

**NSLPP MEETING HELD ON 07/06/2023****Attachments:**

1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 2 Byrnes Avenue, Neutral Bay (S)**APPLICATION No:** DA 348/22**PROPOSAL:** Alterations and additions to an existing dwelling**PLANS REF:**

No.	Revision	Title	Drawn by	Received
A00	C	Site Plan	Creative Spaces Architects	24/04/2023
D01	A	Demolition Plan	Creative Spaces Architects	24/04/2023
A01	C	Floor Plans	Creative Spaces Architects	24/04/2023
A02	C	Rear & West Elevation	Creative Spaces Architects	24/04/2023
A03	D	Roof Plan & Section A-A	Creative Spaces Architects	24/04/2023
A03A	E	Section B-B & East Elevation	Creative Spaces Architects	24/04/2023
1-2	-	Colour, Materials & Finishes Schedule	Creative Spaces Architects	14/11/2022
2/3	B	Landscape Plan – Site Plan	Andrew Davies	24/04/2023
3/3	B	Landscape Plan – Plant Schedule (Schedule only)	Andrew Davies	24/04/2023

OWNER: Michael Ternes and Sarah Cervin**APPLICANT:** Fadi Fadhil, Creative Spaces Architects**AUTHOR:** Andrew Beveridge, Assessment Officer**DATE OF REPORT:** 22 May 2023**DATE LODGED:** 14 November 2022**DATE AMENDED:** 24 April 2023**SUBMISSIONS:** Three (3)**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The applicant is seeking development consent for partial demolition of a heritage item and significant alterations and additions to the rear of the dwelling located at No. 2 Byrnes Avenue, Neutral Bay.

The application is reported to the North Sydney Local Planning Panel for determination because the application involves significant demolition to a heritage item that requires determination by NSLPP in accordance with the Minister's Directions. A public meeting is not required given that there were only three submissions.

The proposed rear addition would not be seen from the public domain so there would be no adverse impact upon the significance of the heritage item as agreed by Council's Conservation Planner. The new addition would replace an existing latter rear addition that has little heritage significance.

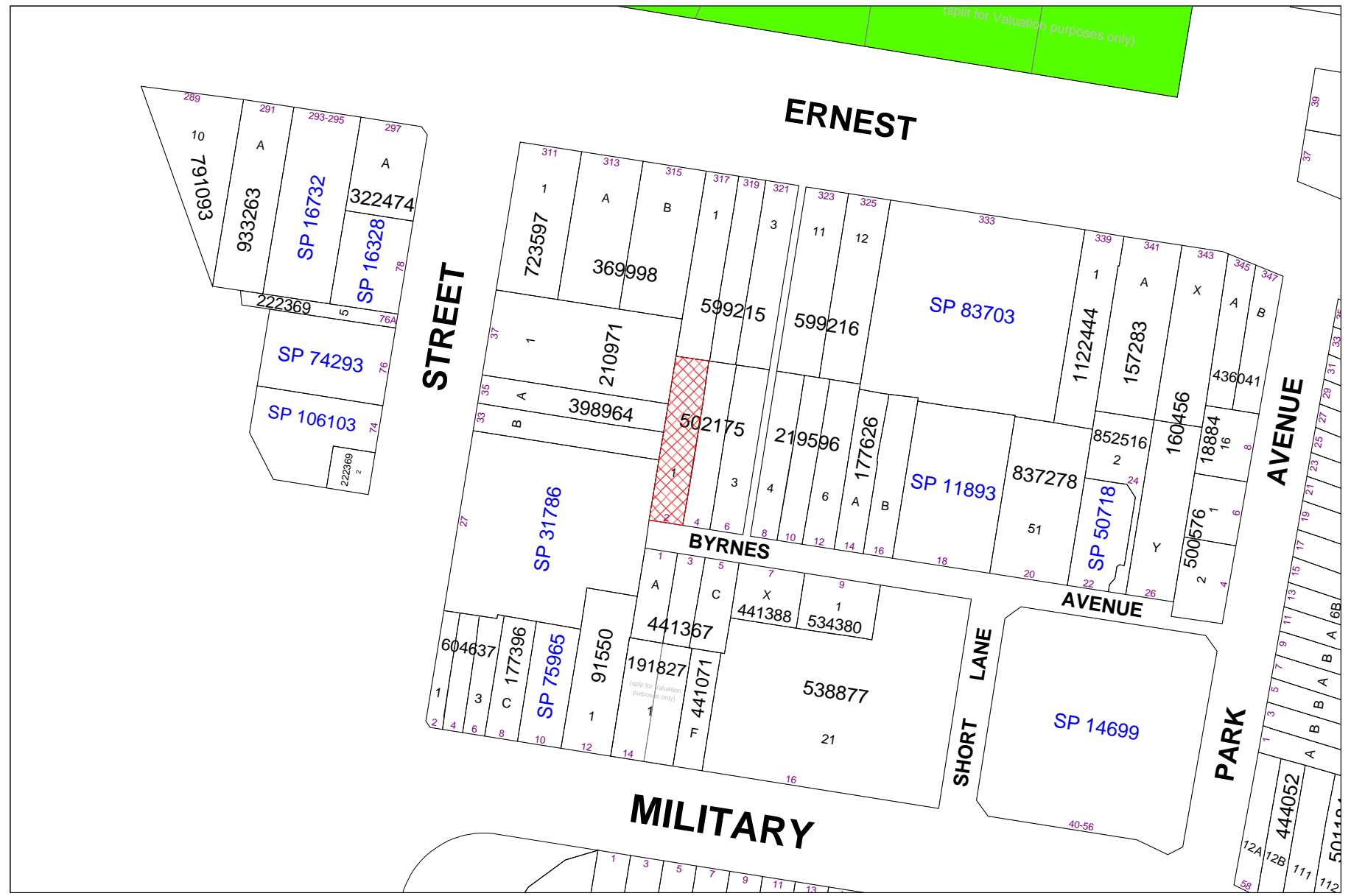
The proposal complies with the permitted height limit under clause 4.3 in NSLEP 2013 and there would be no view loss and/or unreasonable overshadowing arising from the proposed two storey rear addition. There would be no increase in site coverage whilst the application would reduce the built upon area and increase the landscaped area to satisfy the intent of sections 1.5.5 and 1.5.6 in NSLEP 2013.

The non-compliance with the first floor side setback is acceptable given that this part of the building would not be seen from the public domain and there would be no unreasonable impacts for the adjoining dwellings.

Council received two submissions as well as comments from the Parks Precinct that raised concerns about a loss of outlook, excessive overshadowing, adverse impacts upon the heritage item and unsatisfactory bulk and scale. The previously mentioned matters are discussed in the report where it was found that the impacts were acceptable in the site circumstances.

Following a detailed assessment of the subject, the proposal was found to be satisfactory and is, therefore, recommended for approval subject to appropriate conditions of consent.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal involves part demolition of a heritage item with alterations additions to the rear of the existing building with associated landscaping at No. 2 Byrnes Avenue, Neutral Bay, including the following:

- Partial demolition of internal walls and later rear addition and balconies to create a new two storey rear addition including a third bedroom, new main bathroom, and an open-plan kitchen/living/dining room at the rear opening out to the rear garden.
- Excavation and partial demolition of existing subfloor/undercroft area at the rear to construct a new lower ground floor level with a rumpus room, laundry, and WC.
- New open pergola and additional/reconfigured landscaping within the rear courtyard/garden.

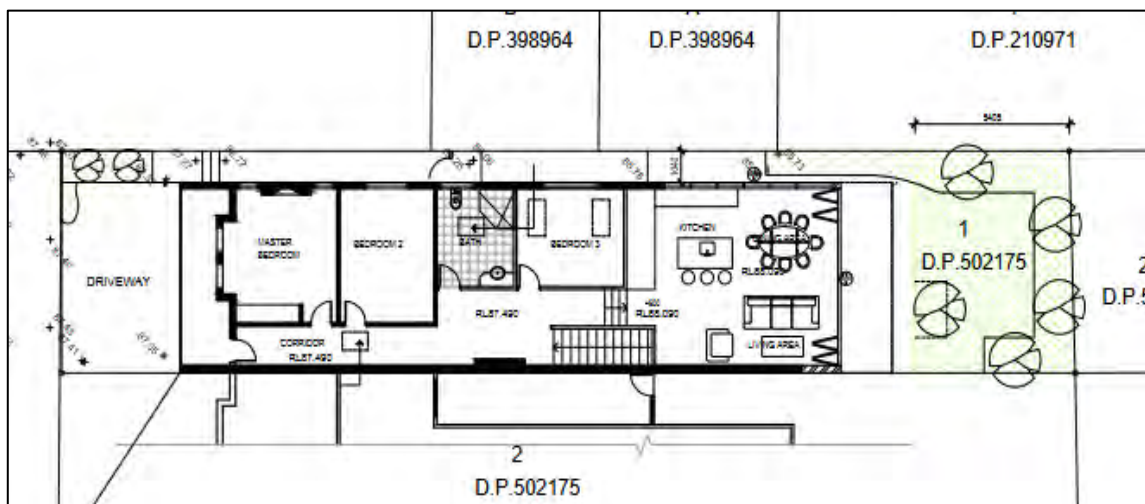


Figure 1. Proposed site plan.



Figure 2. Proposed western side elevation.

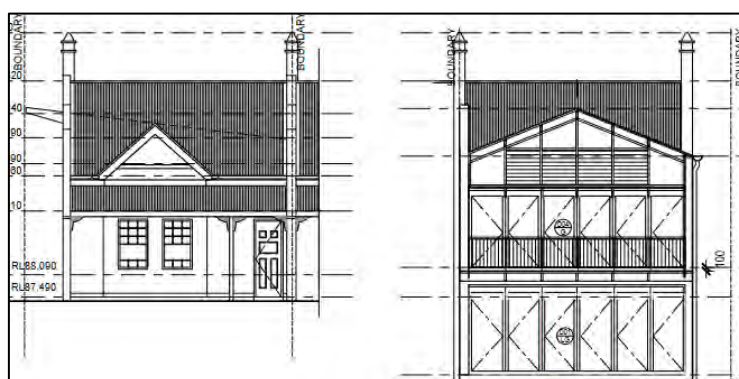


Figure 3. The southern front (left) and northern rear (right) elevations.

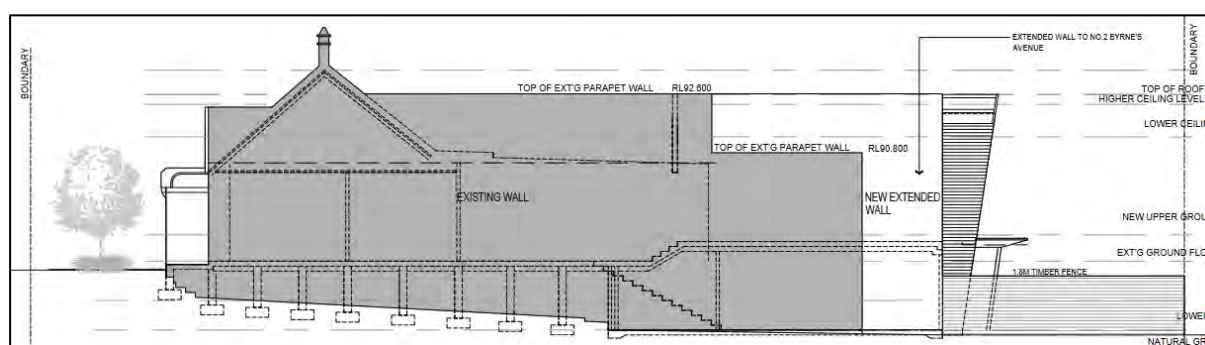


Figure 4. The proposed eastern elevation (party wall).

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R2 Low Density Residential
- Item of Heritage – Yes (I0583)
- In Vicinity of Item of Heritage – Yes (4-6, 8-16, 1-9 Byrnes Ave; 317-325 Ernest St)
- Conservation Area – No

Environmental Planning & Assessment Act 1979

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in non-rural areas
- Chapter 6 – Water Catchments

SEPP (Resilience and Hazards) 2021

- Chapter 4 – Remediation of Land

SEPP (Building Sustainability Index – BASIX) 2004

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 DP 502175, and is known as 2 Byrnes Avenue, Neutral Bay. The site is a rectangular in shape located on the northern side of Byrnes Avenue at its western end with a total area of 259.2m². The site includes a c.1906 two-storey semi-detached dwelling house in the Federation Filigree style, with painted face brick walls, a timber framed verandah with cast iron detailing and a projecting bay window, and a corrugated iron roof. There is a timber framed modern extension to the rear and a balcony/deck on the northern and western elevations. The site is attached to No. 4 Byrnes Avenue along the eastern elevation and the western elevation faces the rear of properties along Merlin Street. On site parking is provided with a single paved car space within the front setback.

Until 1907 Byrnes Avenue was known as “Short Lane”. The Lots that later became Nos. 2-12 and 1-9 Byrnes Avenue were acquired in 1906 by Bernard Byrnes, coal merchant, who developed and leased the houses built on these sites, and for whom ‘Byrnes Avenue’ was named. Three row houses at 2-6 Short Lane (8-12 Byrnes Avenue after 1907) were recorded as having been built by 1906. Nos. 2-6 and 1-9 Byrnes Avenue were recorded as built by 1907. Surrounding development is primarily residential, comprising single-storey and two-storey dwellings, with attached and semi-detached row housing being most prominent at the western end of Byrnes Avenue (all of which are heritage items under NSLEP 2013), with residential flat buildings located at the eastern end. Photos of the site and local area are provided below.

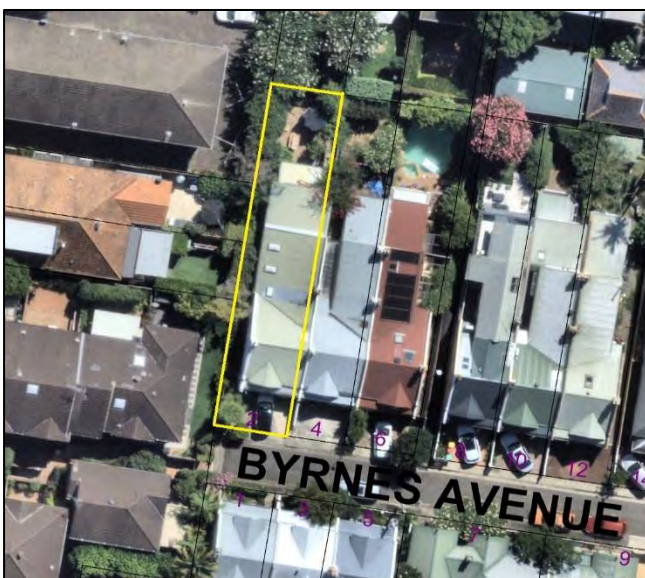


Figure 5. Aerial photograph of subject site (outlined yellow) and surrounding development.

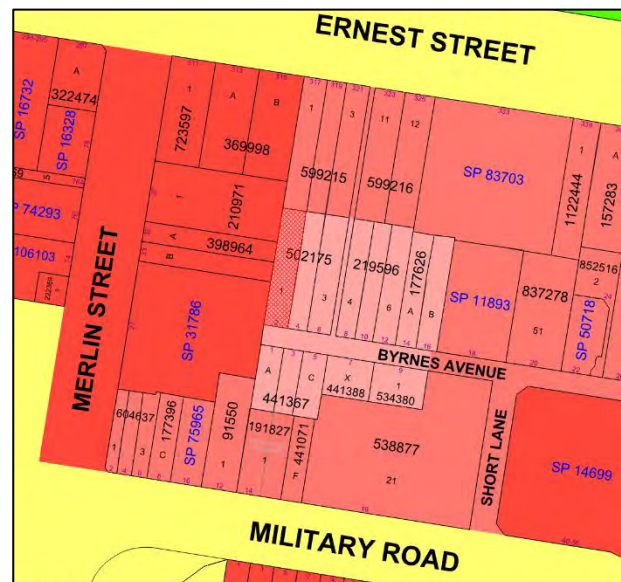


Figure 6. NSLEP Zoning Map with the subject site hatched red in the R2 Zone.

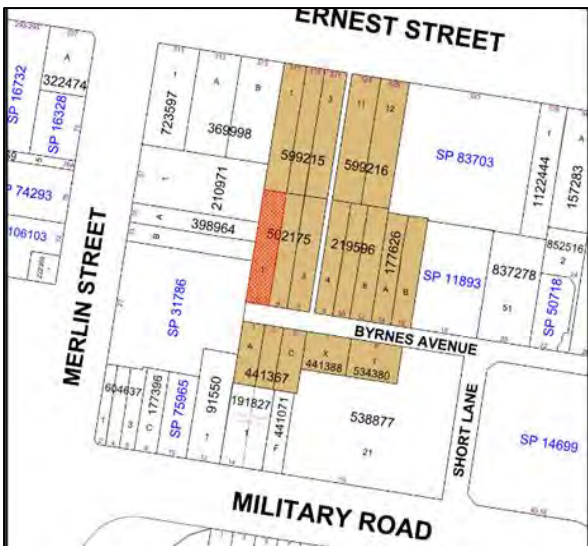


Figure 7. NSLEP Heritage Map with the subject site cross-hatched in red.



Figure 8. Southern elevation of the subject site viewed from Byrnes Avenue.



Figure 9. View looking north from the existing rear balcony.



Figure 10. The existing northern elevation as viewed from the rear garden.



Figure 11. View of the Western elevation of the subject site from the rear of 35 Merlin Street.

RELEVANT HISTORY

Nos. 2-6 Byrnes Avenue were originally subdivided as a single lot (Lot B DP 656559) and were further divided into three individual lots as Deposited Plan 502175 in 1963.

Building Application No. 85/867 (lodged 4 December 1985) for the addition of a pergola and deck at the rear of the existing dwelling was approved by Council on 30 January 1986.

Development Application Nos. 391/21 (lodged 23 November 2021) and **134/22** (lodged 13 May 2022) for the same works as currently proposed were rejected by Council's Development Review Panel due to a lack of details and information, on 6 December 2021 and 18 May 2022, respectively.

Current Application History

A brief history of the current application is summarised below: -

Date	Action
14 November 2022	The application was lodged with Council.
1 December 2022	The subject application was notified to adjoining properties and the Parks Precinct Committee between 9 December 2022 and 18 January 2023. Three (3) submissions were received raising various concerns.
1 February 2023	A site visit was undertaken by Council Officers.
10 February 2023	A site visit to an adjoining property was undertaken by Council Officers.
14 February 2023	A letter was sent to the applicant raising concerns regarding site coverage, landscaping, built form character, form, massing and scale, heritage, and privacy impacts, and requesting amended plans to resolve these issues.
24 April 2023	Following extensive consultation with the applicant on the draft amended plans, revised plans were accepted by Council and uploaded to the NSW Planning Portal.
28 April 2023	The amended plans were renotified to previous submitters between 1 May 2023 and 15 May 2023. The amended plans attracted one further submission.

REFERRALS

Building

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

Engineering

The proposal was referred to Council's Development Engineers, who raised no objection, subject to conditions (see conditions **C1, C2, C4, C5, C9, C10, C11, D3, E3, E4, E9, E13, E16, E17, E20, F7, G1, G2, G3, and G4**).

Heritage

Council's Conservation Planner has reviewed the proposal and provided the following comments:

The subject dwelling is a heritage item however, it is not located within a conservation area. It forms part of a group of three Victorian style attached workers cottages located at nos. 2 to 6 Byrnes Avenue that have lost their front garden setting to hardstand parking. They are characterised by a gabled roof clad in corrugated metal roof sheeting and a full length verandah across the front facade. They have historic significance and are considered to have rarity in the North Sydney LGA. There are other heritage items located nearby at 1 to 9 Byrnes Avenue and 4 to 16 Byrnes Ave, plus 317 and 325 Ernest Street at the rear.

The amended proposal is generally considered to satisfy clause 5.10 of NSLEP 2013 in that the original dwelling will remain discrete and largely intact. The proposed addition will be located at the rear and will not be visible from the street as it will be set below the primary roof ridge height. Whilst the character of the new addition will be clearly contemporary with the extensive use of glazing, no objection is raised in this instance, as the rear will not be seen simultaneously in the context of the original dwelling, and it is not located within a conservation area with area character requirements for traditional materials. No objection is raised to the new rooms in the sub-floor area as this is an area of low heritage significance.

The heritage significance of the original workers cottage will also remain intact, and its curtilage will remain as per its lot boundary.

The amended proposal is also considered to satisfy Part B Section 13.4 of NSDCP 2013 In the Vicinity of Heritage Items as the heritage significance and curtilage of the other heritage items in the group will remain intact.

The amended rear addition will have a traditional gabled roof that will be consistent with the character of roof planes at the rear of a Victorian worker's cottage. The proposal now complies with Part B Section 13.5.4 Provision P4 'Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character'.

The proposal does not comply with Section 13.9.4 concerned with Materials. Objective O1 that states 'To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation' in that it will utilise extensive glazing at the rear. No objection is raised here because the glazing will not be visible from the public domain, the site is not located in a conservation area and the glazing will not be seen in the context of the original dwelling when viewed from the rear. The amended detail for the first level balustrade to utilise steel palisade is acceptable.

Consequently, several standard conditions have been recommended to ensure the significance of the heritage item is maintained (see conditions **A3**, **C7**, **C19**, and **E5**).

Landscaping

The proposal was referred to Council's Landscape Development Officer, who raised no objection subject to appropriate conditions (see conditions **C12, C13, C16, C18, D1, D2, E10, E11, E12, E14, G5, G7, and I2**). Subject to the above conditions, the proposal is considered to be acceptable and will not require further amendment.

SUBMISSIONS

Original Plans

On 1 December 2022, the subject application was notified to adjoining properties and the Parks Precinct Committee between 9 December 2022 and 18 January 2023. Two submissions (2) were received as well as comments from the Parks Precinct. The issues raised in the submissions are summarised below and addressed later in this report.

Amended Plans

On 28 April 2023, the amended plans were re-notified to previous submitters, seeking comments from 1 May 2023 and 15 May 2023. One further submission was received that raised privacy loss arising from the glazing on the rear elevation.

