All electrical power (GPO's) and light outlets to be determined by owner.
- Painting: All paints or other coatings shall be of the best quality materials & of approved manufacture. All priming materials shall be of an approved brand acceptable to the manufacturer of the finishing coats to be used. External joinery intended to be painted shall be primed on all faces at the place of assembly. Where new work or alteration work adjoins existing painted surfaces allow for repainting existing surfaces to provide uniform appearance.
- ZERO-VOC or LOW-VOC paints and primers only are to be used.
- Any work indicated on the plans but not specified and any item not shown on the plans which is obviously necessary as part of proper construction and/or finish, is to be considered as shown and specified and is to be undertaken at the Builder's expense.
- Variations will not be permitted without prior written approval by the owners.
- The Builder shall provide sediment and siltation control measures as required by Council and maintain them throughout the duration of the works.
- A legible copy of the plans bearing approval stamps, must be maintained on the job site at all times. Hours of construction shall be restricted to the times as required by the building approval.
- The Builder is to arrange for all inspections required by the relevant authorities and/or lending institutions, to their requirements.
- The Builder is to obtain approval for interruptions to existing services and minimise the duration and number of interruptions. Any interruptions to existing services and equipment is to be undertaken by appropriately qualified tradespersons.
- The Builder shall restore, reinstate or replace any damage to existing structures or landscaping caused by the construction works or workmen.
- Provide protection to existing trees to remain, or as required by the Approval Conditions.

GENERAL NOTATION

- Approved means by the 'relevant local authority' or council
- The owner will directly pay the fees associated with the following: building approval from council, footpath and kerb deposits with the local council, insurance fee to building services corporation, long service leave service levy fee and approval fee by water and sewerage authority. all other fees are to be paid by the builder. the amount of any local authority deposits which are forfeited due to damage or other cause will be deducted from the payments due to the builder.
- The builder is to provide at his/her own expense adequate public risk insurance and arrange indemnification under the workers compensation act. works insurance to be stated in the contract conditions.
- All work to be carried out in a tradesmen like manner and in accordance with the standards codes and regulations of the standards association of Australia, building code of Australia and any statutory authority having jurisdiction over the work.
- All tenderers are to visit the site to satisfy themselves as to the nature and extent of the works, facilities available and difficulties entailed in the works as variations will not be allowed due to work arising owing to neglect of this clause.
- All work and materials to comply with the current Australian standards at the time of commencement were applicable.
- These drawings shall be read in conjunction with all structural and other consultants drawings and specifications and with any such written instructions as may be issued during the course of the contract.
- Set out dimensions shown on this drawing shall be verified by the builder on site before commencement of any work. dimensions should not be obtained by scaling the drawings. use only figured dimensions. all dimensions are in millimetres.
- The builder is to ensure all construction, levels and other items comply with the conditions of the building approval.
- The builder is to comply with all ordinances, local authority regulations and the requirements of all services supply authorities having jurisdiction over the works.
- All plumbing and drainage work to be installed and completed by a licenced tradesman and in accordance with the statutory body having authority over the works. connect all waste to Sydney water sewer line
- All new downpipes are to be connected to the existing storm water system.
- All power and stormwater outlet locations shall be determined onsite by the owner.
- Smoke detector alarm to be installed in accordance with as3786 and the building code of Australia.
- Electrical work to be in accordance with SAA wiring rules and be done by a licenced tradesman
- Any detailing in addition to what is supplied shall be resolved between the owner and the builder to the owner's approval, except for any structural details or design which is supplied by the engineer.
- All timber sizes and concrete details to be confirmed by the builder prior to commencement of any work.
- All structural work is to be in accordance with the structural details prepared by a structural engineer(i.e.) piers, footings, concrete slabs, retaining walls, steelwork, formwork, underpinning, additional structural loads, timber framing, wind bracing and associated connections. builder to obtain prior to finalising tender.
- Any work indicated on the plans but not specified, and any item not shown on the plan which is obviously necessary as a part of construction and/or finish is to be considered as shown and specified, and is to be done as part of the contract. variations will not be permitted without the written consent of the owner.
- The builder shall provide sediment and siltation control measures as required by council and maintain them through the duration of the works.
- A legible copy of the plans bearing approval stamps must be maintained on the job at all times. hours of construction will be restricted to the times as required by the building approval.
- The builder is to arrange for all inspections required by the authorities and lending institutions to their requirements.
- The builder is to obtain approval for interruptions to existing services and minimise the duration and number of interruptions. any interruptions with existing services and equipment to be attended to by the appropriately skilled tradesmen.
- The builder shall restore, reinstate or replace any damage caused to existing structures or landscaping by construction work or workmen. provide protection to existing trees to remain as required by approval conditions.
- All brickwork is to be selected by owner and is to comply with as1640
- All masonry to comply with as3700
- All metalwork and flashing items necessary to satisfactory complete work shall be provided.
- All gutters, downpipes to be colorbond.
- All timber construction to be in accordance with the Australian standard 1684 "timber framing code"
- All glazing installed to comply with as1288, 2047 and in accordance with manufacturers recommendation
- All wall and ceiling linings to be plasterboard or cement render as selected and villa board in wet areas, to comply with the relevant Australian standards or installed in accordance with manufacturers specification.
- All bathrooms and wet areas to be adequately waterproofed to manufacturers speciation and as3740 and part 3.8.1 of the building code of Australia housing provisions
- Stairs and balustrades to comply with part 3.9.1 & 3.9.2 of the building code of Australia housing provision.
- Termite protection measures to comply with as 3660 and be installed to manufacturers specification.
- Any detailing additional to that supplied, shall be resolved between the owner and the builder to the owners approval. except for any structural details or design which is to be supplied by the structural engineer.

NCC & AS COMPLIANCE SPECIFICATIONS

- Earthworks - part 3.1.1 of NCC
- Earth retaining structures - part 3.1.2 of NCC
- Drainage - part 3.1.3 of NCC
- Termite-risk management - part 3.1.4 of NCC
- Footings & slab - part 3.2 of NCC including as 2870-2011
- Masonry - part 3.3 of ncc including as 3700:2018
- Framing - part 3.4 of NCC
- Sub floor ventilation - part 3.4.1 of NCC
- Roof cladding and wall-cladding - part 3.5 of NCC
- Glazing - part 3.6 of NCC including as 1288
- Fire safety - part 3.7 of NCC
- Fire separation of external walls - part 3.7.2 of NCC
- Fire protection of separating walls and floors- part 3.7.3 of NCC
- Smoke alarms - part 3.7.5 of NCC
- Wet areas and external waterproofing - part 3.8.1 of NCC
- Room heights - part 3.8.2 of NCC
- Facilities - part 3.8.3 of NCC
- Light - part 3.8.4 of NCC
- Ventilation - part 3.8.5 of NCC
- Sound insulation - part 3.8.6 of NCC
- Stairway and ramp construction - part 3.9.1 of NCC
- Barriers and handrails - part 3.9.2 of NCC
- Swimming pools - part 3.10.1 of NCC
- Construction in bushfire prone areas - part 3.10.5 of NCC
- Fencing & other provisions - regs & AS 1926.1 2012
- Demolition works - AS 2601-2001 the demolition of structures.
- Waterproofing of wet areas to comply with AS 3740-2010
- All plumbing & drainage work to comply with AS 3500:2018
- All plasterboard work to comply with AS 2588:2018
- All structural steel work to comply with AS 4100-1992 & AS 1554
- All concrete work to comply with AS 3600:2018
- All roof sheeting work to comply with AS 1562.1-2018
- All skylights to comply with AS 4285-2019
- All ceramic tiling to comply with AS 3958.1-2007 & 3958.2-1992
- All glazing assemblies to comply with AS 2047-2014 & 1288
- All timber retaining walls are to comply with AS 1720.1-2010, AS 1720.2-2006, AS 1720.4-2006, AS 1170.1-2002 & AS 1170.4-2007
- All retaining walls are to comply with 3700:2018 & AS 3600:2018
- All construction to comply with AS 3959:2018

SAFTEY NOTES

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation. For buildings where scaffold, ladders, trestles are not appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/ feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not been involved in the selection of surface finishes. the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/ NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/ or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility. Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road: Parking of vehicles or loading/ unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. For building where on-site loading/ unloading is restricted: Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/ unloading areas. For all buildings: Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

For alterations to a building constructed prior to 1990:

If this existing building was constructed prior to:

1990 - it therefore may contain asbestos

1986 - it therefore is likely to contain asbestos

either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, culling, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form.

Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure.

Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required: Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required: Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

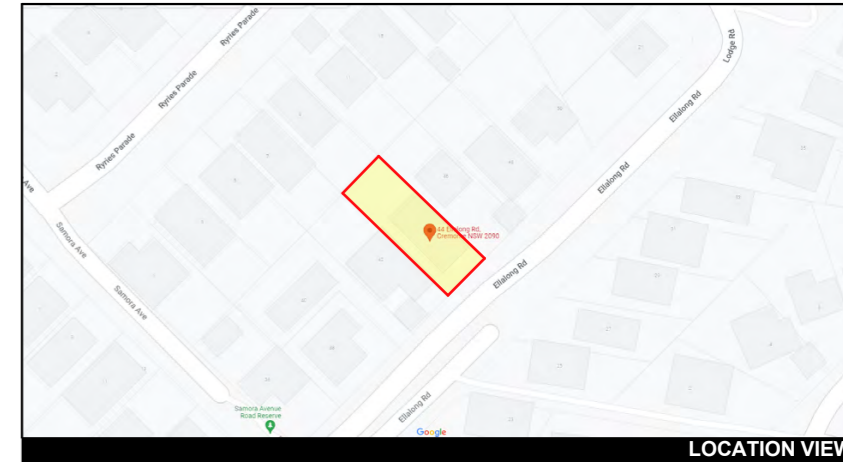
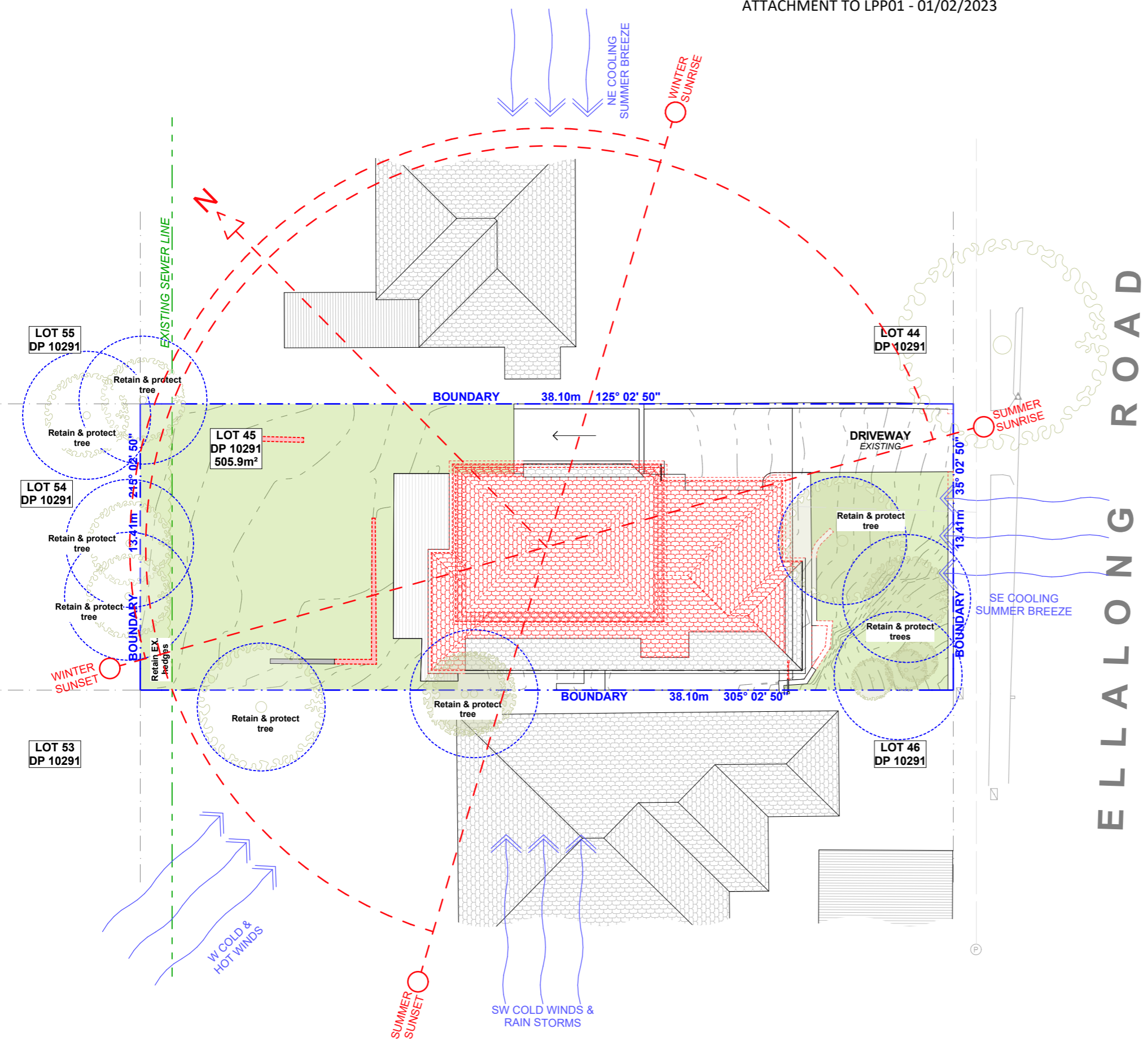
This building has been designed as a residential building. If it, at a later date, is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use has not been identified: This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user. For non-residential buildings where the end-use is known: This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/ NZ 3012 and all licensing requirements. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.



ELLALONG ROAD

1 SITE ANALYSIS - DEMOLITION 1:200

NOTE: ALL DEMOLISHED ELEMENTS TO ENG. SPECIFICATIONS AND AS. 2601 - 2001

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LEGEND
 ■ EXISTING
 ■ PROPOSED
 - - - DEMOLISHED

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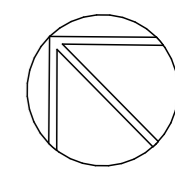
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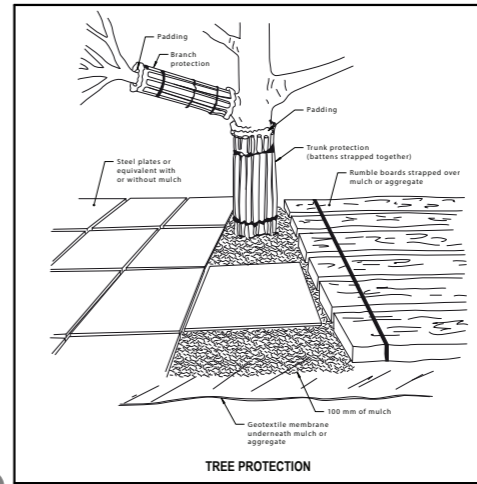
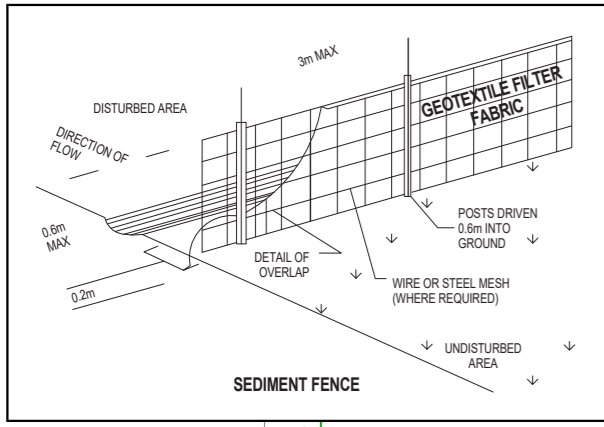
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DA03

DATE
 Friday, 9 September
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DRAWING NAME
 SITE ANALYSIS

SCALE
 1:200 @A3





NOTES REGARDING BOUNDARY
 THE INFORMATION SHOWN ON THIS PLAN IS FOR DESIGN PURPOSES ONLY. THE POSITION OF BOUNDARY LINES HAVE BEEN ESTABLISHED BY A SURVEY TO MEET THE IDENTIFICATION REQUIREMENTS FOR COUNCIL AND NOT FOR REGISTRATION WITH THE LAND REGISTRATION SERVICES NSW NOR MAY THIS PLAN BE USED FOR ANY OTHER PURPOSE. SUBSEQUENT REGISTERED OR OTHER SURVEYS MAY AFFECT THE DEFINED BOUNDARY POSITIONS IN THIS AREA. ANY DIFFERENCES OF THIS NATURE ARE BEYOND THE PURPOSES OF THIS PLAN. THIS PLAN IS FOR THE ABOVE STATED PURPOSES ONLY. RESTRICTIONS ON THE TITLE HAVE NOT BEEN INVESTIGATED. IF FURTHER DEVELOPMENT IS CONTEMPLATED OR CONSTRUCTION INTENDED THEN IT IS IMPORTANT THAT A SURVEY SET OUT IS CARRIED OUT.

NOTE:
 TREES ON THE ADJOINING LOTS ARE TO BE RETAINED & PROTECTED.

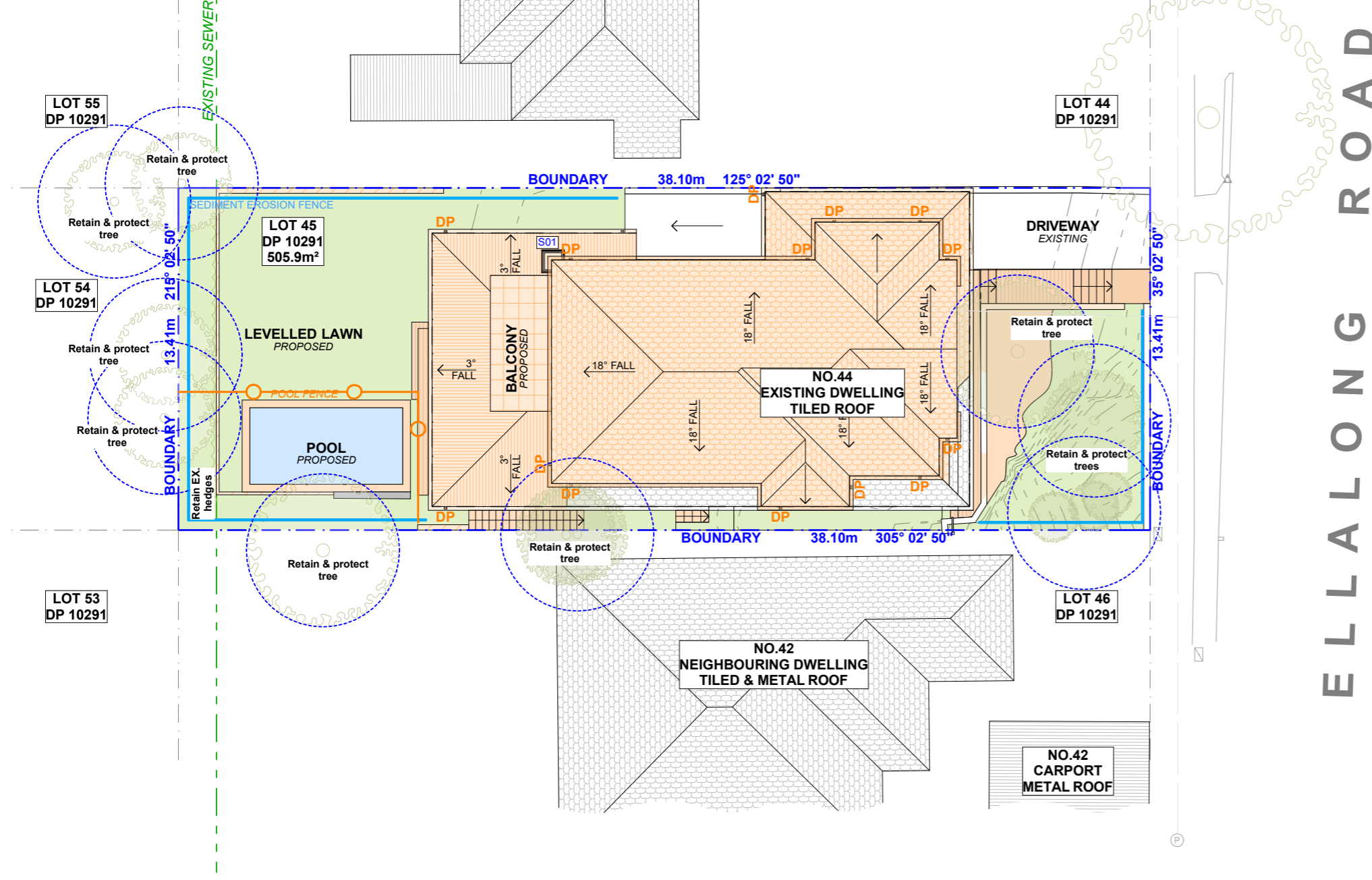
DUST CONTROL :
 TO REDUCE DUST GENERATED BY WIND ACTION, THE REMOVAL OF THE TOP SOIL IS TO BE MINIMISED. TO PREVENT DUST GENERATION, WATERING DOWN OF THE SITE, ESPECIALLY DURING THE MOVEMENT OF MACHINERY IS REQUIRED. WHERE EXCAVATING INTO ROCK, KEEP THE SURFACE MOIST TO MINIMISE DUST. CONSTRUCT A GRAVEL ENTRY/EXIT POINT USING BLUE METAL AND RESTRICT ALL VEHICLE MOVEMENTS WITHIN THE SITE TO A MINIMUM. ENSURE WIND BREAKS, SUCH AS EXISTING FENCES ARE MAINTAINED DURING THE CONSTRUCTION PHASE UNTIL NEW LANDSCAPING IS PROVIDED OR REINSTATED. PREVENT DUST BY COVERING STOCKPILES.

SEDIMENT NOTE :
 1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY THE SITE MANAGER.
 2. MINIMISE DISTURBED AREAS, REMOVE EXCESS SOIL FROM EXCAVATED AREA AS SOON AS POSSIBLE.
 3. ALL MATERIAL STOCKPILE TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS, OR WITHIN SEDIMENT FENCE AREA.
 4. DRAINAGE TO BE CONNECTED TO STORMWATER AS SOON AS POSSIBLE. IF STORED ON SITE, IT MUST BE FILTERED BEFORE RELEASING INTO STORMWATER SYSTEM OR WATERWAYS.
 5. ROADS AND FOOTPATHS TO BE SWEEPED DAILY.

STOCKPILES :
 ALL STOCKPILES ARE TO BE KEPT ON-SITE WHERE POSSIBLE. ANY MATERIALS PLACED ON THE FOOTPATHS OR NATURE STRIPS REQUIRE COUNCIL'S PERMISSION. ALL STOCKPILES ARE TO BE PLACED AWAY FROM THE DRAINAGE LINES AND STREET GUTTERS. IT IS BEST TO LOCATE THESE ON THE HIGHEST PART OF THE SITE IF POSSIBLE. PLACE WATERPROOF COVERING OVER STOCKPILES. IF REQUIRED PROVIDE DIVERSION DRAIN & BANK AROUND STOCKPILES.

GUTTER PROTECTION :
 PROVIDE PROTECTION TO DOWNHILL GRATE IN GUTTER BY MEANS OF SAND BAGS OR BLUE METAL WRAPPED IN GEOTEXTILE FABRIC. WHEN SOIL OR SAND BUILDS UP AROUND THIS SEDIMENT BARRIER, THE MATERIAL SHOULD BE RELOCATED BACK TO THE SITE FOR DISPOSAL.

NOTE: ALL PROPOSED STORMWATER TO CONNECT WITH EXISTING



ELLALONG ROAD

1 SITE/ WASTE MANAGEMENT/ SEDIMENT EROSION/ STORMWATER CONCEPT PLAN 1:200

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LEGEND

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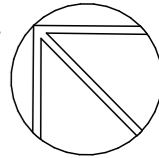
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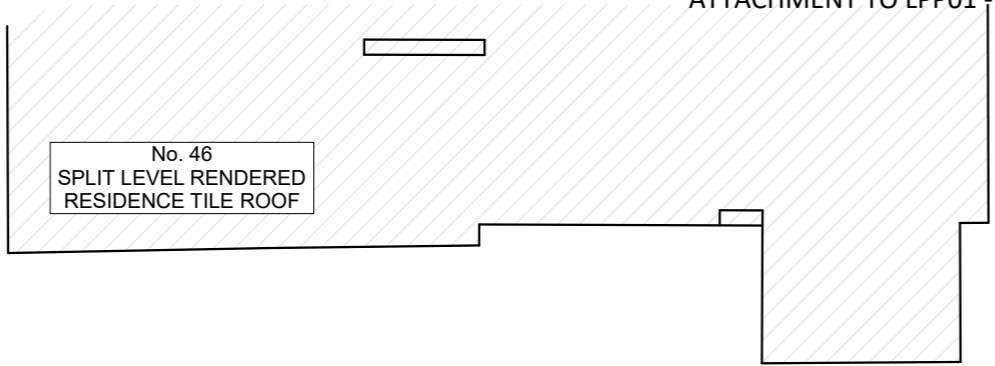
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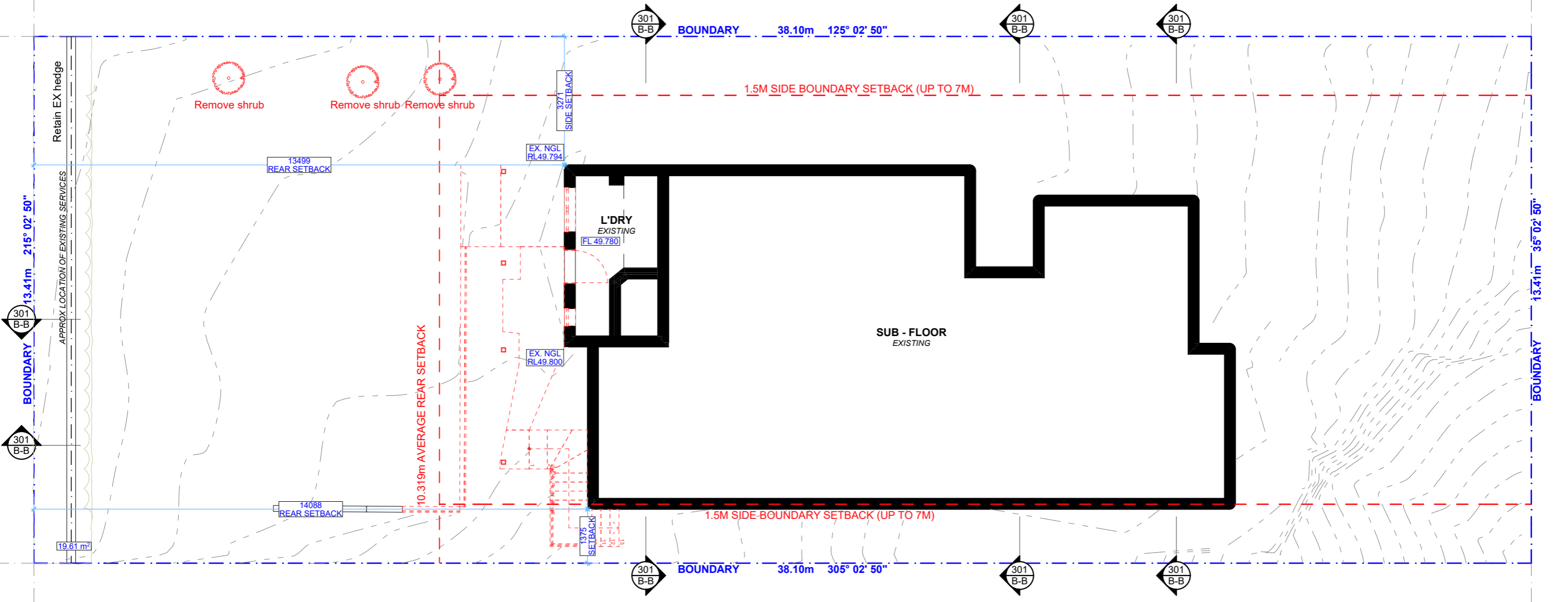
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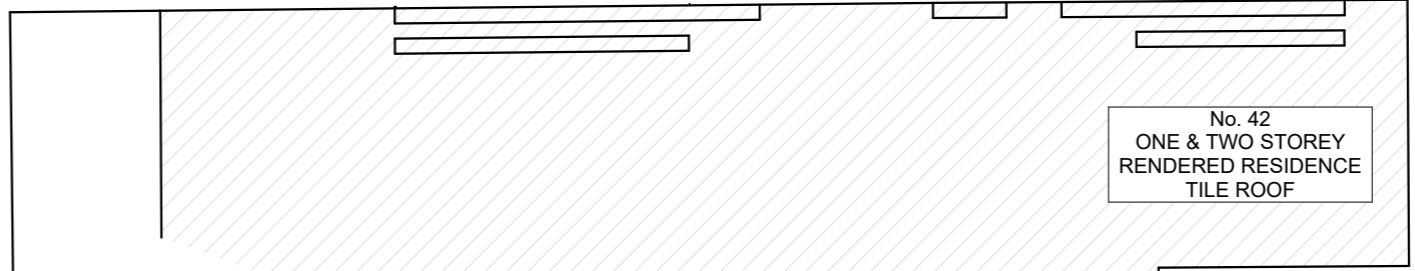