Basis of Submissions

- The proposal will result in the loss of outlook and views of sky.
- The proposal will result in unreasonable overshadowing to the rear of 33-35 Merlin St.
- The proposed western windows will impact upon privacy.
- The reduction of the western side setback from 2.7m to 1m will result in dramatically increased bulk and scale.
- The proposed roof sloping from west to east will result in a significantly increased bulk and scale.
- The proposal will result in unreasonable overshadowing to the rear of 33 Merlin Street.
- The reduction of the western side setback from 2.7m to 1m will result in dramatically increased bulk and scale.
- The proposed roof sloping from west to east will result in a significantly increased bulk and scale.
- Concern regarding the heritage impact of the development upon the group of workers cottages.

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021 – Chapter 2 – Vegetation in non-rural areas

The proposed works would not require the removal of any vegetation defined under this SEPP.

SEPP (Biodiversity and Conservation) 2021 – Chapter 6 – Water Catchments

Chapter 6 of this SEPP applies to this site and is required to be considered in the assessment of the application. The proposal is unlikely to have an adverse environmental impact as the works are sufficiently set back from any waterway and will not physically damage or interfere with the ecological or water qualities of Sydney Harbour. In summary, the proposed works are considered to be satisfactory having regard for the SEPP's aims and objectives.

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

The provisions of the SEPP require Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has previously been used for residential development since its original subdivision and as such is unlikely to contain any contamination. Therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

The applicant has submitted a valid BASIX Certificate (A495151, dated 26 April 2023) to satisfy the requirements of the above SEPP.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

Permissibility

The subject site is zoned R2 Low Density Residential zone under the provisions of the NSLEP 2013. The proposal involves alterations and additions to an existing semi-detached dwelling which is a permissible form of development in the zone with consent from Council.

Objectives of the zone

The objectives of the Zone R2 are stated below:

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

The proposed development will maintain the existing building typology, being a semi-detached dwelling in an area characterised by lower density residential development, and will ensure that a high level of amenity for the residents as well as those of neighbouring properties is likely to be maintained. Subject to conditions, the proposal is also unlikely to have any impact upon the natural or cultural heritage of the area.

Clause 4.3 – Height

The zoning allows a maximum permitted height limit of 8.5m pursuant to clause 4.3 in NSLEP 2013. The proposed works will have a maximum of 7m above existing ground level at its greatest extent at the northern end of the building. Consequently, the works are compliant in this regard.

Clause 5.10 – Heritage Conservation

It is considered that the works will not encroach upon nor have any adverse visual impact upon any nearby heritage item and will be sympathetic to the existing heritage item on the site by maintaining most of the original fabric particularly the frontage to Byrnes Avenue. The new works at the rear would be located in an area that has already been heavily modified and they will not be seen from the public domain. Consequently, Council’s Conservation Planner has not raised any objection to the proposal, subject to appropriate conditions.

Clause 6.10 – Earthworks

The proposal requires some excavation within the existing subfloor area to create the proposed lower ground level. However, this work will be wholly contained within the existing footprint and is relatively minor due to the existing subfloor area of the building. Therefore, the works are unlikely to affect the stability and topography of the site.

Council’s Development Engineer has raised no objection in this regard, subject to appropriate conditions to minimise any impacts upon adjoining sites (see engineer’s conditions on page 8 of this report). The works are therefore considered compliant in this regard.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix	Yes	The proposal will not alter the existing accommodation type or use of the dwelling. The existing accommodation on the site will be increased from two bedrooms to three bedrooms.
1.2.2 Maintaining Residential Accommodation		
1.2.3 Affordable Housing		
1.3 Environmental criteria		
Topography	Yes	The proposal requires some excavation within the existing subfloor area to create the proposed lower ground level. However, this work will be wholly contained within the existing footprint similar in size to the subfloor area of the building. Therefore, the works are unlikely to affect the stability and topography of the site.
Views	Yes	There would be no significant view loss for adjoining dwellings given that the proposed works to the rear would be contained within the existing footprint and within the same alignment and side setbacks as the existing residential building and the additions are compliant with the maximum building height limit. While some outlook to sections of sky to the east from the rear of No. 35 Merlin Street may be impacted by the new two-storey rear addition, this existing outlook is regarded as a relatively minor view of trees and sky that is not identified as significant within the Waters Neighbourhood (see Figure 11 on page 7 of this report). Furthermore, the majority of this outlook to trees and sky is likely to be retained to the east and south-east, and the section of the roof that creates the loss of outlook remains beneath the 8.5m height limit

<p>Solar access</p>	<p>Yes</p>	<p>Given the north-south orientation of the site, the majority of shadows created by the subject dwelling will be largely unchanged by the proposal. There will be some additional overshadowing to the rear gardens/setback of Nos. 33 and 35 Merlin Street to the west in the morning, with the greatest extent of shadows cast at 9am, on 21 June, and then gradually reducing so that by 11am, no shadows are cast over these rear gardens by the subject dwelling. As a consequence, the additional shadows are unlikely to impact upon the minimum 3 hours solar access for these outdoor spaces, as the shadows will only fall in the morning from 9am to 11am, with no additional impacts for the remainder of the day.</p> <p>There will also be some minor additional overshadowing to the rear deck and western side sunroom of No. 4 Byrnes Avenue to the east in the afternoon. However, in this instance, the majority of shadows will fall over existing shadows, and the additional shadows are unlikely to impact upon the minimum 3 hours solar access for these spaces, as the shadows will only fall in the afternoon, with no additional impacts for the remainder of the day with these spaces receiving full sun in the morning and midday.</p> <p>It is noted that this additional overshadowing will be caused by the extensions of the existing building towards the rear and side boundaries at or below the LEP height control of 8.5m.</p> <p>As such, the loss of solar access is considered to be relatively minor and it is considered that the additional overshadowing will not substantially impact upon the amenity of adjoining properties.</p>
<p>Acoustic and Visual privacy</p>	<p>Yes</p>	<p>North</p> <p>The proposed north-facing bi-fold doors for the new living/dining area (D04) are unlikely to create significant additional overlooking towards properties at the rear at 317-319 Ernest Street and the rear setback of 2 Byrnes Avenue and 37 Merlin Street, as these doors will effectively replace the open rear balcony/deck in this location. Furthermore, there is no deck off the living areas on the upper ground level but full length doors with a balustrade to minimise overlooking into the northern properties. The rear elevation will also be screened from adjoining properties by significant screen planting and trees located both on the subject site and adjoining sites, with new additional trees (Blueberry Ash to a height of 6m at maturity) proposed for the rear garden.</p> <p>West</p> <p>The proposed openings on the western side elevation facing Nos. 33-37 Merlin Street, have been designed to minimise any potential for privacy impacts. At the lower ground floor level, the existence of high boundary fences and thick screen hedge plantings and trees enable these openings (W01 and W02) to be obscured.</p> <p>At first floor level window is a low sill-height kitchen splashback window, which is unlikely to create significant additional overlooking, but it is recommended that this window have obscured/frosted glazing to ensure that any overlooking is eliminated (see Condition C14). The opening above this splashback window is a clerestory style long window that permits light into the high roof space above the proposed kitchen/living/dining space, and is not accessible to permit any overlooking.</p> <p>The proposed west-facing window of bedroom 3 will replace an existing frosted window in this location which was formerly the main living/dining room. While this window is not proposed to be frosted, this is considered to be acceptable on the basis that this opening will now serve a bedroom rather than a main living room, a use that is much lower in intensity so it is considered unnecessary to apply any further privacy measures.</p>

		<p>East & South There are no new openings on these elevations that would give rise to any additional privacy impacts.</p>
<p>1.4 Quality Built Form</p>		
<p>Context</p>	<p>Yes</p>	<p>The public domain and streetscape context of this semi-detached dwelling as visible from Byrnes Avenue will not be changed by this proposal. The visual appearance of the rear extension would be consistent with other dwellings along Byrnes Avenue, with original cottages along the street being retained for their heritage significance with modern additions being confined to the rear of the site. The works will not be visible from the public domain and will replace an existing relatively modern rear addition with a deck. The new addition would be consistent with other modern nearby rear additions and sit below the ridge height of the original dwelling so it will not be seen from the public domain.</p>
<p>Streetscape</p>	<p>Yes</p>	<p>No streetscape elements will be affected by this proposed works.</p>
<p>Siting</p>	<p>Yes</p>	<p>The proposed alterations and additions will maintain the orientation and siting of the existing building.</p>
<p>Setbacks</p>	<p>Yes</p> <p>Yes</p> <p>No (Acceptable on merit)</p>	<p>Front</p> <p>The existing front setback of the building will be unchanged by this proposal.</p> <p>Side – West</p> <p><i>Lower Ground floor</i></p> <p>The proposal has a lower ground level side setback of 1m from the side boundary with Nos. 27-37 Merlin Street, which is compliant with the 900mm minimum control.</p> <p><i>Upper ground floor</i></p> <p>The upper ground level is set off the boundary by 1m not 1.5m as required by NSDCP 2013. However, this non-compliance is acceptable because there would be no unreasonable overshadowing for the adjoining properties nor any privacy loss arising from the non-compliance for the reasons stated above on page 13. Furthermore, the existing fencing and vegetation along the western boundary of the adjoining property would minimise impacts to the adjoining properties to the west.</p> <p>Side – East</p> <p>The existing 0m eastern side setback from the boundary/party wall of shared with 4 Byrnes Avenue will be maintained for the proposed additions at the rear, and will be extended by an additional 1.3m to the north, alongside a new tapered rear pergola for a further 0.6-1.6m of the eastern side boundary to provide additional screening. The existing and proposed eastern side setback is not compliant with the control as a result of the semi-detached arrangement of the existing building with No. 4 Byrnes Avenue to the east.</p> <p><i>Nil setback on the eastern boundary</i></p>

	<p>Regarding the extended ground floor nil side setback, Council may consider a 0m setback to a side boundary subject to the satisfaction to the Land and Environment Court Planning Principle “building to the side boundary in residential area” established in <i>Galea V Marrickville Council</i> [2003] NSWLEC 113 as follows:</p> <p>A) Is the street characterised by terrace housing? The street is characterised by detached, semi-detached and row-type single dwellings with minimal side setbacks. The subject site is a semi-detached dwelling connected to Nos. 4-6 Byrnes Avenue to the east. Further to the north is another terrace row of dwellings at Nos. 8-12 Byrnes Avenue. Nil and minimal setbacks (0-1m) are therefore a characteristic feature along Byrnes Avenue, as this reflects the pattern of early twentieth century development of the area.</p>						
	<p>A) What is the height and length of the wall on the boundary? The western boundary wall extension has a proposed wall height of 7m along 1.3m of the boundary, with a height that matches the existing height of the eastern part wall and parapet. The 7m-high tapered pergola structure will extend further by 0.6-1.6m.</p> <p>B) Has the applicant control over the adjoining sites(s) or the agreement of their owners? Party wall owners’ consent has been provided from the owners of No. 4 Byrnes Avenue to the east.</p> <p>C) What are the impacts on the amenity and/or development potential of adjoining sites? As noted earlier in this report regarding privacy, solar access, excavation, and other potential amenity issues, the proposed alterations and additions will not result in any significant amenity impacts for the adjoining property to the east, No. 4 Byrnes Avenue. While some solar impacts have been noted to the east, this impact is not considered to be unreasonable given the orientation of the site.</p> <p>D) Are there arrangements in place for the maintenance of the wall or gutters? Conditions are recommended to ensure appropriate stormwater measures are constructed (see Condition C10).</p> <p>As a consequence of the above discussion, it is considered that the proposed additions are acceptable on merit on the primary basis that they are broadly consistent with existing development in the area that will not have any significant adverse environmental impacts for adjoining properties or the streetscape.</p> <p>Rear</p> <table border="1" data-bbox="778 1668 1353 1836"> <thead> <tr> <th colspan="2">Northern rear boundary</th> </tr> </thead> <tbody> <tr> <td>Existing</td> <td>9.1m (Ground/subfloor – dwelling) 7.5m (Ground – Rear Deck)</td> </tr> <tr> <td>Proposed</td> <td>7.8m (Ground/lower ground – dwelling) 5.3-7.2m (Rear pergola)</td> </tr> </tbody> </table> <p>The proposed reduced rear setback will not be consistent with the rear setbacks of Nos. 4 and 6 Byrnes Avenue (6.7-9.9m and 8.4m, respectively). Nevertheless, the proposed reduced rear setback is considered to be acceptable on merit on the basis that it is unlikely to result in significant additional amenity impacts upon adjoining properties, as demonstrated elsewhere in this report.</p>	Northern rear boundary		Existing	9.1m (Ground/subfloor – dwelling) 7.5m (Ground – Rear Deck)	Proposed	7.8m (Ground/lower ground – dwelling) 5.3-7.2m (Rear pergola)
Northern rear boundary							
Existing	9.1m (Ground/subfloor – dwelling) 7.5m (Ground – Rear Deck)						
Proposed	7.8m (Ground/lower ground – dwelling) 5.3-7.2m (Rear pergola)						

Form, massing & scale	Yes	<p>The proposed works are consistent with the built form, massing, and scale within the area, and will not significantly alter the current footprint and scale of the building. The works to the rear increase the area of indoor and outdoor living spaces without resulting in the substantial loss of landscaped area.</p> <p>The visual appearance of the proposed built form and materials for the rear extensions are also consistent with development along Byrnes Avenue, with original dwellings along the street retained for their heritage significance and modern additions and extensions confined to the rear of the site. The works will not be visible from the public domain, and these works will replace a relatively modern rear addition and balcony/deck. This is consistent with the modern rear sections of surrounding dwellings which are submissive to the original dwelling.</p>
Built form character	Yes	<p>The existing heritage appearance of the dwelling as viewed from the street will not be altered. The remaining proposed works are largely internal and confined to the rear of the site and are unlikely to result in adverse solar, privacy or bulk impacts upon neighbouring properties or the public domain. The visual appearance and materials of the rear extensions are also consistent with development along Byrnes Avenue, where modern additions have been confined to the rear of heritage properties.</p>
Dwelling entry	N/A	<p>The proposed modifications will have no impact on the existing dwelling entry.</p>
Roofs	Yes	<p>The proposed additions will have a pitched roof at the rear, which is consistent with the characteristic roof forms of the surrounding area, particularly for the nearby and adjoining heritage items.</p>
Colours and materials	Yes	<p>The works proposing to extend the dwelling and deck to the rear will be sympathetic to the existing dwelling with the use of recessive colours, and traditional materials such as timber for the cladding over the rear extension. The use of timber is supported by Council's Conservation Planner and the additions do not introduce an excessive amount of glazing. Conditions have been recommended to ensure that existing and proposed brickwork and sandstone are appropriately conserved and laid to match the existing heritage dwelling (see conditions C7, C19).</p>

1.5 Quality urban environment

High quality residential accommodation	Yes	<p>The internal amenity for the dwelling will be substantially improved through a reconfiguration of interior spaces to create large living areas and greater connectivity to the rear garden.</p>																
Site coverage, Landscaped area, and Unbuilt-upon Area	No (Acceptable on merit)	<p>The proposed site coverage, landscaped area and un-built upon area is indicated in the table below.</p> <table border="1" data-bbox="762 1514 1369 1933"> <thead> <tr> <th>Site Area: 259.2m²</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage 50% (max)</td> <td>55.59% (144.1m²)</td> <td>55.59% (144.1m²)</td> <td>No (Unchanged)</td> </tr> <tr> <td>Landscaped area 30% (min)</td> <td>12.96% (33.6m²)</td> <td>20.06% (52m²)</td> <td>No (Increased)</td> </tr> <tr> <td>Un-built upon area 20% (max)</td> <td>31.44% (81.5m²)</td> <td>24.34% (63.1m²)</td> <td>No (Reduced)</td> </tr> </tbody> </table> <p>Whilst all three levels are not compliant with their respective controls, the existing non-compliance in site coverage is not changing the landscaped area is being increased and unbuilt-upon area is being reduced. The proposal would improve the current position in terms of compliance with sections 1.5.5 and 1.5.6 in NSDCP2013</p>	Site Area: 259.2m ²	Existing	Proposed	Complies	Site Coverage 50% (max)	55.59% (144.1m ²)	55.59% (144.1m ²)	No (Unchanged)	Landscaped area 30% (min)	12.96% (33.6m ²)	20.06% (52m ²)	No (Increased)	Un-built upon area 20% (max)	31.44% (81.5m ²)	24.34% (63.1m ²)	No (Reduced)
Site Area: 259.2m ²	Existing	Proposed	Complies															
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Un-built upon area 20% (max)	31.44% (81.5m ²)	24.34% (63.1m ²)	No (Reduced)															

Safety and Security	Yes	Safety and security would not be compromised as a result of the subject development application.
Parking and vehicular access	Yes	The existing parking and access for the subject site will be retained.
Landscaping and front gardens	Yes	Landscaping across the site will be enhanced through additional landscaped areas replacing paving, and a new planting scheme with new trees to replace existing weed species.
Garbage Storage	Yes	The existing garbage storage in the front setback is unchanged by the proposal.
1.6 Efficient use of resources		
Energy efficiency	Yes	The applicant has submitted a valid BASIX Certificate to satisfy the requirements of the BASIX SEPP.
Stormwater management	Yes	All stormwater pipes will connect to the existing system. Council's Development Engineer has recommended appropriate conditions in this regard (see Condition C10).

North Cremorne Planning Area (Waters Neighbourhood)

Consideration has been given to the Character Statement for the North Cremorne Planning Area in Part C of NSDCP 2013, particularly Section 5.3 (Waters Neighbourhood) where this site is located. The proposal is acceptable as the proposed works are primarily located to the rear of the site and are visually recessive. The works are consequently compatible with existing development in the neighbourhood.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$319,630.00
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$3,196.00

A condition is recommended requiring payment prior to issue of any Construction Certificate (refer to **Condition C15**).

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|--------------------|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |

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

SUITABILITY OF THE SITE (Section 4.15 of the EPAA 1979)

The proposal involves the construction of a rear addition to improve the amenity of the residents in a residential zone. Consequently, the proposal is considered to be suitable for the subject site.

SUBMISSIONS (Section 4.15 of the EPAA 1979)

The application was notified to surrounding properties and the Parks Precinct Committee. Three submissions were received, raising various objections. The following matters were raised in the submissions (summarised, *in italics*):

- ***The proposal will result in the loss of outlook and views of sky.***

See the comments regarding view impacts on page 12 of this report, where it was considered that the proposed extension of the building further towards the rear and western side boundaries, would be broadly consistent with the surrounding area, is compliant with the building height limit, and is unlikely to result in a significant impact upon the existing outlook enjoyed by the residents of Merlin Street to the west. It is also noted that this outlook is not identified as significant within the Waters Neighbourhood, and the overall amenity of neighbouring sites will be retained.

- ***The proposal will result in unreasonable overshadowing to the rear of 33-35 Merlin Street.***

See the comments regarding solar access on page 13 of this report, where it was considered that the solar access impacts are relatively minor and will not affect the ability for the rear gardens of 33-35 Merlin Street to continue to receive adequate solar access, particularly from 11am on 21 June.

- ***The proposed western windows will impact upon privacy.***

See the comments regarding privacy impacts on page 10 of this report, where it was considered that the new openings are unlikely to create significant additional privacy impacts for adjoining properties. In the case of the kitchen splashback window on the western elevation, it is recommended that this window be frosted/obscured by condition (see **Condition C14**).

- ***The reduction of the western side setback from 2.7m to 1m will result in dramatically increased bulk and scale.***

- ***The proposed roof sloping from west to east will result in a significantly increased bulk and scale.***

The proposal has been amended to reduce the overall height and visible bulk and scale, particularly to the west, of the proposed additions. See also the comments regarding setbacks, form massing and scale, and built form character on pages 11-13 of this report, which notes that the proposed works are broadly consistent with the surrounding area the area, which includes more contemporary additions to the rear and are unlikely to result in.

- ***Concern regarding the heritage impact of the development upon the group of workers cottages.***

See the comments provided by Council's Conservation Planner and the discussion again Clause 5.10 of NSLEP 2013 on pages 6-7 and 9 of this report, where it was considered that the works will be sympathetic to the existing heritage item, including the retention of all significant fabric (particularly within the mostly intact southern section of the dwelling), and no visibility of the new works from the public domain.

PUBLIC INTEREST (Section 4.15 of the EPAA 1979)

The proposal would provide improved amenity for the residents without causing any unreasonable impacts to the area character, the streetscape, and/or adjoining properties so the proposal would not be contrary to the public interest.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION

The subject application was notified to surrounding properties and the Parks Precinct Committee seeking comment and three submissions were received raising various concerns. Nevertheless, it is considered that the proposal will not have a significant impact upon the general amenity of adjoining properties or the neighbourhood and will be sympathetic to the existing heritage item and the surrounding area, subject to appropriate conditions of consent.

CONCLUSION & REASONS FOR APPROVAL

The development application has been assessed against the relevant planning instruments and policies, in particular the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013, and generally found to be satisfactory.

There would be no unreasonable additional or unreasonable overshadowing, view loss, privacy loss and/or bulk and scale given that the proposal involves mostly internal works that are modest in form and scale and are sympathetic to the existing heritage item within the Cremorne Point Conservation Area, with no significant loss of original internal or external fabric. A condition is recommended to ensure that the works will retain, re-use, and reinstate original fabric where possible.

The proposed works will provide additional resident amenity through improved accessibility and the enhancement of private indoor space without negatively impacting upon the heritage significance of the heritage item, the neighbourhood character of the locality or the amenity of adjoining properties.

The application is considered to be acceptable in the circumstances and it is recommended for **approval** subject to standard and site specific conditions.

RECOMMENDATION

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

THAT NSLPP exercising the functions of Council as the consent authority **grant consent** to Development Application No. 348/22 proposing alterations and additions to the existing semi-detached dwelling upon land at No. 2 Byrnes Avenue, Neutral Bay, subject to the attached conditions:

ANDREW BEVERIDGE
ASSESSMENT OFFICER

ROBYN PEARSON
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
2 BYRNES AVENUE, NEUTRAL BAY
DEVELOPMENT APPLICATION NO. 348/22

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.

No.	Revision	Title	Drawn by	Received
A00	C	Site Plan	Creative Spaces Architects	24/04/2023
D01	C	Demolition Plan	Creative Spaces Architects	24/04/2023
A01	C	Floor Plans	Creative Spaces Architects	24/04/2023
A02	C	Rear & West Elevation	Creative Spaces Architects	24/04/2023
A03	D	Roof Plan & Section A-A	Creative Spaces Architects	24/04/2023
A03A	E	Section B-B & East Elevation	Creative Spaces Architects	24/04/2023
1-2	-	Colour, Materials & Finishes Schedule	Creative Spaces Architects	14/11/2022
2/3	B	Landscape Plan – Site Plan	Andrew Davies	24/04/2023
3/3	B	Landscape Plan – Plant Schedule (Schedule only)	Andrew Davies	24/04/2023

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

Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

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

Dilapidation Report Damage to Public Infrastructure

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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

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

Dilapidation Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining property No. 4 Byrnes Avenue detailing the physical condition of the property, 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)

Dilapidation Report Private Property (Excavation)

- C3. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

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

Structural Adequacy of Existing Building

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

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

Sediment Control

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

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

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

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

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

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

Waste Management Plan

- C6. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Colours, Finishes and Materials (Heritage Items)

- C7. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

Skylight(s)

- C8. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Work Zone

- C9. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Stormwater Disposal

- C10. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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

- C11. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.

- c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Protection of Trees

C12. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
Existing vegetation, including <i>Beaucarnea recurvata</i>	Front setback of 2 Byrnes Avenue.	5m
1 x <i>Melaleuca bracteata</i> 'Revolution Gold'	Rear setback of 33 Merlin Street adjacent to the western side boundary of 2 Byrnes Avenue.	-

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

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C13. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
Trees and vegetation including <i>Ligustrum lucidum</i> and other environmental weeds	Rear setback of 2 Byrnes Avenue.	Various

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

Privacy

C14. The following must be applied to the proposed development to protect privacy for the adjoining properties:

- (a) The ground floor level kitchen splashback window (W03) on the western side elevation, must be fitted with frosted glazing or equivalent. Opaque films applied to transparent glass that may be easily removed are not permitted;

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

(Reason: To protect the privacy for adjoining properties.)

Section 7.12 Contributions

C15. 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. Based on the cost of development a total contribution of \$3,196.00 is to be paid to Council to provide for additional local infrastructure Improvements.

The contribution MUST BE paid prior to the 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

C16. 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 (\$)
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees are applicable

Fees	Amount (\$)
Section 7.12 Development Contributions	\$3,196.00
TOTAL FEES	\$3,196.00

(Reason: Compliance with the development consent)

BASIX Certificate

C17. 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. A495151, dated 26 April 2023 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Amendments to the Landscape Plan

C18. The plans approved as per Condition A1 of this consent, must be amended as follows:

- 1) *Ligustrum lucidum* and other environmental weeds within the rear setback of 2 Byrnes Avenue shall be removed.

Amended plans 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 plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure an appropriate landscaped context and to demonstrate compliance with Council's controls)

Heritage Requirements

C19. Details demonstrating compliance with the following are to be submitted with the Construction Certificate:

- a) The original internal glazed door that is to be removed in the hallway is to be salvaged for re-use and/or re-sale to ensure that heritage-significant architectural features remain available to the community.
- b) The windows and doors on the original dwelling are to have a traditional painted finish. All other new timber windows and doors may have a stained or painted finish.
- c) The wall cladding is to have a painted, not stained finish.
- d) New metal roof sheeting is to have a corrugated profile.

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

(Reason: To ensure the use of materials and built elements are consistent and sympathetic to the character of the conservation area and the original dwelling)

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.

Sensitive construction techniques including hand excavation, pier and beam construction, and the flexible location of piers/footings shall be used within the Tree Protection Zone of any protected tree. No roots greater than 40mm shall be cut. No stormwater or any other underground services shall be directed through the Tree Protection Zone of any protected tree.

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

(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 as per Condition C12 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*

Reuse of Sandstone

E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

Parking Restrictions

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

Removal of Extra Fabric

- E5. 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

- E6. 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

- E7. The works must be undertaken in accordance with the "Interim Construction Noise Guideline," published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E8. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

- E9. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E10. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

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. 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:

- 1) 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.
- 2) An application to modify this consent pursuant to Section 96 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:

Trees that are acceptable to remove	Location	Height
Trees and vegetation including <i>Ligustrum lucidum</i> and other environmental weeds	Rear setback of 2 Byrnes Avenue	Various

(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)

Noxious Plants

E14. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

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

Construction Hours

E15. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
Residential 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

E16. 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

E17. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

E18. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

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

Health and Safety

E19. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

E20. 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

- E21. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E22. 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)

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)

Mandatory Critical Stage Inspections

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

(Reason: Statutory)

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

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

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

Site Sign

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

Works as Executed Drawings and Video

- G2. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Certifying Authority prior to the issue of an Occupation Certificate.

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

(Reason: Compliance with the Consent)

Damage to Adjoining Properties

- G3. 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)

Utility Services

- G4. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Certification of Tree Condition

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

Tree	Location	Height
Existing vegetation, including <i>Beaucarnea recurvata</i>	Front setback of 2 Byrnes Avenue.	5m
1 x <i>Melaleuca bracteata</i> 'Revolution Gold'	Rear setback of 33 Merlin Street adjacent to the western side boundary of 2 Byrnes Avenue.	-

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

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

BASIX Completion Certificate

G6. 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

G7. The landscaping shown in the approved landscape plans in Condition A1, and as amended by Condition C19 of this consent, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain Conditions

G8. Prior to the issue of any Occupation Certificate, Conditions C14, C18 and C19 must be certified as having been implemented on site and complied with.

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

I. Ongoing/Operational Conditions

Single Occupancy

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

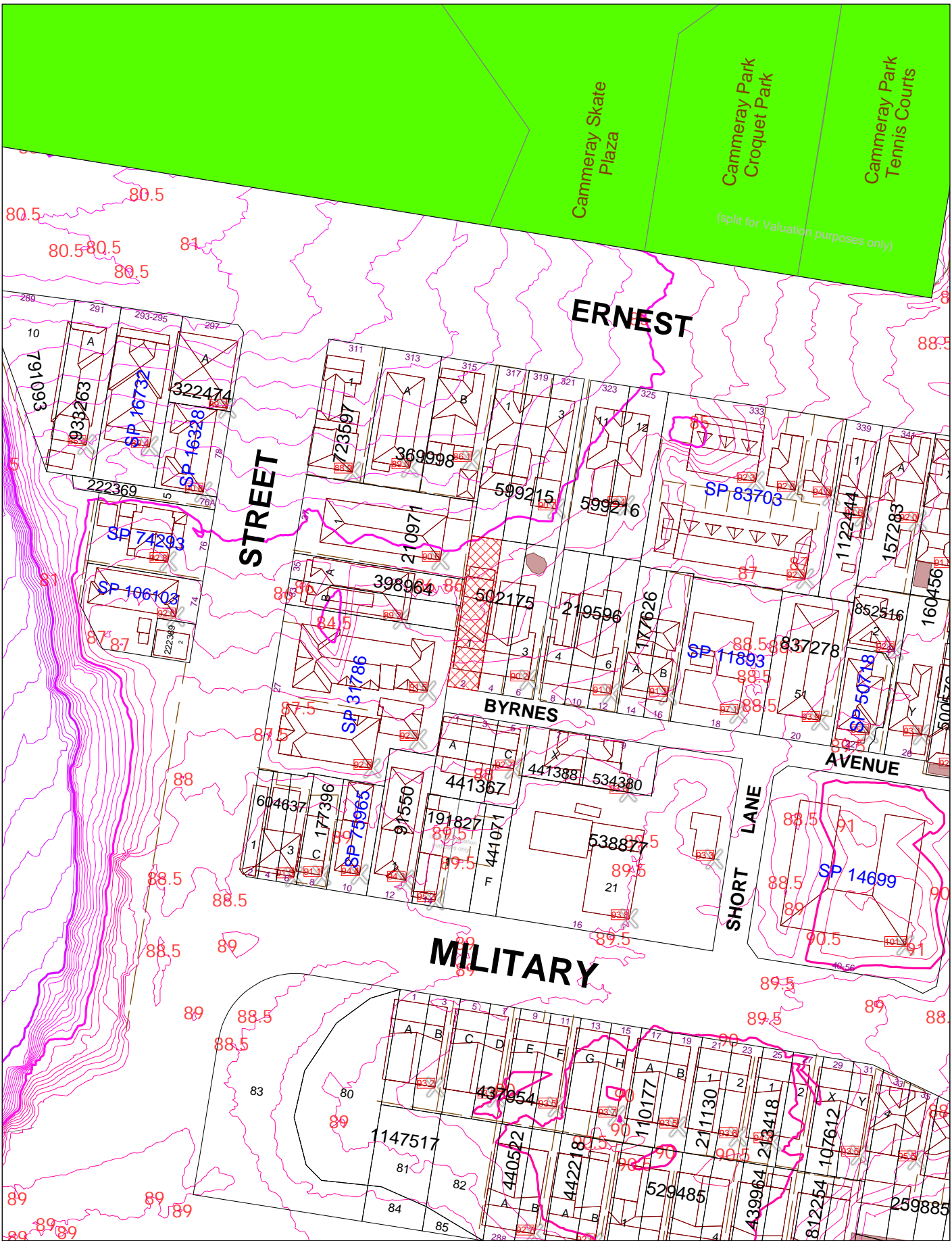
(Reason: To ensure compliance with the terms of this consent)

Maintenance of Approved Landscaping

I2. The owner(s) of the dwelling at 35 Darley Street, Neutral Bay, is to maintain the landscaping approved by this consent generally in accordance with the approved plans in condition A1, and as amended by Condition C18 of 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.

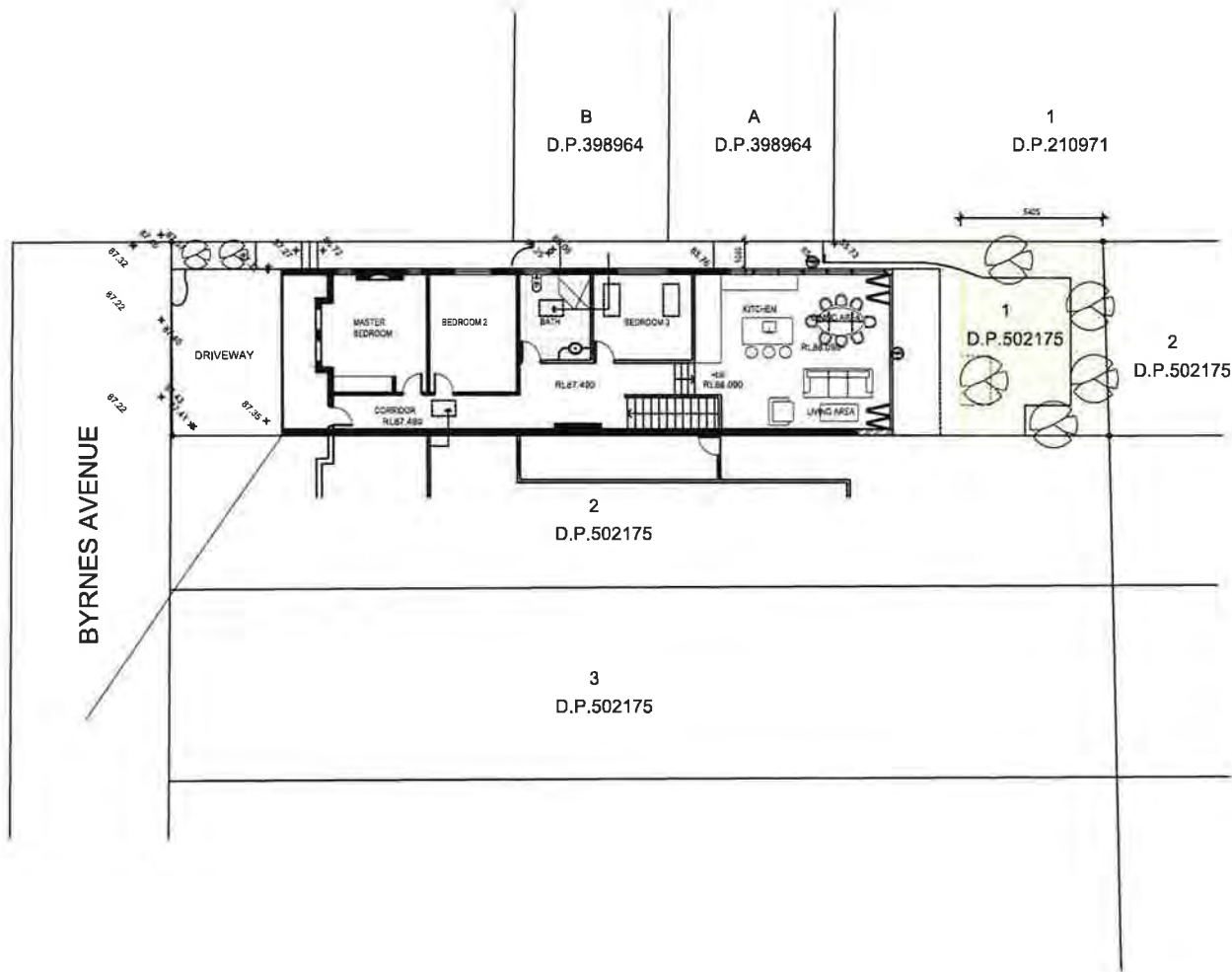
(Reason: To ensure maintenance of an appropriate landscaped setting)



North Sydney Council

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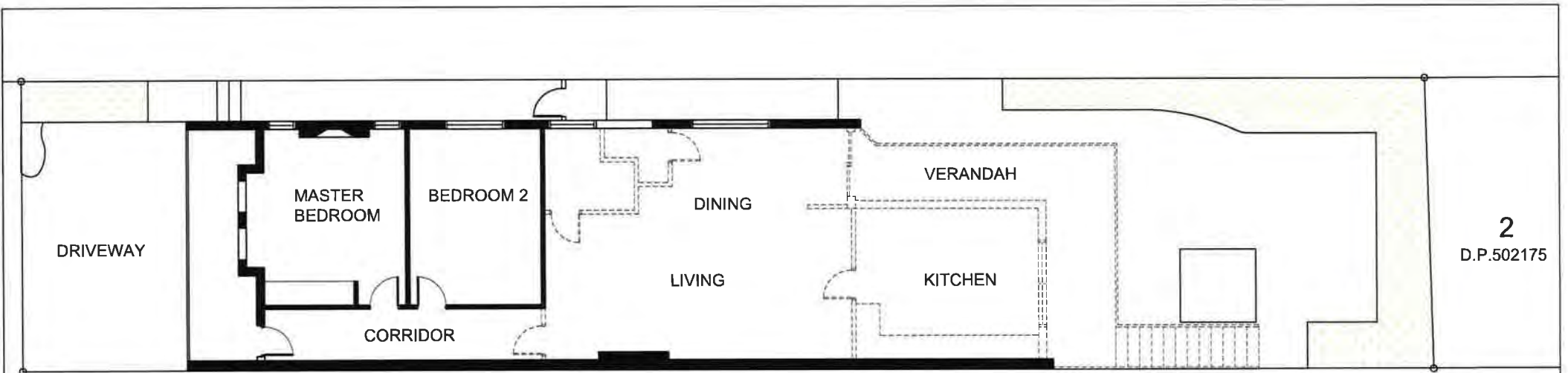
Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.



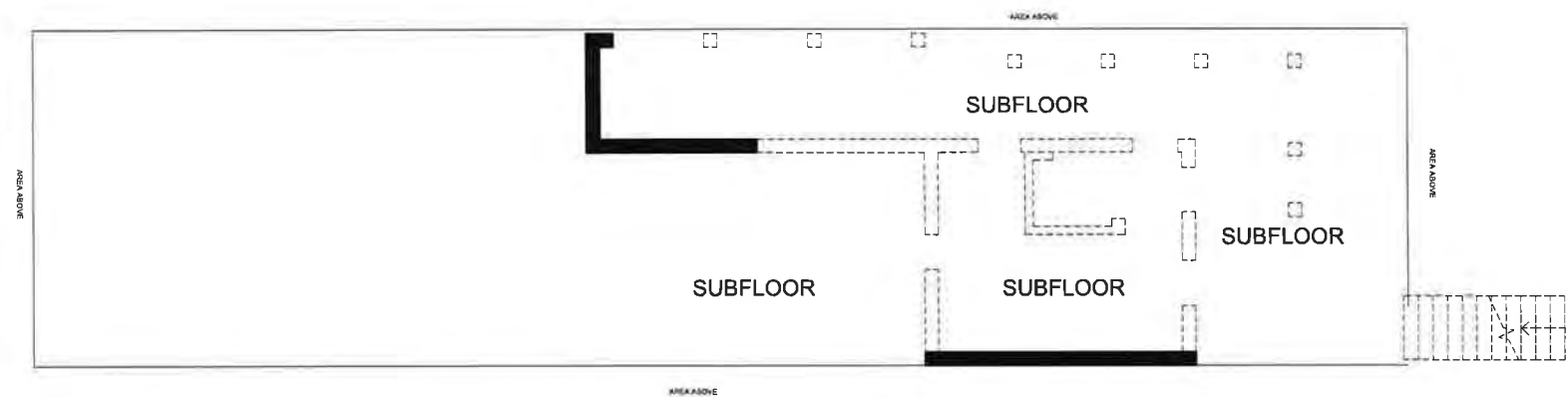
SITE CALCULATIONS	
SITE AREA	259.3m ²
EXISTING FLOOR TOTAL AREA	121m ²
ADDITIONAL GROUND FLOOR TOTAL AREA	215m ²
ADDITIONAL RUMPUS FLOOR TOTAL AREA	25.59m ²
TOTAL AREA	174m ²
PROPOSED FSR	0.67 1
LANDSCAPE AREA	52m ²
LANDSCAPE AREA/SITE AREA	20%
PROPOSED SITE COVERAGE	55.59%



CREATIVE SPACES ARCHITECTS <small>NEW ARCH REG BOARD NO: 7364 LEVEL 1/68 ALEXANDER STREET CROWD NEST, NEW 2002 AUSTRALIA PH: FAX: 22 9904 7334</small>	PROJECT NAME:	DRAWN BY:	APPROVED:	PROJECT NO:
	PROPOSED ADDITION & ALTERATION TO EXTG HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY, NSW	JAF	FF	21003
	DRAWING TITLE:	SCALE:	DATE:	
	SITE PLAN	1:2000	OCT 2021	
	DWG NO:	REV:		
	A00	C		



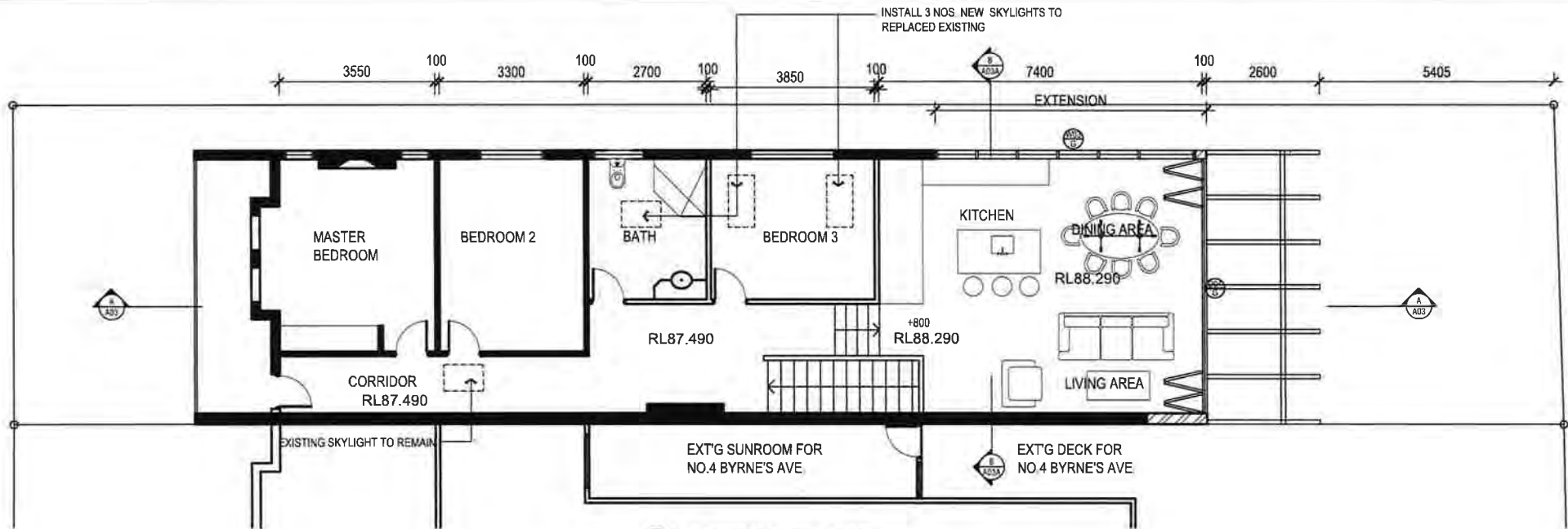
1 GROUND FLOOR PLAN
1:100



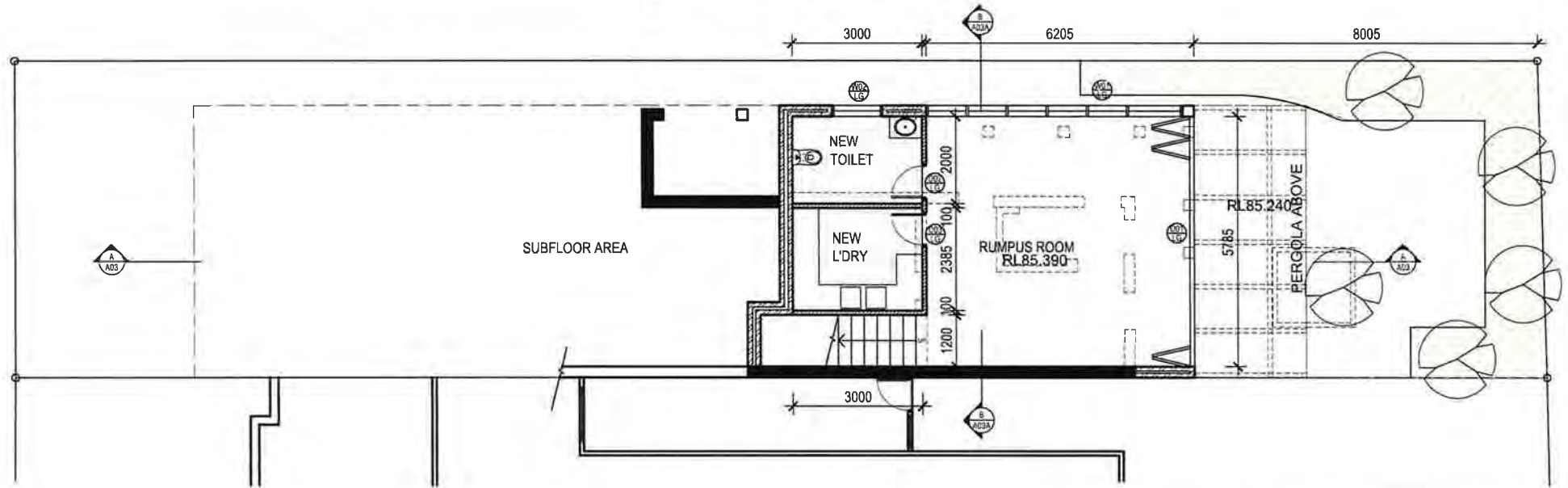
2 LOWER GROUND FLOOR PLAN
1:100

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CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 1264 LEVEL 1/68 ALEXANDER STREET CROWD NEST, NSW 2065 AUSTRALIA PH/ FAX: 02 9304 1374</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO.2, BYRNES AVENUE NEUTRAL BAY NSW	<small>DRAWN BY</small> MF	<small>APPROVED</small> FF	<small>PROJECT NO</small> 21002
	<small>SCALE</small> 1:100(2/3)	<small>DATE</small> 01SEP 21	<small>DWG NO</small> D01	<small>REV</small> A
	<small>DRAWING TITLE</small> DEMOLITION PLAN			