LOT 44
DP 10291



LOT 46
DP 10291



1 EXISTING LOWER GROUND FLOOR PLAN - DEMOLITION

1:100

NOTE: ALL DEMOLISHED ELEMENTS TO ENG. SPECIFICATIONS AND AS. 2601 - 2001



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LEGEND

	EXISTING
	PROPOSED
	DEMOLISHED

CLIENT
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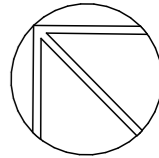
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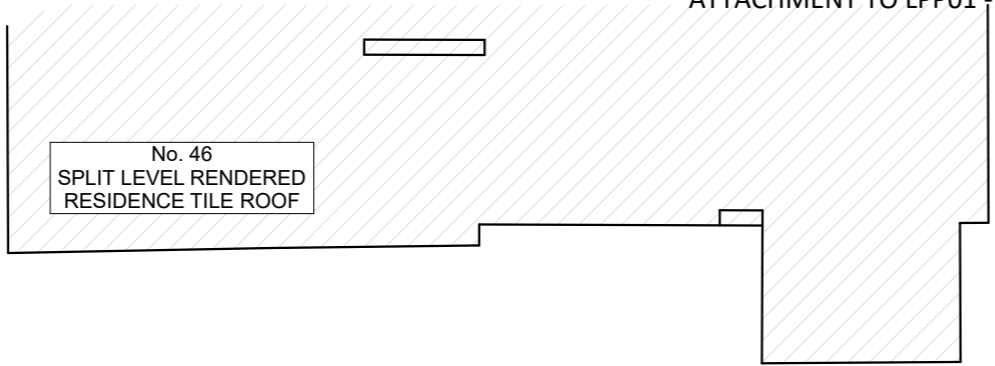
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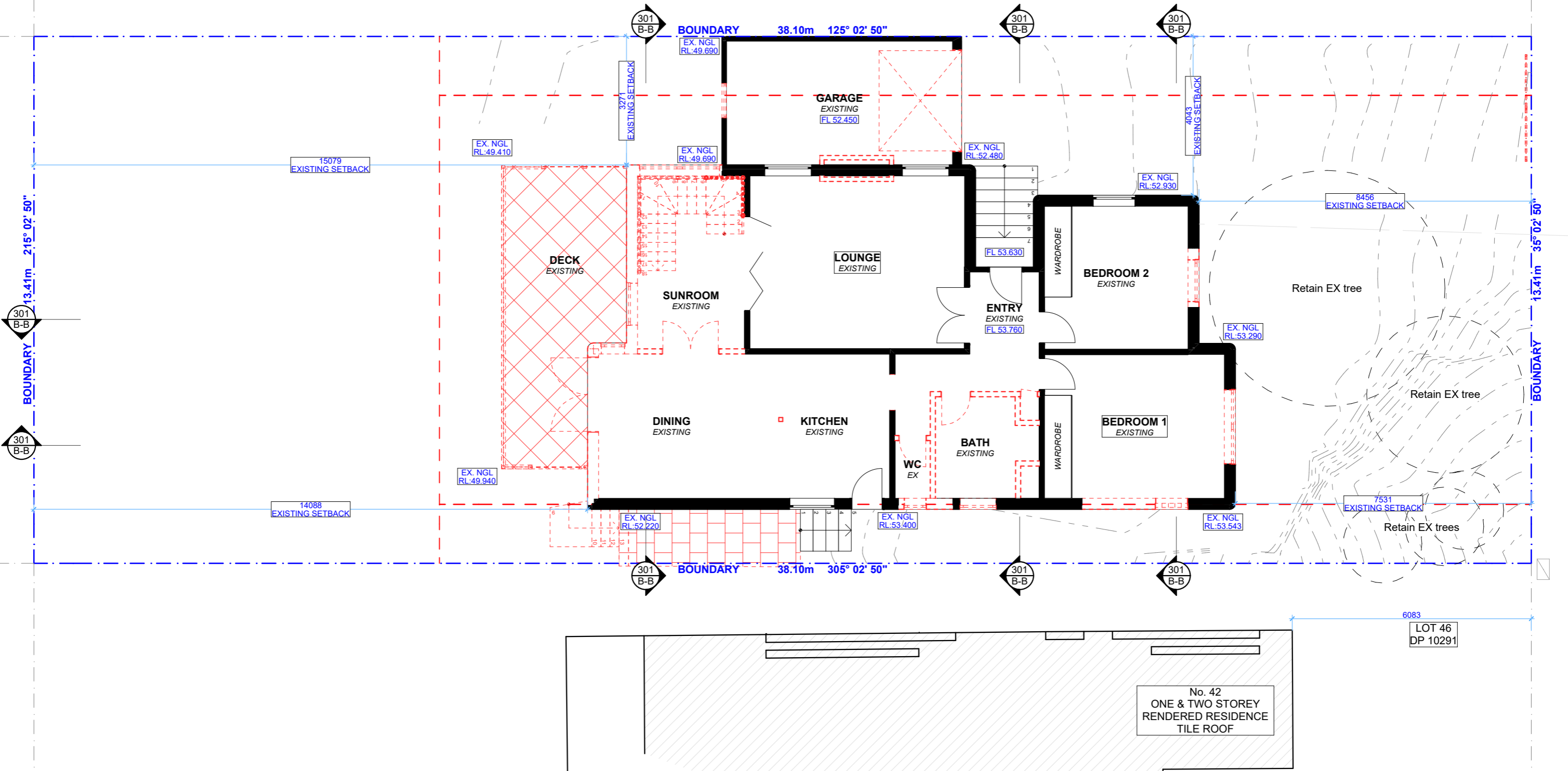
DRAWING NAME
EXISTING LOWER GROUND FLOOR
PLAN - DEMOLITION

SCALE
1:100 @A3





LOT 44
DP 10291



1 EXISTING GROUND FLOOR PLAN - DEMOLITION

1:100

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LEGEND

- EXISTING
- PROPOSED
- DEMOLISHED

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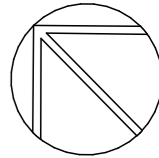
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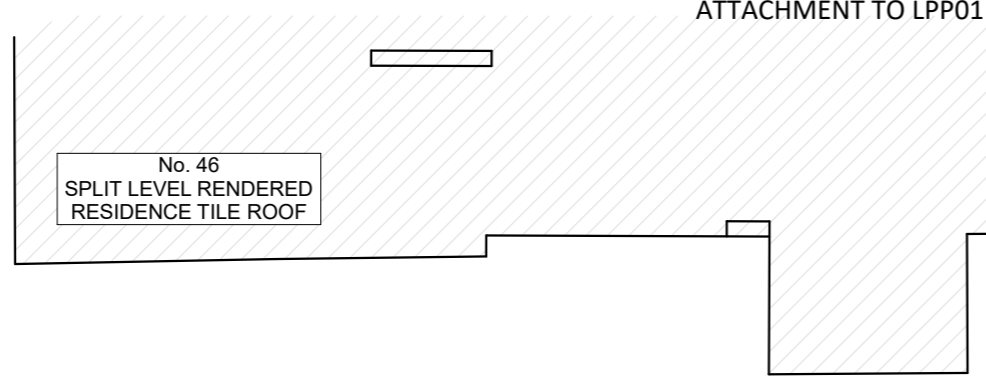
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2022

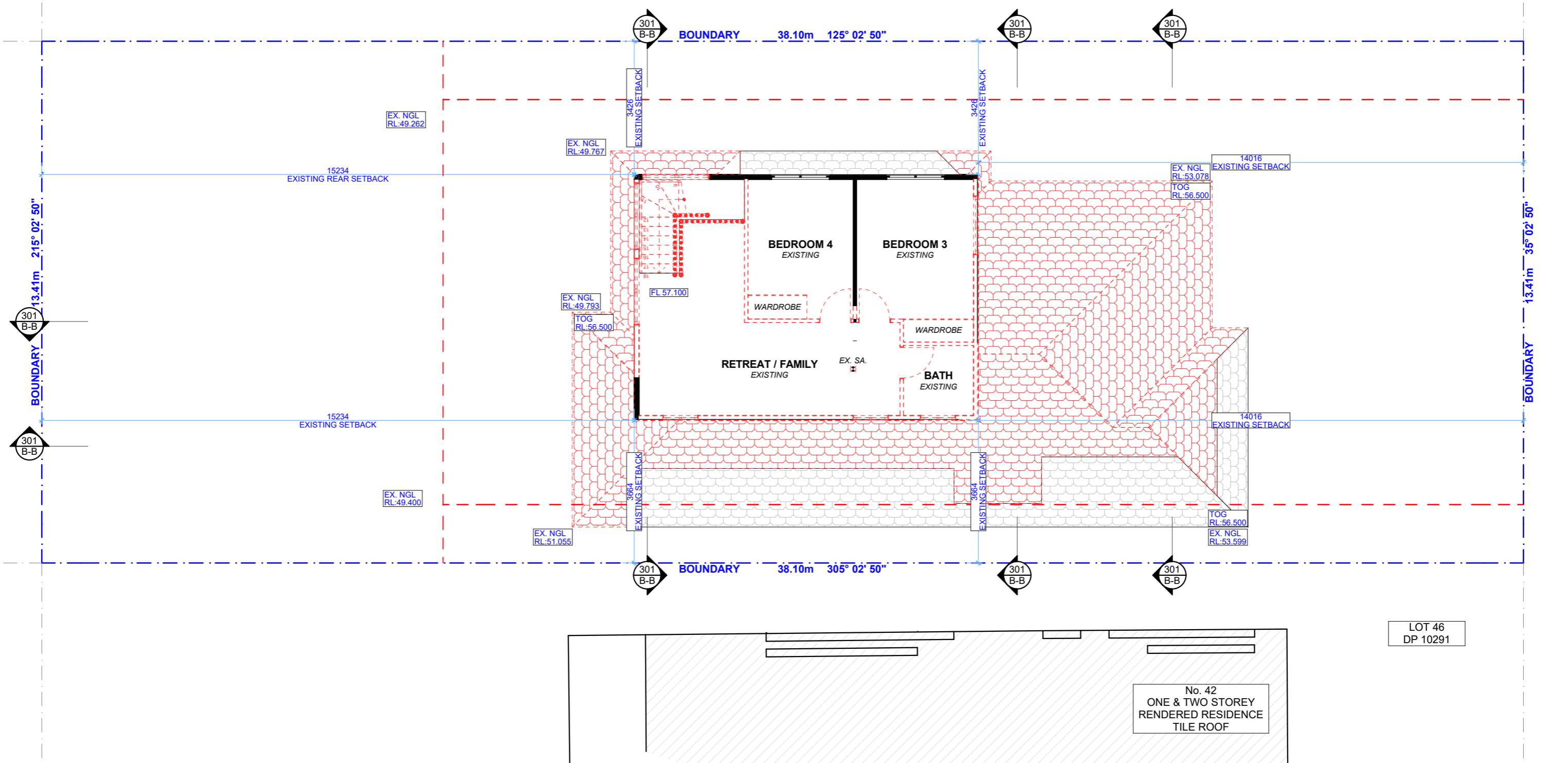
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EXISTING GROUND FLOOR PLAN -
DEMOLITION

SCALE
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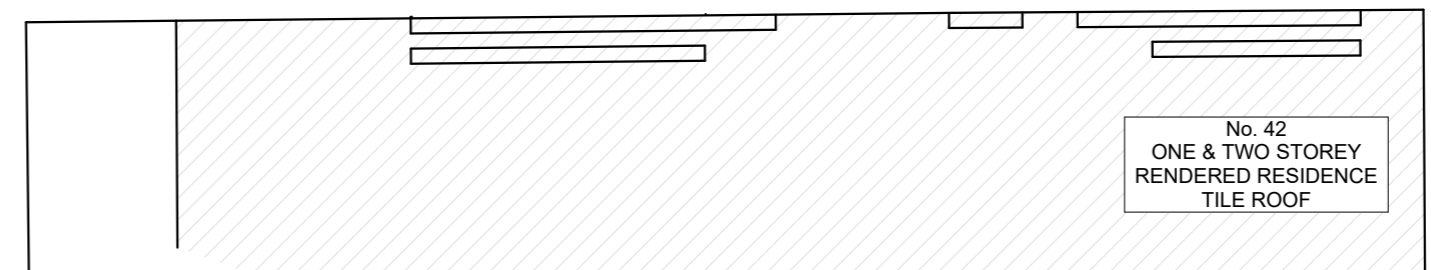




LOT 44
DP 10291



LOT 46
DP 10291



EXISTING FIRST FLOOR PLAN - DEMOLITION

1:100

NOTE: ALL DEMOLISHED ELEMENTS TO ENG. SPECIFICATIONS AND AS. 2601 - 2001

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B	09.09.2022	DA: REV A	RNA	

LEGEND
 EXISTING
 PROPOSED
 DEMOLISHED

CLIENT
CHRIS & PARISA MILNE

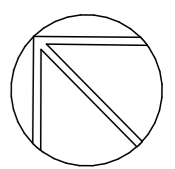
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DRAWING NO.
DA07

DATE
Friday, 9 September
2022

DRAWING NAME
EXISTING FIRST FLOOR PLAN -
DEMOLITION

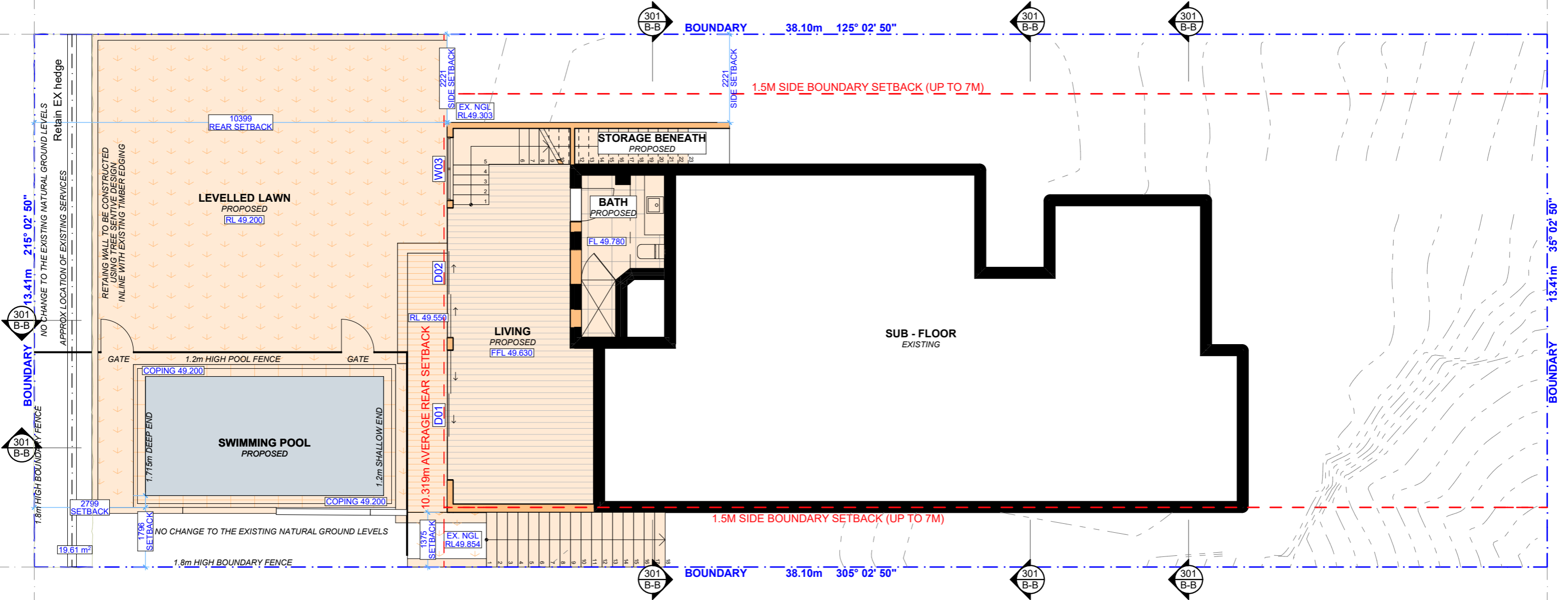
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1:100 @A3



Note:
Hedges along the rear boundaries are to be retained.

No. 46
SPLIT LEVEL RENDERED
RESIDENCE TILE ROOF

LOT 44
DP 10291



LOT 46
DP 10291

No. 42
ONE & TWO STOREY
RENDERED RESIDENCE
TILE ROOF

PROPOSED LOWER GROUND FLOOR PLAN

1:100

1



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LEGEND

- EXISTING
- PROPOSED
- DEMOLISHED

CLIENT

CHRIS & PARISA MILNE

PROJECT ADDRESS

44 ELLALONG ROAD,
CREMORNE NSW 2090

DRAWING NO.

DA08

DATE

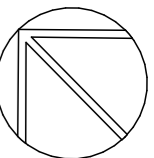
Friday, 9 September
2022

DRAWING NAME

PROPOSED LOWER GROUND
FLOOR PLAN

SCALE

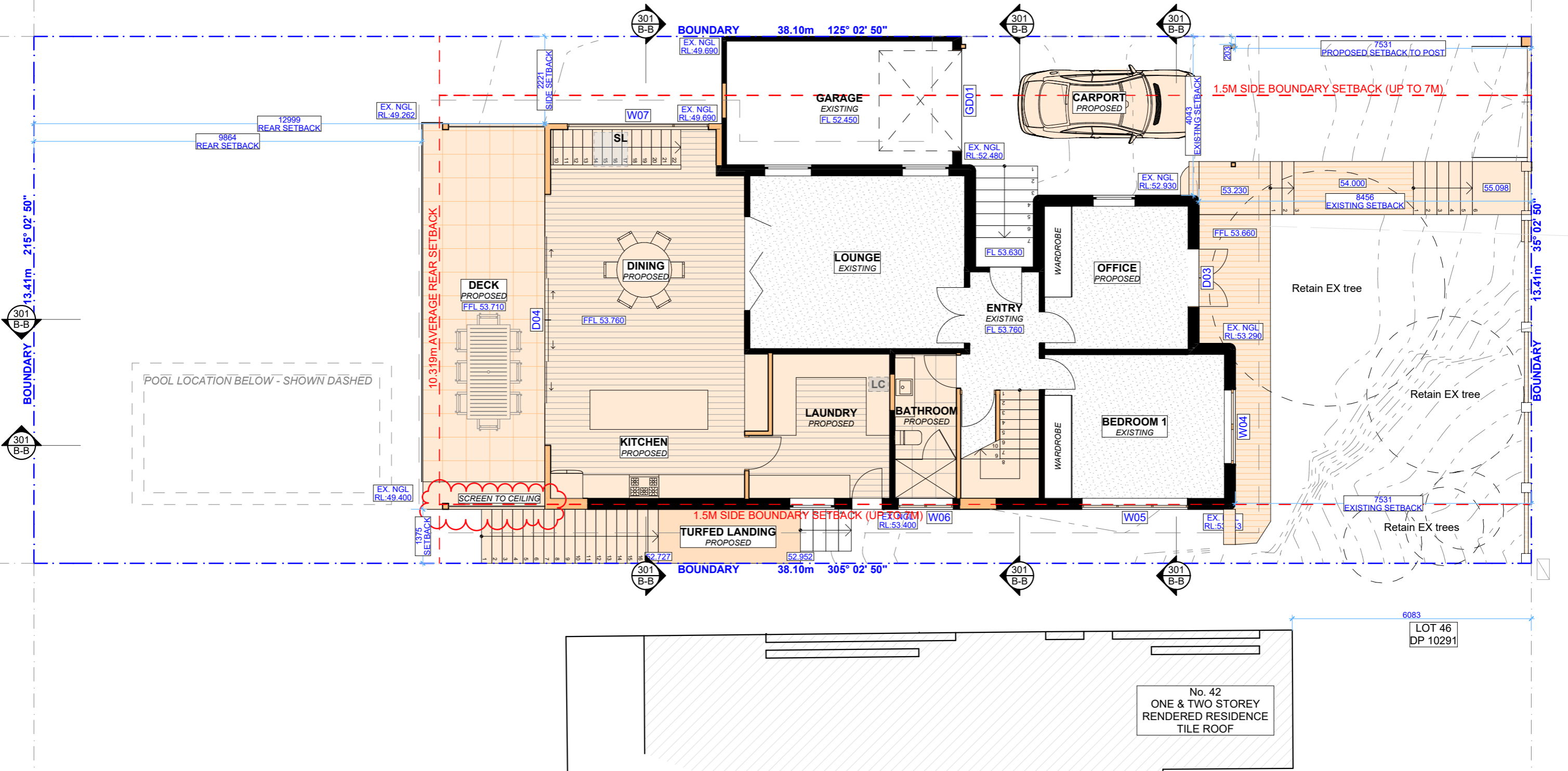
1:100 @A3



Note:
All trees within the front yard are to be protected & retained.

No. 46
SPLIT LEVEL RENDERED
RESIDENCE TILE ROOF

LOT 44
DP 10291



1 PROPOSED GROUND FLOOR PLAN 1:100

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LEGEND

- EXISTING
- PROPOSED
- DEMOLISHED

CLIENT
CHRIS & PARISA MILNE

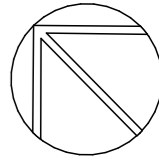
PROJECT ADDRESS
44 ELLALONG ROAD,
CREMORNE NSW 2090

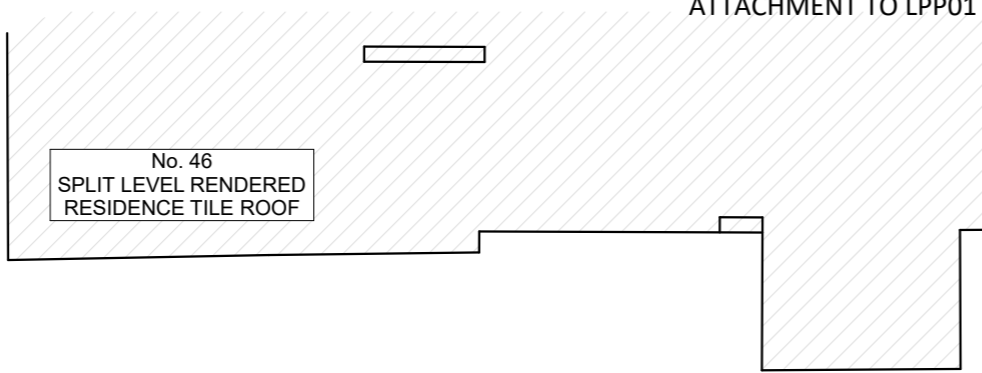
DRAWING NO.
DA09

DATE
Friday, 9 September
2022

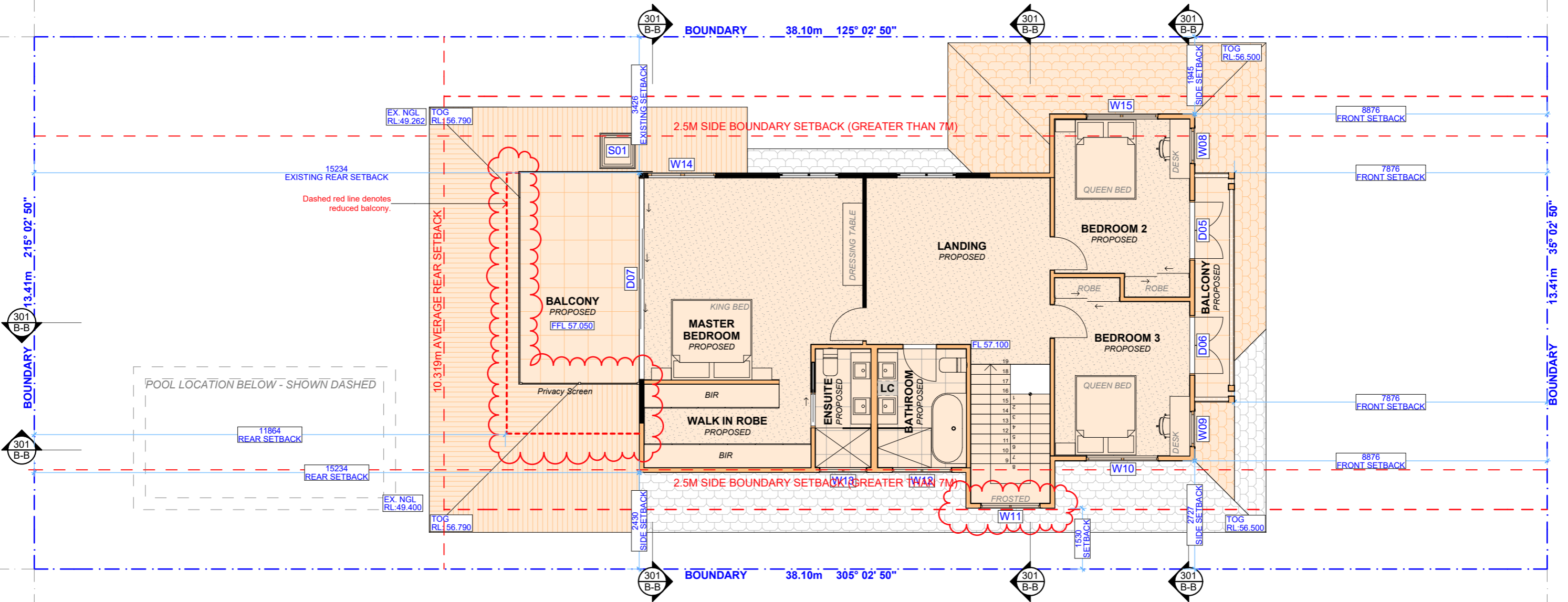
DRAWING NAME
PROPOSED GROUND FLOOR PLAN

SCALE
1:100 @A3

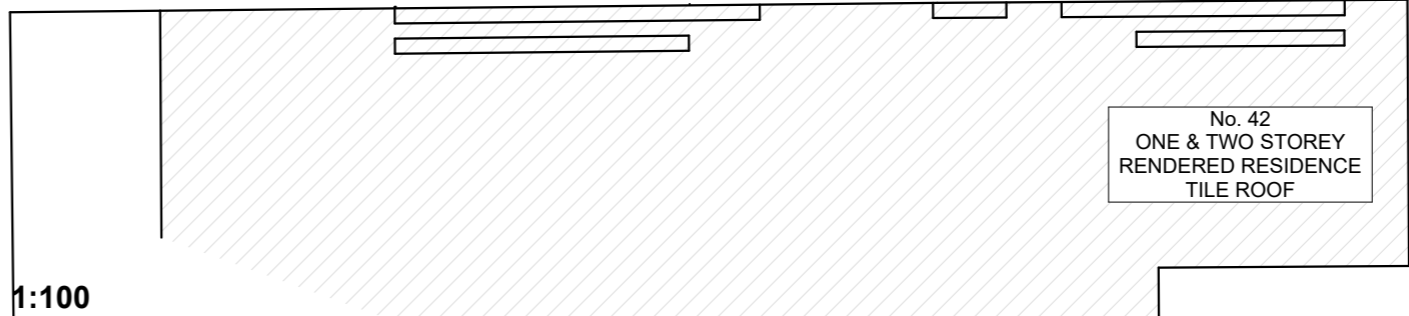




LOT 44
DP 10291



LOT 46
DP 10291



PROPOSED FIRST FLOOR PLAN

1:100

1

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LEGEND
 ■ EXISTING
 ■ PROPOSED
 - - - DEMOLISHED

CLIENT
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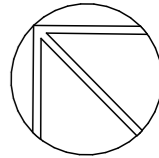
DRAWING NO.
DA10

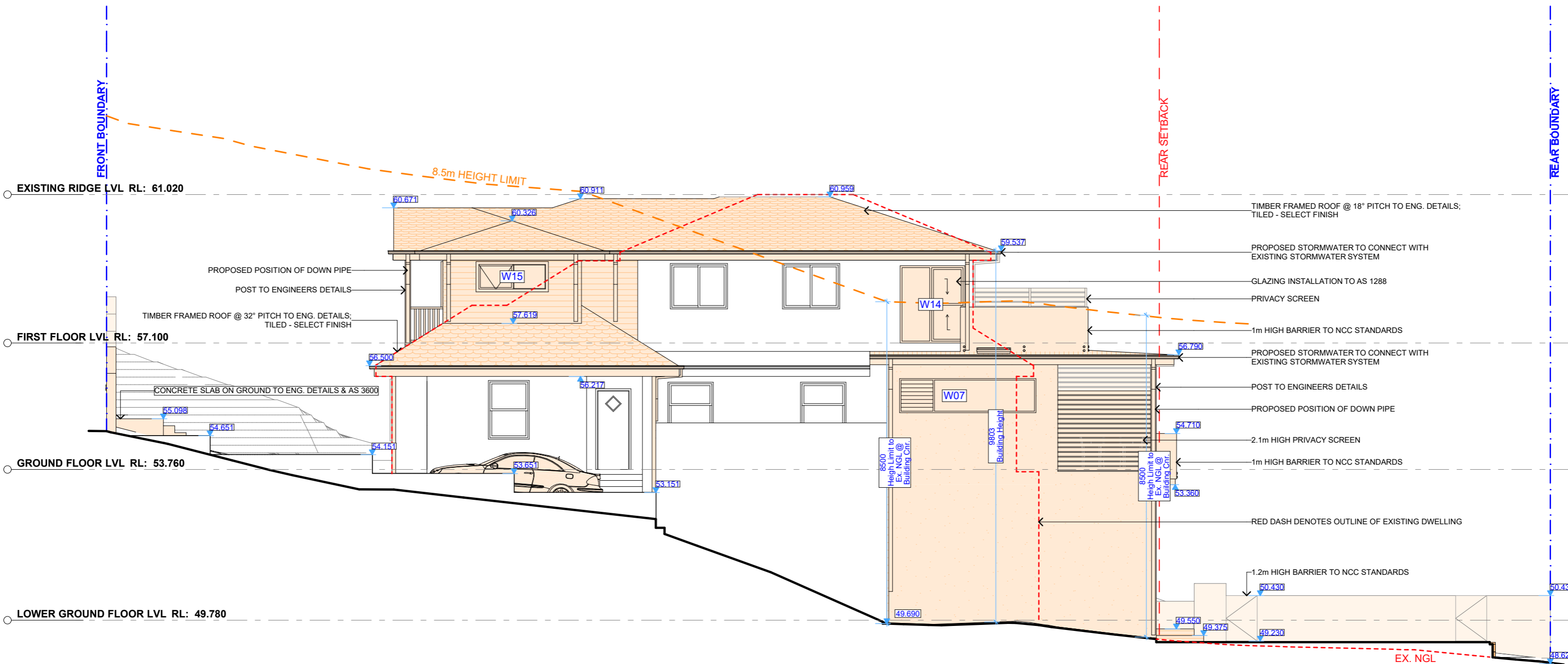
PROJECT ADDRESS
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 CREMORNE NSW 2090

DATE
 Friday, 9 September
 2022

DRAWING NAME
 PROPOSED FIRST FLOOR PLAN

SCALE
 1:100 @A3





1 NORTH EAST ELEVATION 1:100



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LEGEND
 [Solid Line] EXISTING
 [Orange Fill] PROPOSED
 [Red Dashed Line] DEMOLISHED

CLIENT
 CHRIS & PARISA MILNE

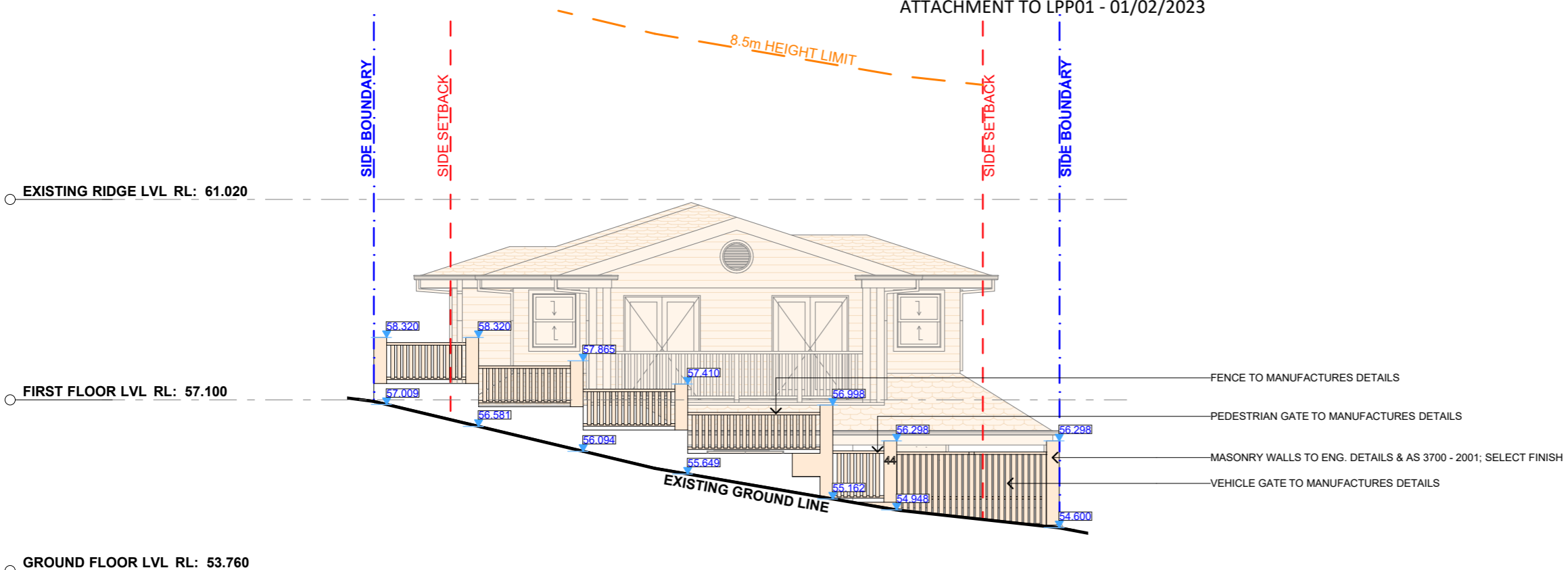
PROJECT ADDRESS
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DRAWING NO.
DA11