1 GROUND FLOOR PLAN
1:100

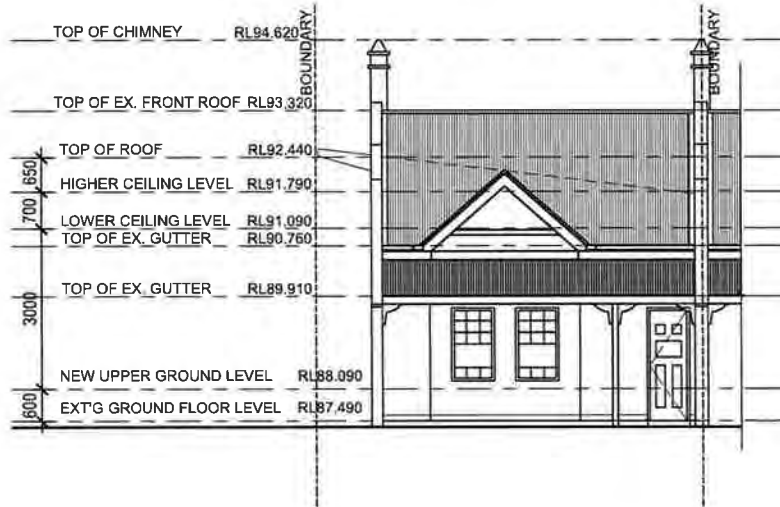


2 LOWER GROUND FLOOR PLAN
1:100

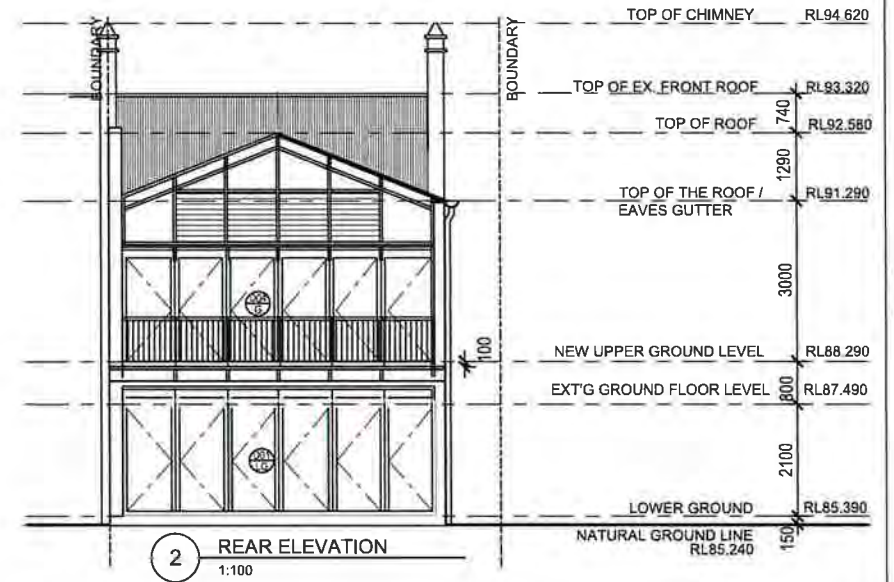
CREATIVE SPACES ARCHITECTS <small>NSW ARCH. REG. BOARD NO. 1264 LEVEL 1/88 ALEXANDER STREET CROWS NEST NSW 2065 AUSTRALIA PH: FAX: 02 9904 7331</small>	<small>PROJECT NAME:</small> PROPOSED ADDITION & ALTERATION TO EXISTING HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY, NSW	<small>DRAWN BY:</small> AP	<small>APPROVED BY:</small> EF	<small>PROJECT NO:</small> 21003
	<small>DRAWING TITLE:</small> FLOOR PLANS	<small>SCALE:</small> 1:100@A3	<small>DATE:</small> 01SEP 21	<small>DWG NO:</small> A01

FINISHES SCHEDULE

1. ROOF, GUTTERS, DOWNPIPES: COLORBOND ROOF SHEETING, GUTTERS AND DOWNPIPES. COLOUR TO BE WOODLAND GREY.
2. WESTERN & NORTHERN (REAR) WALLS: ACRYLIC RENDERED WALLS. COLOUR TO BE DULUX BEIGE ROYAL HALF OR DULUX CLASSIC CREAM HALF OR SIMILAR.
3. DOORS/WINDOWS: STAINED TREND CEDAR TIMBER DOORS AND WINDOWS (OR SIMILAR). STAIN COLOUR TO BE SIKKINS LIGHT OAK, 666 FILTER 7+ OR POWDER-COATED ALUMINIUM FRAMED WINDOWS AND DOORS, COLOUR TO BE WOODLAND GREY.
4. BACK AWNING: SPOTTED GUM OR MERBAU TIMBER RAFTERS AND GLASS PANELS WITH SPACED TIMBER BATTENS (UNDER THE GLASS PANEL).
5. TIMBER CLADDED WALL: STAINED CEDAR TIMBER PANELS. STAIN COLOUR TO BE SIKKINS LIGHT OAK, 666 FILTER 7+.



1 FRONT ELEVATION
1:100

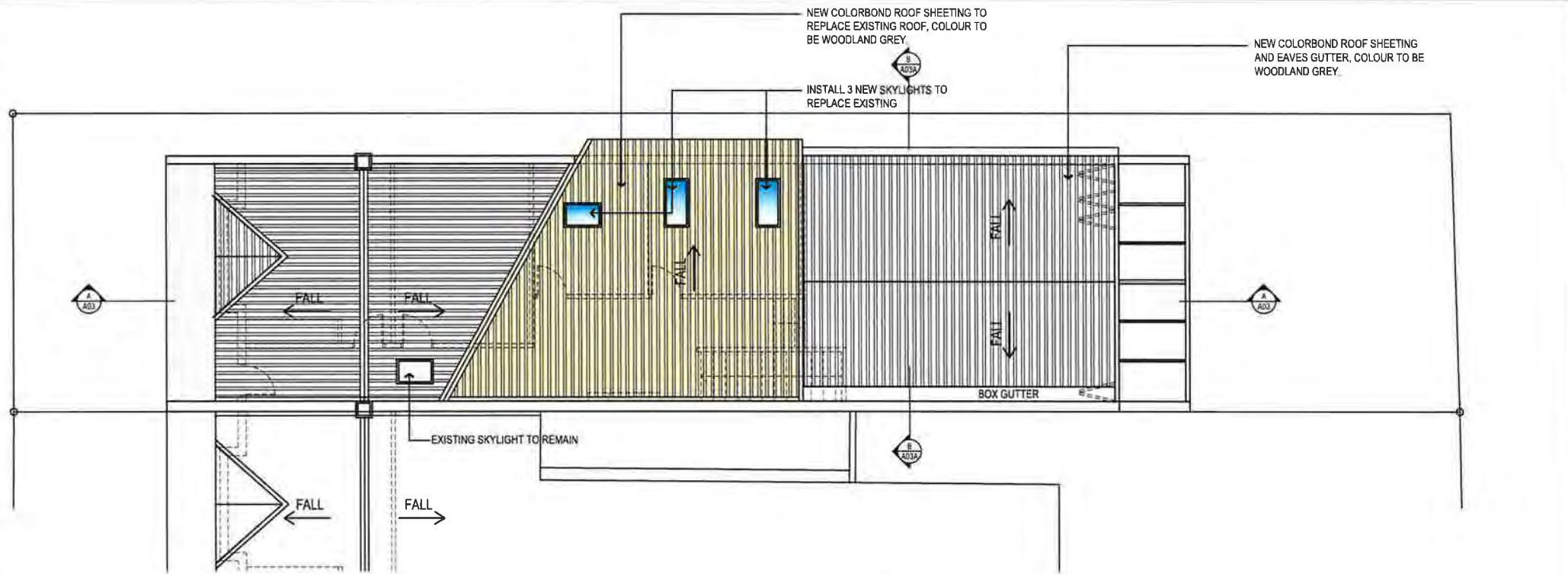


2 REAR ELEVATION
1:100

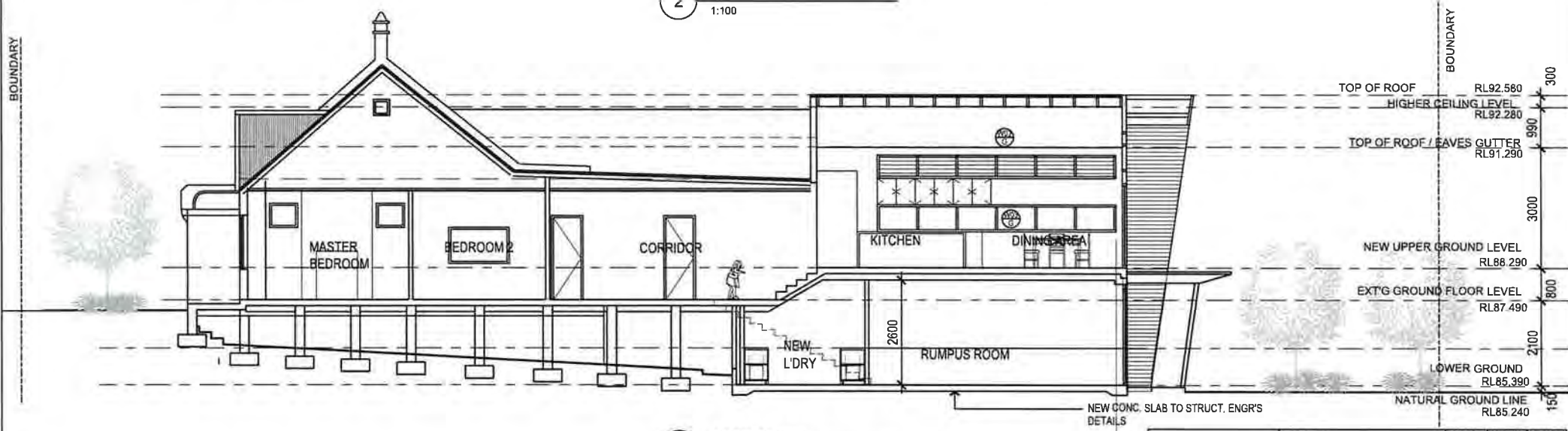


3 WEST ELEVATION
1:100

CREATIVE SPACES ARCHITECTS <small>NSW ARCH. REG. BOARD NO. 3764 LEVEL 1/108 ALEXANDER STREET CHICHO WEST, NEW ZEALAND AUSTRALIA PH: FAX: 01 9304 3374</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO.2 BYRNES AVENUE, NEWCASTLE BAY, NSW	<small>DRAWN BY</small> AJF	<small>APPROVED BY</small> JF	<small>PROJECT NO.</small> 21003	
	<small>SCALE</small> 1:100(0.6AS)	<small>DATE</small> MAR 2021			
	<small>DRAWING TITLE</small> REAR & WEST ELEVATION	<small>DWG NO.</small> A02	<small>REV</small> C		

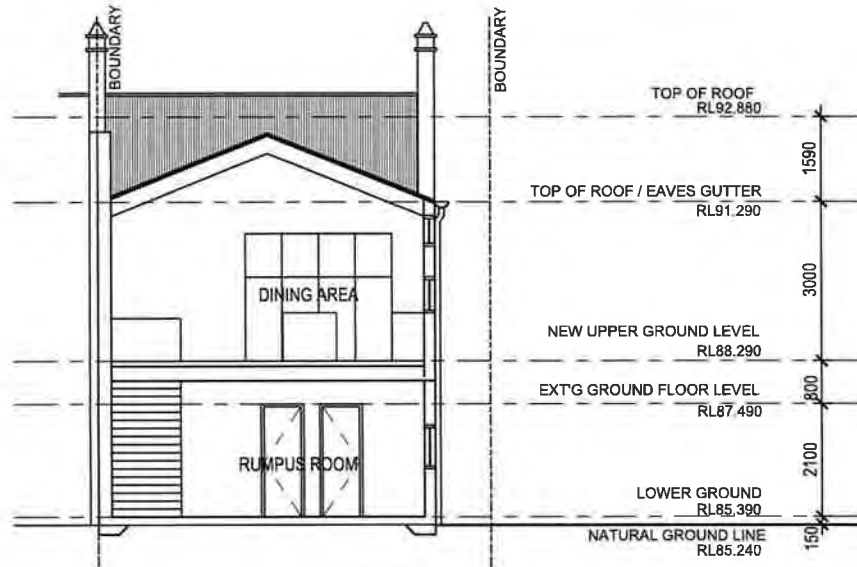


2 ROOF PLAN
1:100

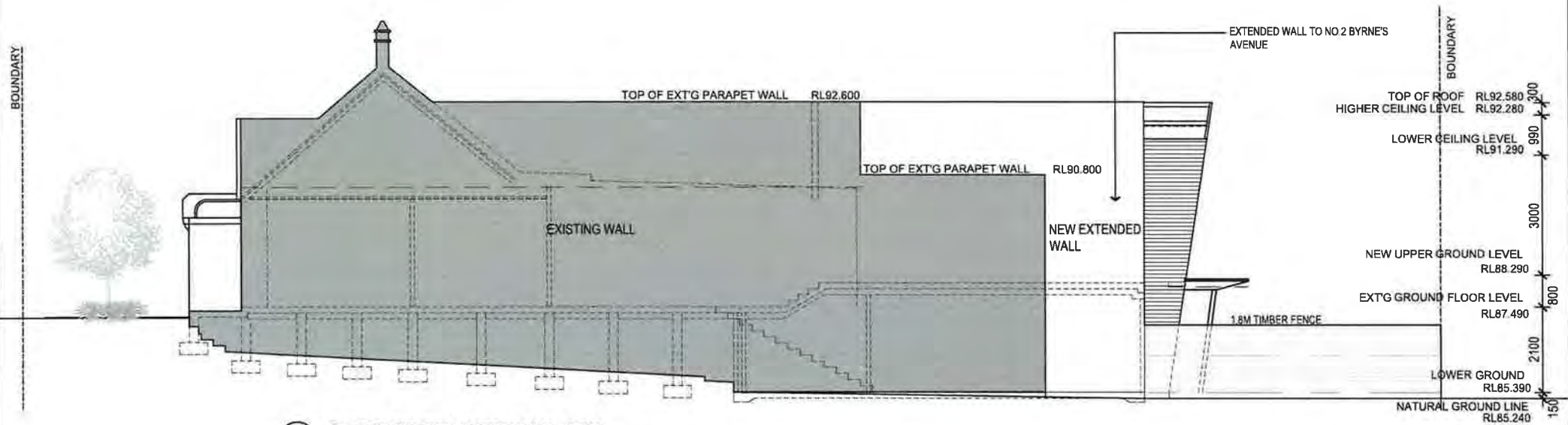


1 SECTION A-A
1:100

CREATIVE SPACES ARCHITECTS <small>NEW ARCH REG 86480 NO 7284 LEVEL 1/108 ALEXANDER STREET CROWS NEST, NEW 2065 AUSTRALIA PH/ FAX 02 9904 7316</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO 2 BYRNES AVENUE, NEUTRAL BAY, NSW	<small>DRAWN BY</small> AF	<small>APPROVED BY</small> FF	<small>FIGURE NO</small> 2/1003
	<small>SCALE</small> 1:100(8AS)	<small>DATE</small> MAR 2021	<small>DWG NO</small> A03	<small>REV</small> D
<small>DRAWING TITLE</small> ROOF PLAN & SECTION A-A				

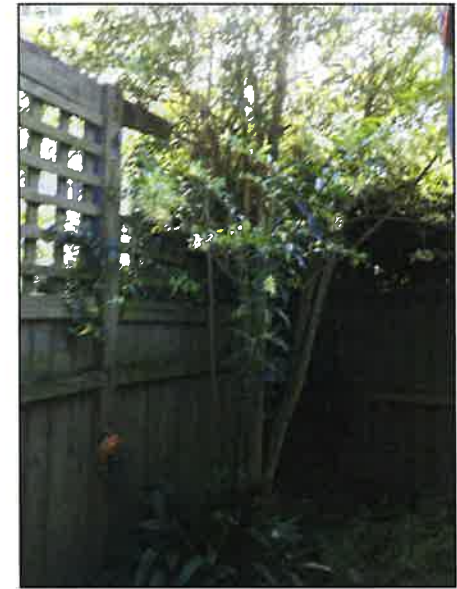


2 SECTION B-B
1:100



1 EAST ELEVATION (PARTY WALL VIEW)
1:100

CREATIVE SPACES ARCHITECTS NSW ARCH REG BOARD NO 7254 LEVEL 1/68 ALEXANDER STREET CROWS NEST, NSW 2203 AUSTRALIA PH: FAX: 21 9394 1314	PROJECT NAME PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY, NSW	DRAWN BY AF	APPROVED BY JF	PROJECT NO 21003
	DRAWING TITLE SECTION B-B & EAST ELEVATION	SCALE 1:100 (EAS)	DATE OCT 2021	REV E
	DWG NO. A03A			



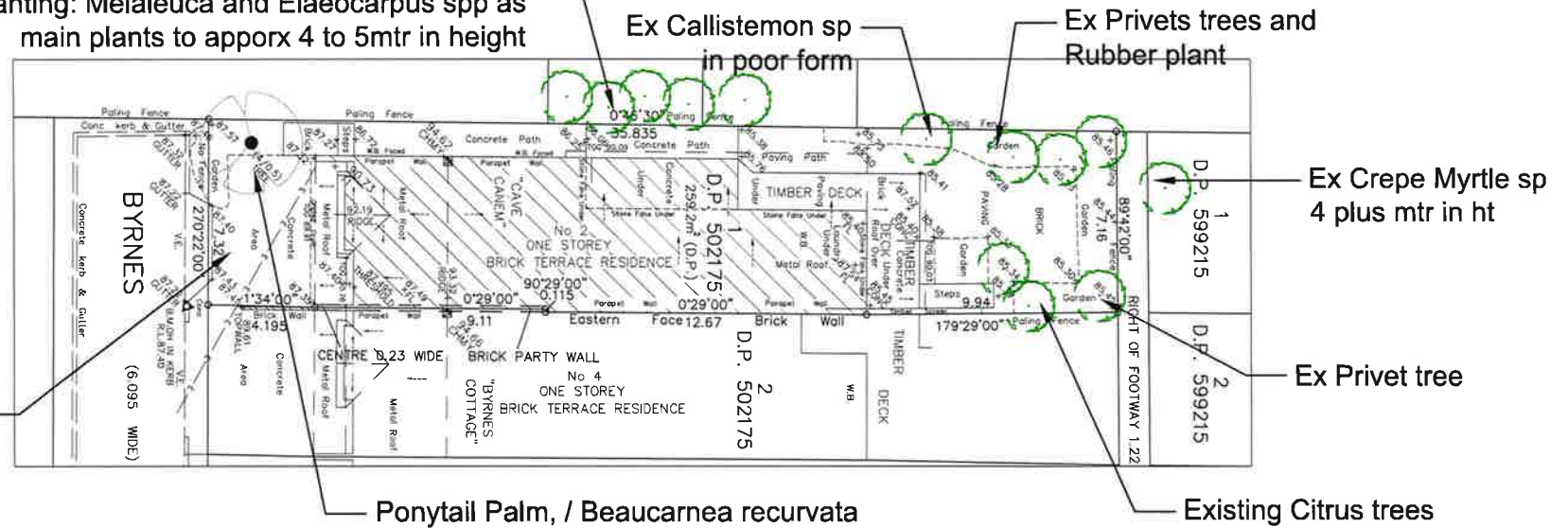
Images shows western boundary existing screen planting: Melaleuca and Elaeocarpus spp as main plants to approx 4 to 5mtr in height

general garden area to north

Ex Privet tree



Images shows existing street view



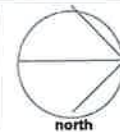
Ponytail Palm, / Beaucarnea recurvata

Existing Citrus trees

Site Analysis and Images

Landscape plan
2 Byrnes Ave Neutral Bay
NSW 2089

Issue: A
Issue: B



Andrew Davies
landscape designer

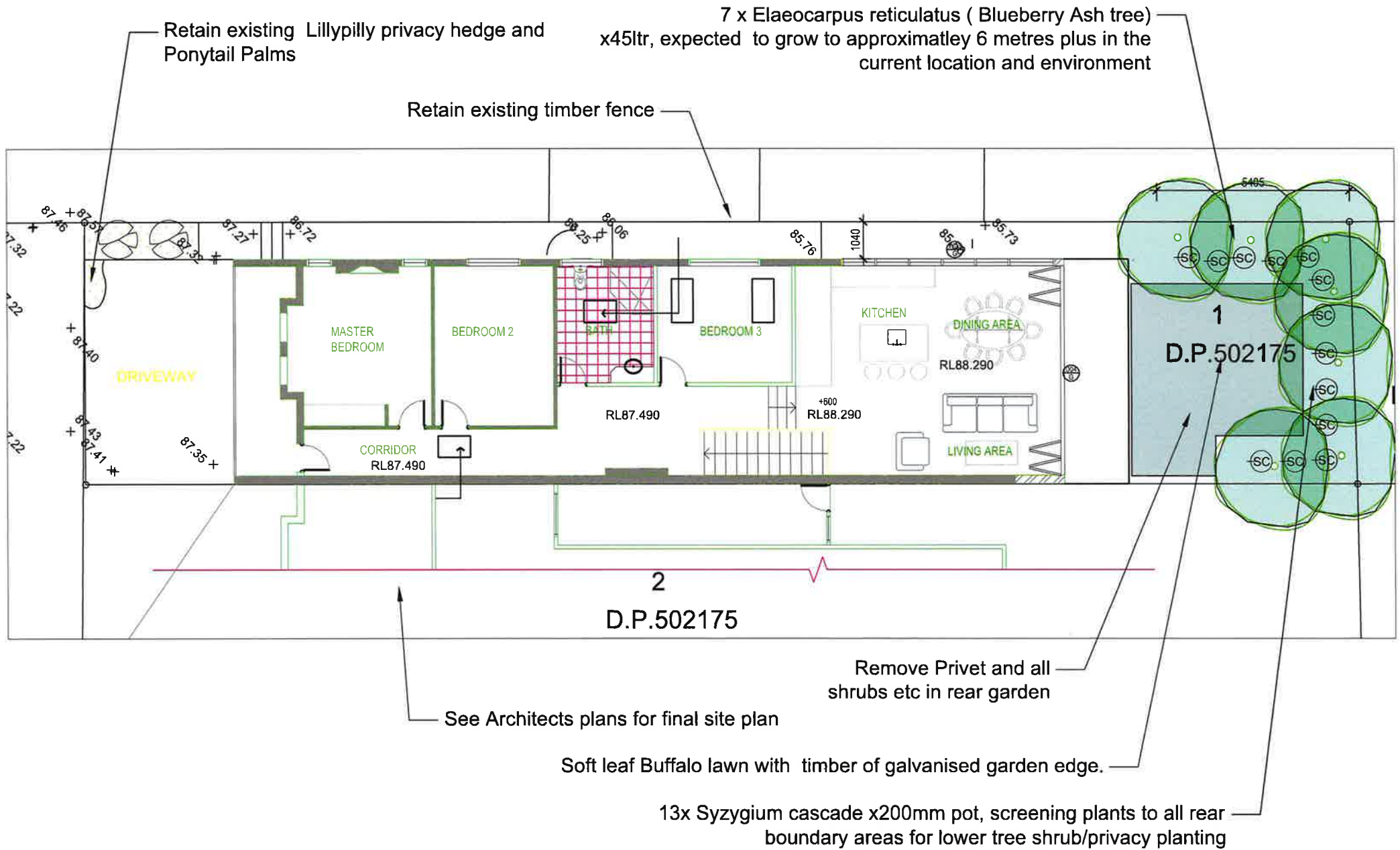
27 Turntable Street, Moore Vale NSW 2103
www.banksiadesigngroup.com.au
ph: 11 965 218 625
www.banksiadesigngroup.com.au 2414 2800 57



Landscape DA Plan

Drawing AD/TT	Checked by: AD
Andrew Davies	Job RS 203106
Date 13.4.23	Issue A
Scale 1 to 200 AD	

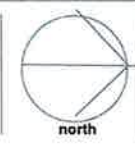
1
3



Site Plan

Landscape plan
2 Byrnes Ave Neutral Bay
NSW 2089

Issue: A
 Issue: B



Andrew Davies
 landscape designer
 2/7 Tomella Street, Moore Vale NSW 2105
 andrew@andrewdavieslandscape.com.au
 mob: 17 999 316 622
 www.andrewdavieslandscape.com.au 0414 290 57



Landscape DA Plan	
Drawing ADITY	Checked by AD
Andrew Davies	100 RB 230206
Date: 13.4.23	Issue: A
Scale: 1:500 A3	
Author	

2
3

LANDSCAPE GENERAL SPECIFICATION AND NOTES

All landscape works and material supply, to be in accordance with AS 4000, LCA guidelines and Occupational Health & Safety standards.

All landscape works to comply with relevant Australian Standards and relevant Building Codes of Australia

All dimensions and locations to be checked on site and confirmed by landscape site supervisor before commencement of works

Do not scale from drawings. Dimensions take preference

Plant schedule and quantities to be used as guide only and to be confirmed by contractor before final purchase of plants

Final plant positions to be determined on site (by Landscape Supervisor).

DESIGN LIABILITY NOTE: No liability is accepted by these plans. Contractors are required to check ALL construction facts, figures and relevant information pertaining to the soft and hard scape works to be performed. Should anomalies occur, the designer or a representative of Andrew Davies/Banksia Design Group must be contacted and given due notice and sufficient documentation and, if required, due compensation to allow for adjustment/s to plans, documentation etc

REMOVAL OF NOXIOUS WEEDS: As a duty of care exists for all contractors: if a noxious weed exists onsite it should be removed after discussion with the owner or site supervisor.

ENVIRONMENTAL MANAGEMENT AND SEDIMENT CONTROL: All Landscape works to adhere with Environmental Legislation outlined in the *Protection of the environment operations act 1997*, by the EPA NSW.

It is highly recommended to use Dial Before You Dig services – contact for information at www.dialbeforeyoudig.com.au or call 1100.

TREES: All trees to be staked: use 2 x hardwood 50x50mm stakes and hessian webbing. See detail

TURF: 1. Install turf rolls diagonal to the fall of the land. Roll turf following installation, and water as required. Use soft leaf Buffalo sp

2. 50 - 70mm topsoil underlay to be used in ground preparation. Note check ph after construction and before laying turf, adjust as required for optimum plant growth

SOIL:

1. Contractor is to check soil pH levels, two weeks prior to planting, and allow for reasonable adjustments, using lime or similar to ensure plant viability

2. Break up existing ground surface using mattock, rotary hoe or tractor tine as required

3. Topsoil sandy loam 50mm depth to turf areas.

4. Where necessary mound soil to assist in soil drainage to avoid root rot and poor plant growth

5. Incorporate ¼ tonne organic soil mix into holes where trees are planted, using recycled leaf litter as mulch

6. Soil Quality to be Australian Native Landscape Standard

7 Supply and Install 'Garden Mix' to all garden beds incorporated into the top 300mm of existing site profile. Note use rotary hoe as required do not just place on top of ground

MULCH: Mulch to be installed to all planter beds to a depth of 75mm. Mulch type to be Recycled Leaf Litter ideally from local tree company based on more native plants than general exotics.

EDGING: See plan for locations. Top edge higher than lawn to allow garden beds to be aerated & mounded

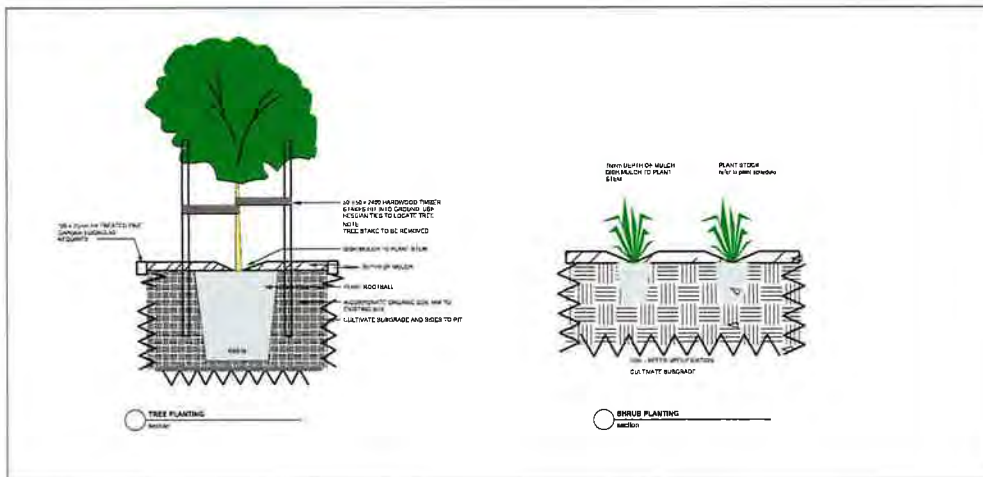
DRAINAGE: see Hydraulic Engineer drawings

LIGHTING: to future plans TBA

MAINTENANCE: New plants to receive regular deep irrigation for a minimum 12 weeks establishment period. Seasonal pruning, fertilising and pest and disease checks to be carried out. Advice by qualified horticulturalist recommended

IRRIGATION: Drip irrigation TBA

Botanical Name	Common Name	Pot size mm	Dimensions WxH in metres	Qty.
<i>Elaeocarpus reticulatus</i>	Blueberry Ash tree	45ltr	3to4 x6mt plus	7
<i>Syzygium cascade</i>	Pink flowering lillypilly	200mm	1.5x1.5 plus	13



Site notes and Plant Schedule

**Landscape plan
2 Byrnes Ave Neutral Bay
NSW 2089**

Issue: A
Issue: B

Andrew Davies
landscape designer
27 Turinda Street, Mosman NSW 2105
andrew@adlandscapegroup.com.au
02 955 376 623
www.adlandscapegroup.com.au 0414 2890 17



Landscape DA Plan		
Drawing ADTT	Checked by AD	3
Andrew Davies	Julie 06 202206	
Date: 13-4-22	Issue: B	3
Scale		
As per		

COLOUR, MATERIALS & FINISHES SCHEDULE

PROJECT: PROPOSED ADDITION & ALTERATION TO
EXT'G HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL
BAY, NSW




**CREATIVE SPACES
ARCHITECTS**

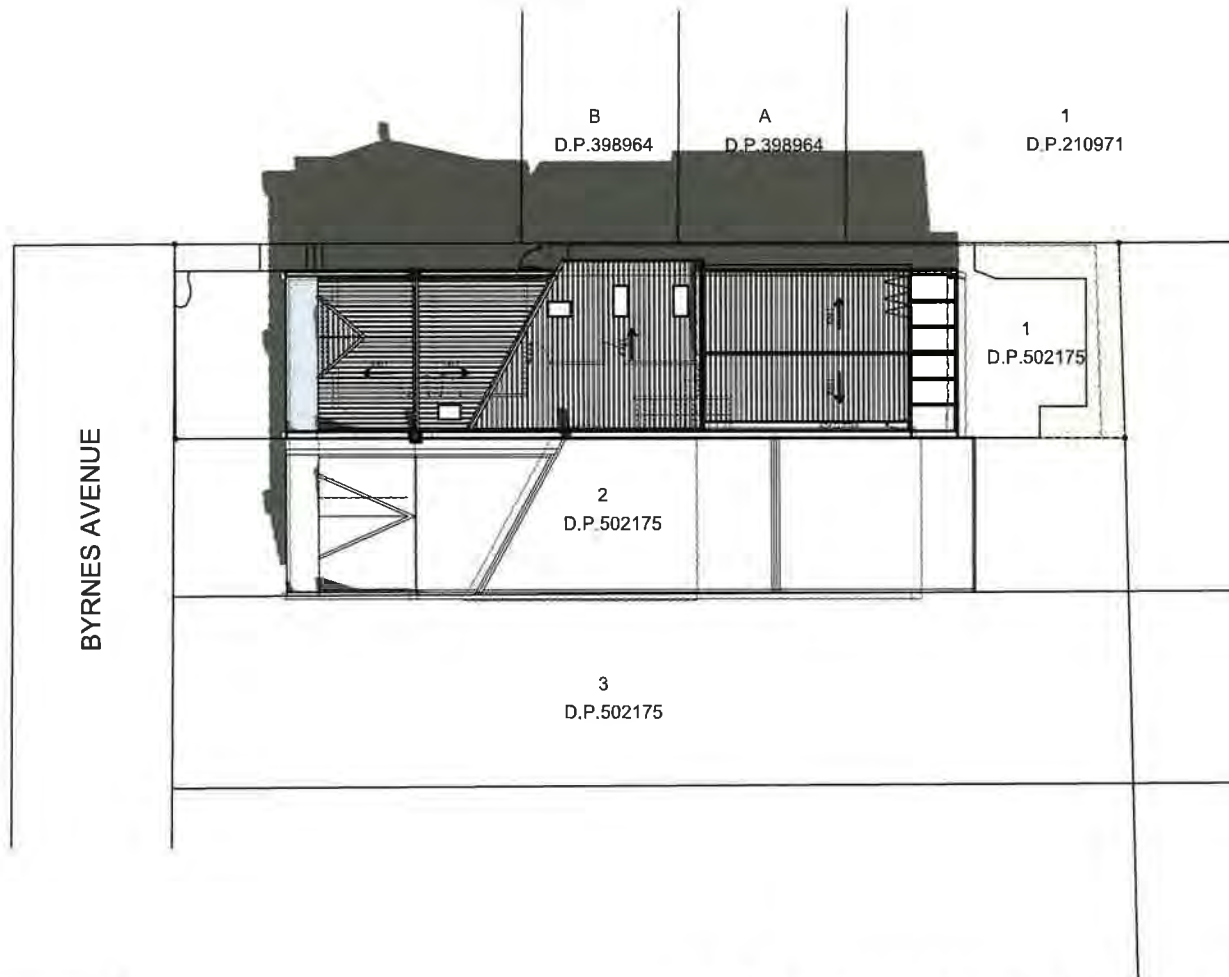
NSW ARCH. REG. BOARD NO. 7264
LEVEL 1/68 ALEXANDER STREET
CROWS NEST, NSW 2065 AUSTRALIA
PH/ FAX: 02 9904 7374

No.	Item	Finishes
1.	Roof, Gutters, Downpipes: Colorbond Roof Sheeting, Gutters and Downpipes	Colorbond Woodland Grey  WOODLAND GREY®
2.	Side and Back Walls: Acrylic Rendered Walls	Colour – Dulux Beige Royal Half or Classic Cream Half  Dulux Beige Royal S15B1
3.	Doors/Windows: Stained Trend Cedar Timber Doors and Windows (or similar).	Stain colour to be Sikkins Light Oak, 666 Filter 7+  Light Oak

**CREATIVE SPACES
ARCHITECTS**

NSW ARCH. REG. BOARD NO. 7264
LEVEL 1/68 ALEXANDER STREET
CROWS NEST, NSW 2065 AUSTRALIA
PH/ FAX: 02 9904 7374

4.	Rear timber cladded wall: painted timber panels.	Painted Timber Panels. Colour to be Dulux Beige Royal Half or Classic Cream Half. 
5.	Back Pergola: Spotted Gum or Merbau Timber Rafters	Stain colour to be Sikkins Light Oak, 666 Filter 7+   Light Oak



BYRNES AVENUE

B
D.P. 398964

A
D.P. 398964

1
D.P. 210971

1
D.P. 502175

2
D.P. 502175

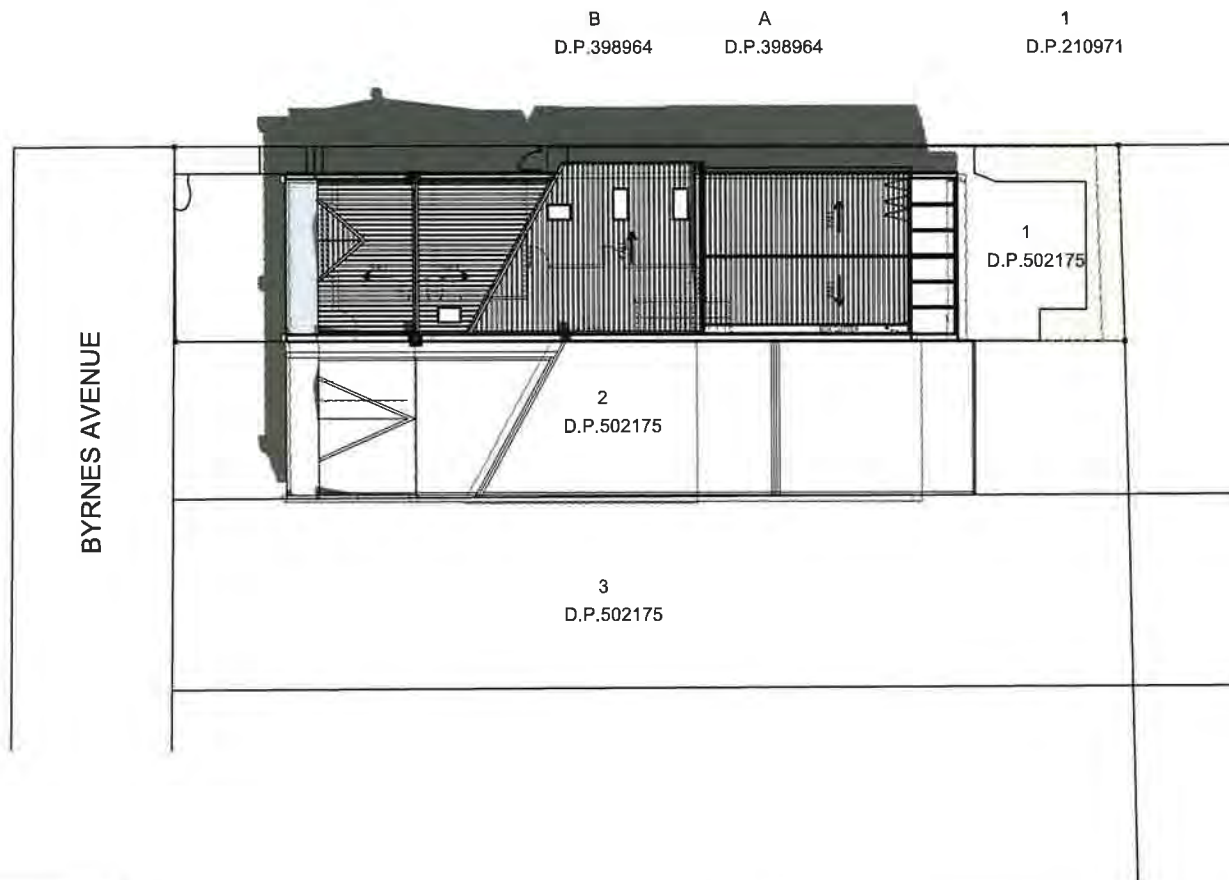
3
D.P. 502175



21 DEC - 09:00AM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	86°05'55"
ALTITUDE	51°07'32"

1 DEC 21 EQUINOX SHADOW DIAGRAMS 09:00AM
1:200

CREATIVE SPACES ARCHITECTS		PROJECT NAME	DRAWN BY	APPROVED	PROJECT NO
NSW ARCH REG BOARD NO 7264 LEVEL 1/18 ALEXANDER STREET CROWS NEST, NEW 2065 AUSTRALIA PH/ FAX: 02 9504 7376		PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO 2 BYRNES AVENUE, NEUTRAL BAY NSW	JAF	FF	21003
DRAWING TITLE		SCALE	DATE	DWG NO	REV
PROPOSED SHADOW DIAGRAMS		1:200(AS)	OCT 2021	A10	B



21 DEC - 10:00AM SHADOW DIAGRAM	
LATITUDE	33°45'
AZIMUTH	86°05'55"
ALTITUDE	51°07'32"

1 DEC 21 EQUINOX SHADOW DIAGRAMS 10:00AM
1:200

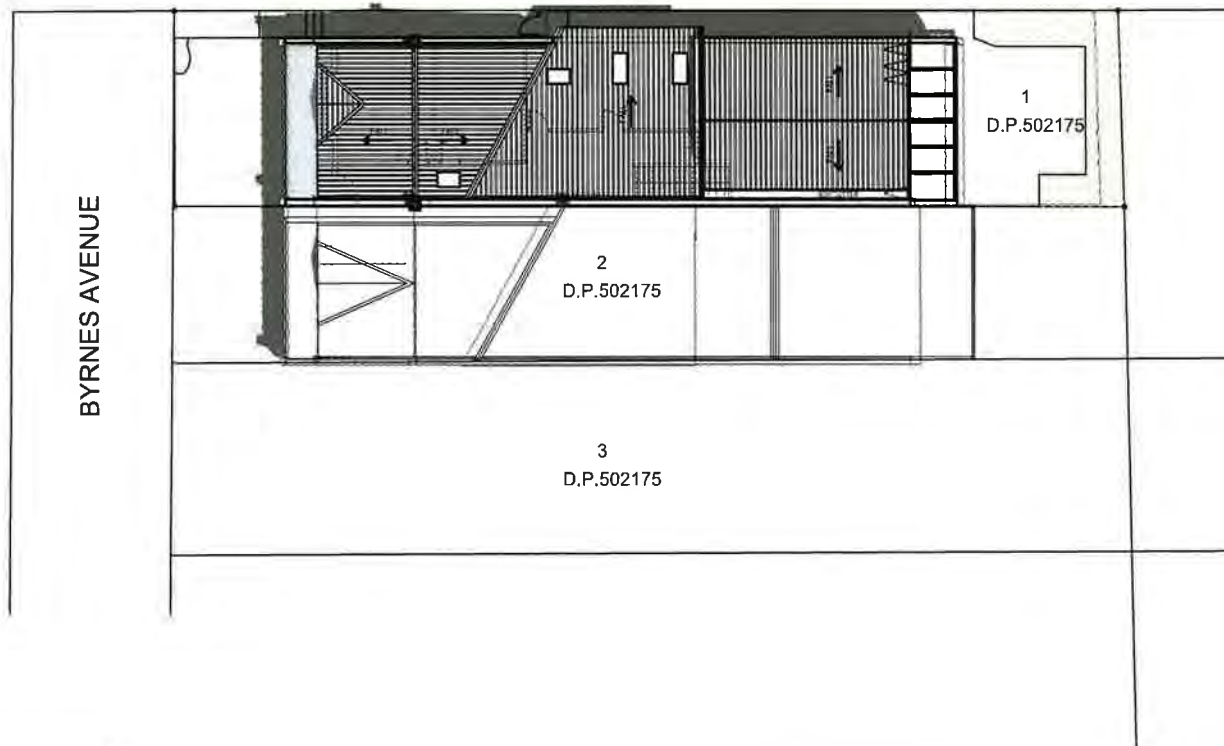
CREATIVE SPACES ARCHITECTS NSW ARCH REG BOARD NO 7264 LEVEL 1/88 ALEXANDER STREET CROWDS NEST NSW 2065 AUSTRALIA PH/ FAX: 02 9904 1316	PROJECT NAME:	DRAWN BY:	APPROVED:	PROJECT NO:
	PROPOSED ADDITION & ALTERATION TO EX'G HOUSE AT NO 2 BYRNES AVENUE, NEUTRAL BAY, NSW	AJP	FF	21003
	DRAWING TITLE:	SCALE:	DATE:	
	PROPOSED SHADOW DIAGRAMS	1:200(A3)	OCT 2021	
	DWG NO:	REV		
	A10a	A		