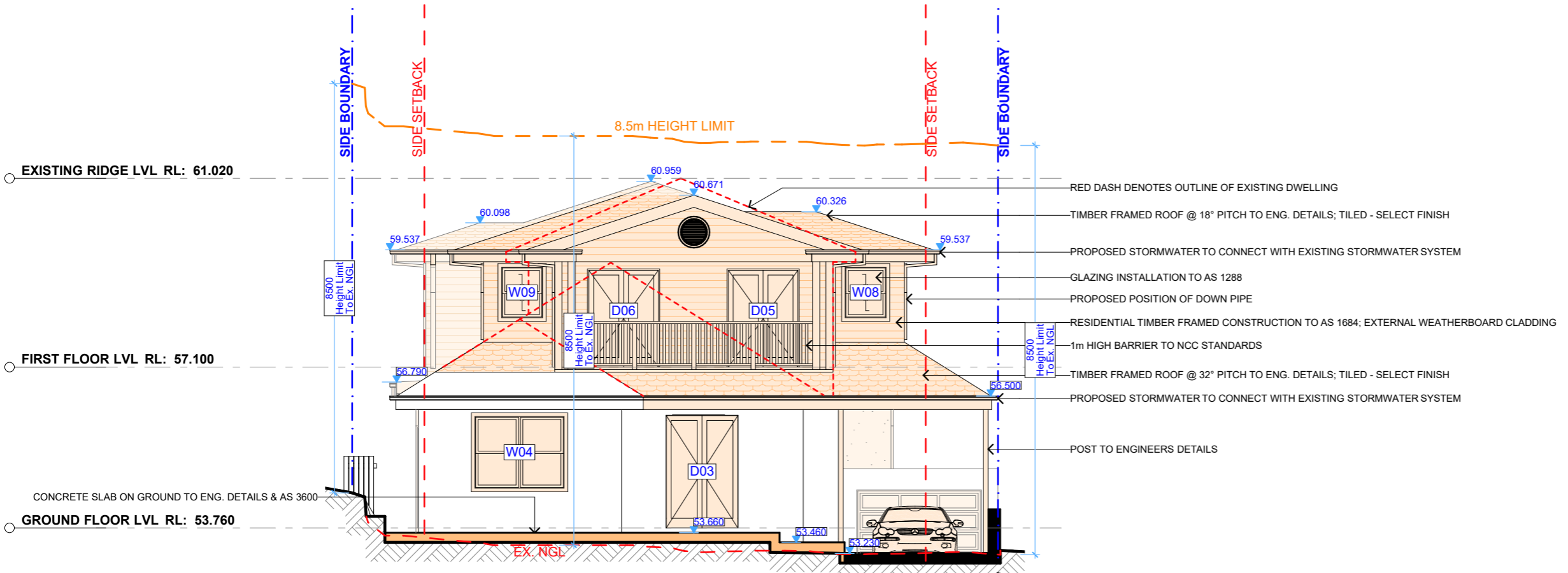
DATE
 Friday, 9 September
 2022

DRAWING NAME
 NORTH EAST ELEVATION

SCALE
 1:100 @A3



2 EAST ELEVATION - BOUNDARY FENCE 1:100



2 SOUTH EAST ELEVATION - PRIMARY ROAD 1:100



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LEGEND
 EXISTING
 PROPOSED
 DEMOLISHED

CLIENT
CHRIS & PARISA MILNE

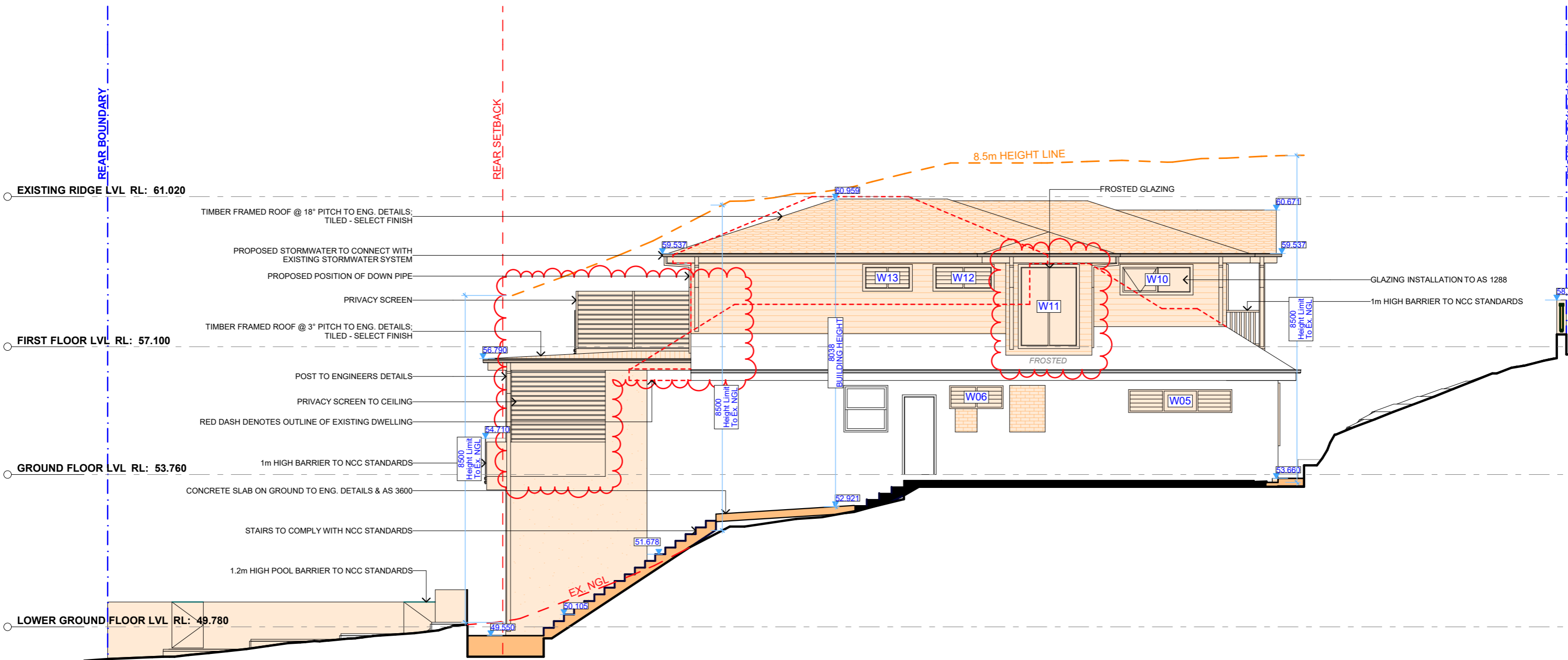
PROJECT ADDRESS
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DRAWING NO.
DA12

DATE
Friday, 9 September
2022

DRAWING NAME
SOUTH EAST ELEVATION

SCALE
1:100 @A3



1 SOUTH WEST ELEVATION

1:100

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LEGEND

- EXISTING
- PROPOSED
- DEMOLISHED

CLIENT
 CHRIS & PARISA MILNE

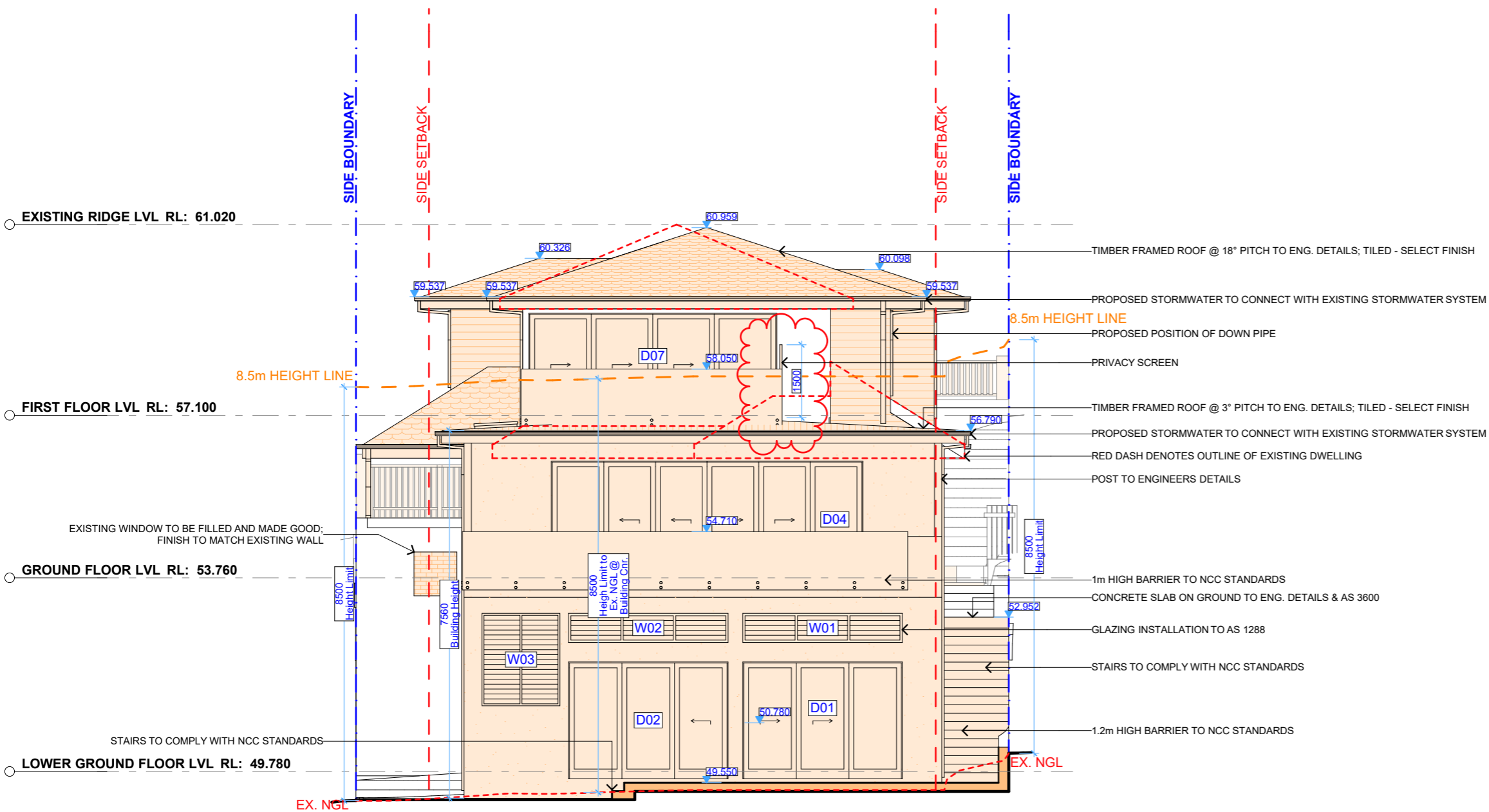
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DRAWING NO.
DA13

DATE
 Friday, 9 September
 2022

DRAWING NAME
 SOUTH WEST ELEVATION

SCALE
 1:100 @A3



1 NORTH WEST ELEVATION 1:100

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LEGEND

- EXISTING (solid line)
- PROPOSED (orange fill)
- DEMOLISHED (red dashed line)

CLIENT
 CHRIS & PARISA MILNE

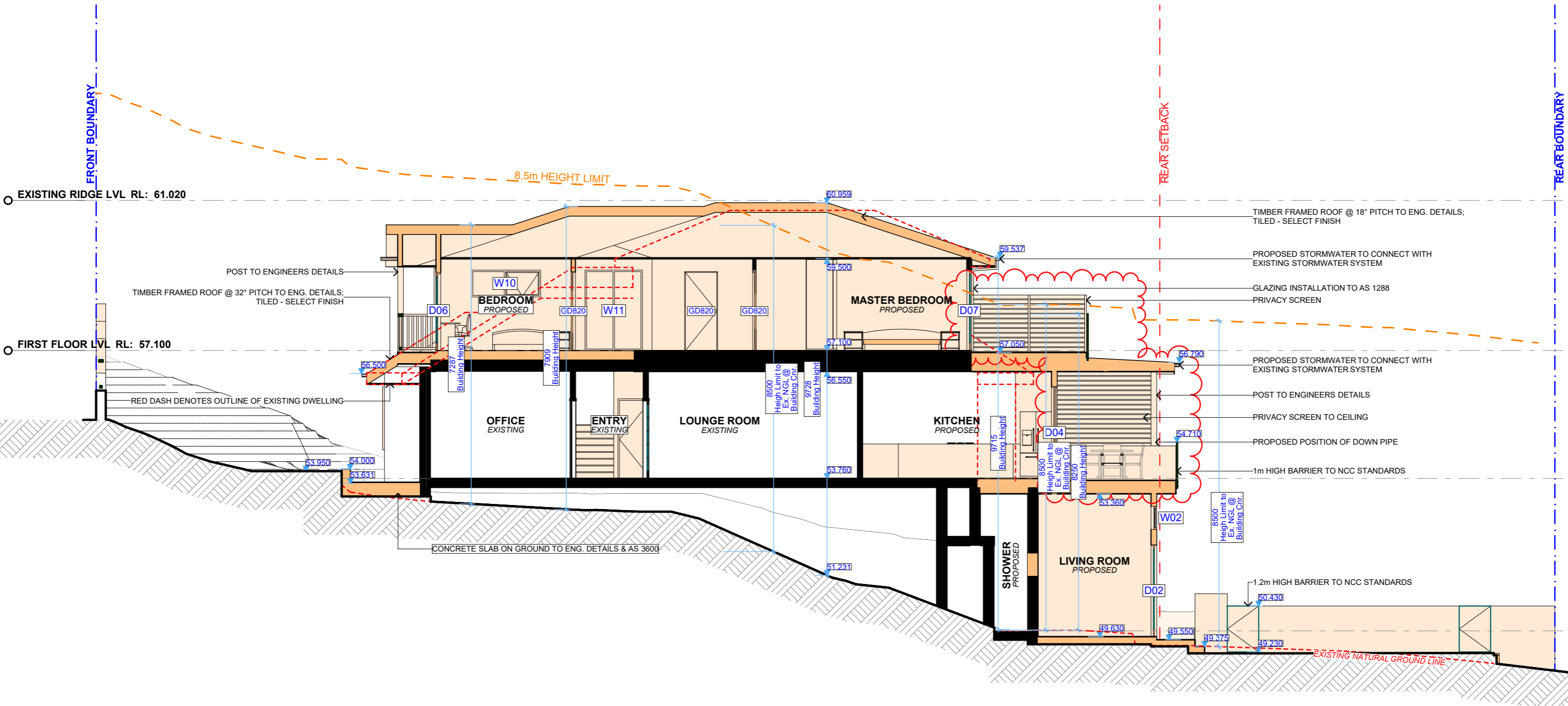
PROJECT ADDRESS
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DRAWING NO.
DA14

DATE
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 2022

DRAWING NAME
 NORTH WEST ELEVATION

SCALE
 1:100 @A3



1 PROPOSED LONG SECTION 1:100



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LEGEND

	EXISTING
	PROPOSED
	DEMOLISHED

CLIENT
 CHRIS & PARISA MILNE

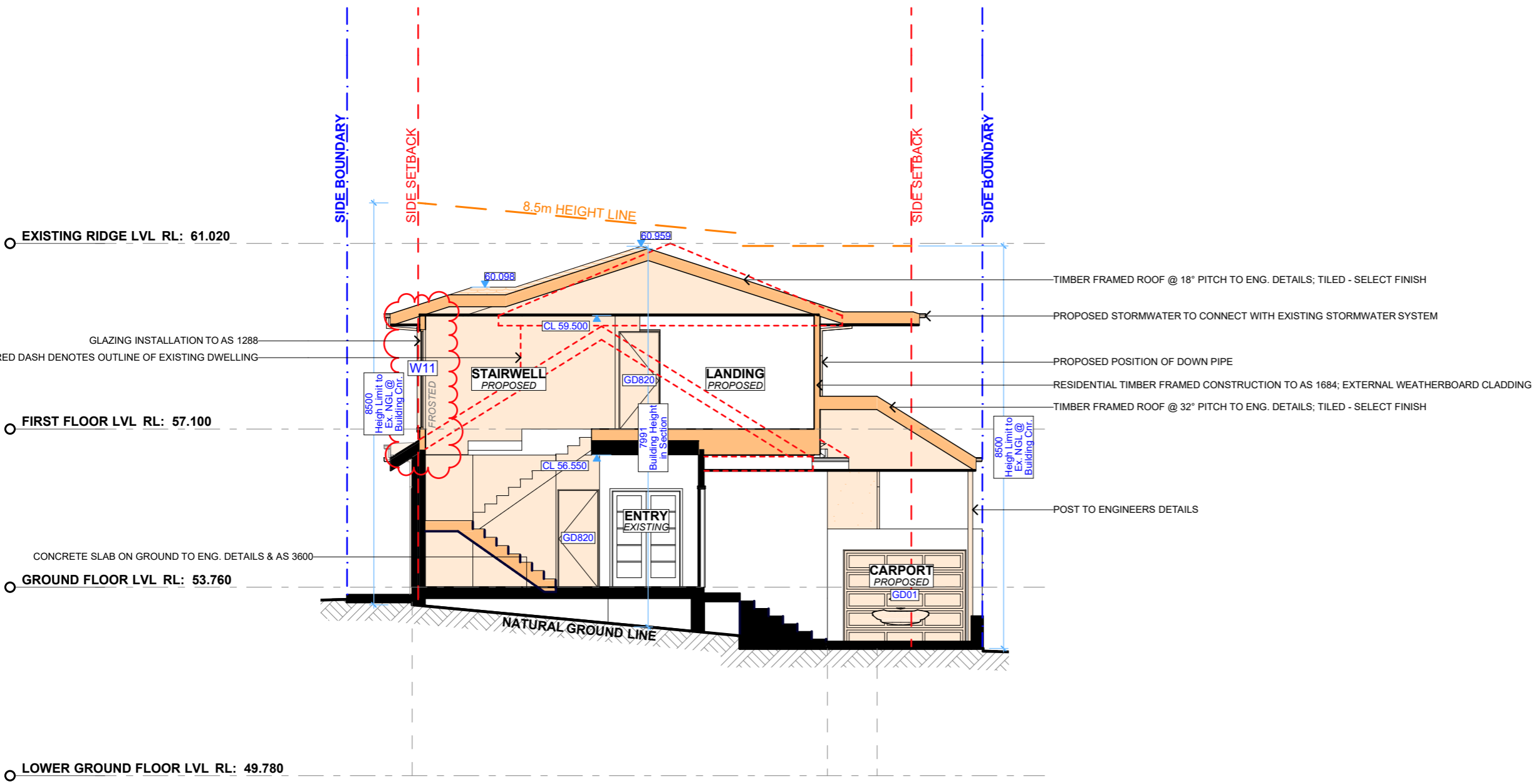
PROJECT ADDRESS
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DRAWING NO.
DA15

DATE
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DRAWING NAME
 LONG SECTION

SCALE
 1:100 @A3



1 PROPOSED CROSS SECTION 1:100






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LEGEND

	EXISTING
	PROPOSED
	DEMOLISHED

CLIENT
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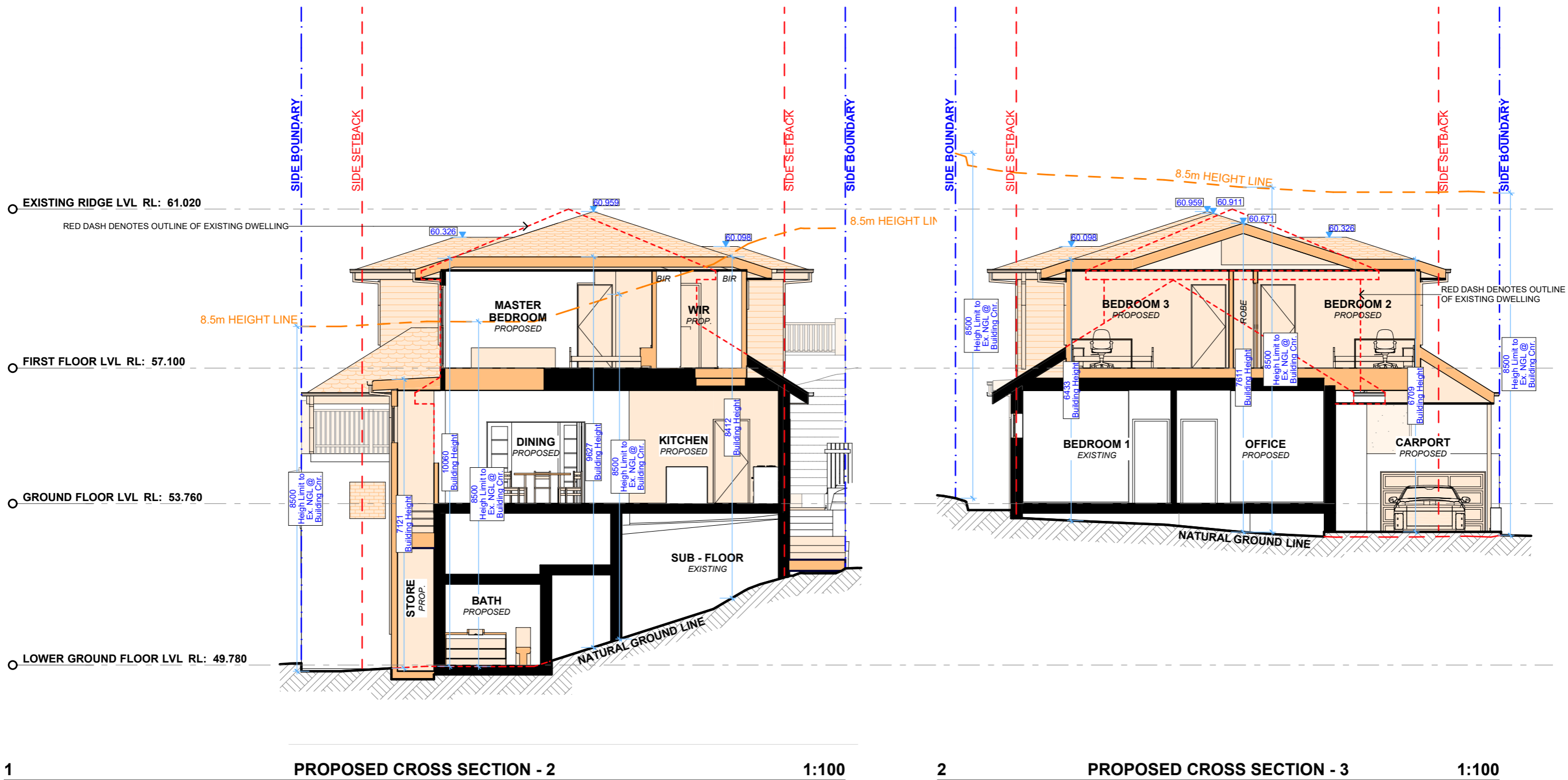
PROJECT ADDRESS
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DRAWING NO.
DA16

DATE
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DRAWING NAME
 CROSS SECTION

SCALE
 1:100 @A3



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LEGEND

CLIENT
CHRIS & PARISA MILNE

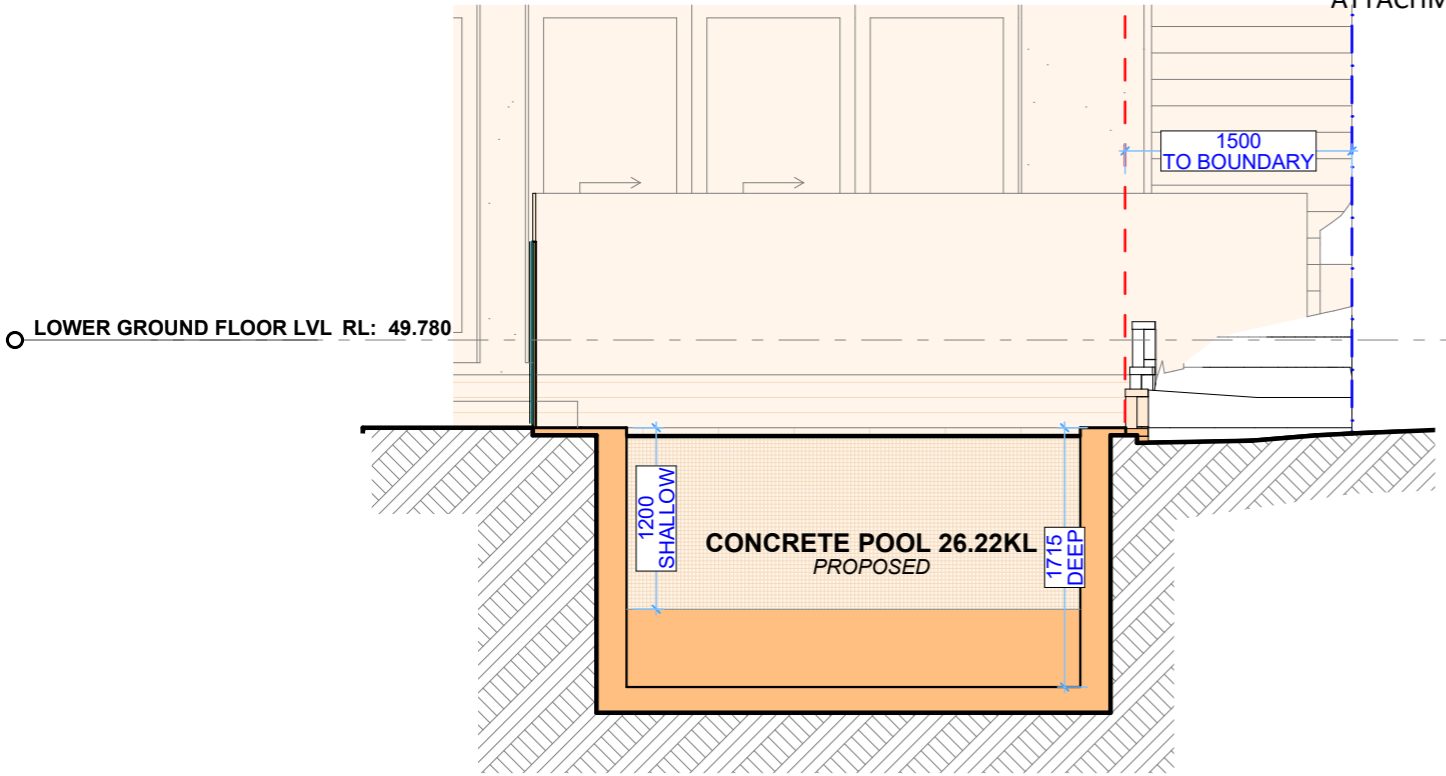
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DRAWING NO.
DA17

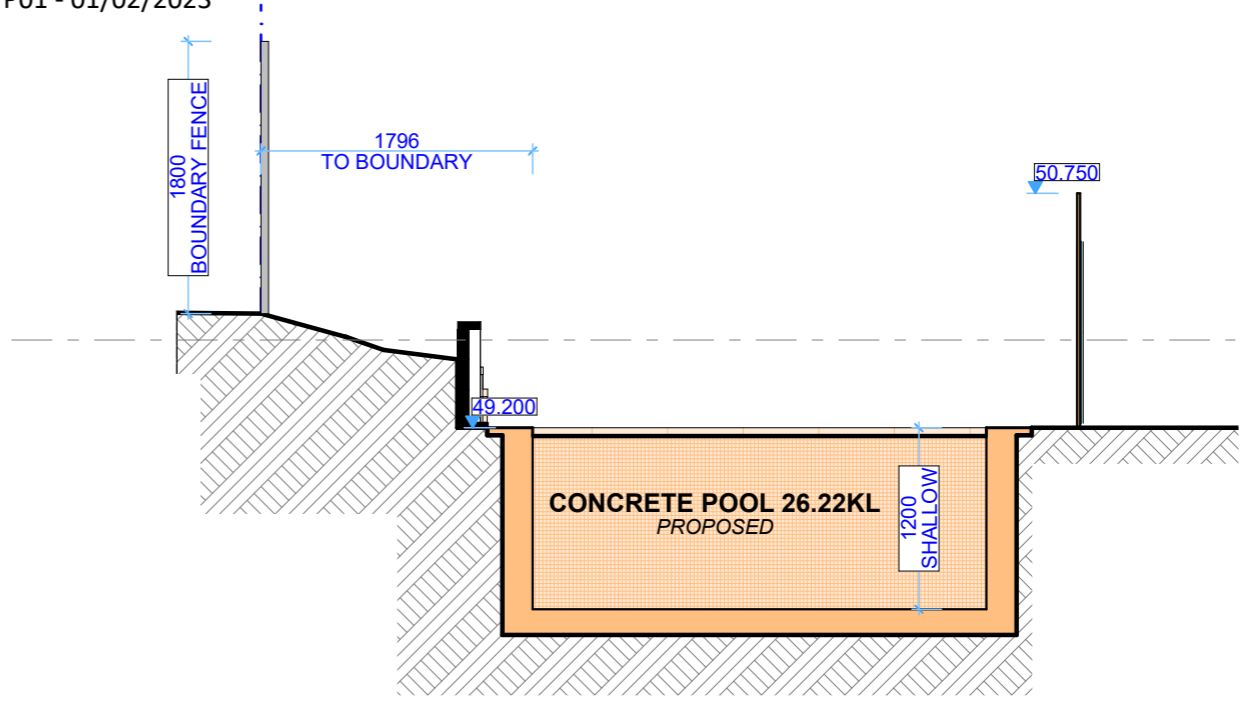
DATE
Friday, 9 September
2022

DRAWING NAME
ADDITIONAL CROSS SECTIONS

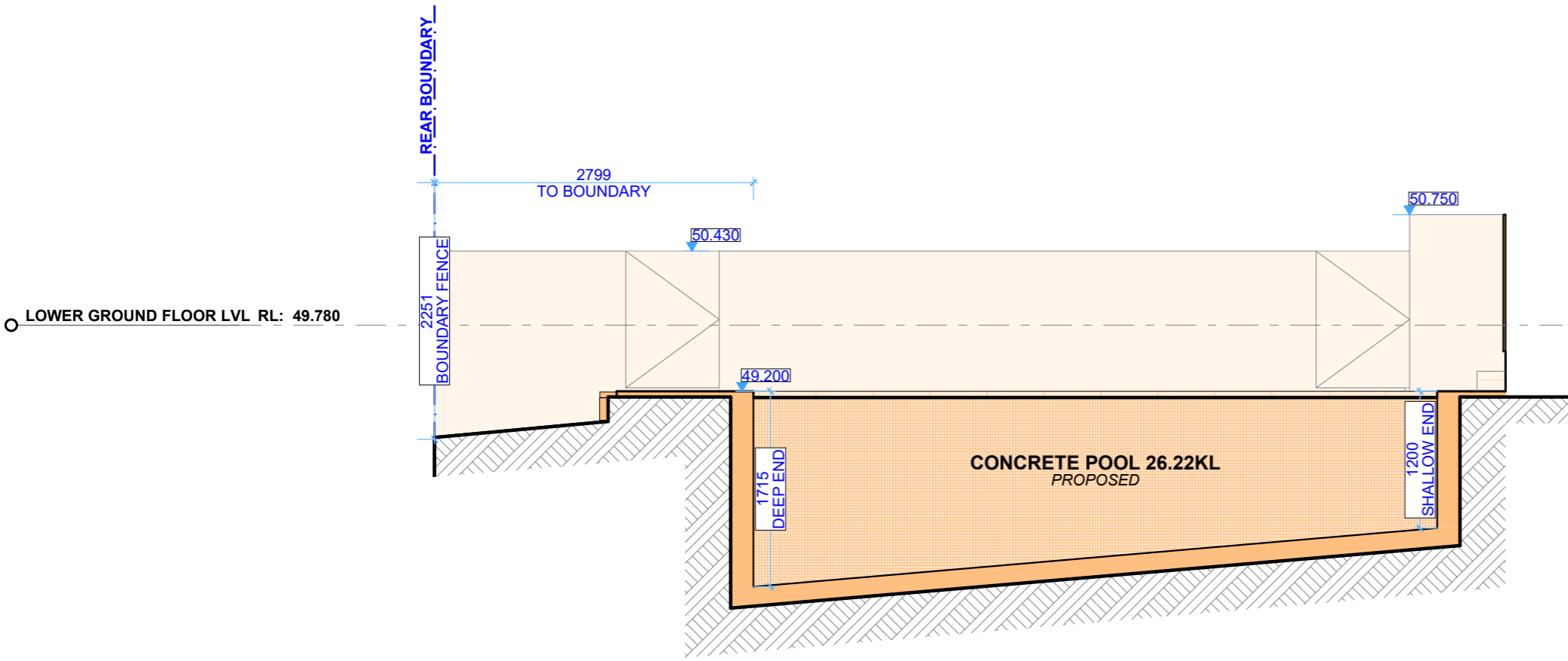
SCALE
1:100 @A3



2 PROPOSED POOL CROSS SECTION 1:50



3 PROPOSED POOL CROSS SECTION 1:50



1 PROPOSED POOL LONG SECTION 1:50



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LEGEND

LEGEND

CLIENT
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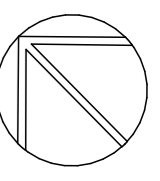
PROJECT ADDRESS
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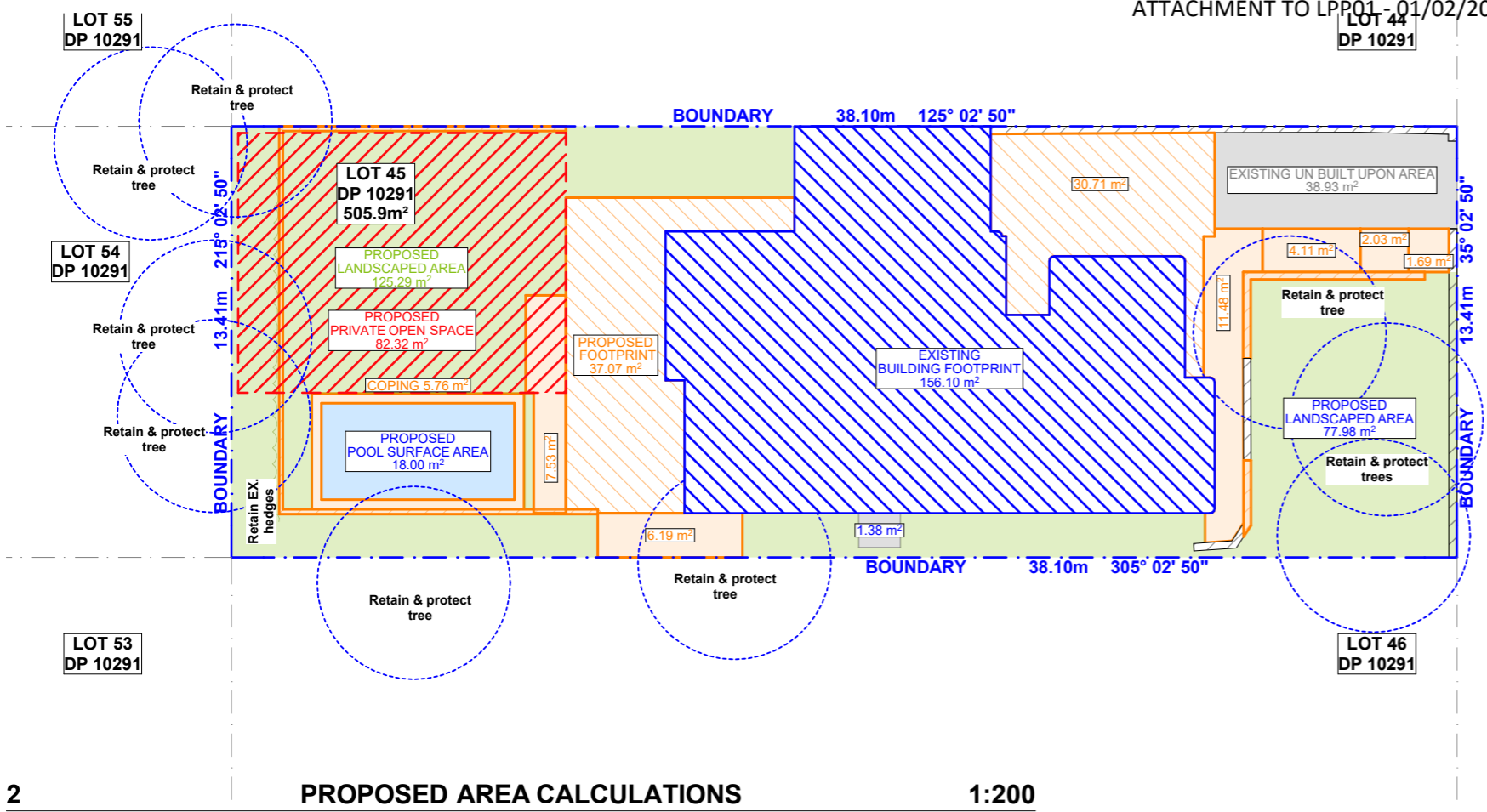
DRAWING NO.
DA18