B
D.P.398964

A
D.P.398964

1
D.P.210971

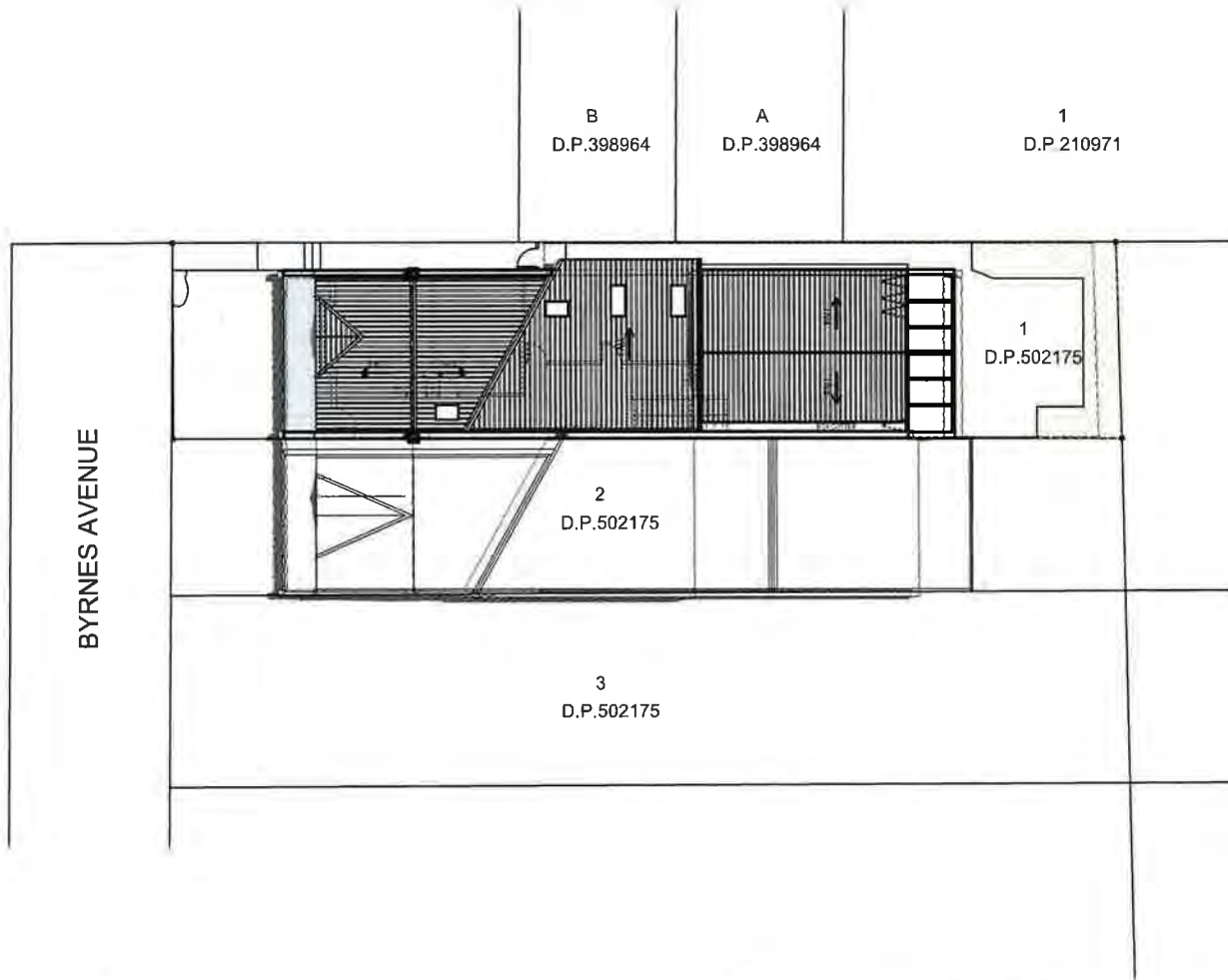
BYRNES AVENUE



21 DEC - 11:00AM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	86°05'55"
ALTITUDE	51°07'32"

1 DEC 21 EQUINOX SHADOW DIAGRAMS 11:00AM
1:200

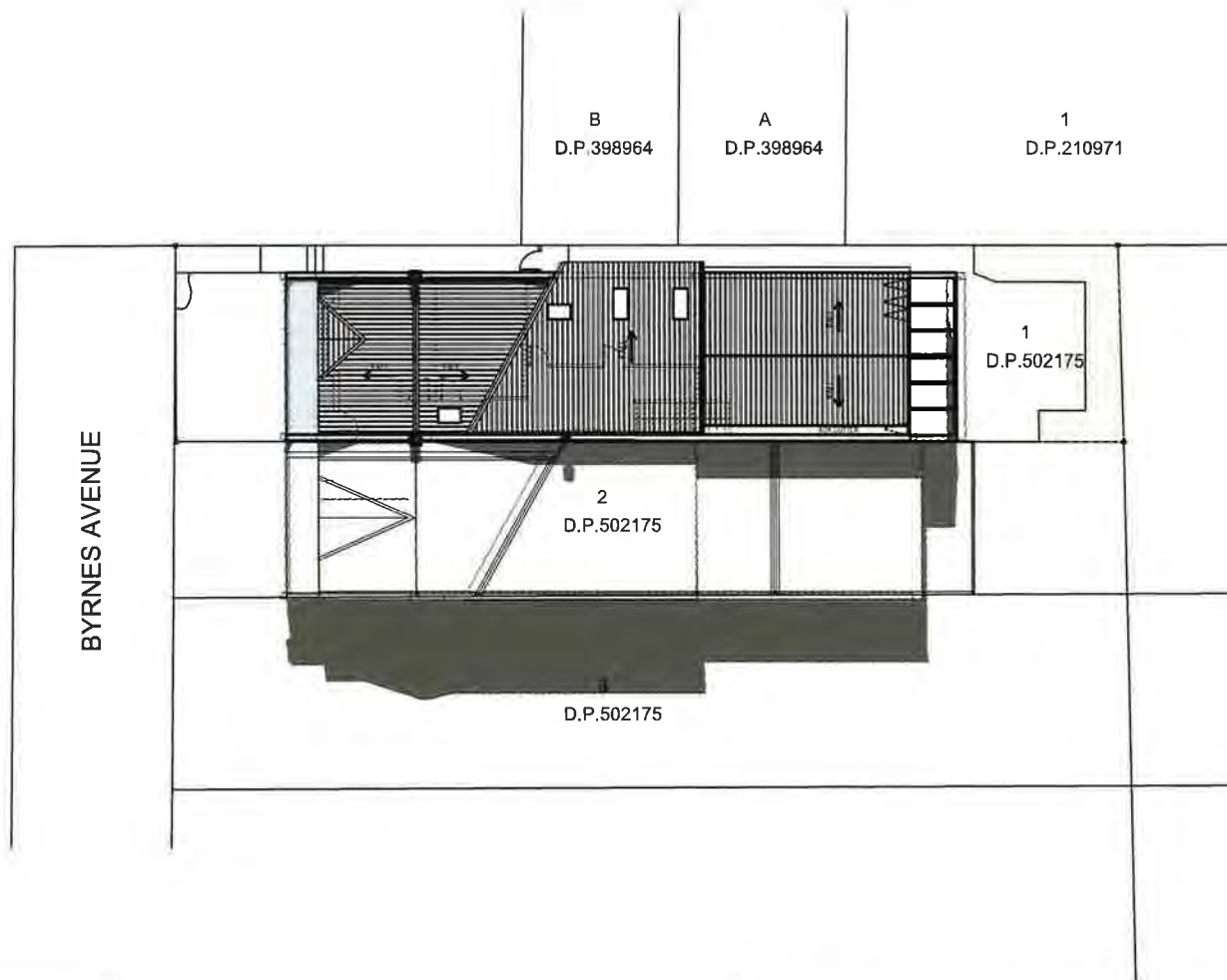
CREATIVE SPACES ARCHITECTS	PROJECT NAME	DRAWN BY	APPROVED	PROJECT NO.
NEW ARCH REG. BOARD NO. 7264 LEVEL 1/58 ALEXANDER STREET CROWC NEST NSW 2205 AUSTRALIA PH/ FAX: 02 9924 7374	PROPOSED ADDITION & ALTERATION TO EXTG HOUSE AT NO 2 BYRNES AVENUE, NEUTRAL BAY, NSW	AF	FF	21003
	DRAWING TITLE	SCALE	DATE	
	PROPOSED SHADOW DIAGRAMS	1:200@AS	OCT 2021	
		DWG NO	REV	
		A10b	A	



21 DEC - 12.00PM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	350°13'44"
ALTITUDE	79°29'05"

1 DEC 21 EQUINOX SHADOW DIAGRAMS 12:00PM
1:200

CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO. 1264 LEVEL 1/48 ALEXANDER STREET CROWS NEST, NSW 2065 AUSTRALIA PH: FAX: 02 9194 3116</small>	<small>PROJECT NAME:</small> PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO.2 BYRNES AVENUE, NEUTRAL BAY, NSW	<small>DRAWN BY:</small> AF	<small>APPROVED BY:</small> FT	<small>PROJECT NO:</small> 21003
	<small>LEVEL:</small> LEVEL 1/48 ALEXANDER STREET	<small>SCALE:</small> 1:200 (A3)	<small>DATE:</small> OCT 2021	<small>REV:</small> B
	<small>DRAWING TITLE:</small> PROPOSED SHADOW DIAGRAMS	<small>DWG NO:</small> A11		



BYRNES AVENUE

B
D.P.398964

A
D.P.398964

1
D.P.210971

1
D.P.502175

2
D.P.502175

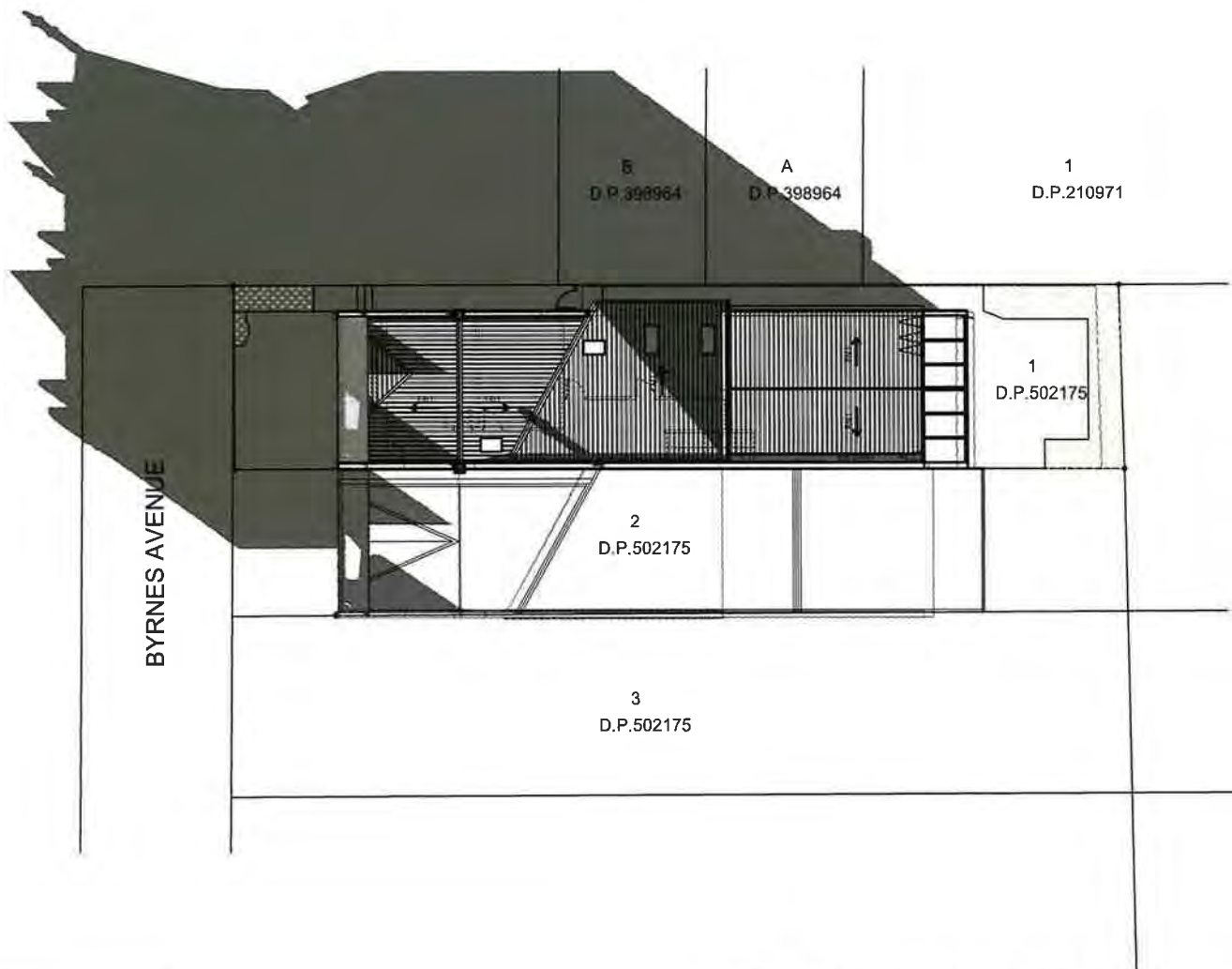
D.P.502175



21 DEC - 15:00PM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	271°33'57"
ALTITUDE	47°54'58"

1 DEC 21 EQUINOX SHADOW DIAGRAMS 15:00PM
1/200

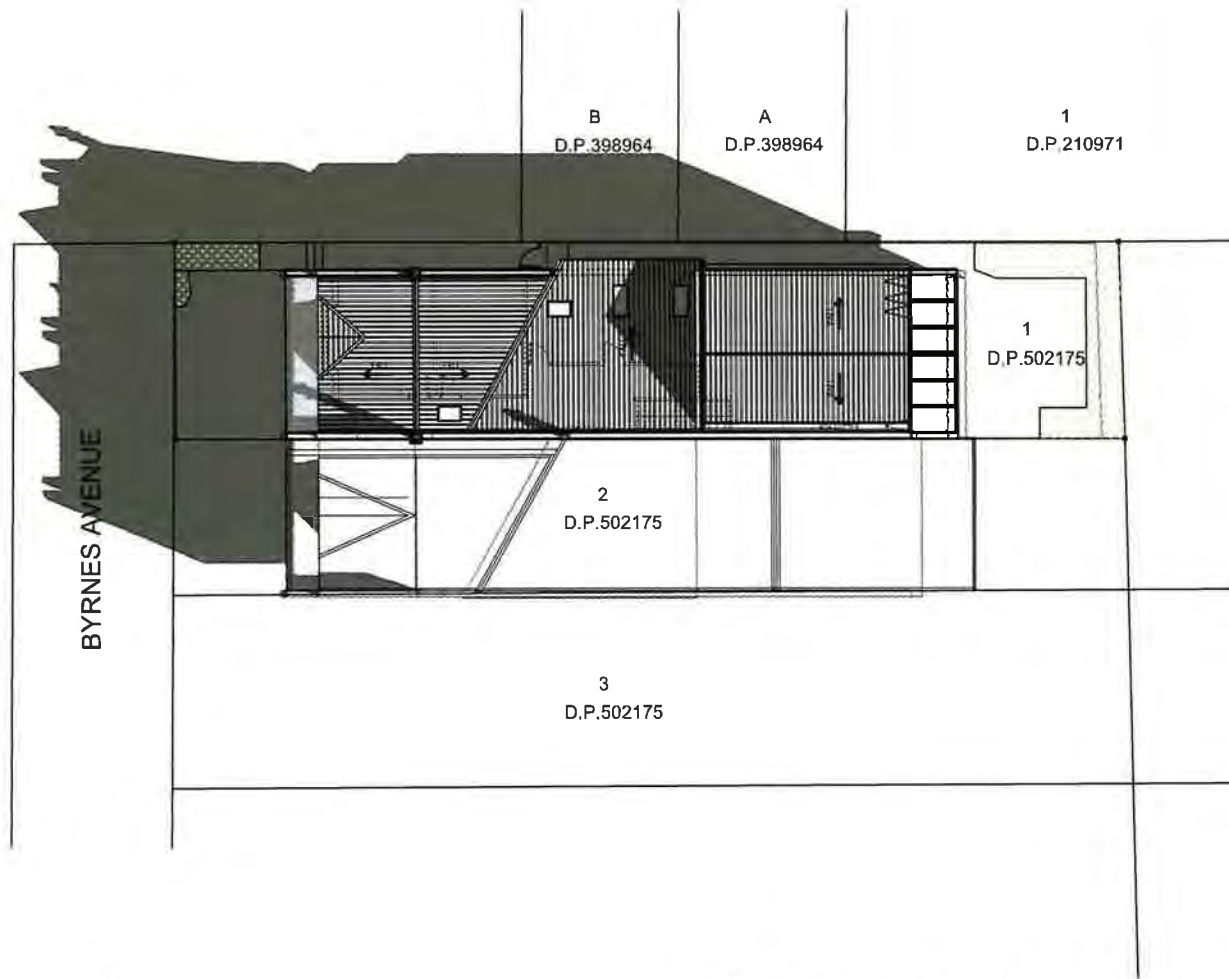
CREATIVE SPACES ARCHITECTS <small>NEW AGENCY REG. BOARD NO. 7758 LEVEL 1/88 ALEXANDER STREET CROOKS NEST NSW 2665 AUSTRALIA PH/ FAX: 02 9904 1374</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EX'G HOUSE AT NO.2 BYRNES AVENUE, NEUTRAL BAY NSW	<small>DRAWN BY</small> AF	<small>APPROVED</small> FF	<small>PROJECT NO</small> 21003
	<small>DRAWING TITLE</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE</small> 1:200 (2x A3)	<small>DATE</small> OCT 2021	<small>DWG NO</small> A12



21 JUNE - 09:00AM SHADOW DIAGRAM	
LATITUDE	33°45'
AZIMUTH	42°24'53"
ALTITUDE	19°07'33"

1 JUN 21 EQUINOX SHADOW DIAGRAMS 09:00AM
1:200

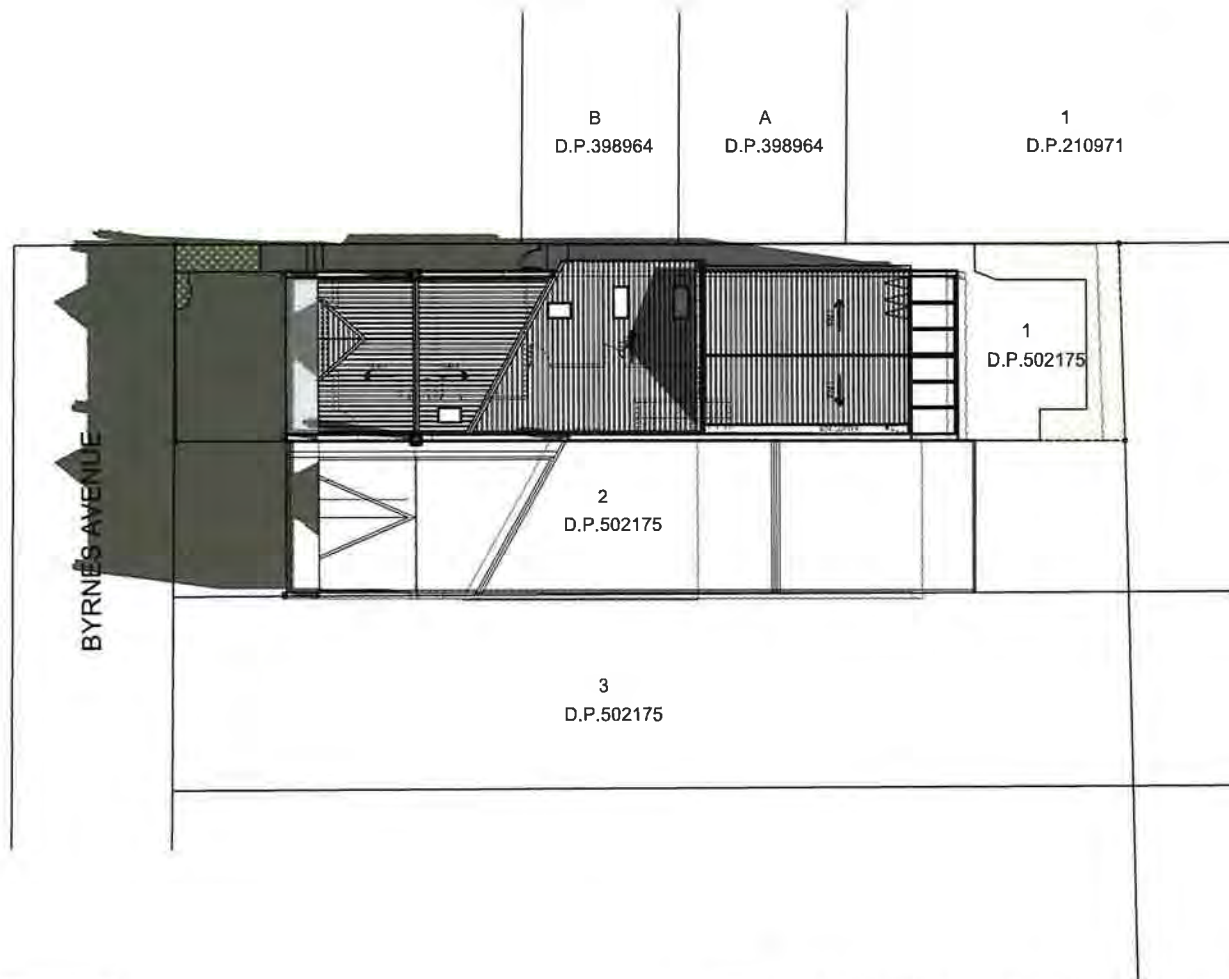
CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 7364 LEVEL 1/48 ALEXANDER STREET CROWS NEST NSW 2065 AUSTRALIA PH/ FAX 82 5504 7374</small>	PROJECT NAME	DRAWN BY	APPROVED	PROJECT NO
	PROPOSED ADDITION & ALTERATION TO EXT'G HOUSE AT NO 2, BYRNES AVENUE, NEUTRAL BAY, NSW	AF	FF	21003
	DRAWING TITLE	SCALE	DATE	
	PROPOSED SHADOW DIAGRAMS	1:200(0.8)	OCT 2021	
	DWG NO	REV		
	A07	B		