DATE
Friday, 9 September
2022

DRAWING NAME
PROPOSED POOL SECTIONS

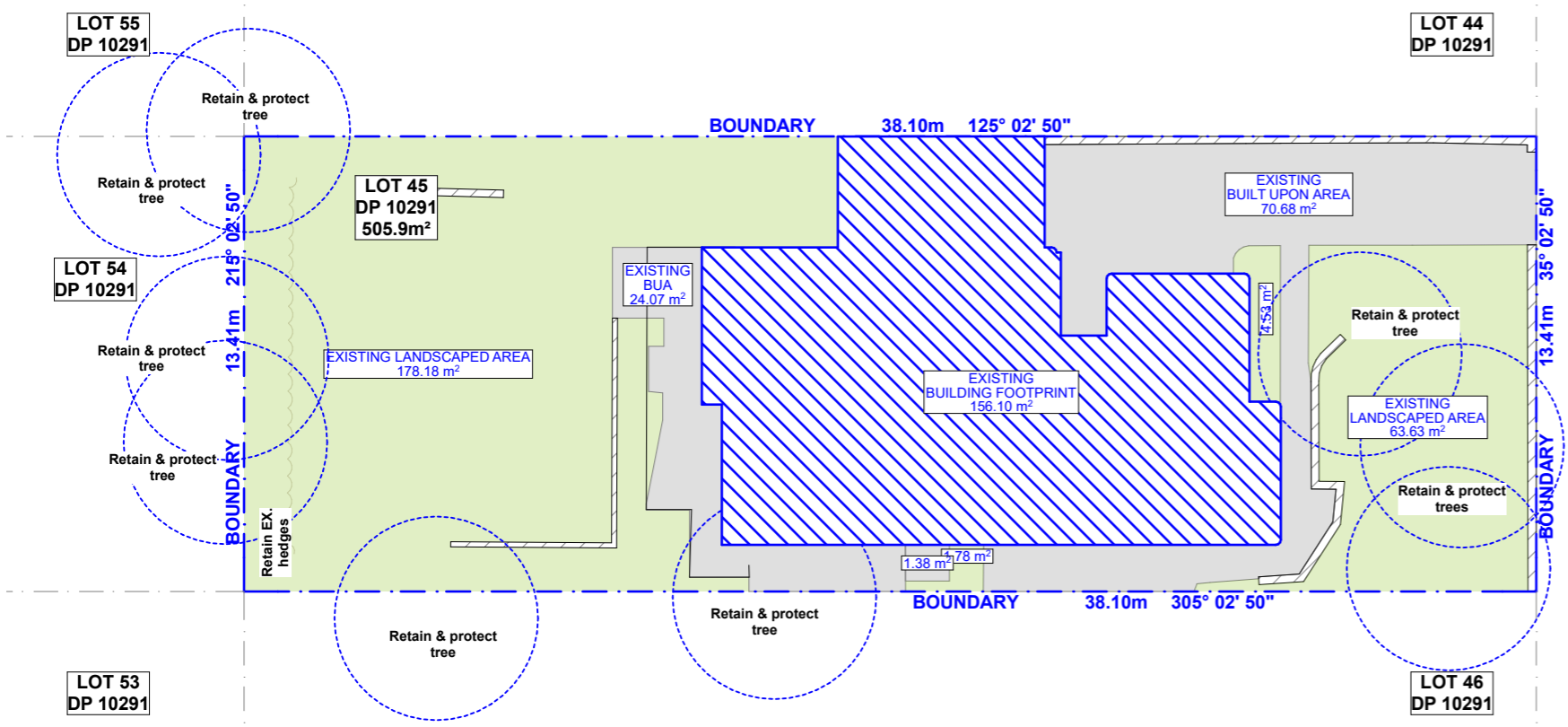
SCALE
1:50 @A3





PROPOSED AREA CALCULATIONS

1:200



EXISTING AREA CALCULATIONS

1:200

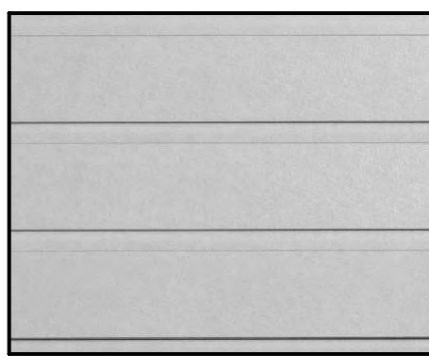
ITEM DETAILS

LOT 45 DP 10291
SITE AREA: 505.9m²

	REQUIRED	EXISTING	PROPOSED
MAX. SITE COVERAGE:	40%(202.36m²)	172.71m²	47.81% (241.88m²)
MIN. LANDSCAPED AREA:	40%(202.36m²)	250.23m²	40.17% (203.24m²)
MAX. UN-BUILT UPON AREA:	20%(101.18m²)	81.04m²	14.14% (71.57m²)
PRIVATE OPEN SPACE:	50m²	0m²	82.32m²



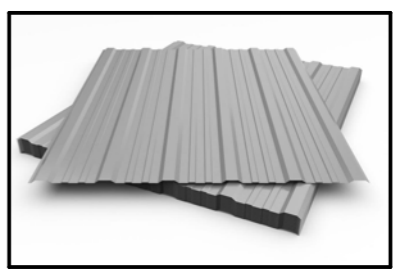
FENCES/SCREENS & TRIMMING DETAIL
PAINTED WHITE/OFF WHITE



WEATHERBOARD CLADDING
PAINTED WHITE/OFF WHITE



TIMBER FRAMED WINDOWS & DOORS
PAINTED WHITE/OFF WHITE



METAL ROOF
GREY



TILED ROOF
GREY

NOTE:
- Colors represented on this schedule do NOT necessarily reflect true colors.



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LEGEND

	LANDSCAPED AREA
	EXISTING UN BUILT UPON
	PROPOSED UN BUILT UPON
	EXISTING SITE COVERAGE
	PROPOSED SITE COVERAGE
	PRIVATE OPEN SPACE

CLIENT
CHRIS & PARISA MILNE

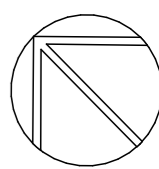
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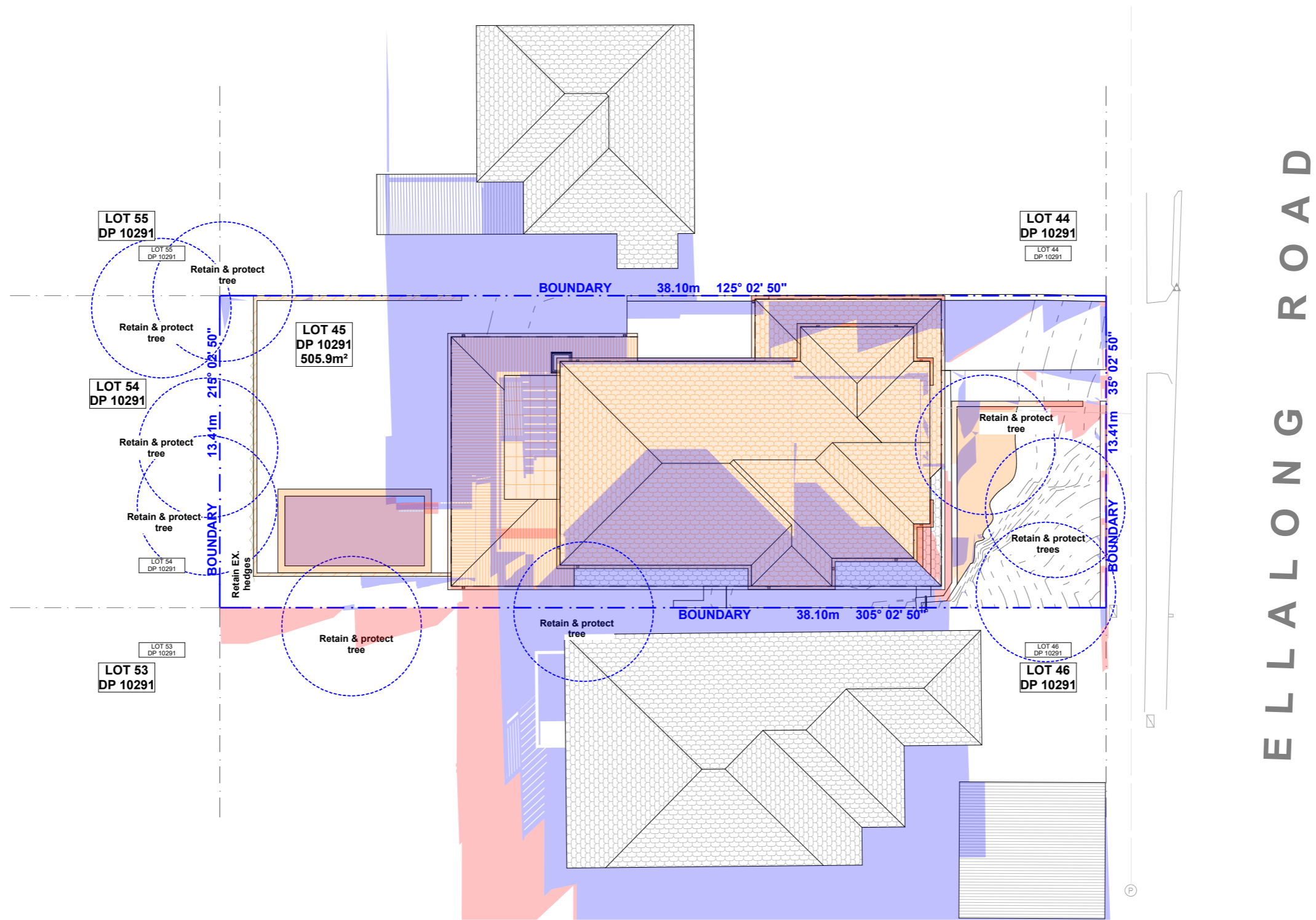
DRAWING NO.
DA19

DATE
Friday, 9 September
2022

DRAWING NAME
AREA CALCULATIONS /
SAMPLE BOARD

SCALE
1:200 @A3





1

WINTER SOLSTICE 9AM

1:200



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LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS
- PROPOSED WORKS

CLIENT

CHRIS & PARISA MILNE

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44 ELLALONG ROAD,
CREMORNE NSW 2090

DRAWING NO.

DA20

DATE

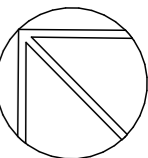
Friday, 9 September
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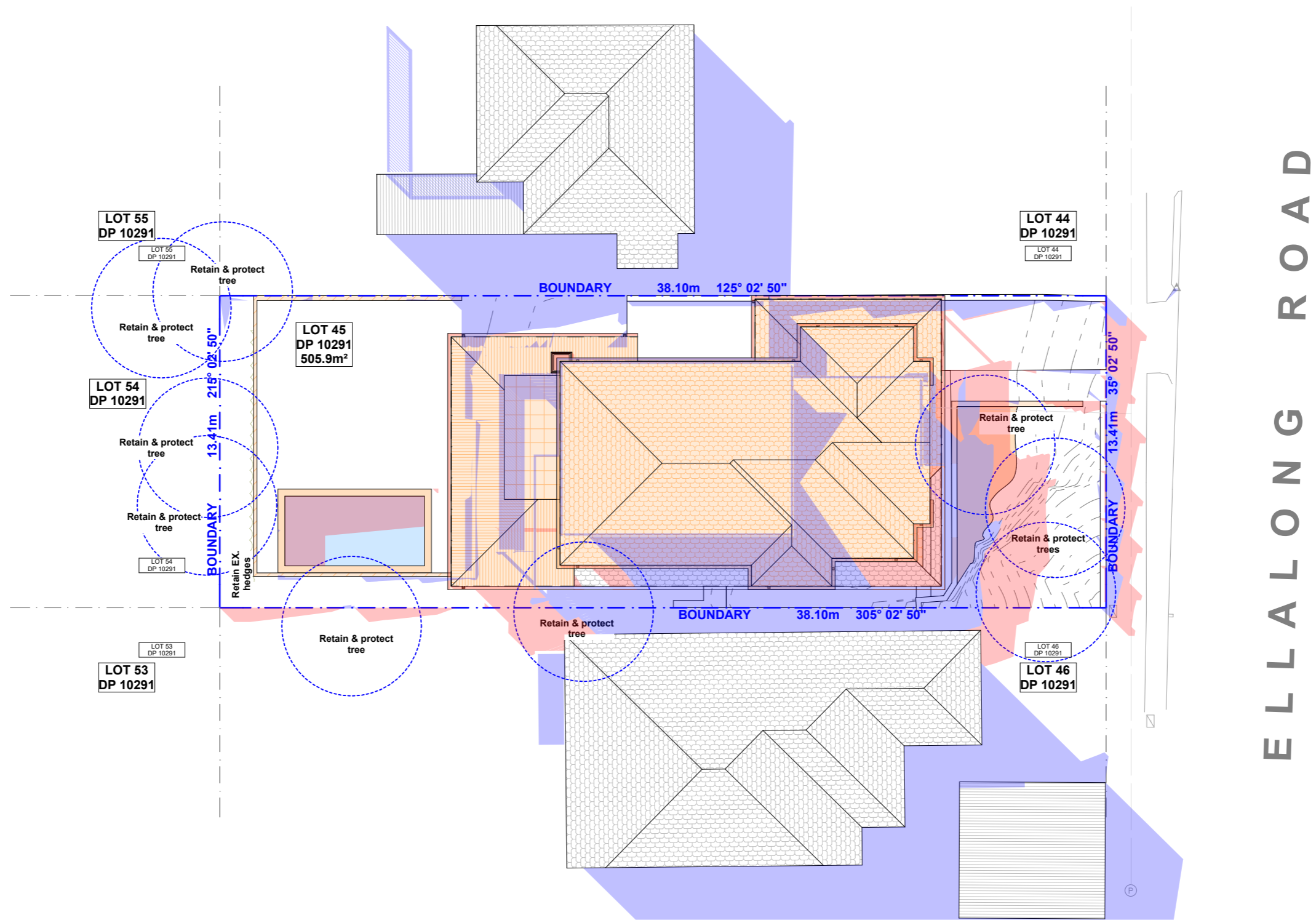
DRAWING NAME

WINTER SOLSTICE 9 AM

SCALE

1:200 @A3





ELLALONG ROAD

1 WINTER SOLSTICE 12PM 1:200

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B	09.09.2022	DA: REV A	RNA	

LEGEND
 [Blue shaded area] EXISTING SHADOWS
 [Red shaded area] PROPOSED SHADOWS
 [Orange shaded area] PROPOSED WORKS

CLIENT
 CHRIS & PARISA MILNE

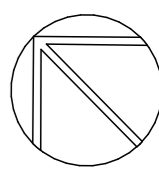
PROJECT ADDRESS
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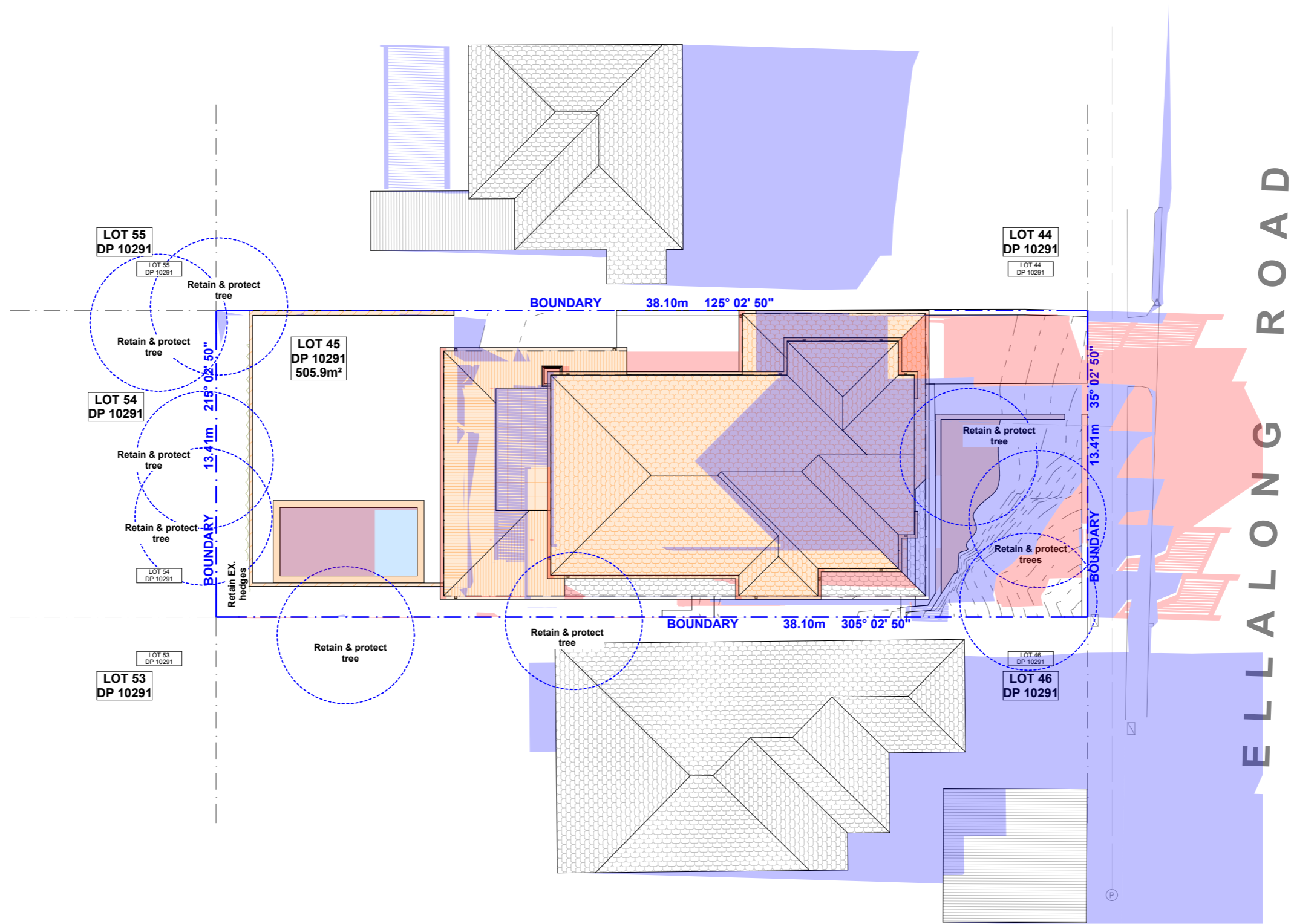
DRAWING NO.
DA21

DATE
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 2022

DRAWING NAME
 WINTER SOLSTICE 12 PM

SCALE
 1:200 @A3





1

WINTER SOLSTICE 3PM

1:200



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LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS
- PROPOSED WORKS

CLIENT

CHRIS & PARISA MILNE

PROJECT ADDRESS

44 ELLALONG ROAD,
CREMORNE NSW 2090

DRAWING NO.

DA22

DATE

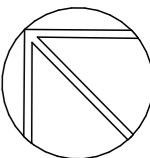
Friday, 9 September
2022

DRAWING NAME

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SCALE

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Alterations and Additions

Certificate number: A435892_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Thursday, 10, March 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	0798_44 ELLALONG RD, CREMORNE_02
Street address	44 ELLALONG Road CREMORNE 2090
Local Government Area	North Sydney Council
Plan type and number	Deposited Plan 10291
Lot number	45
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Action Plans
ABN (if applicable):	17118297587

Pool and Spa	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																								
Rainwater tank The applicant must install a rainwater tank of at least 1057 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities. The applicant must configure the rainwater tank to collect rainwater runoff from at least 100 square metres of roof area. The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the pool.	✓	✓	✓																								
Outdoor swimming pool The swimming pool must be outdoors. The swimming pool must not have a capacity greater than 26.22 kilolitres. The applicant must install a pool pump timer for the swimming pool. The applicant must not incorporate any heating system for the swimming pool that is part of this development.	✓	✓	✓																								
Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																								
Lighting The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓																								
Fixtures The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓																								
Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																								
Insulation requirements The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓																								
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr><td>concrete slab on ground floor.</td><td>nil</td><td></td></tr> <tr><td>suspended floor with enclosed subfloor: framed (R0.7).</td><td>R0.60 (down) (or R1.30 including construction)</td><td></td></tr> <tr><td>floor above existing dwelling or building.</td><td>nil</td><td></td></tr> <tr><td>external wall: framed (weatherboard, fibro, metal clad)</td><td>R1.30 (or R1.70 including construction)</td><td></td></tr> <tr><td>external wall: brick veneer</td><td>R1.16 (or R1.70 including construction)</td><td></td></tr> <tr><td>flat ceiling, pitched roof</td><td>ceiling: R1.45 (up), roof: foil backed blanket (75 mm)</td><td>medium (solar absorptance 0.475 - 0.70)</td></tr> <tr><td>flat ceiling, flat roof: framed</td><td>ceiling: R1.58 (up), roof: foil backed blanket (75 mm)</td><td>medium (solar absorptance 0.475 - 0.70)</td></tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	concrete slab on ground floor.	nil		suspended floor with enclosed subfloor: framed (R0.7).	R0.60 (down) (or R1.30 including construction)		floor above existing dwelling or building.	nil		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		external wall: brick veneer	R1.16 (or R1.70 including construction)		flat ceiling, pitched roof	ceiling: R1.45 (up), roof: foil backed blanket (75 mm)	medium (solar absorptance 0.475 - 0.70)	flat ceiling, flat roof: framed	ceiling: R1.58 (up), roof: foil backed blanket (75 mm)	medium (solar absorptance 0.475 - 0.70)			
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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors								
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.						✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:							✓	✓
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.							✓	✓
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.							✓	✓
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.						✓	✓	✓
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.							✓	✓
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.							✓	✓
Windows and glazed doors glazing requirements								
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
W01	NW	1.97	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)		
W02	NW	1.97	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)		
W03	NW	3.04	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)		
W04	SE	2.93	0	0	eave/verandah/pergola/balcony >=600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W05	SW	1.62	0	0	eave/verandah/pergola/balcony >=600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W06	SW	0.84	0	0	eave/verandah/pergola/balcony >=600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W07	NE	3.24	0	0	eave/verandah/pergola/balcony >=600 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
W08	SE	0.99	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W09	SE	0.99	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W10	SW	1.27	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W11	SW	3.15	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W12	SW	0.9	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W13	SW	0.72	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
W14	NE	3.49	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
W15	NE	1.27	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
D01	NW	7.87	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)		

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B	09.09.2022	DA: REV A	RNA	

CLIENT
CHRIS & PARISA MILNE

PROJECT ADDRESS
44 ELLALONG ROAD,
CREMORNE NSW 2090

DRAWING NO.
DA23

DATE
Friday, 9 September
2022

DRAWING NAME
BASIX COMMITMENTS

Alterations and Additions

Certificate number: A435892_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Thursday, 10, March 2022
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Description of project

Project address	
Project name	0798_44 ELLALONG RD, CREMORNE_02
Street address	44 ELLALONG Road CREMORNE 2090
Local Government Area	North Sydney Council
Plan type and number	Deposited Plan 10291
Lot number	45
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Action Plans
ABN (if applicable): 17118297587

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type		
D02	NW	7.87	0	0	eave/verandah/ pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)		
D03	SE	3.51	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
D04	NW	15.36	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
D05	SE	3.06	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
D06	SE	3.06	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)		
D07	NW	10.7	0	0	eave/verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		
Skylights								
The applicant must install the skylights in accordance with the specifications listed in the table below.						✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:							✓	✓
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.							✓	✓
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m2)	Shading device			Frame and glass type			
S01	0.757	no shading			aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)			

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.



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B	09.09.2022	DA: REV A	RNA	

CLIENT CHRIS & PARISA MILNE	DRAWING NO. DA24	DRAWING NAME BASIX COMMITMENTS
PROJECT ADDRESS 44 ELLALONG ROAD, CREMORNE NSW 2090	DATE Friday, 9 September 2022	



STREET PERSPECTIVE 1 - PROPOSED



STREET PERSPECTIVE 1 - EXISTING



STREET PERSPECTIVE 2 - PROPOSED



STREET PERSPECTIVE 2 - EXISTING



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LEGEND

- DENOTES PORTION OF THE PROPOSED WORKS OVER THE 8.5M HEIGHT LIMIT.
- DENOTES 8.5M HEIGHT BLANKET.

CLIENT

CHRIS & PARISA MILNE

PROJECT ADDRESS

44 ELLALONG ROAD,
 CREMORNE NSW 2090

DRAWING NO.

DA25

DATE

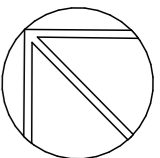
Friday, 9 September
 2022

DRAWING NAME

8.5m HEIGHT BLANKET

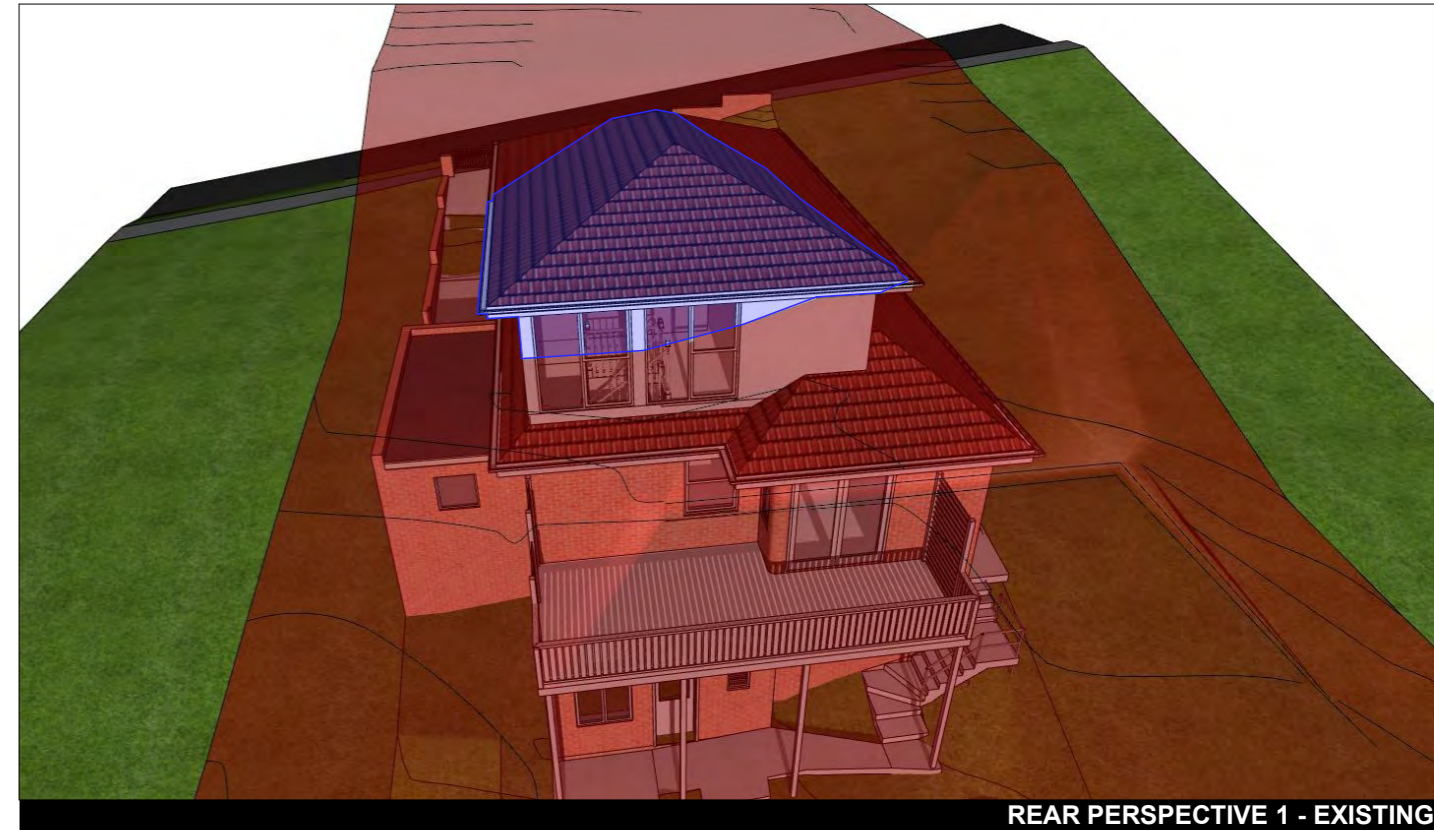
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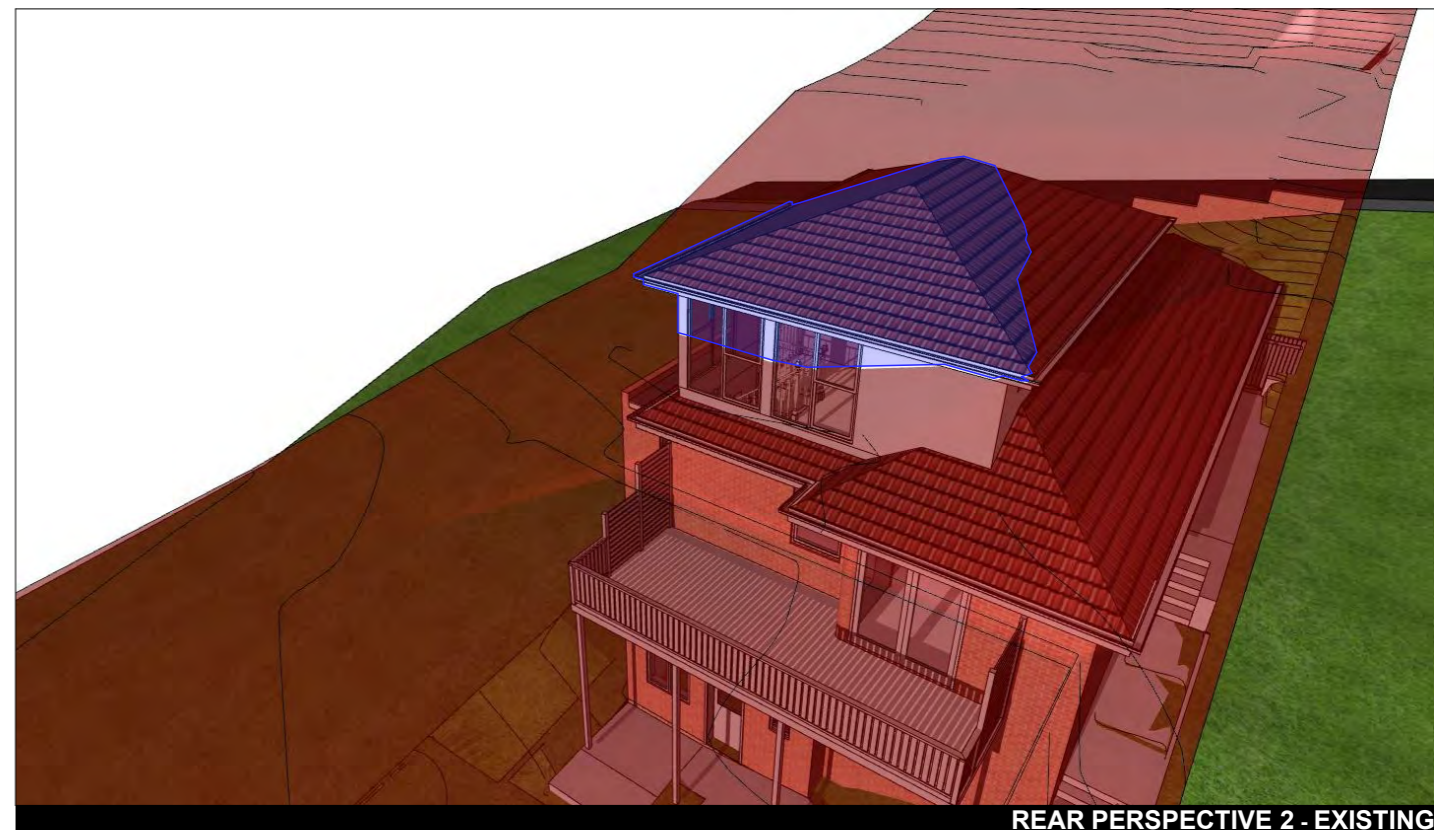
REAR PERSPECTIVE 1 - PROPOSED



REAR PERSPECTIVE 1 - EXISTING



REAR PERSPECTIVE 2 - PROPOSED



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- DENOTES 8.5M HEIGHT BLANKET.

CLIENT

CHRIS & PARISA MILNE

PROJECT ADDRESS

44 ELLALONG ROAD,
 CREMORNE NSW 2090

DRAWING NO.

DA26

DATE

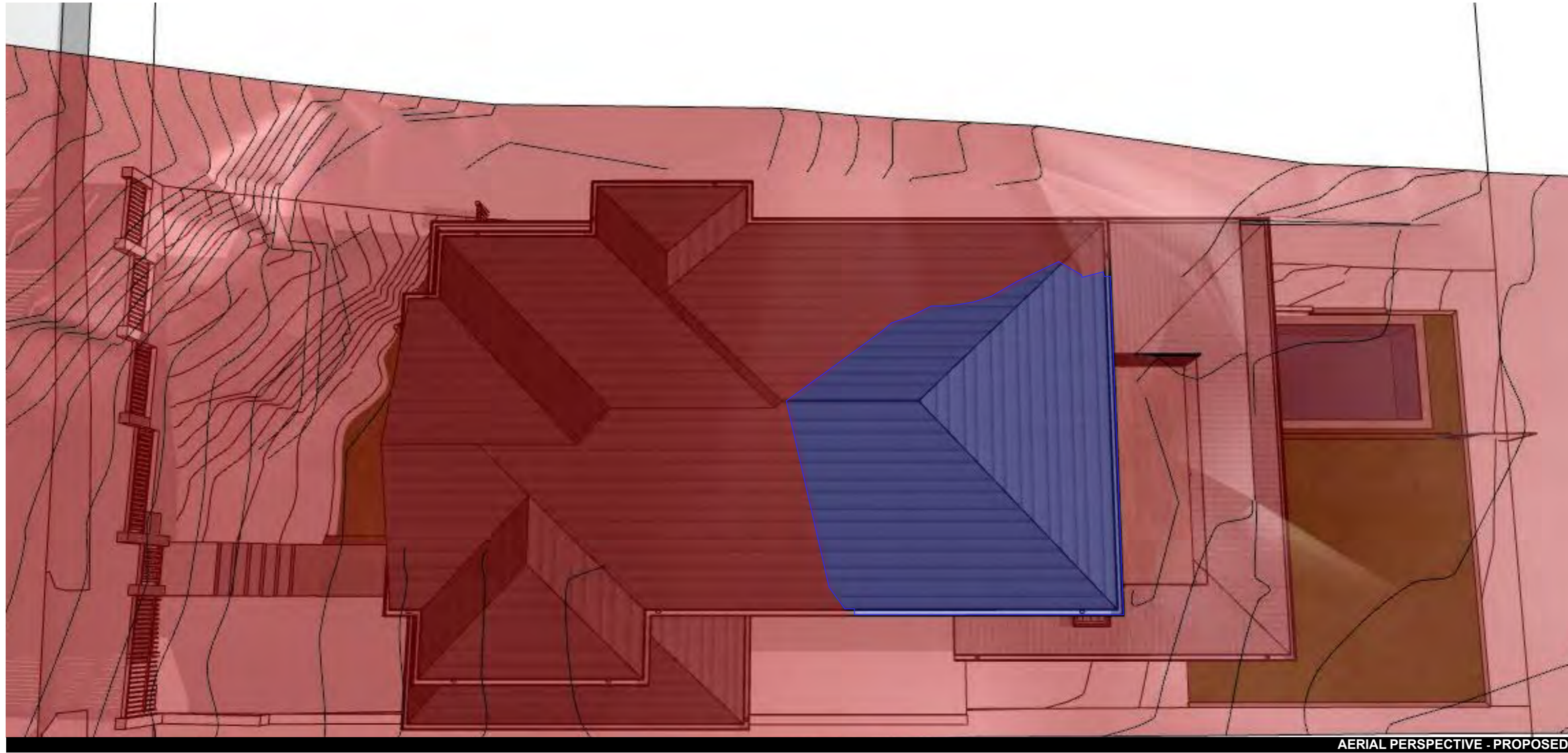
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AERIAL PERSPECTIVE - PROPOSED



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CLIENT
 CHRIS & PARISA MILNE

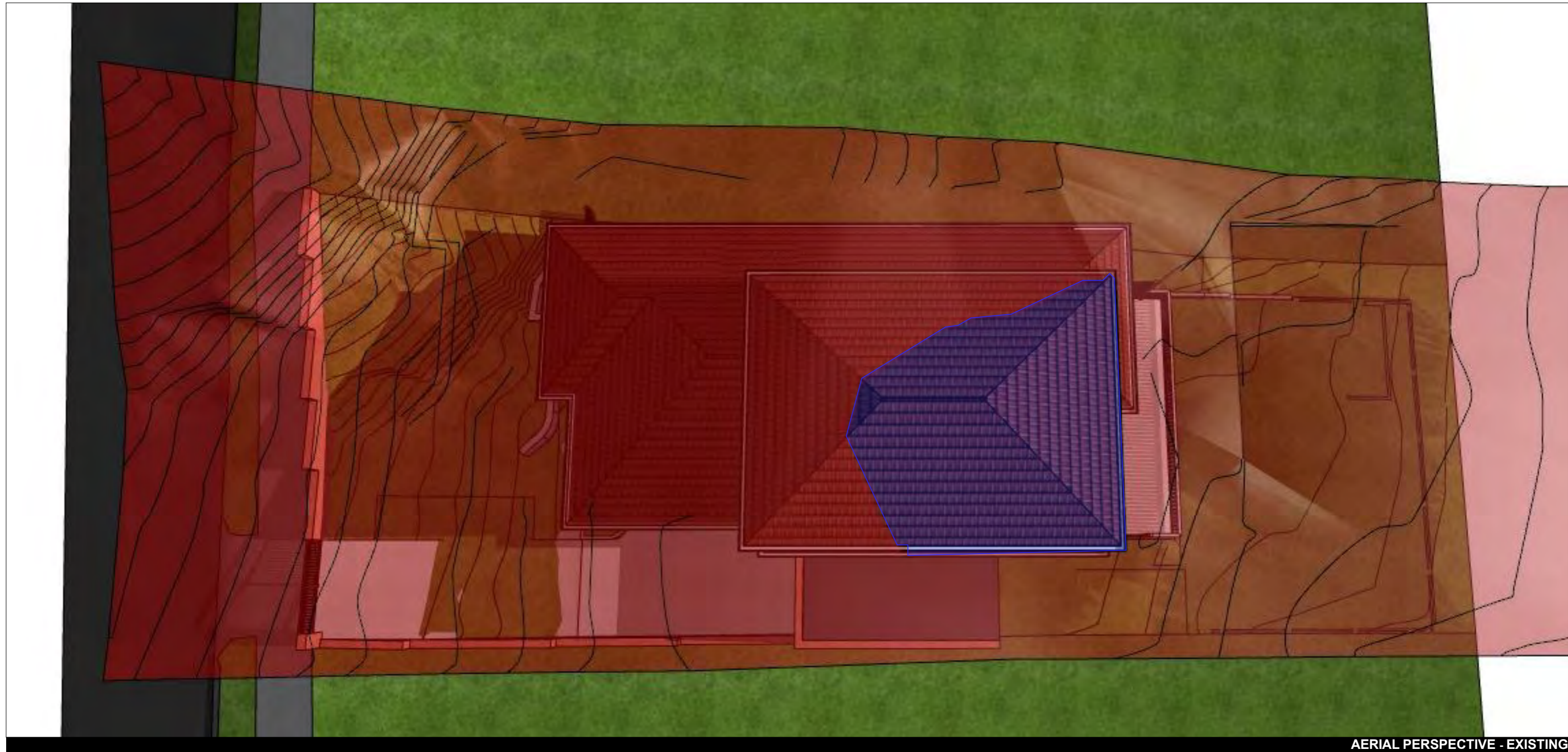
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DRAWING NO.
DA27

DATE
 Friday, 9 September
 2022

DRAWING NAME
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SCALE
 1:100 @A3



AERIAL PERSPECTIVE - EXISTING





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 CHRIS & PARISA MILNE

PROJECT ADDRESS
 44 ELLALONG ROAD,
 CREMORNE NSW 2090

DRAWING NO.
DA28

DATE
 Friday, 9 September
 2022

DRAWING NAME
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SCALE
 @A3

Clause 4.6 Exceptions to Development Standards Height of Buildings 44 Ellalong Road, Cremorne

1. Introduction

Clause 4.6 of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) permits departures from development standards in certain circumstances. In this case, it is necessary to consider if compliance with the development standard is consistent with the aims of the policy and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*



The aims and objectives of North Sydney LEP 2013 Clause 4.6 are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Under Clause 4.6(3) and (4) of the NSLEP 2013, consent for a development that contravenes a development standard must not be granted unless the consent authority is satisfied that:

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

(3)(b) there are sufficient environmental planning grounds to justify contravening the development standard.

(4)(a)(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,

These matters, along with case law judgements from the NSW Land and Environment Court, are addressed below.

2. Environmental Planning Instrument Details

2.1 What is the name of the environmental planning instrument that applies to the land?

North Sydney Local Environmental Plan 2013

2.2 What is the zoning of the land?

C4 Environmental Living

2.3 What are the objectives of the zone?

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*



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

2.4 What is the development standard being varied?

Cl 4.3 - Height of Buildings

2.5 Under what clause is the development standard listed in the environmental planning instrument?

Cl 4.3 of the North Sydney Local Environmental Plan 2013

2.6 What are the objectives of the development standard?

(1) The objectives of this clause are as follows:

- (a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) to promote the retention and, if appropriate, sharing of existing views,*
- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (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,*
- (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.*

2.7 What is the numeric value of the development standard in the environmental planning instrument?

The numeric value of the height of buildings development standard applicable to the subject site is a maximum of 8.5m.

2.8 What is proposed numeric value of the development standard in your development application?

The development proposes a maximum height of 10.06 metres.
This retains the height of the existing dwelling.



2.9 What is the percentage variation (between your proposal and the environmental planning instrument)?

The percentage variation between the proposal and the environmental planning instrument is 18.3% or 1.56 metres.

3. NSW Land and Environment Court Case Law

Several key Land and Environment Court (NSW LEC) judgements have refined the manner in which variations to development standards are required to be approached. The key findings and direction of each of these matters are outlined in the following discussion.

3.1 *Wehbe v Pittwater* [2007] NSW LEC 827

The decision of Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827, (expanded on the findings in *Winten v North Sydney Council*), identified 5 ways in which the applicant might establish that compliance with a development standard is unreasonable or unnecessary. It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary.

The five ways outlined in *Wehbe* include:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

In the *Micaul* decision Preston CJ confirmed that the requirements mandated by SEPP 1 (as discussed in *Wehbe*) are only relevant in demonstrating that compliance with a development standard is unreasonable or unnecessary for the purpose of Clause 4.6(3)(a).



3.2 Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

1. Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
2. That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
3. That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs;
4. All three elements of clause 4.6 have to be met and it is best to have different reasons for each, but it is not essential.

3.3 Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7

In *Randwick City Council v Micaul Holdings*, the Court allowed a departure from development standards, provided the processes required by clause 4.6 are followed, a consent authority has a broad discretion as to whether to allow a departure from development standards under clause 4.6, even where the variation is not justified for site or development specific reasons.

Preston CJ noted that *the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.*

3.4 Zhang v City of Ryde

Commissioner Brown reiterated that clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;
2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and
3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the



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

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

The Commissioner applied the now familiar approach to determining consistency with zone objectives by considering whether the development was antipathetic to the objectives.

In contrast to *four2five*, the reasons relied on to justify the departure from the standards in this case were not necessarily site specific.

3.5 Action Pty Ltd v Woollahra Municipal Council [2018]

In *Action Pty Ltd v Woollahra Municipal Council*, the court demonstrated the correct approach to the consideration of clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard, must have a neutral or better environmental planning outcome than one that does not.

4. Consideration

The following section addresses the provisions of clause 4.6 of the MLEP 2013 together with principles established in the NSW Land and Environment Court Case Law outlined above.

Clause 4.6(3)(A) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (and is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case)?

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in *Winten v North Sydney Council* and expanded by Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 is considered:

The five ways outlined in *Wehbe* include:

4.1 Five (5) Part Test - *Wehbe v Pittwater*

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).***

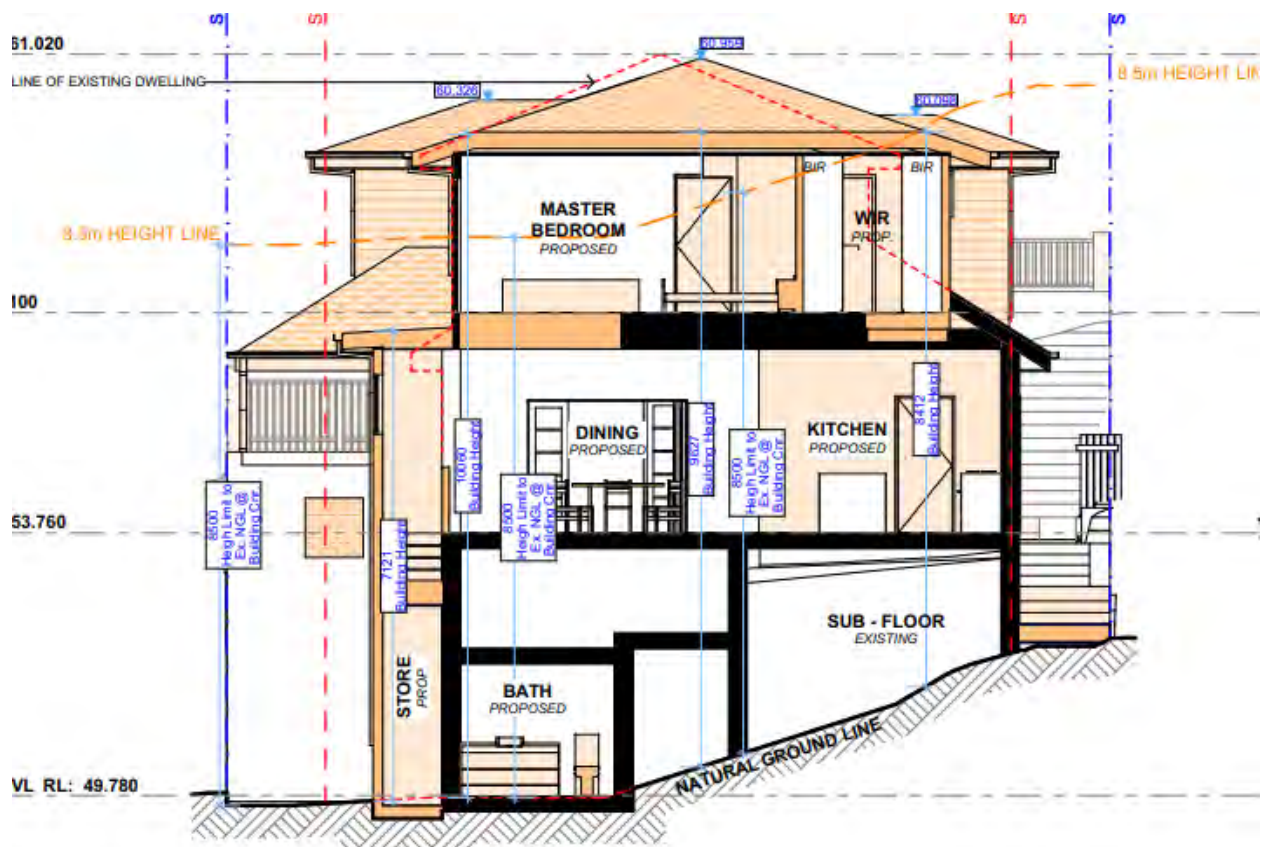
The objectives of the standard are:

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

Comment

The variation is largely the result of the slope of the site and a need to construct within the constraints of the existing dwelling. The vast majority of the building complies with the maximum height control. The resulting dwelling is of a lesser scale than the neighbouring dwellings and presents as a compliant residence to Ellalong Road.

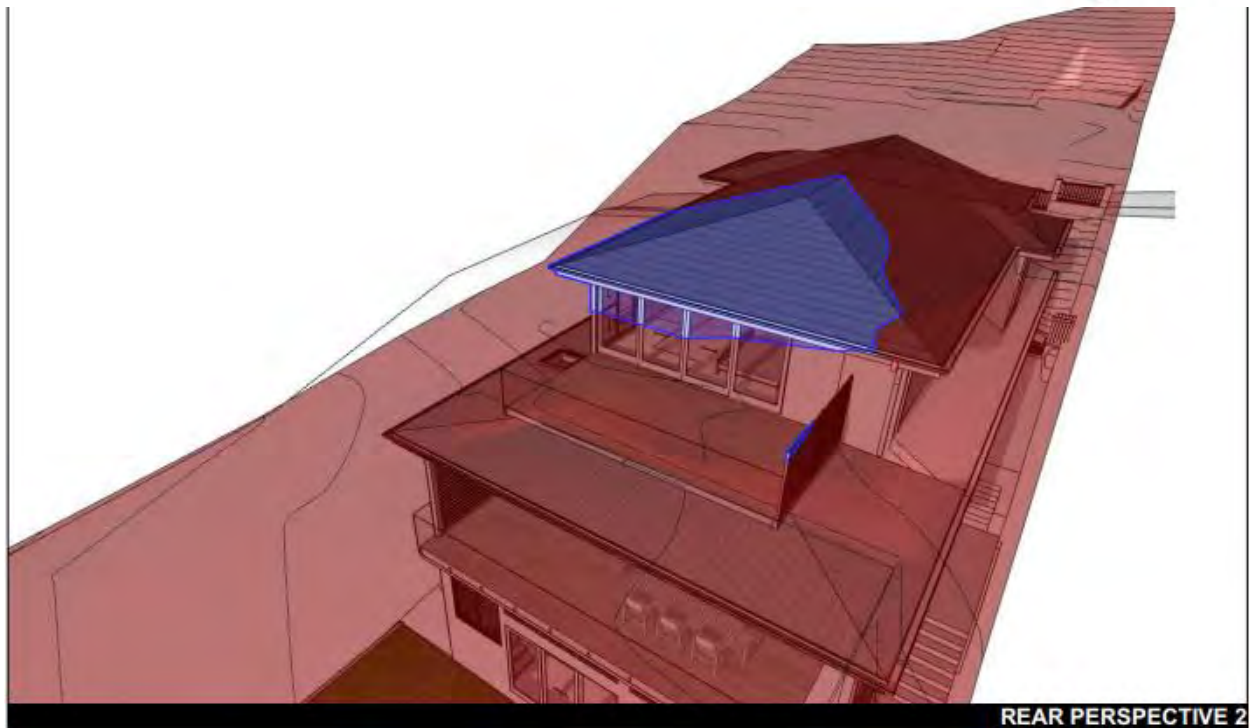
The small breach allows for the retention of the upper-level bedrooms in the proposed development with an alternate roof form allowing for a slightly reduced ridge height. See image below form plans showing line of existing dwelling in red.



PROPOSED CROSS SECTION - 2

1:100

As the site slopes, at the rear most point there is a small breach due to the site topography, but for the majority of the first-floor length, the height is well under the height limit as can be seen in the height blanket image below.



The proposed variation is considered reasonable for the steep site at 18.3% or 1.56 metres and remains compatible, if not lesser than, with the prevailing height of buildings, and streetscape character within the locality.

Consideration of the heights of neighbouring dwellings clearly demonstrates higher roof forms consistently in the area.

The dwelling design steps with the site and the small variation results where the site drops away.

The variation is consistent with surrounding development, a result of the site topography and limited to a small form where impacts are negligible. It is considered this objective is met, despite the numerical variation.

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

Comment

While no views are considered to be lost, we also note that the variation is at the rear of the site and at the same RL as evident as the front, where height is easily compliant. There is no view loss as a result of the proposed variation.

It is considered this objective is met, despite the numerical variation.



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

Comment

The proposed variation to height does not result in any unreasonable solar access impacts to adjoining dwellings. Solar access for neighbours is fully compliant with the vast majority of the dwelling well under the height control.

Given that compliant solar access is achieved for the neighbour, despite the height variation sought, it is considered the underlying objective of this clause has been satisfied.

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

Comment

The small area of height variation does not result in any loss of privacy for neighbouring sites, with layout of lots and topography resulting in differing floor levels and natural screening through vegetation.

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

Comment

The proposed development is consistent in scale, if not lesser than neighbours.

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

Comment

The proposed variation to height results in a dwelling which is of compatible scale and well suits and complements the character of the Cremorne locality.

(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 number of storeys steps with the site and is unchanged from existing. The development retains a 2-storey form.



2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).*

This exception to development standards request does not rely on this reason.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).*

This exception to development standards request does not rely on this reason.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).*

This exception to development standards request does not rely on this reason.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

This exception to development standards request does not rely on this reason.

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height of buildings control pursuant to the First Way outlined in Wehbe.

Thus, it is considered that compliance with Clause 4.6(3)(a) is satisfied.

4.2 Clause 4.6(3)(B) – Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to permit the variation of the development standard. The development has been considered below with particular reference to the Objects of the Environmental Planning and Assessment Act 1979, which are accepted as the best gauge of *environmental planning grounds*.

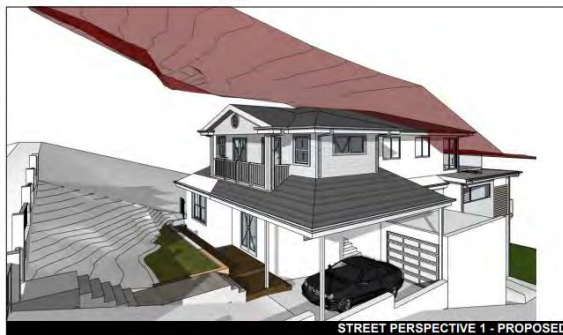
In particular:

Detail of Variation



- The proposed variation between the proposal and the building height control is minor at 18.3% or 1.56 metres. It is for a very limited area, at the rear of the dwelling, where is not visible from the street or side neighbours. The apparent bulk through the variation is negligible and not to the detriment of the apparent scale of the dwelling from any point satisfying Cl1.3(g).
- The small variation to the height occurs at the rear elevation. It allows for the dwelling to step comfortably with the site and retain existing rooms. The impact of this keeps the dwelling consistent whilst improving the floor area available satisfying Cl1.3(g).
- As the site slopes, at the rear most point there is a small breach, but for the majority of the first-floor length, the height is well under the height limit. This design allows for the amenity in the dwelling house to be achieved, providing liveable accommodation. The breach is required in this instance to achieve amenity and compliance with the development standard would be unreasonable.
- ***The design allows for a lesser maximum RL for the site, with the variation only resulting because it is further to the rear of the site.***

See the height blanket below and within the plan set which demonstrates the negligible difference and comparison between existing and proposed.



Neighbour Amenity



Fulfillment of each of the criteria below demonstrates a development satisfying Cl1.3(g).

- The variation is provided with an extensive setback to the rear boundary of 9.85 metres, ensuring the impact on the rear neighbours is of nil consequence with regard to the apparent bulk. In addition to extensive setbacks, there is also substantial landscape screening proposed. The small height variation will have no impact the neighbours to the rear. Compliance with the development standard would be unreasonable.
- Compliance with the height control at the rear would not result in a building which has a significantly lesser bulk and the impact to neighbours of compliance would be barely discernible to the side neighbours who are of far greater scale. Accordingly, compliance with the development standard in this instance is unreasonable.
- Solar access impacts as a result of the small height variation are negligible. Solar access on the neighbouring sites is compliant as the development is proposed as is detailed in the accompanying solar access diagrams. Accordingly, compliance with the development standard based on this would be unreasonable.
- The retention of the small variation at the rear has no impact on privacy for neighbours, being confined to the rear first floor roof from. Accordingly, the variation is reasonable in the circumstances of the case.

Site Constraints

- The design with a minor variation to the height, is a result of the existing site slope and dwelling siting and it would be unreasonable to require compliance with the development standard, when the variation result allows for the orderly and economic use of the site and allows for an ecologically sustainable development revitalising an existing underdeveloped site satisfying Cl1.3(g) and (f).

Design and Streetscape Appeal

- Strict numerical compliance with the height control would not result in a better urban design outcome. The roof form and scale of the dwelling is consistent with the architectural character of the locality and will complete a very appealing design. Compliance with the development standard based on this would be unreasonable.
- The proposed development will not present with excessive bulk from the public domain with the sloping topography of the site resulting in the rear being hidden from view from Ellalong Road satisfying Cl1.3(g). The streetscape appeal is unaffected by the small



variation to the height standard, and it would be unreasonable to require compliance with development standard based on this.

Consistent with Zone Objectives

- The extent of the variation is considered to be in the public interest as the proposal remains consistent with the objectives of the zone ensuring that appropriate and reasonable housing suitable for the local community is proposed. Compliance with the development standard based on this would be unreasonable.

Natural Environment

- The inclusion of the small height variation has not impact on the natural environment. The small variation sits above the lower level and will not result in any impact to the existing natural components of the site or neighbourhood. No landscape area is lost or impacted through the minor varied height satisfying Cl1.3(b). The natural environment is unaffected by the small departure to the development standard and it would be unreasonable for the development to be refused on this basis.

Environmentally Sustainable Development

- The proposal represents an environmentally sustainable design allowing for extension of the life on an existing dwelling satisfying Cl1.3(f). Compliance with the development standard based on this would be unreasonable.

Social and economic welfare

- The small variation to the height as detailed above will have no social impacts for the site or local area satisfying Cl1.3(b) and accordingly refusal of the development based on this reason would be unreasonable.
- The small variation to the height as detailed above will have no economic impacts for the site or the local area satisfying Cl1.3(b) and accordingly refusal of the development based on this reason would be unreasonable.

Appropriate Environmental Planning Outcome



- The development proposed is not an overdevelopment of the site and satisfies the objectives of the zone and the development standard as is detailed earlier in the report.
- The variation does not result in a roof form or height beyond that which is found in the immediate context, including the immediately neighbouring sites. The maximum RL of the varied portion of the roof sits well below the immediate neighbours. The small variation will be compatible within the context in which it sits and is reasonable in the circumstances of the case satisfying Cl1.3(c). Compliance with the development standard based on this would be unreasonable.
- Removal of the non-compliance would not result in alter the perceived bulk and scale due to the minor nature, siting and topography.

The variation confined to the rear is minor ***and has a lesser RL than the maximum currently existing.*** The discussion above reflects the unique circumstances for the subject site and proposed development, including an assurance of reasonable bulk and scale and retention of amenity. These are not simply benefits of the development as a whole, but are a direct result of the breach of the maximum height control.

The sufficient environmental planning grounds stipulated above demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the height variation.

4.3 Clause 4.6(4)(A)(ii) – Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone which the development is proposed to be carried out.

The proposed development is consistent with the objectives of the standard (see Cl 4.6(3)(A)). An assessment of consistency with the objectives of the Zone is provided below:

Zone – C4 Environmental Living

Objectives of zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Consistent. The proposal is for alterations and additions to an existing dwelling and will provide additional living space and accommodation for the residents without being to the detriment of the qualities of the area and site.



- *To ensure that residential development does not have an adverse effect on those values.*

Consistent. The proposed development retains the values of the locality and includes works primarily in already disturbed site areas.

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

Consistent. The development provides improved amenity for the site whilst also be appropriate with regard to impact on neighbouring sites with regard to views, privacy, solar access and general amenity.

Despite the proposal seeking an exception to the building height clause, the bulk and scale of the building will have minimal effects as it represents a minor exceedance confined to the rear, and is consistent with surrounding development.

The proposed development is not contrary to the public interest, because it is consistent with the objectives of the standard (see Cl 4.6(3)(A)) and objectives for development within the zone.