21 JUNE - 10:00AM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	42°24'53"
ALTITUDE	19°07'33"

1 JUN 21 EQUINOX SHADOW DIAGRAMS 10:00AM
1:200

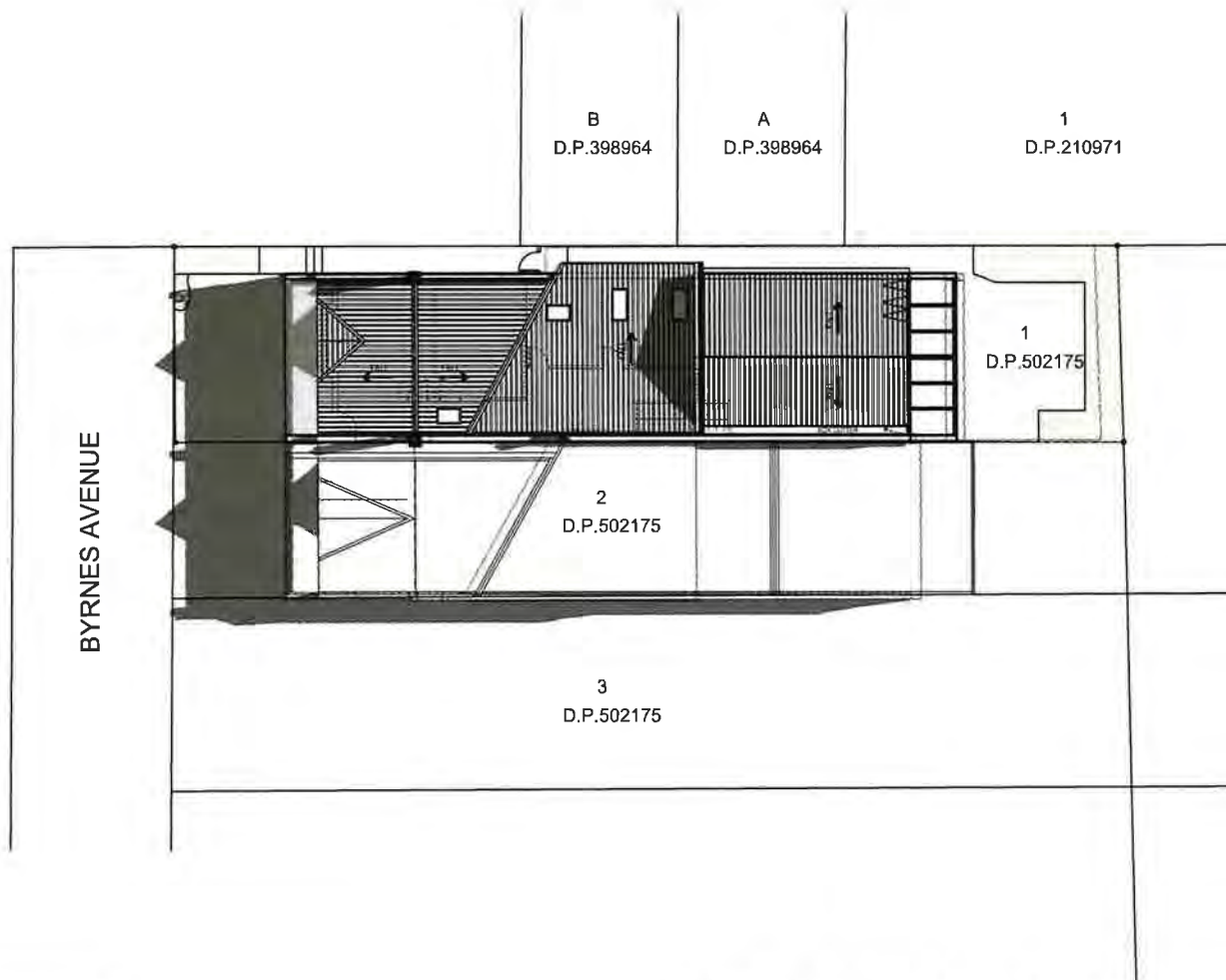
CREATIVE SPACES ARCHITECTS NSW ARCH REG BOARD NO 7264 LEVEL 1/18 ALEXANDER STREET CROOKS NEST, NSW 2065 AUSTRALIA PH/ FAX: 61 9706 7316	PROJECT NAME	PROPOSED ADDITION & ALTERATION TO EX'G HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY, NSW	DRAWN BY	APPROVED BY	PROJECT NO.
	SCALE	1:200 @ A3	DATE		21003
	DWG NO	A07a	REV		A
	PROPOSED SHADOW DIAGRAMS				



21 JUNE - 11:00AM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	42°24'53"
ALTITUDE	19°07'33"

1 JUN 21 EQUINOX SHADOW DIAGRAMS 11:00AM
1:200

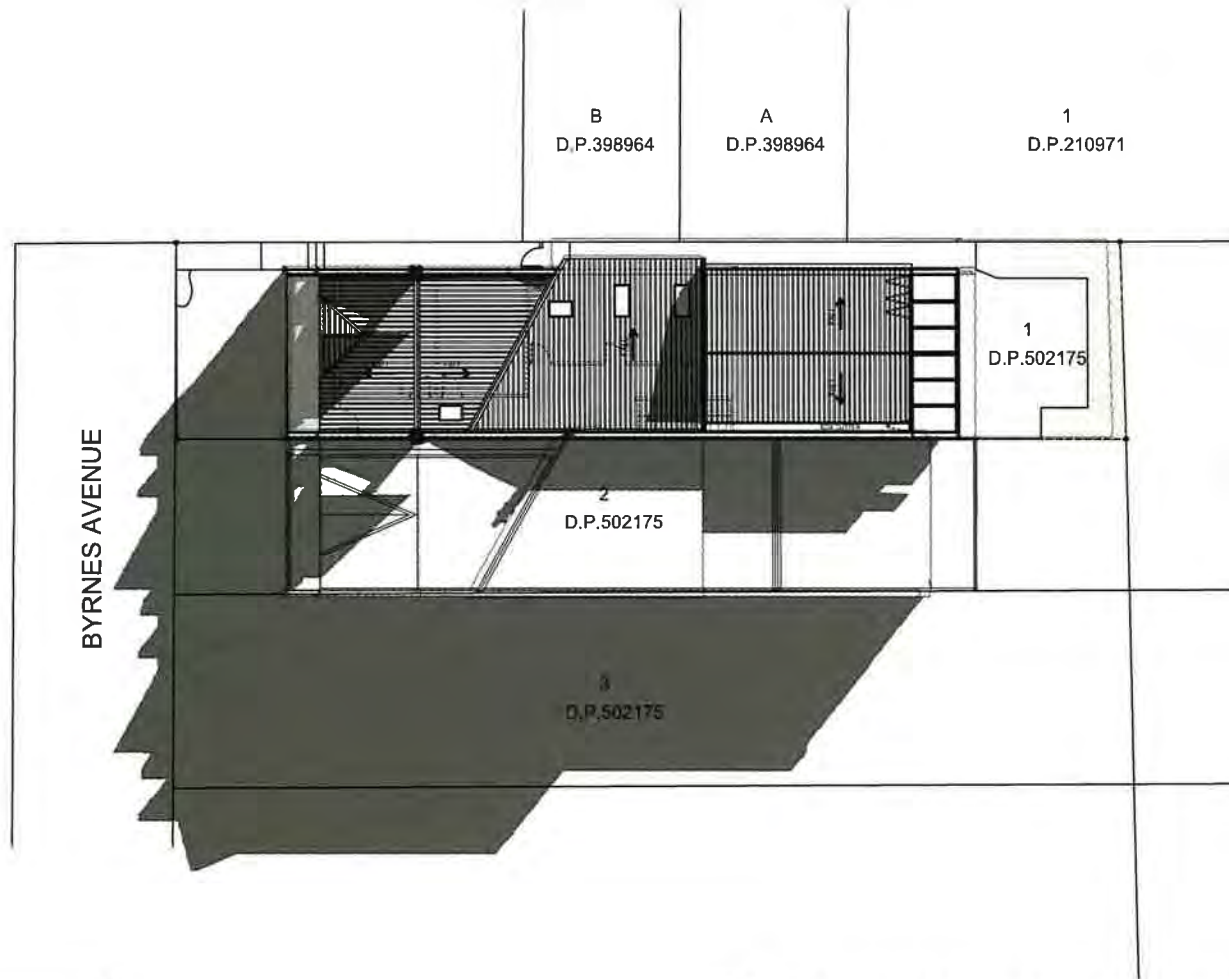
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	<small>DRAWING TITLE</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE</small> 1:200(0A3)	<small>DATE</small> CCT 2021	<small>DATE</small> CCT 2021	<small>REV</small> A
	<small>DWG NO</small> A07b	<small>REV</small> A			



21 JUNE - 12:00PM SHADOW DIAGRAM	
LATITUDE	33°45'
AZIMUTH	358°55'29"
ALTITUDE	32°45'52"

1 JUN 21 EQUINOX SHADOW DIAGRAMS 12:00PM
1:200

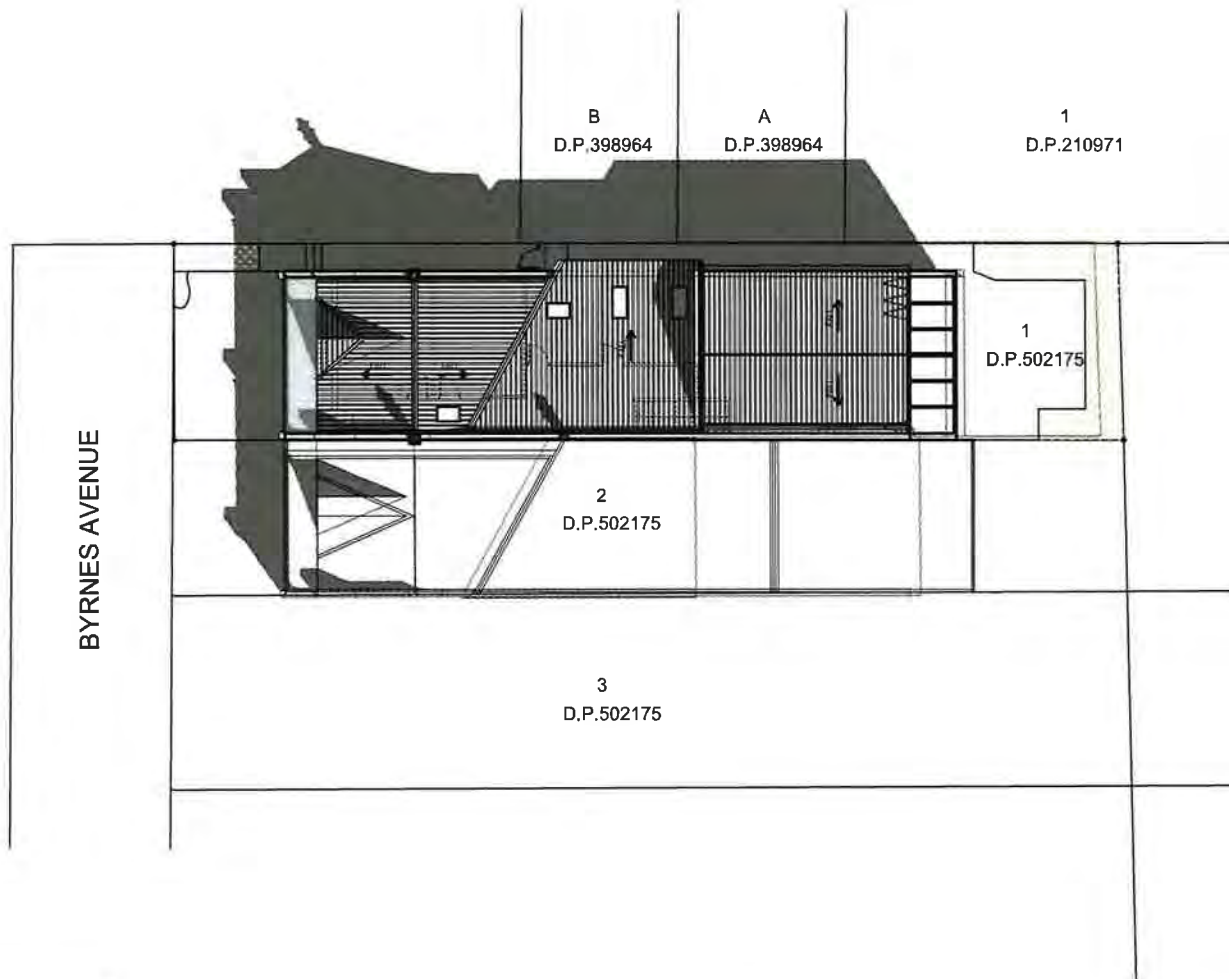
CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 7264 LEVEL 10/40 ALEXANDER STREET CROWS NEST, NSW 2061 AUSTRALIA PH: 155 999 1116</small>	PROJECT NAME	DRAWN BY	APPROVED	PROJECT NO
	PROPOSED ADDITION & ALTERATION TO EXISTING HOUSE AT NO 2 BYRNES AVENUE, NEUTRAL BAY, NSW	AF	FF	21003
	DRAWING TITLE	SCALE	DATE	
	PROPOSED SHADOW DIAGRAMS	1:200@A3	OCT 2021	
	DWG NO	REV		
	A08	B		



21 JUNE - 15:00PM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	316°05'16"
ALTITUDE	18°00'30"

1 JUN 21 EQUINOX SHADOW DIAGRAMS 15:00PM
1:200

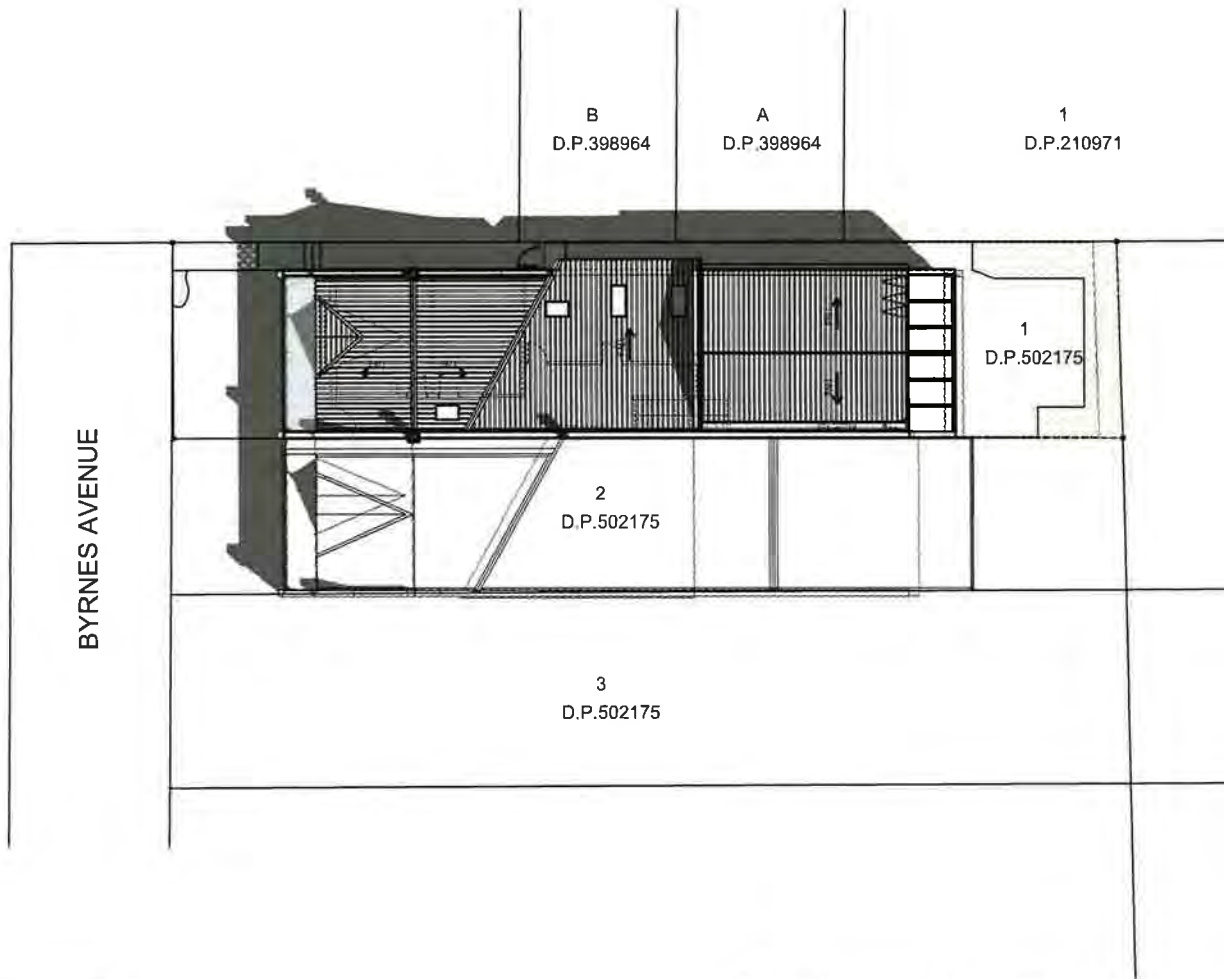
CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 7264 LEVEL 1/108 ALEXANDER STREET CROWS NEST, NSW 2085 AUSTRALIA PH/ FAX: 02 9504 7374</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EXIST'G HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY NSW	<small>DRAWN BY</small> AF	<small>APPROVED BY</small> FP	<small>PROJECT NO</small> 21003
	<small>DRAWING TITLE</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE</small> 1:200(0/AS)	<small>DATE</small> OCT 2021	<small>DWG NO.</small> A09



21 MAR/SEP - 09:00AM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	61°01'55"
ALTITUDE	35°33'57"

1 MAR 21 EQUINOX SHADOW DIAGRAMS 09:00AM
1:200

CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 1264 LEVEL 1/108 ALEXANDER STREET CROWD NEST, NSW 2065 AUSTRALIA PH: FAX: 02 9504 1914</small>	PROJECT NAME	DRAWN BY	APPROVED	PROJECT NO
	PROPOSED ADDITION & ALTERATION TO EXTG HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY NSW	AF	FF	21003
	DRAWING TITLE	SCALE	DATE	
	PROPOSED SHADOW DIAGRAMS	1:200(A3)	OCT 2021	
	DWG NO	REV		
	A04	B		



21 MAR/SEP - 10:00AM SHADOW DIAGRAM

LATITUDE	33°49'
AZIMUTH	61°01'55"
ALTITUDE	35°33'57"