Clause 4.6(5)(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

The non-compliance will not raise any matter of State or Regional Significance.

Clause 4.6(5)(b) the public benefit of maintaining the development standard,

The proposed development is not contrary to the public interest, accordingly there can be no quantifiable or perceived public benefit in maintaining the standard. The variation is reasonable, with the vast majority of the development easily complying and small component where the variation is sought being not easily visible from any viewpoint.

Clause 4.6(5)(c) any other matters required to be taken into consideration by the Secretary before granting concurrence

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.

Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,



- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

As proposed the development allows for all of the above objects to be achieved. In particular it is noted that there is no social or economic impact other than the benefit of a small amount of employment through the works which will be undertaken.

The upgrade and redevelopment of an existing dwelling to an improved standard is a positive environmentally sustainable result.

The development proposed a good design which is achieved partly through the minor development standard variation.

Strict compliance with the 8.5 metres height development standard would hinder the development for the purpose of *promoting the orderly and economic use and development of land, promoting good design and amenity of the built environment and promoting the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*



Conclusion

The proposed development is for alterations and additions to an existing residential dwelling on land zoned C4 – Environmental Living.

As stated above the proposed non-compliance is minor at **18.3% or 1.56 metres**. The variation does not result in any unreasonable impacts and is largely the result of taking into account the slope of the site and working within the constraints of adding to an existing dwelling and lowering the roof form to a large degree. It is of a very limited area and located centrally within the footprint resulting in it not being easily visible from any location, and appearing appropriate and consistent from those areas where it may be viewed.

The proposed development presents with a compliant height to Ellalong Road and does not present with excessive bulk in comparison to surrounding properties. There will not be any view loss and solar access is fully compliant with Council controls. Amenity is retained for all neighbours.

The variation has a lesser impact than the reasonable existing first floor RL, which is lowered by the proposal's updated first floor. The new addition retains a lower RL, which marginally breaches the height control toward the rear where it has a lesser and entirely reasonable impact.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation sought is consistent with the underlying objectives of the control despite the numerical variation, of which have been reasonably satisfied under the provisions of Clause 4.6.

The statement sufficiently demonstrates that compliance with the development standard is both unreasonable and unnecessary in this instance.

The sufficient environmental planning grounds stipulated within this request, demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the height variation.

The proposed variation satisfies the objectives of the zone, underlying intent of Clause 4.6 and Clause 4.3, and therefore the merits of the proposed variation are considered to be worthy of approval.



**44 ELLALONG ROAD
CREMORNE**

STREETSCAPE ANALYSIS



Report prepared for
Action Plans
November 2022



Introduction

This is a street analysis for the properties neighbouring 44 Ellalong Road, Cremorne to assist in demonstrating the reasonable nature of the site cover proposed in DA 142/22.

This streetscape analysis has been prepared with reference to the following:

- Site visit
- North Sydney Council Development Applications search
- Review of Aerial photographs

The analysis has been done to consider and compare the subject site to neighbouring sites and consider slope, total site cover and presentation of the site to the street front.

The documents provided demonstrate proposal consistent with the immediate surrounds, of a scale that has been supported by Council for many recent approvals and which includes features that will allow for an aesthetically pleasing symmetrical frontage to Ellalong Road.

Ellalong Road

A review of the immediate streetscape, comparable with the subject lot has been undertaken. This includes from 1 Lloyd Avenue to 21 Lodge Road on the northern-western side of Ellalong Road and from 11- 41 Ellalong Road on the south- eastern side of the street. See image below showing location of study





1 Lloyd Avenue

Location on map marked

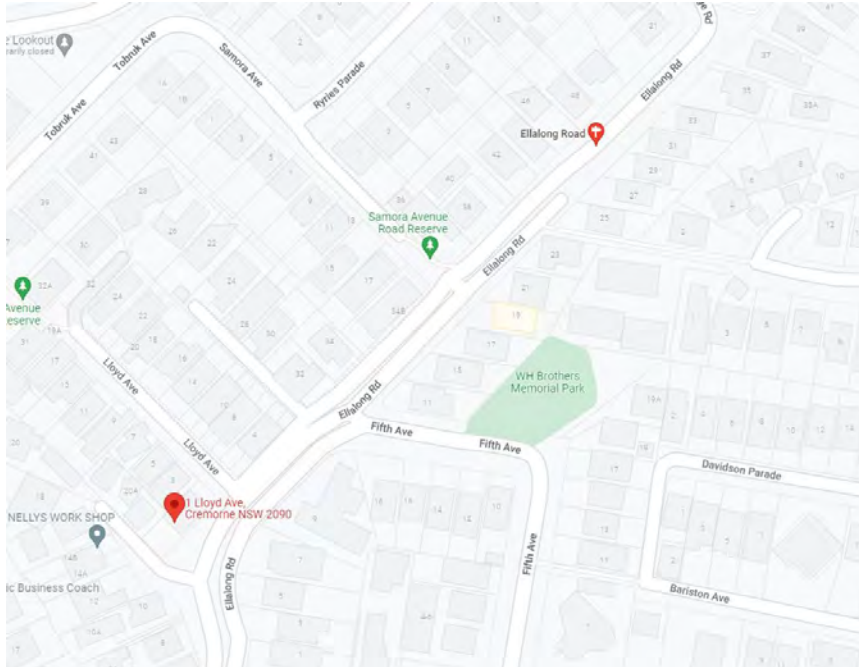


Photo of street front



Site Coverage

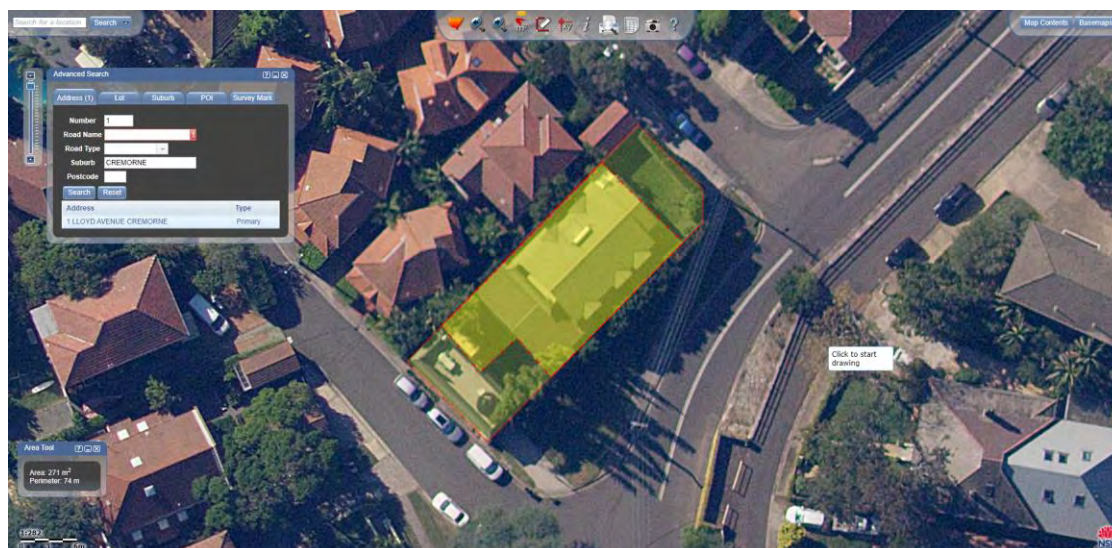
CDC156/12 was approved on this site. No plans are available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 271 m²

Area of Site: 430 m²

Assumed site coverage: 63.02%



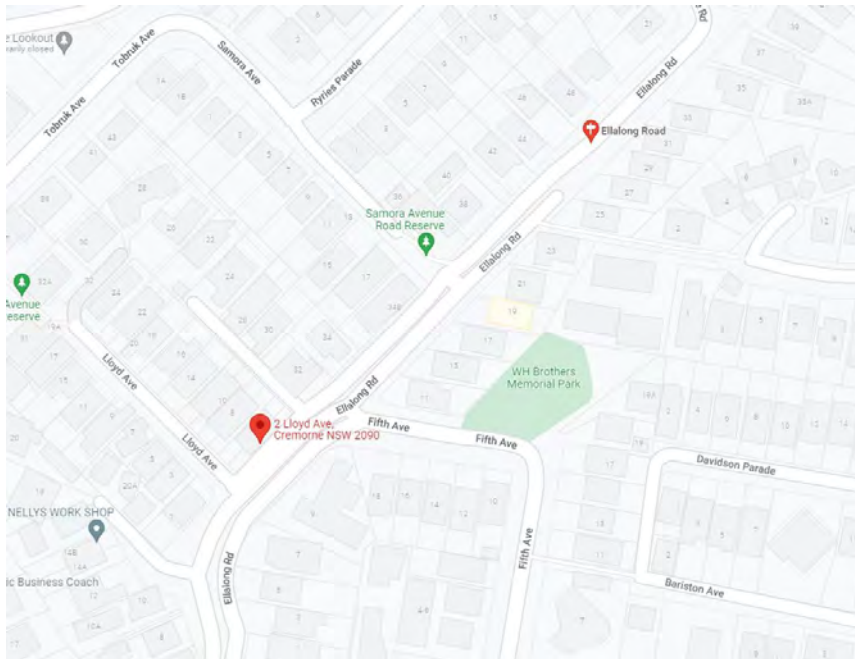
Comment

The site presents are extensive landscape screening, with no easy view of the dwelling. It presents with a greater site cover than proposed by the subject development.



2 Lloyd Avenue

Location on map marked



Photo



Site Coverage

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 136 m²

Area of Site: 212 m²

Assumed site coverage: 64.15%



Comment

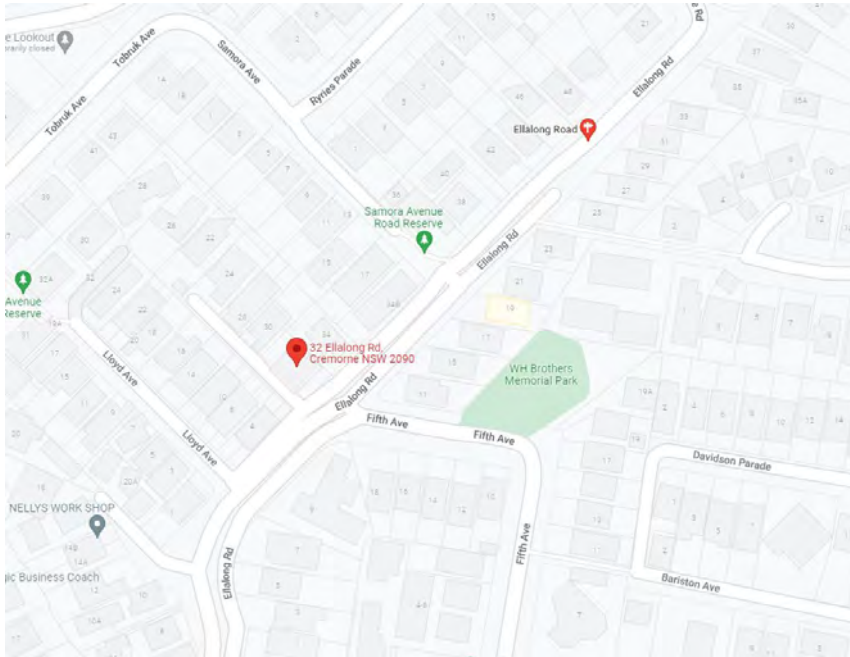
The site presents with a setback very close to the Ellalong street frontage.

It presents with a greater site cover than proposed by the subject development.



32 Ellalong Road

Location on map marked



Photo



Site Coverage

No applications are shown on Council DA tracker. No plans are available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 267m²

Area of Site: 467 m²

Assumed site coverage: 57.17%



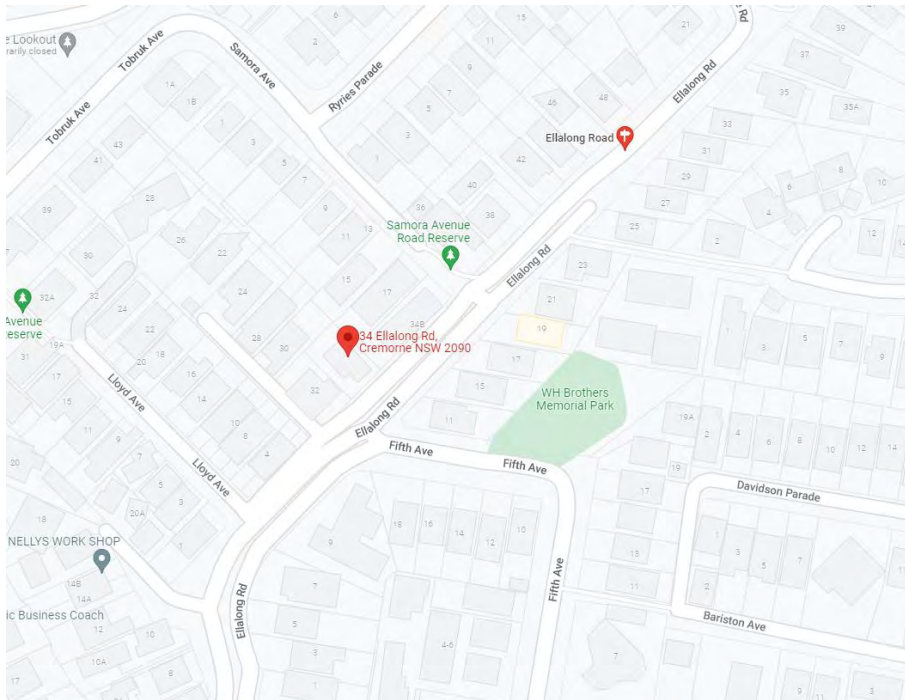
Comment

The site presents with a large carport close the frontage and a two storey dwelling that includes little modulation. It has a greater presence on the street front that the proposed works at no.44.



34 Ellalong Road

Location on map marked



Photo



Site Coverage

DA64/15/3 was approved on this site. No site plans are available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 253 m²

Area of Site: 465 m²

Percentage: 54.41%



Comment

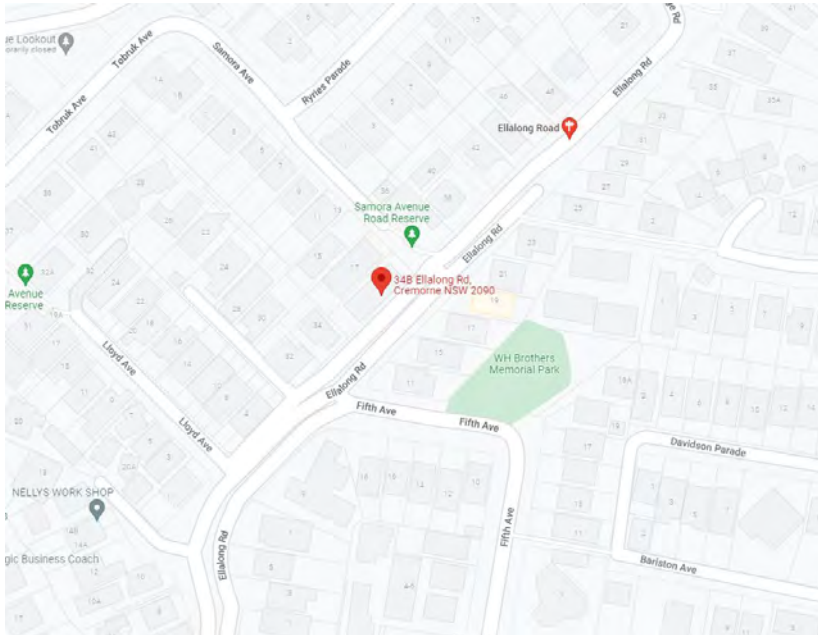
The site presents as a two storey dwelling with a large enclosed carport on the street frontage. It sits closer to the street frontage than no. 44 and has a greater bulk when viewed from Ellalong Road.

It presents with a greater site cover than proposed by the subject development.



34b Ellalong Road

Location on map marked



Photo



Site Coverage

CDC156/12 was approved on this site. No plans are available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 270 m²

Area of Site: 556 m²

Percentage: 48.56%



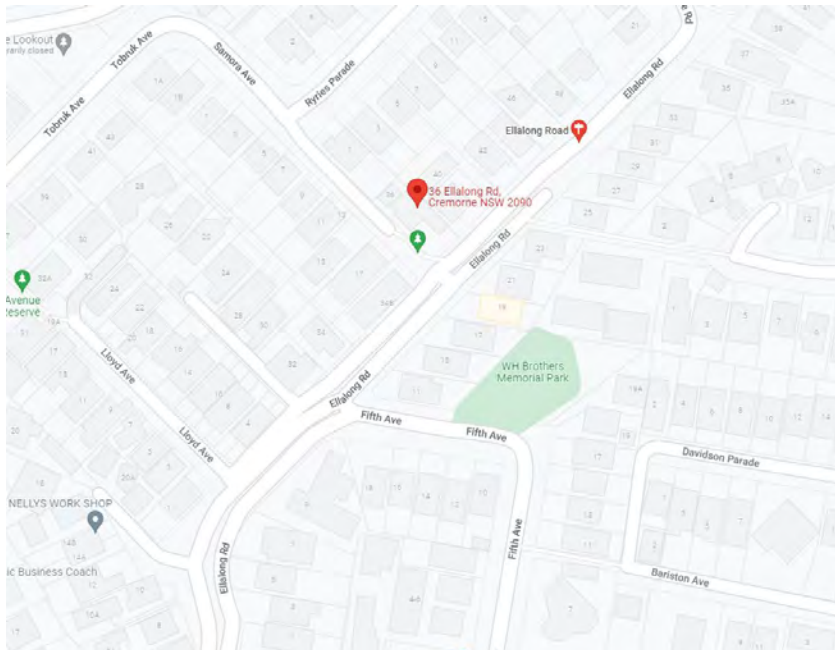
Comment

The site presents with a front wall in close proximity to Ellalong Road as single storey, but as you travel down the hill, the lower second storey is visible, with fully screened balcony that adds to overall bulk.



36 Ellalong Road

Location on map marked



Photo





Site Coverage

Approved DA plans show a site coverage of 43.2%.

CONTROL	MEASURE	
SITE AREA:	580.65m2 (BY SURVEY)	
ZONING:	E4 - ENVIRONMENTAL LIVING (NSLEP 2013)	
CONSTRAINTS:	NO HERITAGE ITEM AND NOT IN A CONSERVATION AREA.	
PROPOSED USE:	RESIDENTIAL (CURRENT USE)	
PROPOSED SITE COVERAGE:	43.2% (MAXIMUM 40%)	EXISTING: 29%
PROPOSED LANDSCAPE AREA:	46.5% (MINIMUM 40%)	EXISTING: 50%
PROPOSED UNBUILT ON AREA:	10.3% (MAXIMUM 20%)	EXISTING: 21%
PROPOSED CAR PARKING:	2	EXISTING: 2
MAXIMUM HEIGHT:	8.5 METRES	

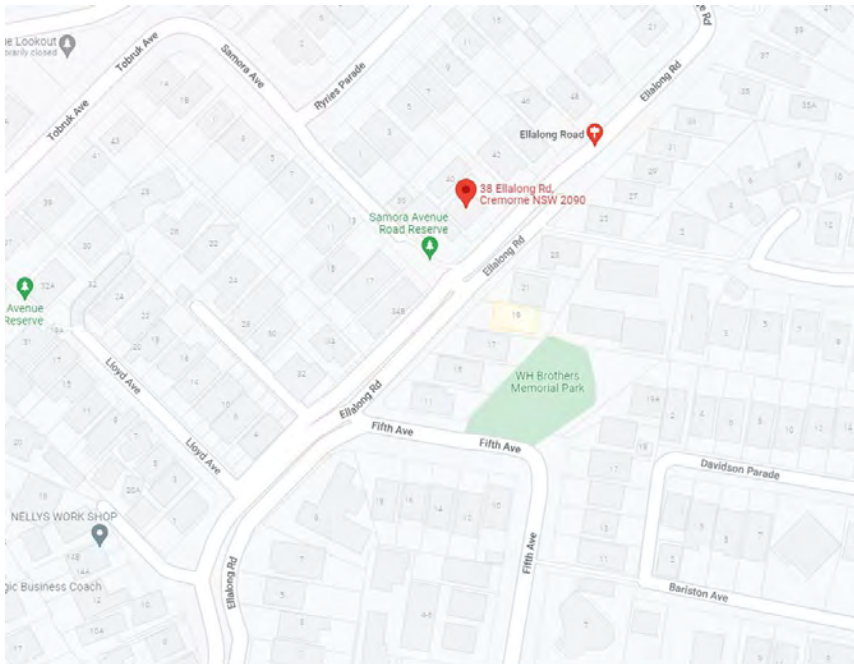
Comment

The approved development has a scale which is consistent with the subject site. It is less visible from the street as it falls more steeply and quickly. However, it also has required the use of a lower stepped level to allow for access to the rear yard.



38 Ellalong Road

Location on map marked



Photo



Site Coverage

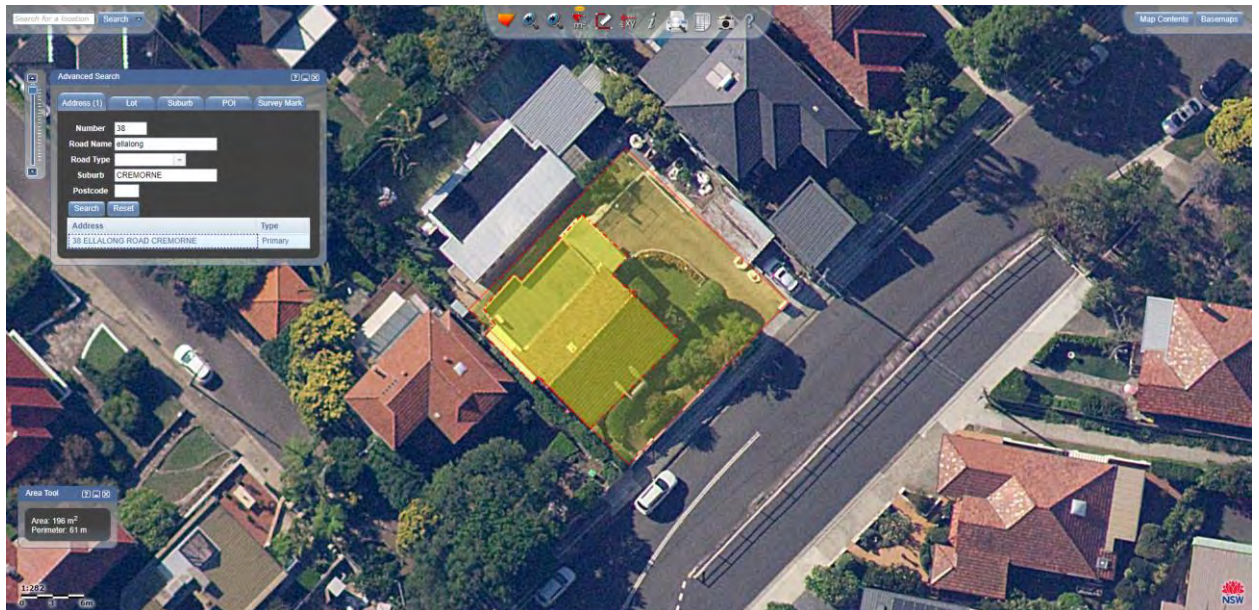
There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 196 m²

Area of Site: 461 m²

Percentage: 42.52%



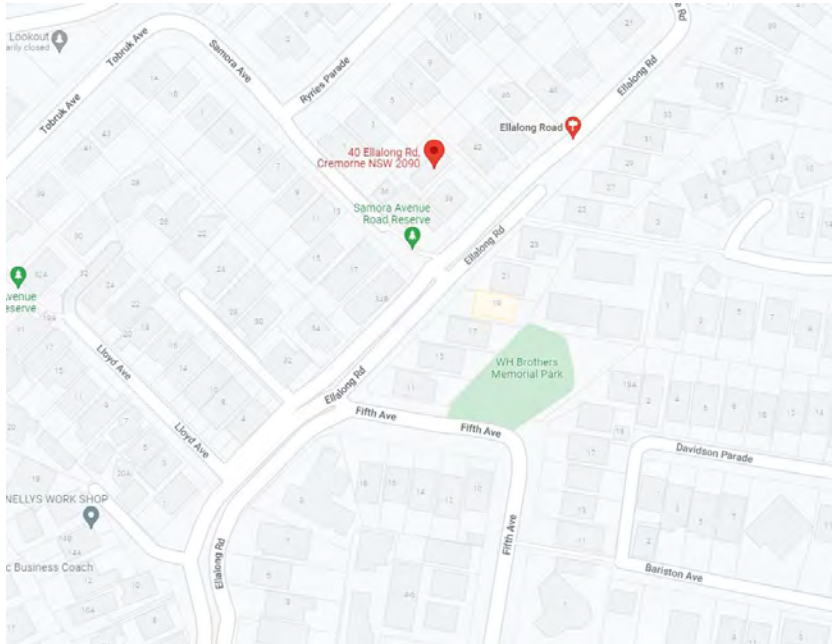
Comment

The site presents primarily as an extensive paved driveway area from the street. The site falls away to the rear and vegetation screens the key view of the dwelling.



40 Ellalong Road

Location on map marked



Photo





Site Coverage

DA172/20 was approved on this site.

Site coverage: 43.8%

COMPLIANCE TABLE			
ZONE	E4 - ENVIRONMENTAL LIVING		
HAZARDS	-		
SITE AREA	550.1m ²		
LOT / DP	LOT B / DP389788		
	EXISTING	REQUIRED	PROPOSED
TOTAL GFA	228.5m ²	N/A	264.5m ²
SITE COVERAGE	243.7m ² / 44.3%	max 40%	240.9m ² / 43.8%
UN - BUILT UPON AREA	132.5m ² / 24.1%	max 20%	69.4m ² / 12.6%
SOFT LANDSCAPING	173.9m ² / 31.6%	min 40%	239.8m ² / 43.6%
MAX. BUILDING HEIGHT	approx. = 7.0m	Hmax = 8.5m	Hmax = 6.9m
SETBACKS - FRONT - REAR	1.64m 7.29m	Match alignment of adjoining buildings	1.64m 7.29m
SETBACKS - SIDE	1.1m	The provisions for side setbacks do not apply to the E4 zone	2m

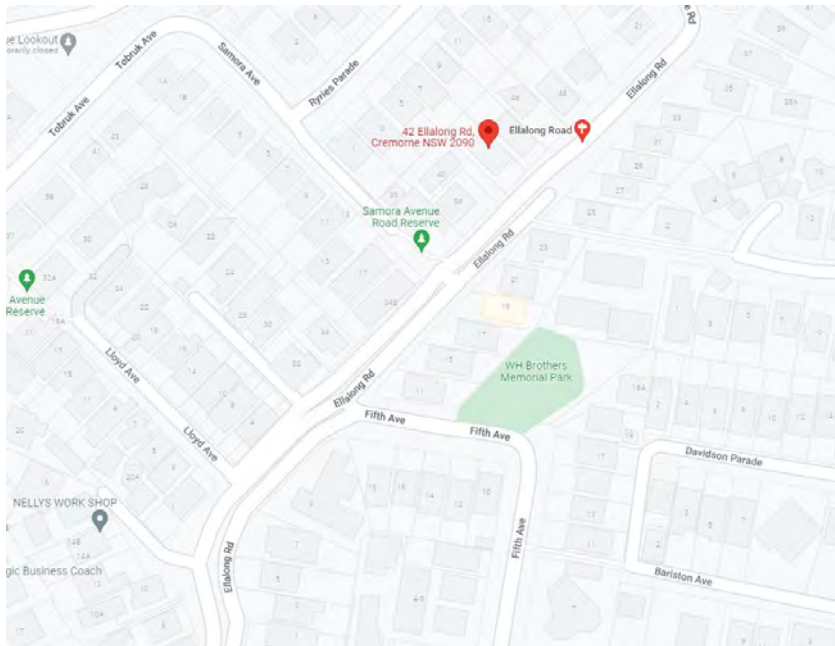
Comment

The site presents to the street with a garage on the boundary. While this is a limited area available to view, it does contribute to the bulk of the streetscape, and as a proportion of the frontage, has a greater impact than would be anticipated from 44 Ellalong Road.



42 Ellalong Road

Location on map marked



Photo





Site Coverage

DA 47/21 was approved on this site.

Site coverage is 45%

CALCULATIONS:

SITE: 510 SQM



SITE COVERAGE OF 40% REQUIRED = 204 SQM
 SITE COVERAGE EXISTING = 208 SQM = 41%
 SITE COVERAGE PROPOSED = 232 SQM = 45%



LANDSCAPE AREA OF 40% REQUIRED = 204 SQM
 LANDSCAPE AREA EXISTING = 185 SQM = 36 %
 LANDSCAPE AREA PROPOSED = 200 SQM = 39%



UNBUILT UPON AREA OF 20% REQUIRED = 102 SQM
 UNBUILT UPON AREA EXISTING = 112 SQM = 21%
 UNBUILT UPON AREA PROPOSED = 89 SQM = 17%

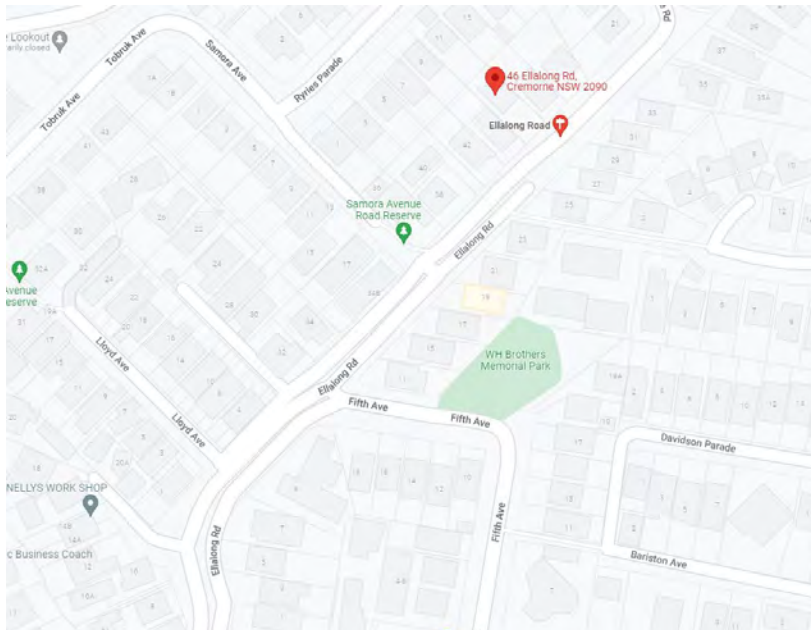
Comment

The site presents as a large dwelling with a double garage on the street frontage. The street presence is greater than proposed by the subject development, which proposes an open carport and more landscaping presenting to the frontage of Ellalong Road.



46 Ellalong Road

Location on map marked



Photo





Site Coverage

No Approvals were available on the Council DA tracker. .

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 213 m²

Area of Site: 515 m²

Percentage: 41.36%



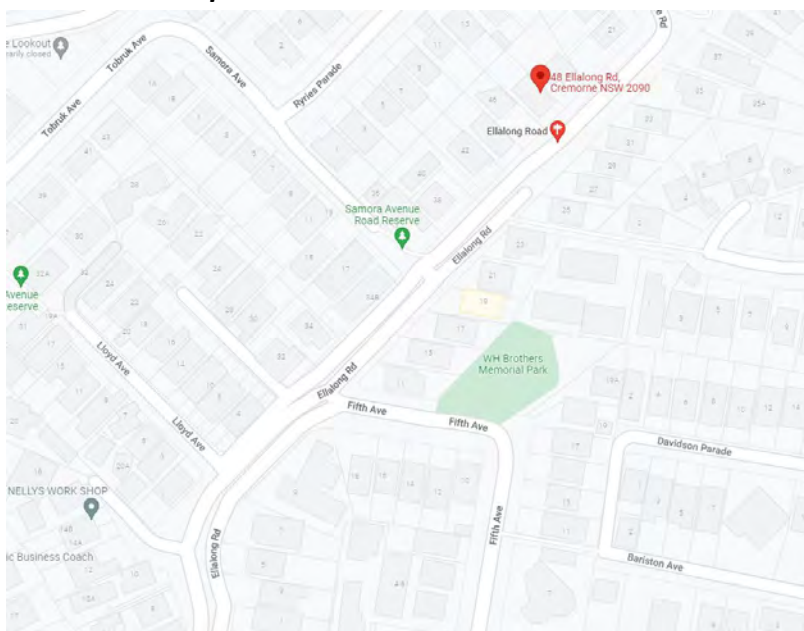
Comment

The site is further setback from the street resulting in less need to step the dwelling for the slope. Only a single parking space is provided, which is to the detriment of the site.



48 Ellalong Road

Location on map marked



Photo





Site Coverage

DA80/21 was approved on this site.

A site coverage of 39.5%

The development indices for the proposal are:

Site Area:	510.9m ² (By survey)
Maximum Site Coverage:	40% or 204.36m ²
Proposed Site Coverage:	39.5% or 202m ²
Required Landscaped Area:	40% or 204.36m ²
Proposed Landscaped Area:	49.6% or 253.5m ²
Required Un-Built Upon Area:	20% or 102.2m ²
Proposed Un-Built Upon Area:	6.7% or 34m ²

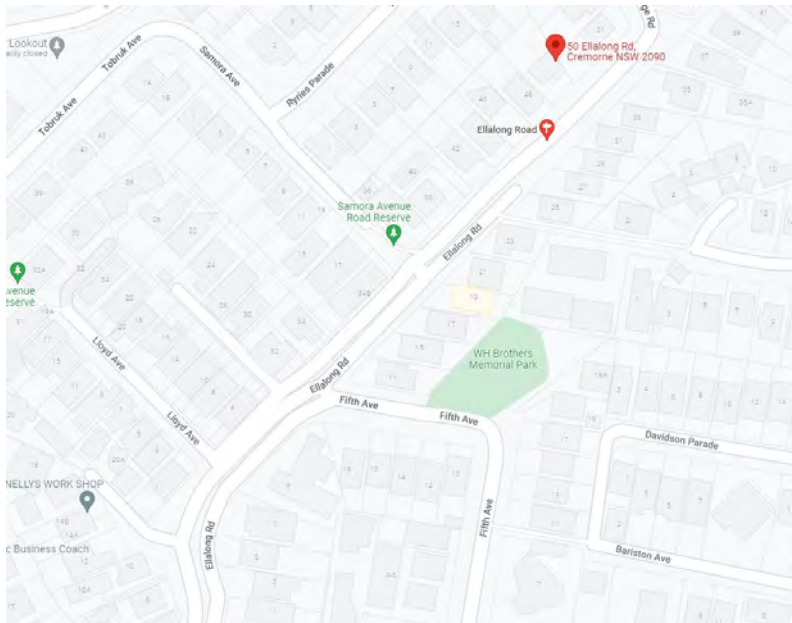
Comment

The presentation from the street front is far greater than proposed by the subject development. A tall 2 storey structure with a garage on the street front present to the street. The rear of the site retains more landscaped area. However, it can certainly be argued that the street presence is greater than our proposal, which provides an open carport and steps down the rear of the steep lot.



50 Ellalong Road

Location on map marked



Photo





Site Coverage

DA 22/15 was approved on this site.

Site coverage is 39.8%

Height		[rear addition]	[rear addition]	
Site Coverage	40%=290.6m ² Max	250.9m ²	289.4m ²	Yes
Landscaping	40%=290.6m ²	327.5m ²	327.7m ²	Yes

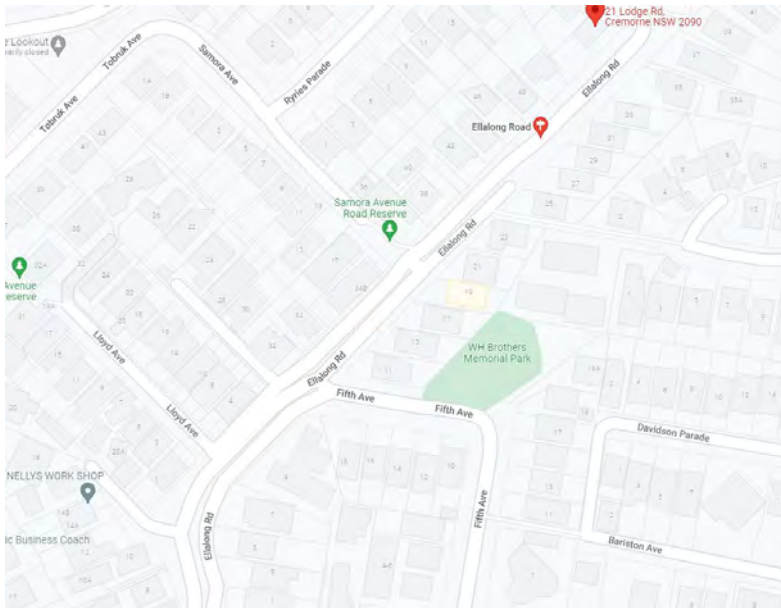
Comment

The dwelling presents as a tall 2 storey dwelling with parking. It is considered comparable with the proposed development, which provides a more open parking structure and greater setback on upper levels, breaking up the bulk of the building.



21 Lodge Road

Location on map marked



Photo



Site Coverage

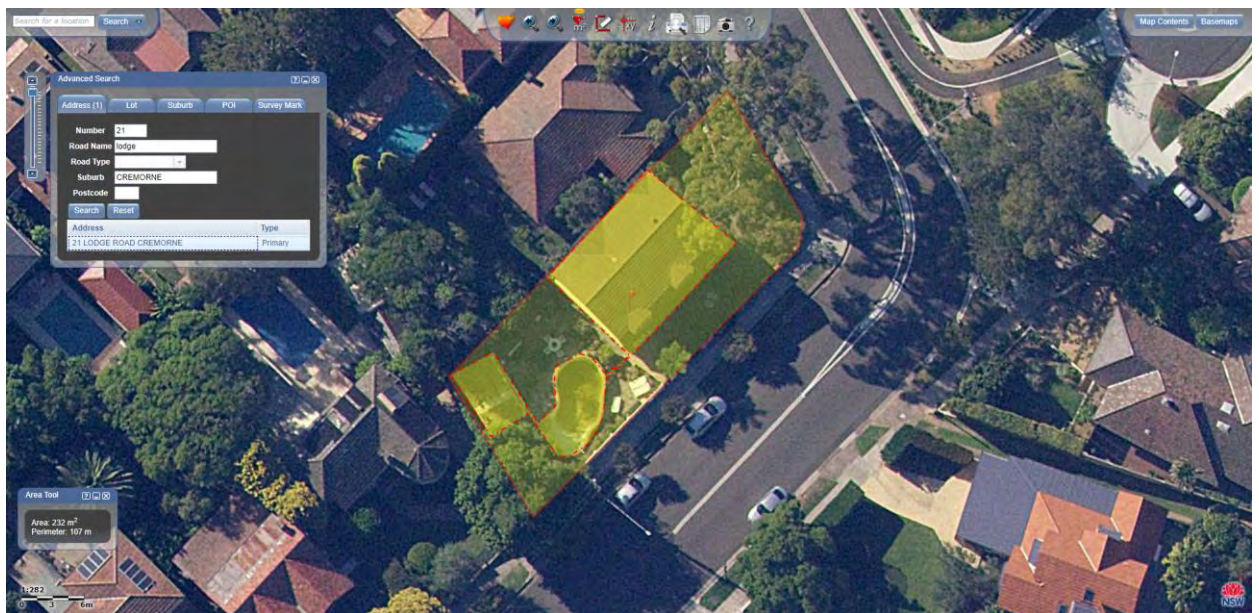
No applications were provided on the DA tracker.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 232 m²

Area of Site: 582 m²

Assumed site coverage: 39.86%



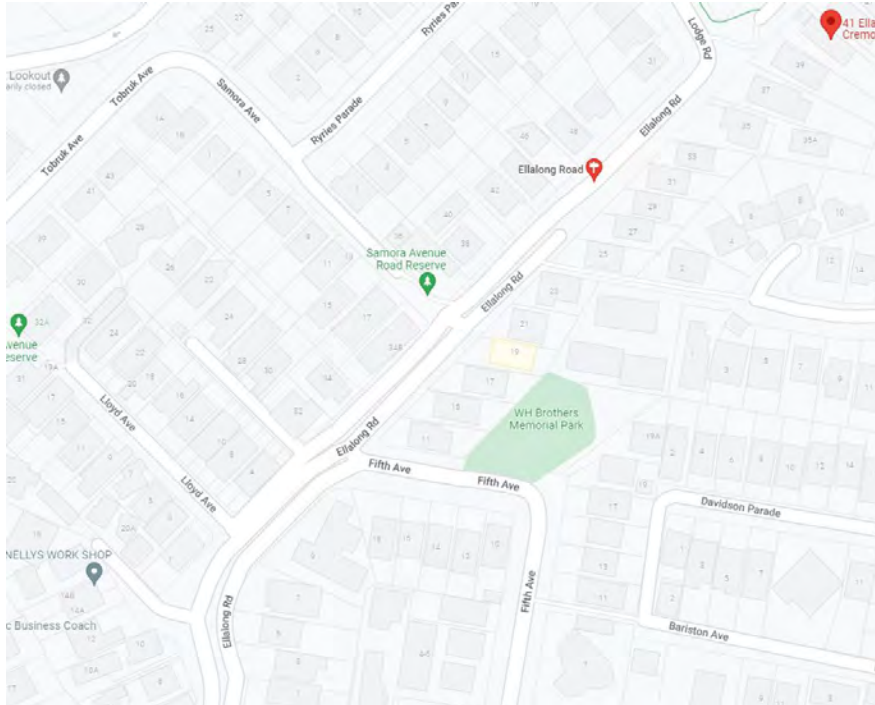
Comment

This unusual dwelling is very visible from the streetscape with little landscape screen and the bulk of the dwelling easily visible. It is not hidden by slope or neighbours in the same manner as 44 Ellalong.



41 Ellalong Road

Location on map marked



Photo



Site Coverage

No applications are available on the DA tracker.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 368 m²

Area of Site: 728 m²

Assumed site cover: 50.55%



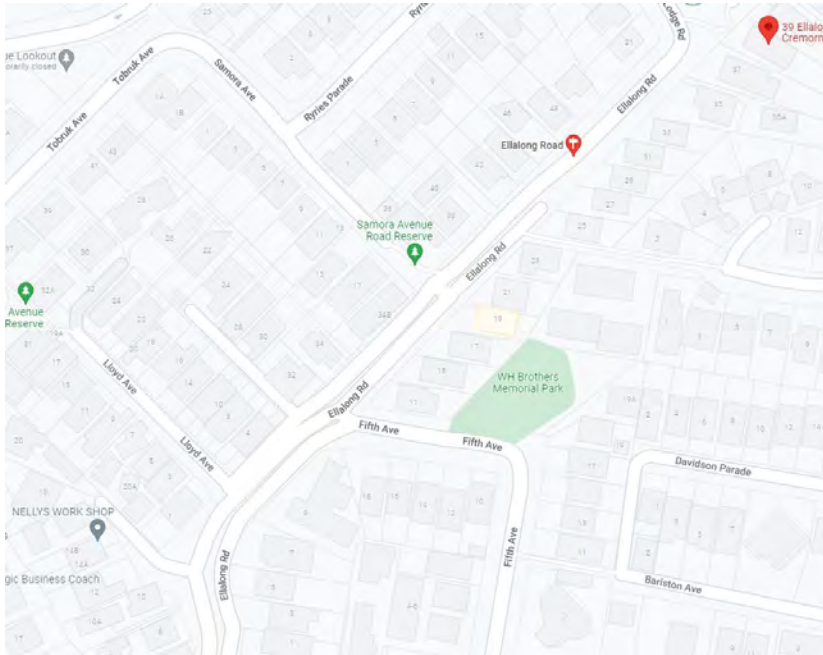
Comment

The site has a double carport built to the street and the entirety of the bulk of the dwelling is visible to the street with no alleviation due to slope.



39 Ellalong Road

Location on map marked



Photo



Site Coverage

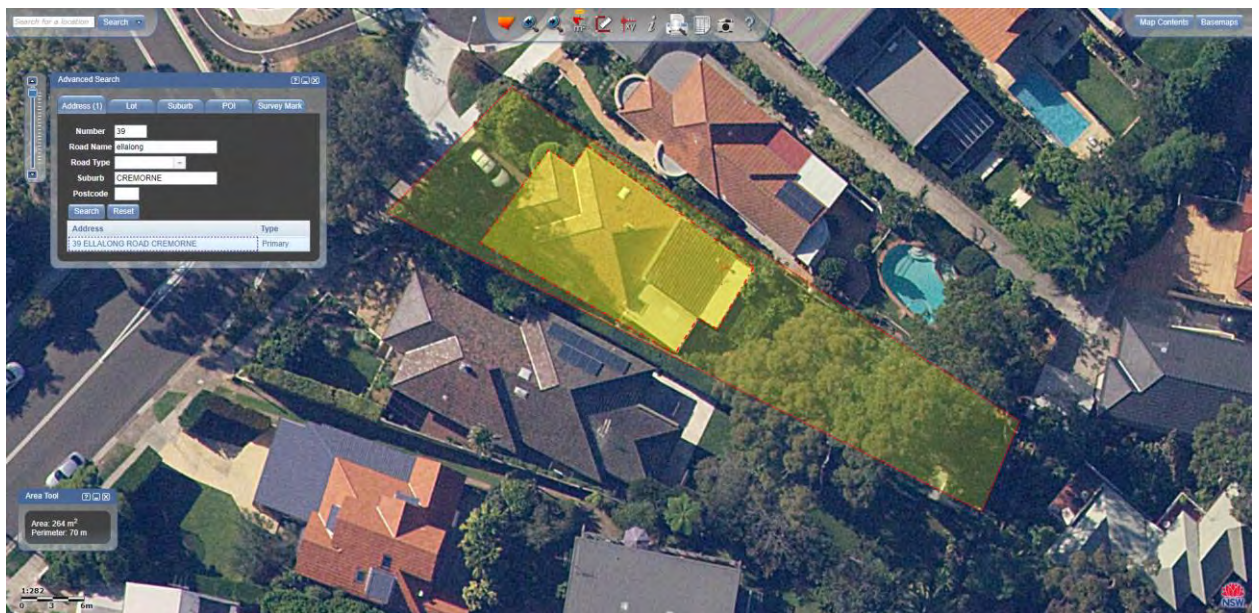
No applications were available on the Council DA tracker.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 264 m²

Area of Site: 779 m²

Percentage: 33.89%



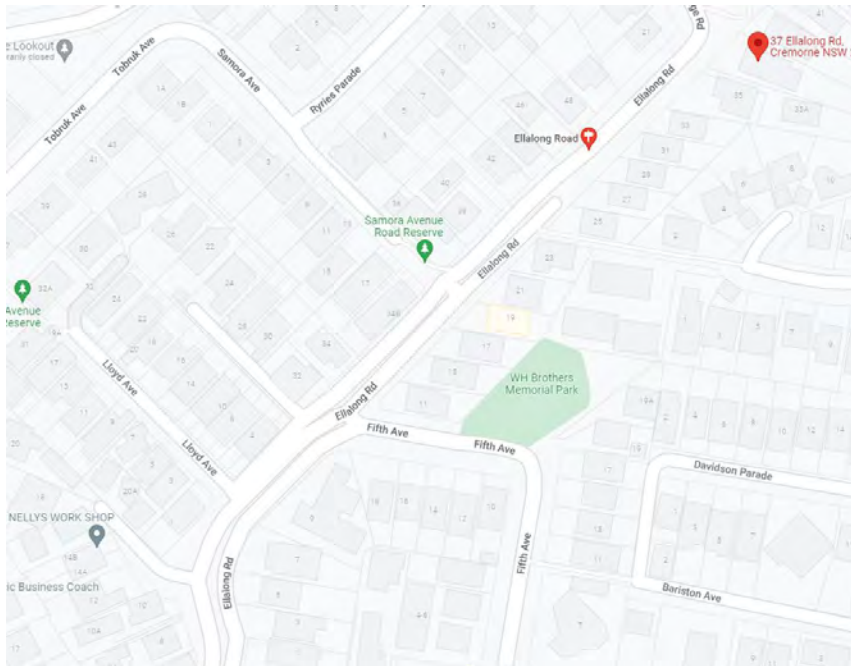
Comment

This site present fairly low density with good screen planting to the street frontage.



37 Ellalong Road

Location on map marked



Photo



Site Coverage

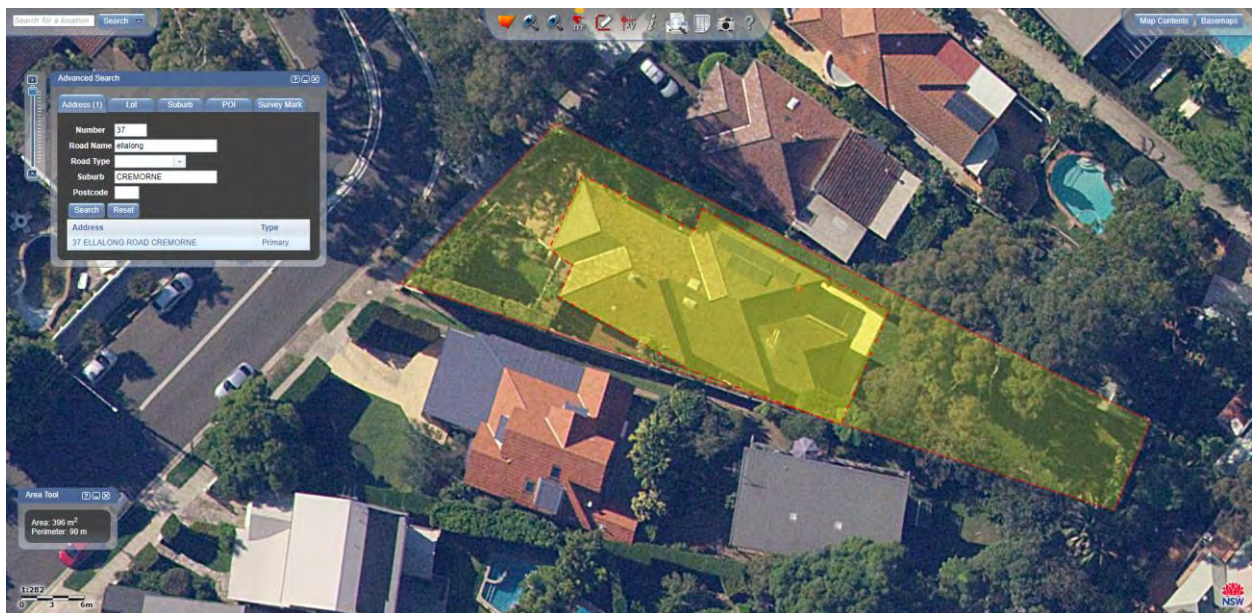
DA168/06 was approved on the site. No plans were available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 396 m²

Area of Site: 971 m²

Percentage: 40.78%



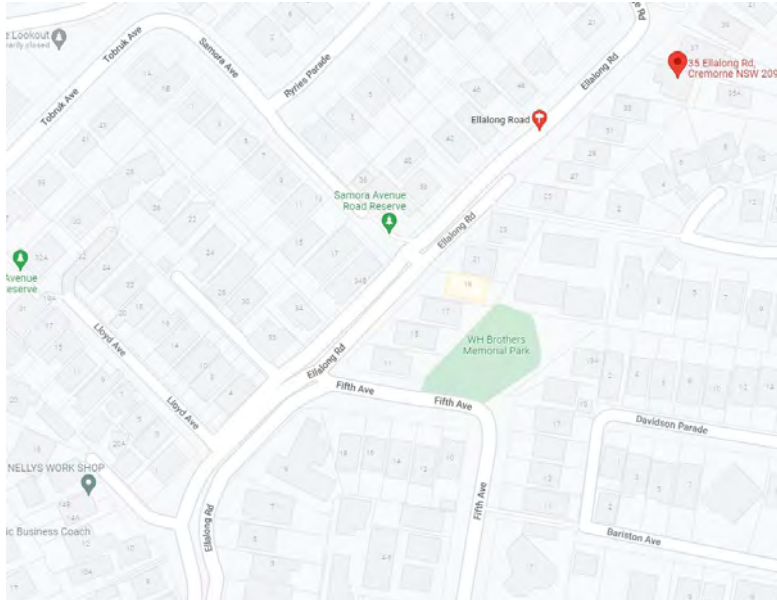
Comment

The site is on the higher side of the street which results in its bulk being more dominant and obvious than proposed for 44 Ellalong Road, where the topography results in the additions being hidden at the rear.



35 Ellalong Road

Location on map marked



Photo

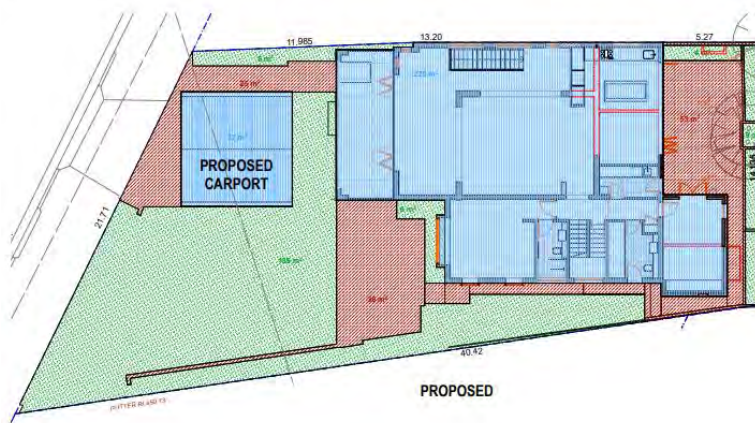




Site Coverage

DA180/20 was approved for the subject site.

Site coverage: 43.8%



	EXISTING/APPROVED	PROPOSED
SITE AREA (by DP)	581.7sqm	581.7sqm
SITE COVERAGE	212sqm (37% of site area)	255sqm (43.8% of site area)
UNBUILT AREA	146sqm (25% of site area)	114sqm (19.7% of site area)
SOFT LANDSCAPED AREA	223sqm (38.4% of site area)	212sqm (36.5% of site area)



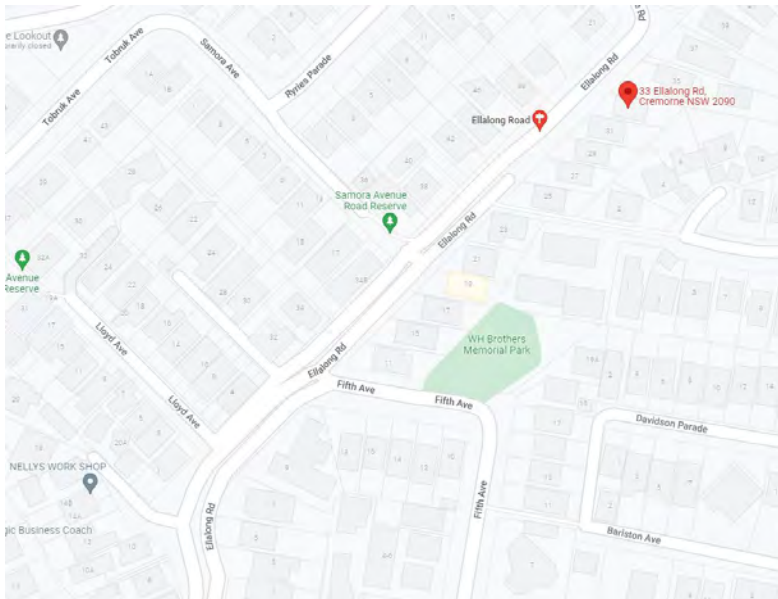
Comment

The site is screened by hedges to a large degree and well set back.



33 Ellalong Road

Location on map marked



Photo



Site Coverage

DA220/11 was approved for the subject site. No plans area available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 219 m²

Area of Site: 435 m²

Percentage: 50.34%



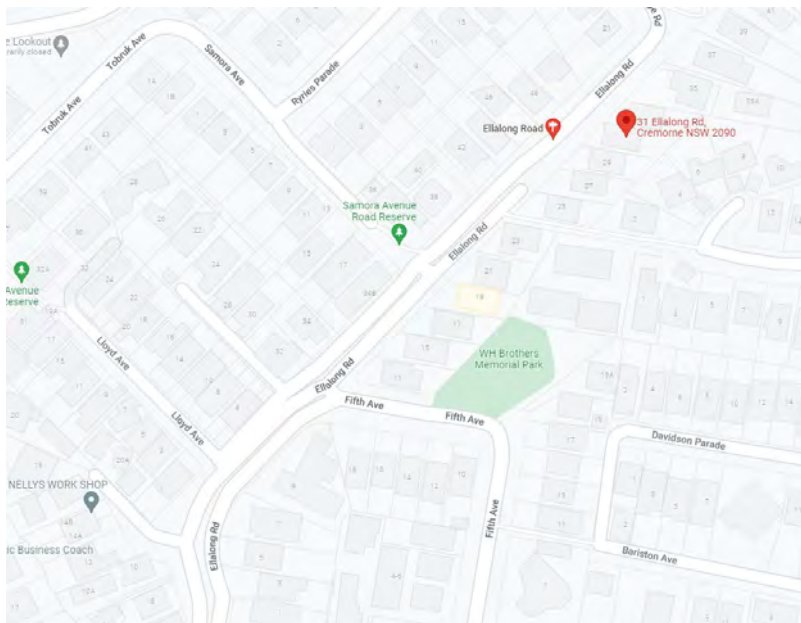
Comment

The site presents as 3 storeys and close to the street frontage. There is some landscape buffer provided to one side.



31 Ellalong Road

Location on map marked



Photo



Site Coverage

DA233/07 was approved for the site. No plans were available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 193 m²

Area of Site: 440 m²

Percentage: 43.86%



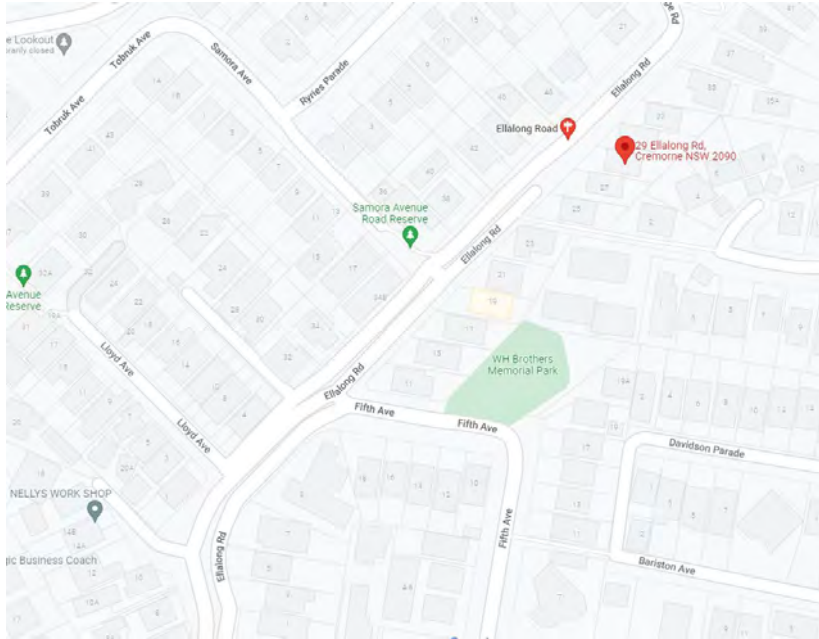
Comment

The site presents close to the street frontage, but low density and screened to one side.

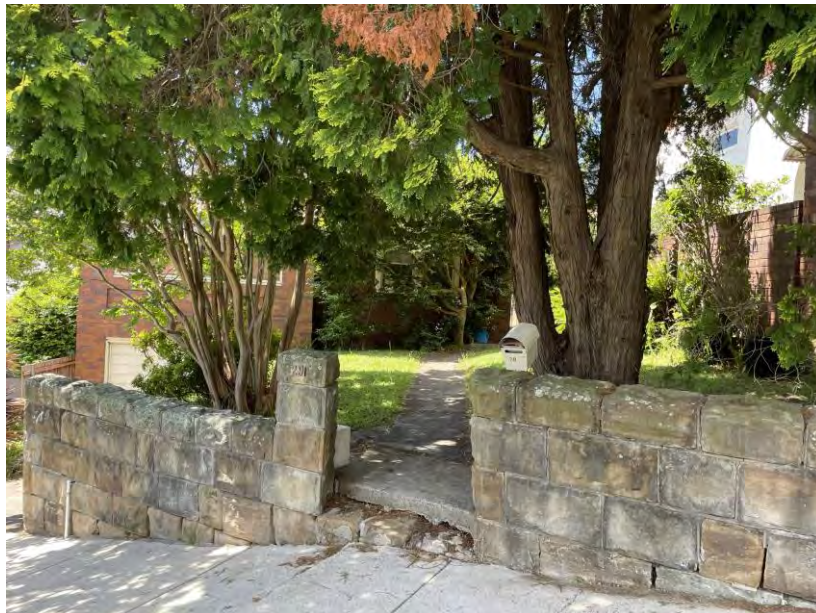


29 Ellalong Road

Location on map marked



Photo



Site Coverage

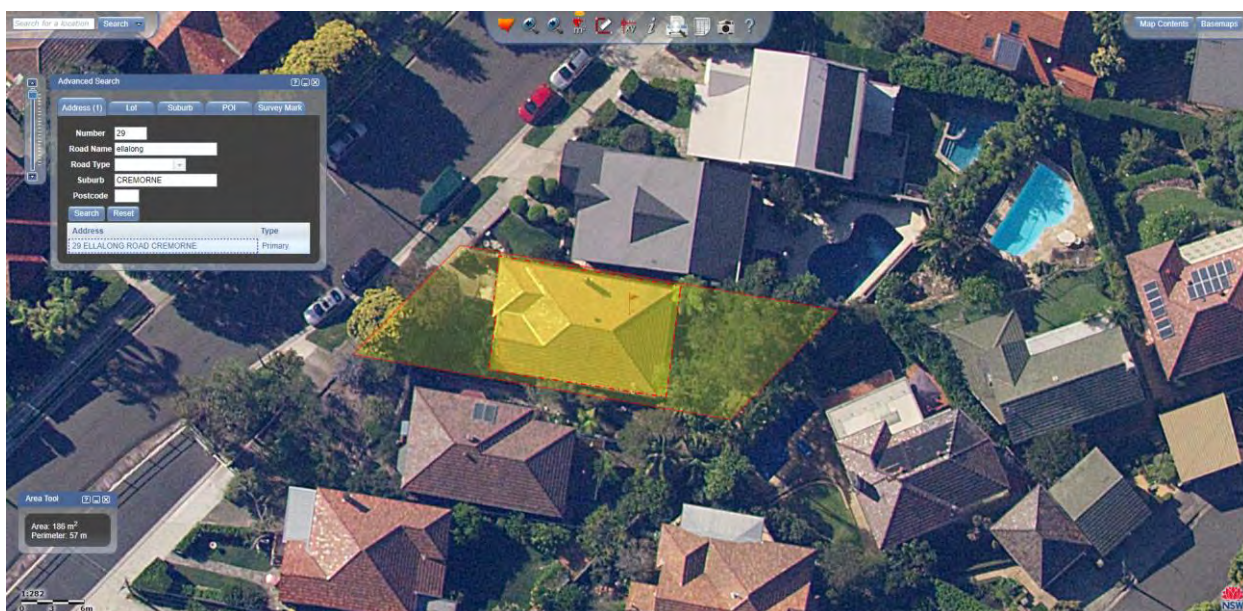
There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 186 m²

Area of Site: 444 m²

Percentage: 41.89%



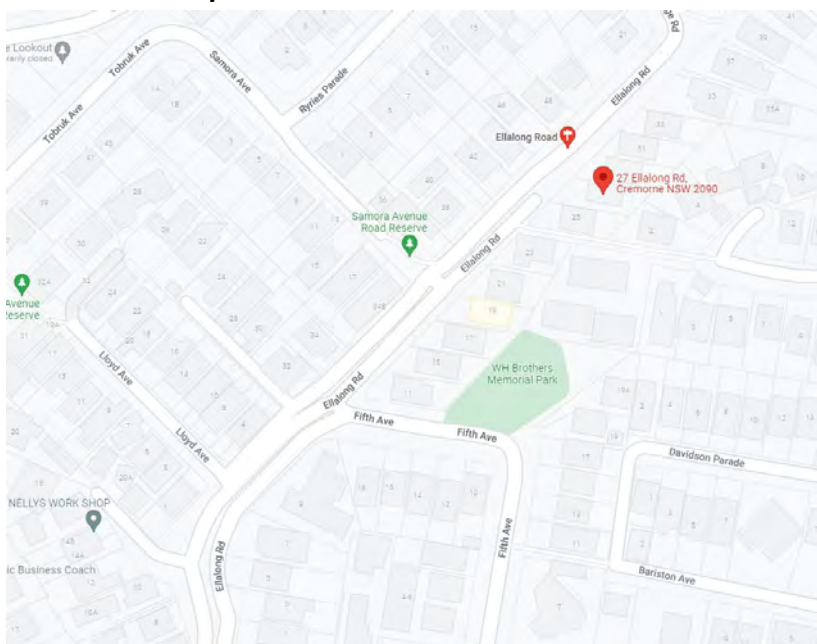
Comment

The site presents close to the street frontage, but low density and screened to one side.