1

MAR 21 EQUINOX SHADOW DIAGRAMS 10:00AM

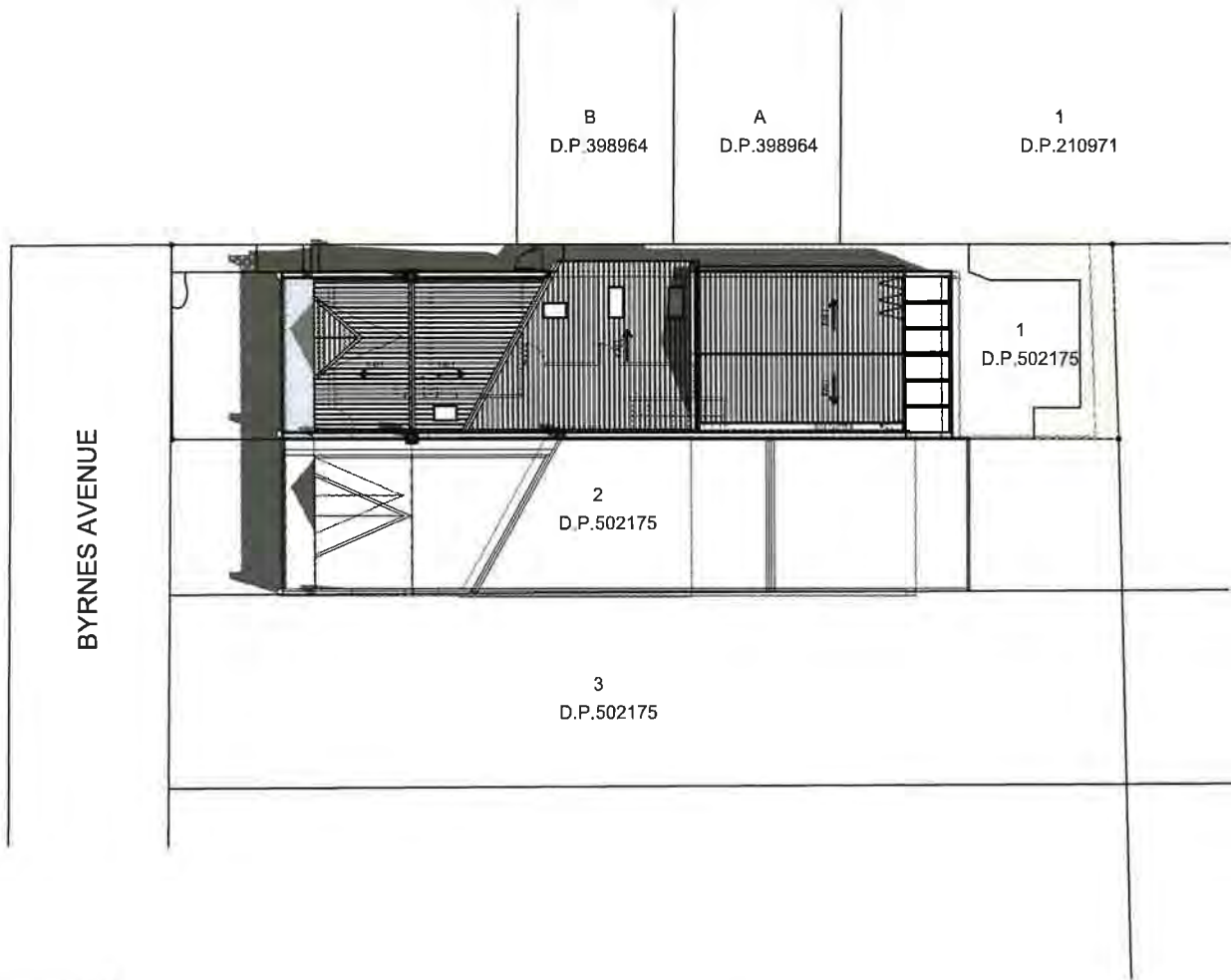
1:200

CREATIVE SPACES ARCHITECTS

NSW ARCH REG BOARD NO 7284
 LEVEL 10/11 ALEXANDER STREET
 CROWS NEST, NSW 2065 AUSTRALIA
 PH/ FAX: 82 9904 1374

PROJECT NAME	PROPOSED ADDITION & ALTERATION TO EXTG HOUSE AT NO 2, BYRNES AVENUE NEUTRAL BAY, NSW
DRAWING TITLE	PROPOSED SHADOW DIAGRAMS

DRAWN BY	AF	APPROVED	FF	PROJECT NO	21003
SCALE	1:200@A3	DATE	03/01/2021	DWG NO	A04a
		REV			A



21 MAR/SEP - 11:00AM SHADOW DIAGRAM

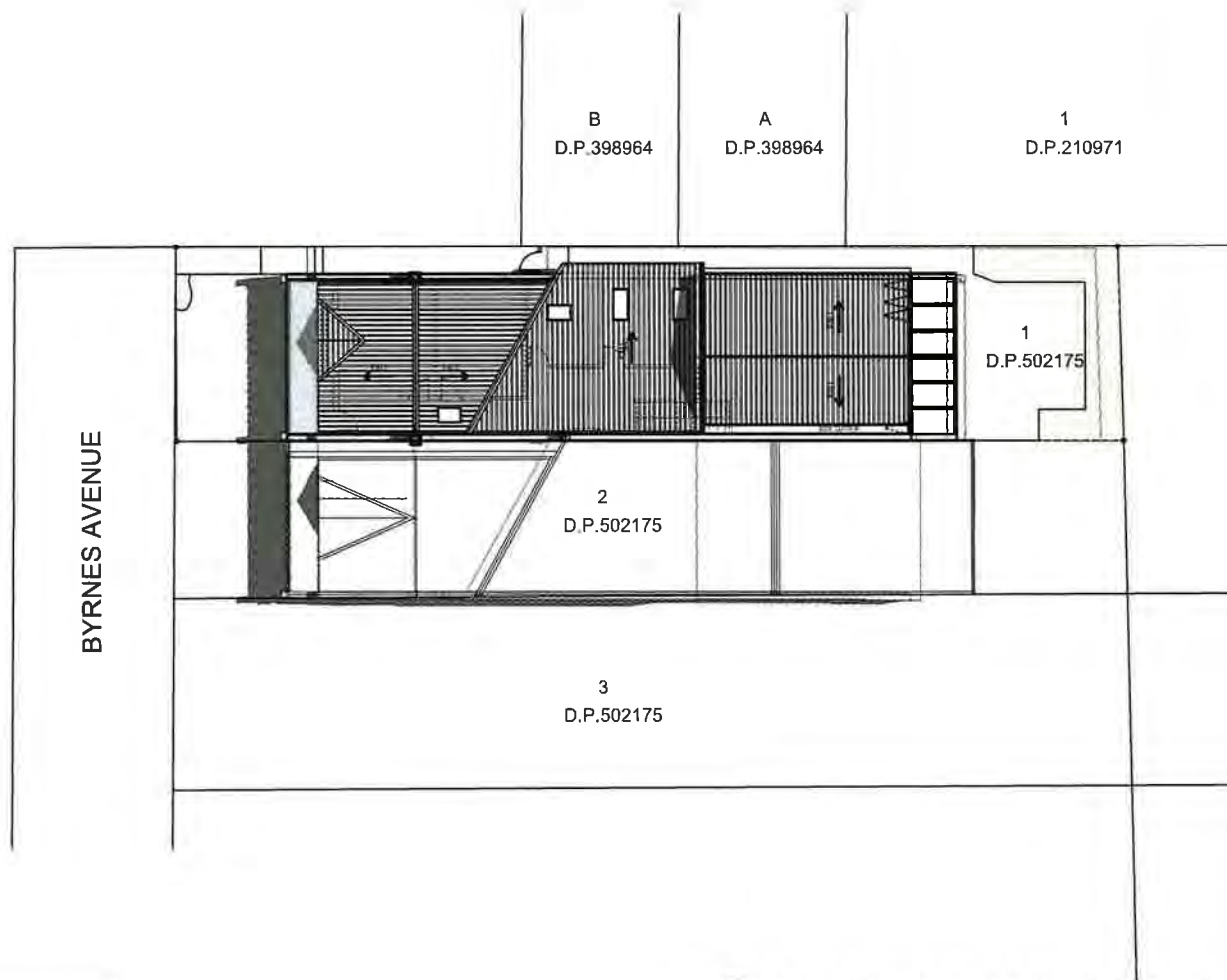
LATITUDE	33°49'
AZIMUTH	61°01'55"
ALTITUDE	35°33'57"

1

MAR 21 EQUINOX SHADOW DIAGRAMS 11:00AM

1:200

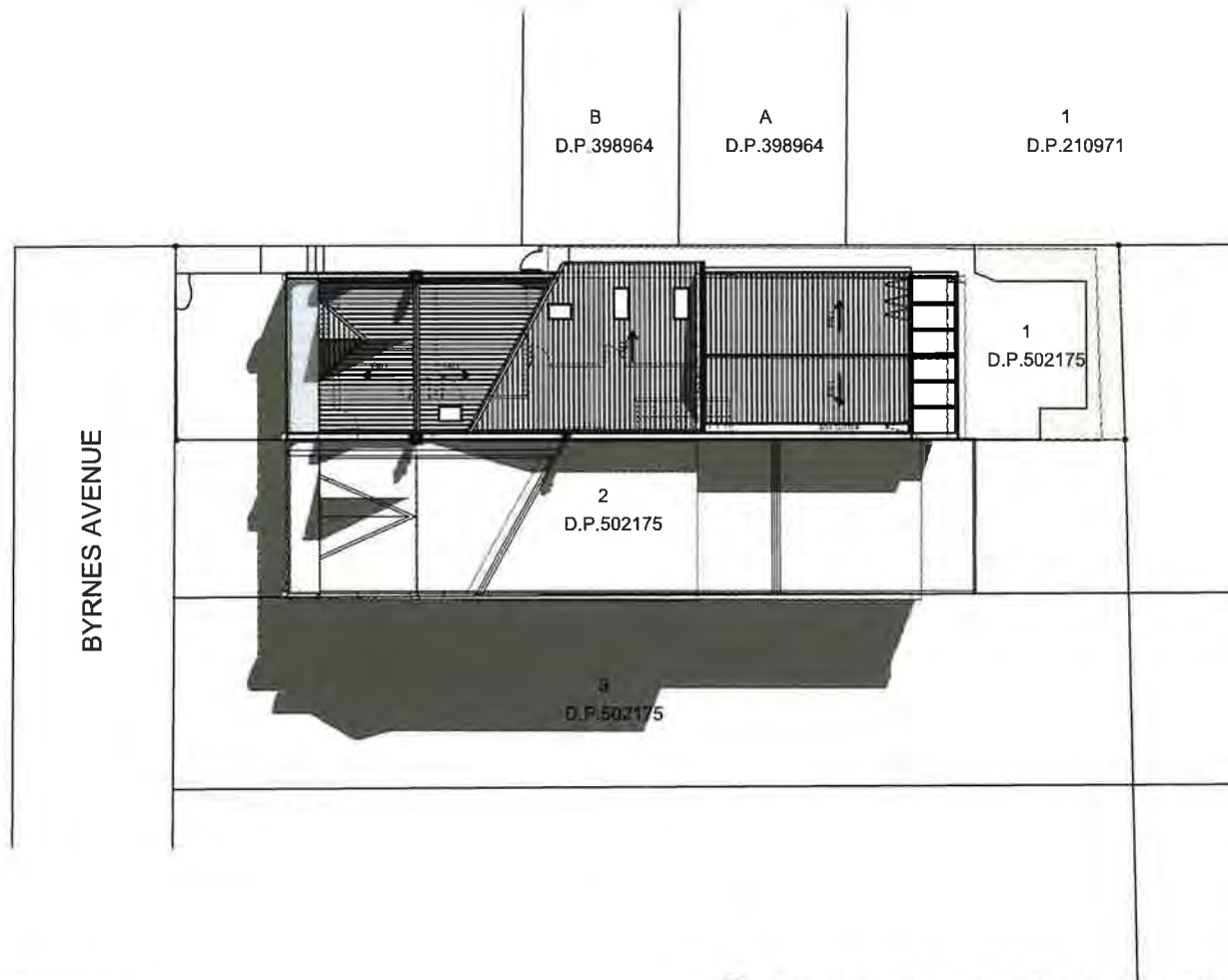
CREATIVE SPACES ARCHITECTS <small>NEW ARCH RES BOARD NO 1264 LEVEL 1/48 ALEXANDER STREET CROWS NEST NSW 2085 AUSTRALIA PH: FAX: 02 9994 7374</small>	<small>PROJECT NAME:</small> PROPOSED ADDITION & ALTERATION TO EXIST. HOUSE AT NO 2, BYRNES AVENUE, NEUTRAL BAY, NSW	<small>DRAWN BY:</small> AF	<small>APPROVED:</small> FF	<small>PROJECT NO:</small> 21003
	<small>DRAWING TITLE:</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE:</small> 1:200@A3	<small>DATE:</small> OCT 2021	<small>DWG NO:</small> A04b



21 MAR/SEP - 12:00PM SHADOW DIAGRAM	
LATITUDE	33°49'
AZIMUTH	00°40'25"
ALTITUDE	55°55'14"

1 MAR 21 EQUINOX SHADOW DIAGRAMS 12:00PM
1/200

CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 7264 LEVEL 10/8 ALEXANDER STREET CROWS NEST NSW 2065 AUSTRALIA PH/ FAX 92 9304 1316</small>	<small>PROJECT NAME</small> PROPOSED ADDITION & ALTERATION TO EXIST'G HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY NSW	<small>DRAWN BY</small> AF	<small>APPROVED BY</small> FF	<small>PROJECT NO</small> 21003
	<small>DRAWING TITLE</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE</small> 1:200 (A3)	<small>DATE</small> OCT 2021	<small>REV</small> B
	<small>DWG NO.</small> A05	<small>REV</small> B		



BYRNES AVENUE

B
D.P. 398964

A
D.P. 398964

1
D.P. 210971

1
D.P. 502175

2
D.P. 502175

3
D.P. 502175



21 MAR/SEP - 15:00PM SHADOW DIAGRAM	
LATITUDE	33°45'
AZIMUTH	299°41'53"
ALTITUDE	36°02'40"

1 MAR 21 EQUINOX SHADOW DIAGRAMS 15:00PM
1:200

CREATIVE SPACES ARCHITECTS <small>NSW ARCH REG BOARD NO 7264 LEVEL 1/88 ALEXANDER STREET DOWNS HILL, NEW 2055 AUSTRALIA PH/ FAX: 02 9594 7374</small>	<small>PROJECT NAME:</small> PROPOSED ADDITION & ALTERATION TO EXISTING HOUSE AT NO.2, BYRNES AVENUE, NEUTRAL BAY, NSW	<small>DRAWN BY:</small> AE	<small>APPROVED BY:</small> FF	<small>PROJECT NO:</small> 21003
	<small>DRAWING TITLE:</small> PROPOSED SHADOW DIAGRAMS	<small>SCALE:</small> 1:200 (A3)	<small>DATE:</small> OCT 2021	<small>DWG NO:</small> A06

MAGNETIC MERIDIAN



No 37
TWO STOREY
BRICK UNITS
Tiled Roof

1
D.P.210971

A
D.P.398964

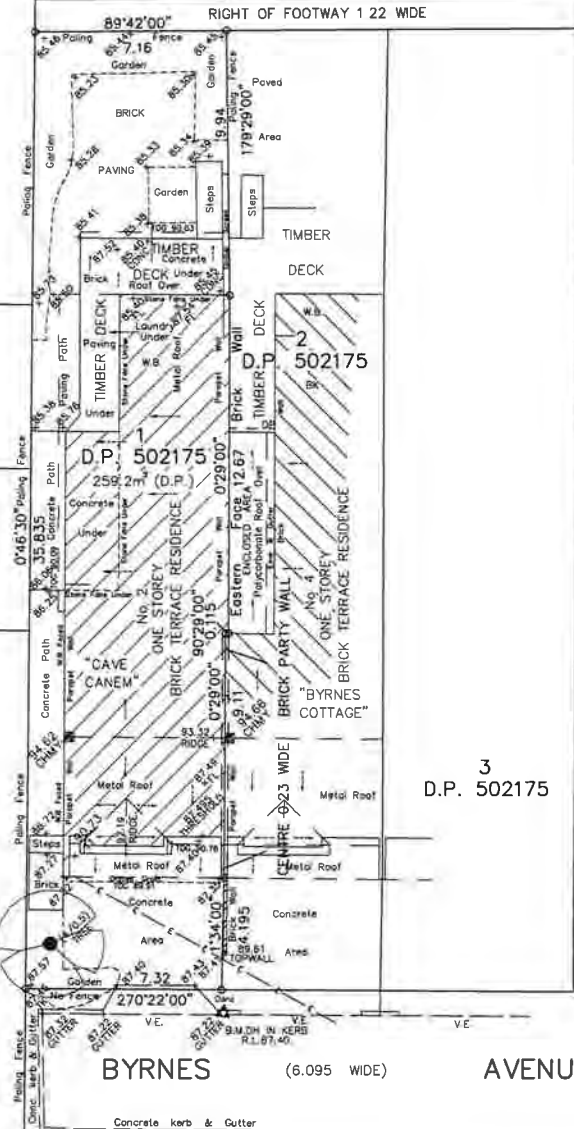
B
D.P.398964

No 27
TWO STOREY
BRICK UNITS
Tiled Roof

S.P. 31786

1
D.P. 599215

2
D.P. 599215



TO ERNEST STREET

PASSAGE 1.525 WIDE

3
D.P. 502175

BYRNES (6.095 WIDE) AVENUE

- NOTES
1. A BOUNDARY SURVEY HAS BEEN UNDERTAKEN
 2. WALL TO BOUNDARY DIMENSIONS SHOWN HEREON MUST NOT BE USED FOR CONSTRUCTION
 3. ORIGIN OF LEVEL DATUM - PAK 4884 - RL 18.50 A.M.D. (CLASS D), SOURCE: SGWS (11-01-2022)
 4. THIS PLAN IS PREPARED FOR S.J. CERVIN & M.C. TERNES FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS ON THE LAND AND SHOULD NOT BE USED FOR ANY OTHER MATTER, PURPOSE OR CONSTRUCTION SETOUT.
 5. EXCEPT WHERE SHOWN BY DIMENSION THE RELATIONSHIP OF STRUCTURES TO BOUNDARIES IS DIAGRAMMATIC ONLY, WHERE OFFSETS ARE CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
 6. THE BOUNDARIES SHOWN WERE NOT MARKED AT THE TIME OF SURVEY.
 7. THE LOCATION OF SERVICES HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY. PRIOR TO ANY DEMOLITION/EXCAVATION CONSTRUCTION ON THE SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH OF SERVICES.
 8. THE POSITION, SPREAD AND DIAMETER OF TREES ARE APPROXIMATE ONLY WHERE THE POSITION OF TREES IS CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
 9.
 - (T) DENOTES A TREE/TREES
 - (*) DENOTES A PALM
 - (S) DENOTES A SHRUB
 10. (B/D/S) DENOTES APPROX SPREAD/DIAM. # DENOTES DIAM. SPD DENOTES SPREAD, H DENOTES ABOUT HEIGHT. TREE SPREADS ARE DIAGRAMMATIC ONLY AND MAY NOT NECESSARILY BE SYMMETRICAL AND IF CRITICAL, MAY REQUIRE FURTHER ASSESSMENT.
 11. THE INFORMATION IS ONLY TO BE USED AT A SCALE ACCURACY OF 1:100
 12. CONTOURS IF SHOWN DEPICT THE TOPOGRAPHY AND EXCEPT AT SPOT LEVELS SHOW THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT.
 13. THE BEARINGS ON THESE PLAN BOUNDARIES ARE FROM NSW LAND REGISTRY SERVICES PLANS THEY ARE ON MAGNETIC MERIDIAN IF APPROPRIATE TRUE NORTH IS REQUIRED A FURTHER SURVEY WOULD BE NECESSARY.
 14. SITE AREA 259.2m² (BY D.P.) 283.8m² (CALC)
 15. THESE NOTES ARE AN INTEGRAL PART OF THE PLAN

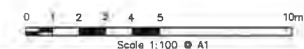
NOTE:
THE SUBJECT TITLE IS AFFECTED BY:
1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT (S)
2. RIGHT OF FOOTWAY APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN AS SITE OF RIGHT OF WAY 4 FT WIDE IN D.P.502175 (F656559)
3. CROSS EASEMENTS (S181B CONVEYANCING ACT, 1919) AFFECTING PARTY WALL SHOWN ON THE COMMON BOUNDARY OF LOTS 1 AND 2 IN D.P.502175 (J266578)

ATTENTION
The position and heights of Ridges, Gutters, Parapets, Upper Windows, Chimneys and also any Windows and Structures shown on adjoining properties have been determined by indirect survey methods and are therefore approximate only.

The arrangement between N.K Bennett & O'Donnell and S.J Cervin & M.C Ternes is that this plan is a survey under Clause 9 of the Surveying & Spatial Information Regulation 2017 (NSW)

LEGEND

BUILDINGS	W/T	ACCESS CHAMBER	
CONCRETE	PH	FIRE HYDRANT	
PAVING	FC	PAVING CROSSING	
EDGE STAIRS	VE	UPRIKE CROSSING	
TOP OF KERB	NAV	PAVERS	
W/W	WATER METRE	EG	EDGE GARDEN
C/W	CAS WETER	W/W	WATER HEATER UNIT
H/W	HYDRANT	SV	SECTION VALVE
WT	WATER TANK	BR	BRICK/CONCRETE WALL
W	WALL	W	WINDOW
EDR	EDGE OF DRIVEWAY	W	WINDING
EDP	EDGE OF PATH	W	WINDING OF STAIRS
E/B	ELECTRICITY BOX	W/V	WATER VALVE
ED	EDGE OF DRIVEWAY	RR	ROOF
TOP	TOP OF ROOF GUTTER	AD	ADRAINAGE LIN
EG	EDGE CONCRETE	DP	ROOF DOWNPIPE
EXP	EXPANSION JOINT	CG	CHANGING IN GRADE
EW	EDGE OF WALL AND MING	CE	CONCRETE BLOCK
S/B	SLOPE OF BANK	CLV	CLOTHES LINE
EDB	EDGE OF BRICK	TRV	TRUNK OF PAVING
LBK	KERB LAYBACK	POT	TOP OF CHIMNEY STACK
W-B	WALL TO BOUNDARY	N.T.S.	NOT TO SCALE



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PARISH : WILLOUGHBY
COUNTY : CUMBERLAND

Barry P. O'Donnell
BARRY P. O'DONNELL
NSW REGISTERED SURVEYOR (D 50001767)

SURVEY PLAN SHOWING LEVELS AND DETAILS OF LOT 1 IN
D.P. 502175 AND ADJOINING LAND
2 BYRNES AVENUE NEUTRAL BAY

N. K. BENNETT & O'DONNELL LAND & ENGINEERING SURVEYORS 15 DOBROYD RD BALCONVILLAH HEIGHTS N S W 2093 PHONE (02) 9949 1554 EMAIL: info@nkbennettodonnell.com.au ABN 79 701 971 803	REDUCTION RATIO 1:100	SHEET
DATUM: A 11 D	OF SHEETS	
DATE: 20-01-2022	10510-1L2	