27 Ellalong Road

Location on map marked



Photo



Site Coverage

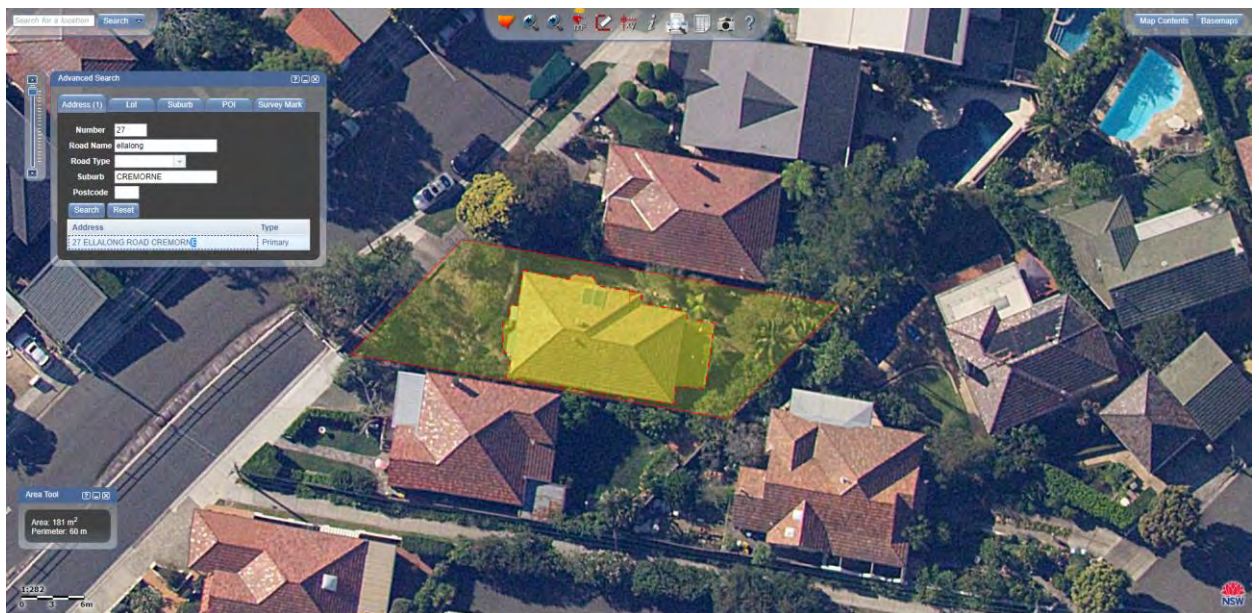
There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 181 m²

Area of Site: 462 m²

Percentage: 39.18%



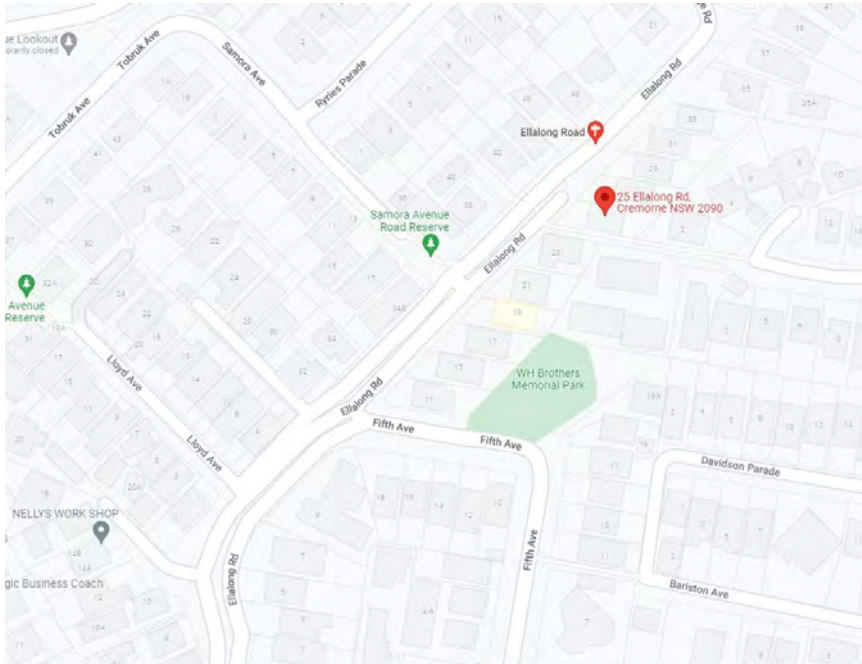
Comment

The site presents close to the street frontage, but low density and screened to one side.



25 Ellalong Road

Location on map marked



Photo



Site Coverage

There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 186 m²

Area of Site: 461 m²

Percentage: 40.35%



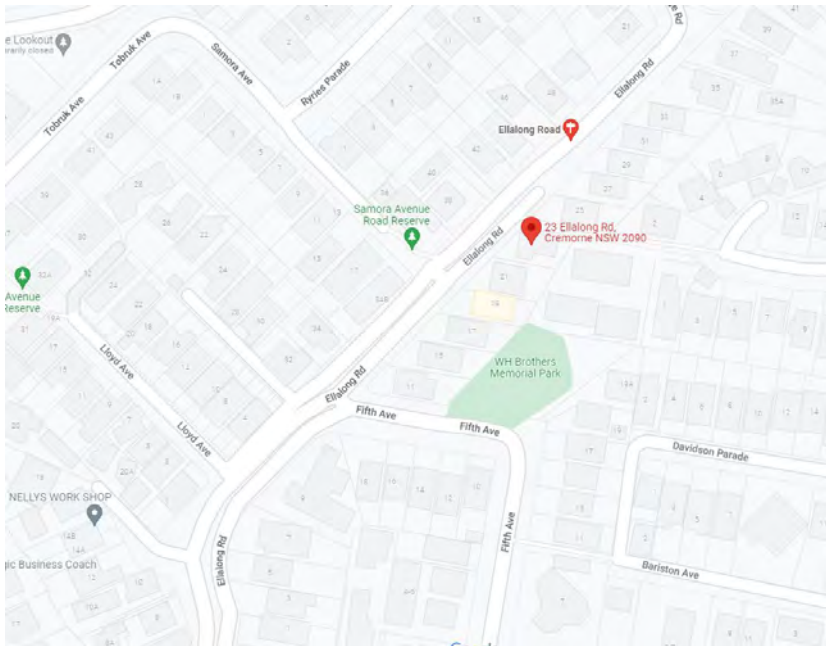
Comment

The site presents close to the street frontage, but low density and screened to one side.



23 Ellalong Road

Location on map marked



Photo



Site Coverage

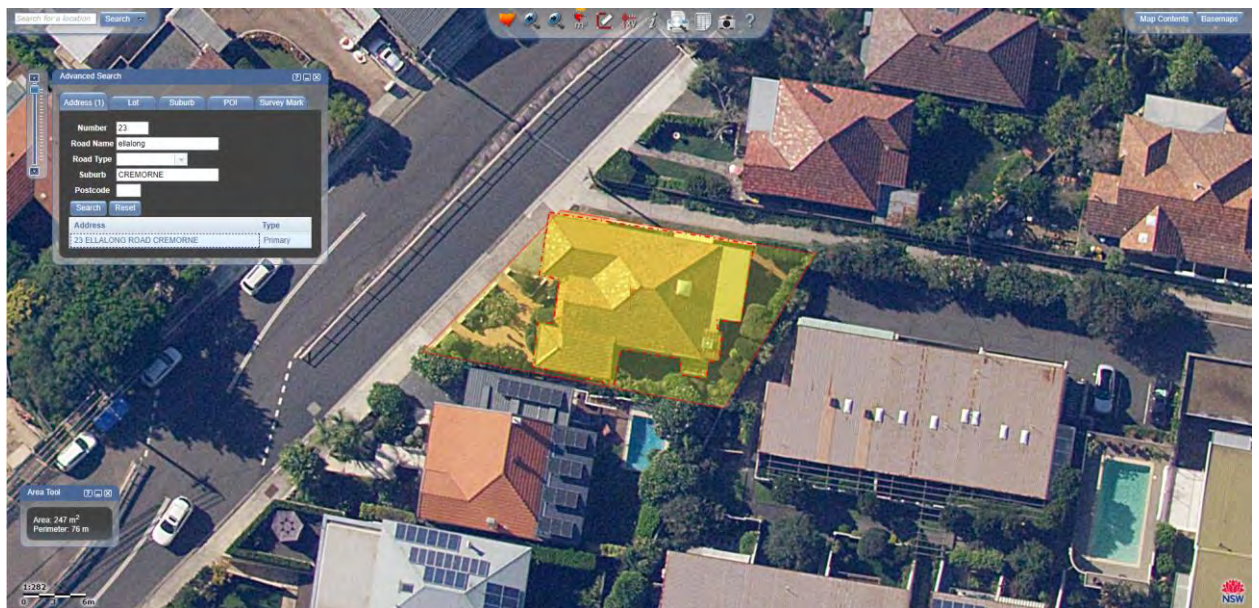
There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 347 m²

Area of Site: 428 m²

Percentage: 81.07%



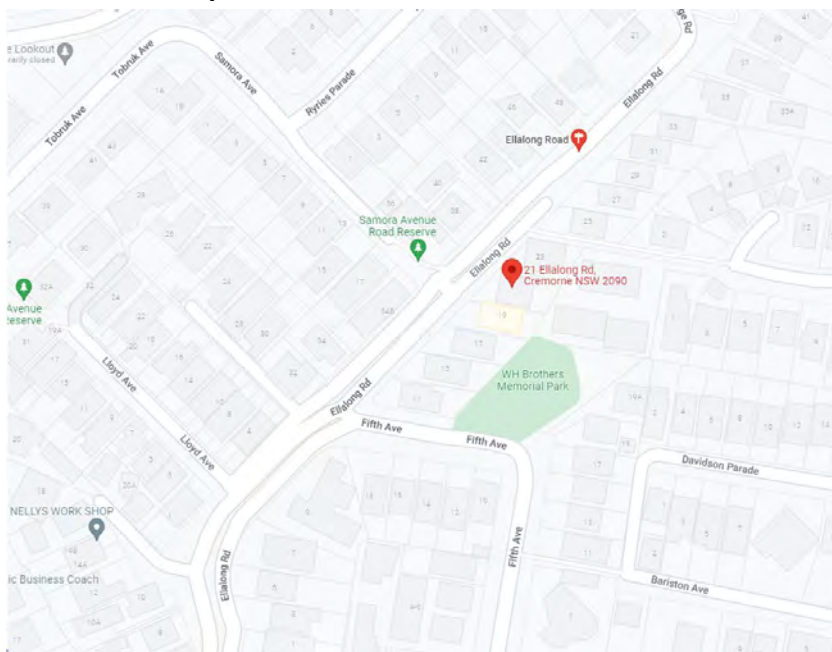
Comment

A very high site coverage with the site built to the street and dominant on the streetscape.



21 Ellalong Road

Location on map marked



Photo



Site Coverage

DA 459/11 and CDC 191/11 were approved on the site. No plans were available. A calculation has been done from SIX maps which demonstrates the following:

Area of House: 285 m²

Area of Site: 527 m²

Percentage: 54.08%



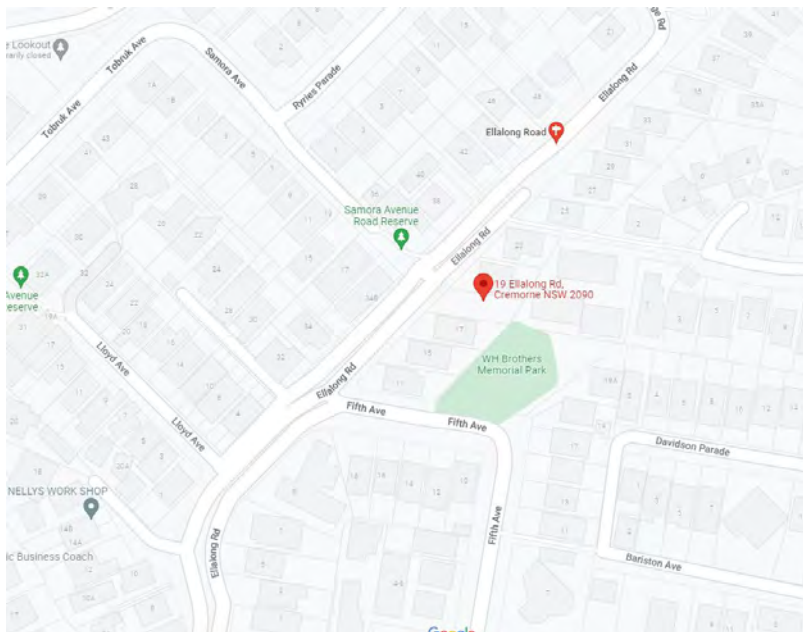
Comment

A high street coverage and a site that is easily visible from the street frontage.



19 Ellalong Road

Location on map marked



Photo



Site Coverage

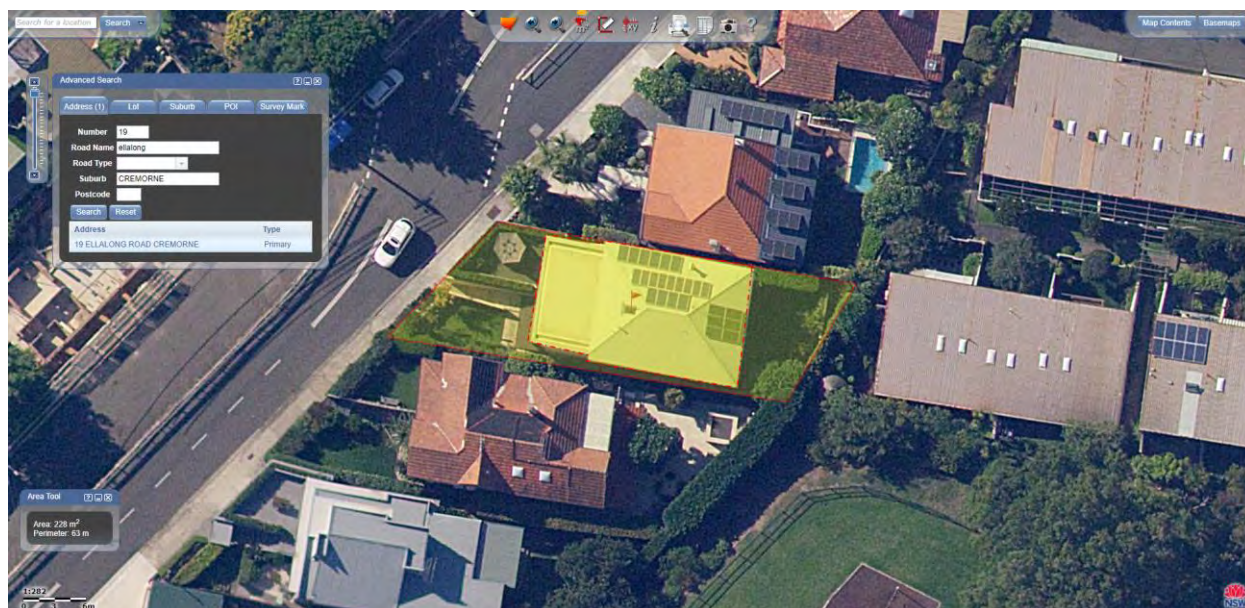
There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 228 m²

Area of Site: 456 m²

Percentage: 50.00%



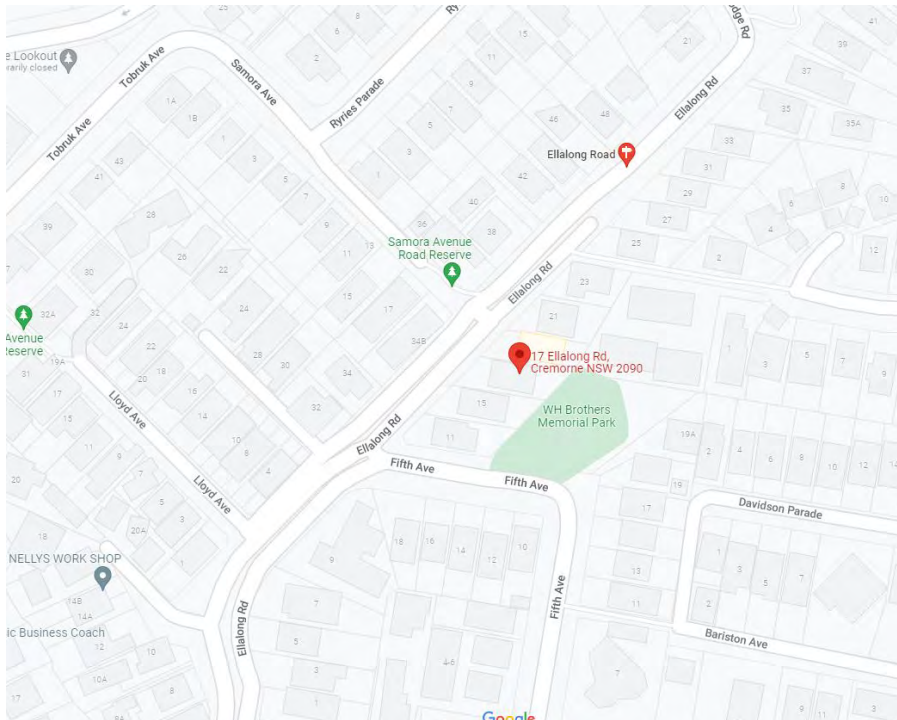
Comment

The site presents close to the street frontage, but low density and screened to one side.



17 Ellalong Road

Location on map marked



Photo



Site Coverage

There are no approvals on Council's DA tracker for this site.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 257 m²

Area of Site: 514 m²

Percentage: 50.00%



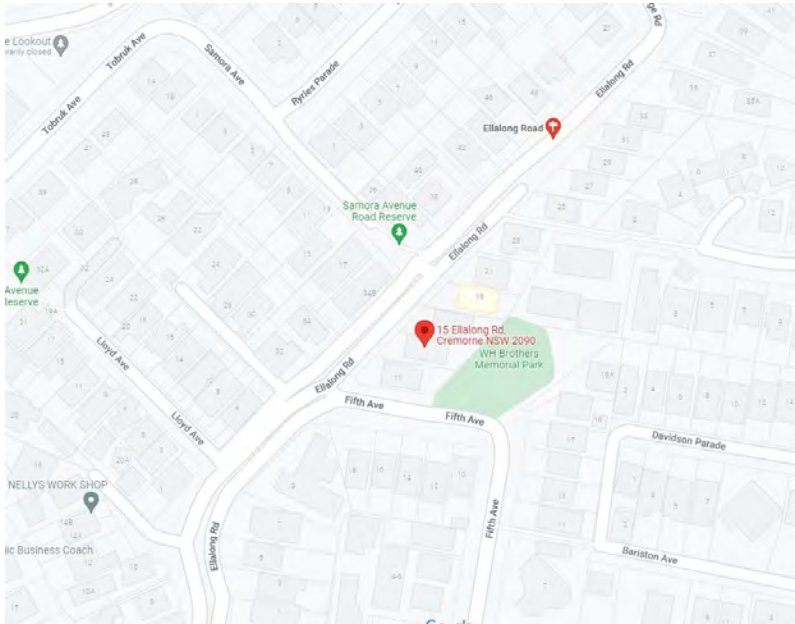
Comment

The dwelling when combined with the street front garage presents as elevated and large to the street.



15 Ellalong Road

Location on map marked



Photo



Site Coverage

DA170/06 was approved on the site. No plans were available.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 237 m²

Area of Site: 514 m²

Percentage: 46.10%



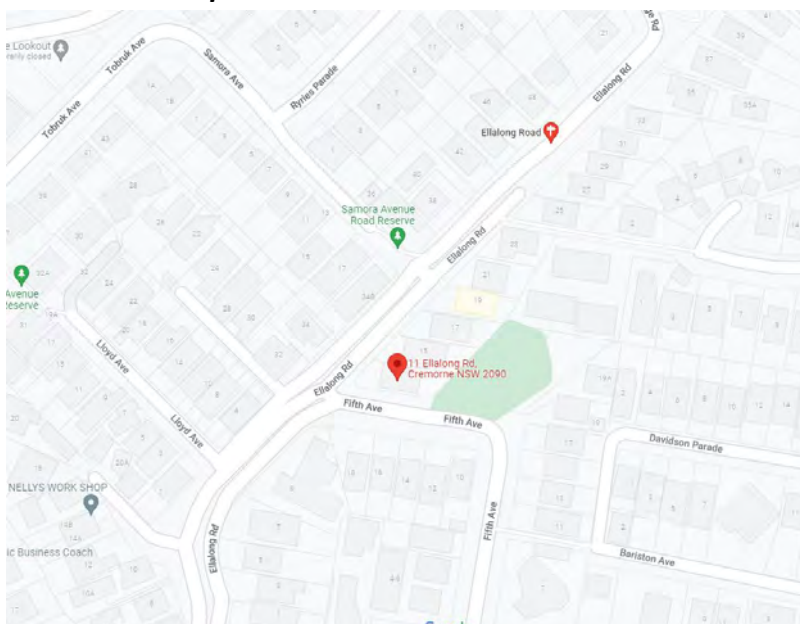
Comment

The site presents close to the street frontage, but low density and screened to one side.



11 Ellalong Road

Location on map marked



Photo



Site Coverage

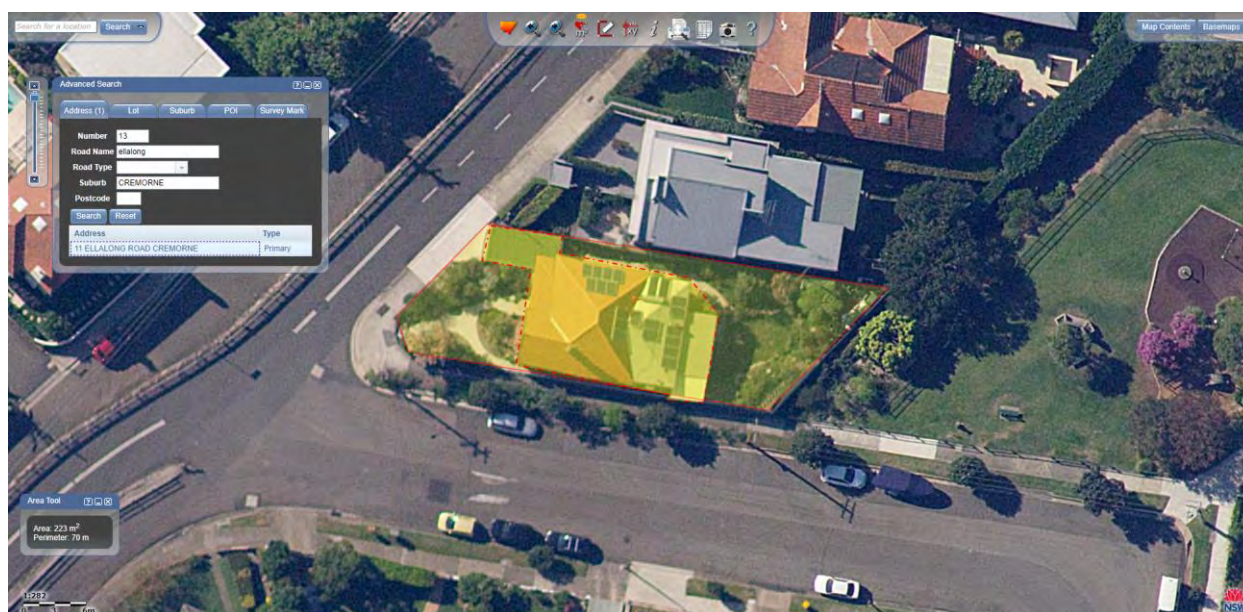
DA218/14 was approved for this site. We were unable to access plans.

A calculation has been done from SIX maps which demonstrates the following:

Area of House: 223 m²

Area of Site: 504 m²

Percentage: 44.25%



Comment

The corner lot is low scale and easily visible to the street.



Conclusion

28 properties have been surveyed in total in the streetscape analysis. Of the 28 properties, 11 are old/undeveloped and 17 properties have been developed through DA approvals.

The streetscape survey has established that 18 of the 28 properties surveyed in total are non-compliant with the current Council controls. There are also 11 sites of the 28 that currently have a site cover that is higher than is proposed by the current application at 44 Ellalong Road.

The majority of the non-compliant properties are sites that have been developed through DA approvals. It could be argued that 44 Ellalong Road cannot realistically be compared to older underdeveloped lots, which will surely be upgraded in the future and when this occurs, greater site coverage will be sought. The survey has established that 14 out of the 17 approved DAs in the local area have been non-compliant with regards to site coverage.

Of additional note is that 100% of the 5 approved DAs in the immediate area to the south west (i.e., those which must accommodate similar sloping topography) have been non-compliant. The reason being that the high slope of land requires the house to be developed at multiple levels and connected via staircases, and this adds to the site coverage. Similar site constraints require the proposed development of 44 Ellalong Road to add unavoidable minor additional site coverage. With the above in mind, the proposed modifications to 44 Ellalong Road are deemed to be neither out of character nor unreasonable for the area and are due to the very high sloping site.

The survey demonstrates that the alterations and additions will be appropriate when considered with regard to site layout and characteristics of the local area. The character of the immediate environment of Ellalong Road demonstrates a large mix of site coverage and street presentation, with greater site coverage generally represented on developed sites and where the site is constrained by slope.

Number 44 Ellalong Road is comparable to many of the sites with approved DA including the adjacent site, 42 Ellalong Road, when the slope and site constraints are considered.

The presentation and bulk and scale proposed by 44 Ellalong Road's current DA is not out of character, with the variation proposed resulting from two key areas:

Carport

The covered carport at the front of the site has been included to add symmetry to the dwelling, as well as easier access to the house. It also provides an improved streetscape



which complements Ellalong Road because the current dominant view of the house from the street is of the garage flat roof, with the house being barely seen. It is acknowledged that removing the proposed roof could reduce the site coverage to make it compliant. However, there is not seen to be a benefit to this as the area would remain a hard stand car space with no additional green space provided. The streetscape view would be less appealing and a covered car space with easy access to the dwelling would be removed.

The existing dwelling also needs modern and upgraded covered parking spaces because the existing garage is too narrow to easily open doors and manoeuvre within. Therefore, residents currently need to park in the driveway to assist children out of the car, and then later park the car in the garage which makes it very inconvenient. The site is constrained by the siting of the existing dwelling, and the proposal in its current form is considered to be the best solution, providing a compatible and complementary design to Ellalong Road.

Rear yard Access

The existing dwelling is also constrained by its siting and the topography of the site. The current design does not allow for access to the rear yard. In order to provide this, the owners have added a small rear addition which allows for a rumpus which opens to this space using an internal staircase. This is a practical and appropriate use of the site which will vastly improve internal amenity on the site. If this additional area of site coverage were to be deleted, the useability of the site and the yard and this connection would be lost. Given that the siting is similar to neighbours', results in appropriate solar access and privacy and presents with appealing views from neighbours, deletion of the proposed additional area of site coverage is therefore an unreasonable solution for the site. This consideration is not comparable with the flatter sites where they do not have to accommodate a design to handle the significant height difference across the site.

In summary we believe that the site does not present with a greater site coverage than is apparent for the majority of the streetscape surveyed. The presentation of the dwelling as proposed from the streetscape and from all neighbouring sites is positive and a positive solution for the amenity and access issues currently existing on the site. We urge Council to consider the design as proposed, given that the circumstances of the existing siting with huge slope of land, topography and streetscape view encourage confirmation of the solution currently before them.



Summary Table

Properties with no recent applications are highlighted in grey.

House Number:	DA Number	Site Area	Note	Source	Existing/ Approved	Compliant
Lloyd Ave						
1	CDC 156/12	430		SIXmaps	63.02%	No
2	DA 246/08	212	Construction of a single car space accessed from Lloyd Avenue.	SIXmaps	64.15%	No
	DA 199/19		Construction of a carport and driveway Withdrawn			
Ellalong Rd – East side						
32		467		SIXmaps	57.17%	No
34	DA64/15/3	465	Last and adds to duplex	SIXmaps	54.41%	No
34b	DA119/18	556	Dual occupancy	SIXmaps	48.56%	No
36	DA 2/17 Modifications x 4	580.65	Substantial demolition and construction of new three level dwelling	Council	43.2%	No
38		461	No applications	SIX maps	42.52%	Yes
40	DA 176/20	550.1	Alterations and additions to existing dwelling including new garage, dwelling additions, partial demolition and excavation.	Council	43.8%	No
42	DA 47/21	510	Alterations and additions including new study, new windows, external staircase, enclosed balcony.	Council	45%	No
44	DA 142/22				47.81%	
46		515	No applications	SIX Maps	41.36%	No
48	DA 80/21	510.9	Alterations and additions to dwelling and new pool	Council	39.5%	Yes



50	DA 22/15	725.5	Alterations and additions to dwelling including new garage and two storey addition at rear.	Council	39.8%	Yes
Lodge Road						
21		582	No applications		39.86%	Yes
Ellalong Rd – West side						
11	DA 218/14	504	Alterations and additions to existing dwelling including new garage, covered rear terrace and landscaping.	SIXmaps	44.25%	No
15	DA 170/06	514	Alterations & additions to dwelling including ground floor extension and layout changes, new first floor level with balcony and new roof structure, new garage with roof terrace and plunge pool, new front fence and landscaping works. Landscape plan in file – doesn't look like it complies	SIX maps	46.1%	No
17		514	No applications	SIXmaps	50%	No
19		456	No applications	SIXmaps	50%	Yes
21	DA 459/11 CDC 191/11	527	Alterations and additions to dwelling, modification of pool, new gate, landscaping.	SIXmaps	54.08%	No
23		428	No applications	SIXmaps	81.07%	No
25		461	No applications	SIXmaps	40.35%	Yes
27		462	No applications	SIXmaps	39.18%	Yes
29		444	No applications	SIXmaps	41.89%	Yes



31	DA 233/07	440	Minor alterations and additions and remade concrete crossover	SIXmaps	43.86%	Yes
33	DA 220/11	435	Alterations and additions to existing dwelling including new double garage, extension of northern facade at rear, internal reconfiguration, new flat roof and new cladding	SIXmaps	50.34%	No
35	DA180/20	581.7	Additions and alterations to dwelling including double carport, change to front fence and gate. Withdrawn	Council	43.8%	No
37	DA 168/06	971	Ground floor rear extension, internal layout and fenestration changes, new covered terrace at front, enlarged garage below, front fence, landscaping works and spa at rear.	SIXmaps	40.78%	No
39		779	No applications	SIXmaps	33.89%	Yes
41		728	No applications	SIXmaps	50.55%	No