

<p>DECISION OF NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD ON 5 APRIL 2023</p>

ITEM 1

DA No:	418/21
ADDRESS:	37 Bay View Street, Lavender Bay
PROPOSAL:	Erection of Dwelling house and associated works
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	P Dugal C/- Architecture Saville Isaacs

Registered to Speak**3 Written Submissions**

Submitter	Applicant/Representative
Stuart Gordon - SJB Planning - representing owner of 39 Bay View	Bob Chambers - Director - BBC Consulting Planners representing applicant
Louis Heath - AED designs - representing owner of 39 Bay View	Steven Isaacs Principal Architect - Architecture Saville Issacs - representing applicant
Norman Blumenthal - resident	Dr Pradnya Dugal - Applicant - Observing Only
Anthony Boskovitz, Boskovitz Lawyers - representing neighbour	Dr Tej Dugal - Applicant - Observing Only
Henry Cheung - resident	Niall McAteer - Senior Town Planner - BBC Consulting Planners - Observing Only
Lauren Payne - resident	Xiaoxiao Cai - Architect - Architecture Saville Issacs - Observing Only

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all written submissions. The Panel has deferred this matter for an electronic determination following receipt of an amended set of plans and a supplementary report by Council Officers addressing the required design amendments and additional supporting information as necessary prepared by the applicant.

Design amendments

AA1. Within 21 days of receipt of this notice, the applicant must submit amended plans to Council for assessment. As soon as practicable following this assessment Council is to submit an addendum report to the Panel for electronic determination.

1. The amended plans must address the following:

- a) Increase the southern side boundary setback of the garage to a minimum of 900mm and increase the southern side setback of the 1st floor bedroom suite to 1.542m, to match the setback of the remainder of the house. The amended design must also address any other adjustments to the building, driveway or landscape design, to achieve the increased setbacks.
 - b) Before submitting the amended design required by condition (a), the design must be assessed by a suitably qualified and experienced arborist (AQ5) and their assessment report submitted, to demonstrate the amendment does not negatively impact any of the three crepe myrtles on the footpath adjacent to and near the site. The report may include recommendations to effectively reduce, mitigate or avoid any potential impacts on those trees.
 - c) Landscape the setback area between the garage and the southern boundary, to soften the appearance of the garage and maintain a view to the harbour between the proposed dwelling and the neighbouring dwelling at No 35 bay View Street.
 - d) The roof garden is to be made accessible for maintenance and repairs only and the roof garden is to be marked as “non-trafficable” on the architectural plans.
 - e) The floor to ceiling height windows and sliding doors to the eastern elevation of the 1st floor bedroom are to be replaced with a solid wall and/or window seat to a maximum height of 800mm, with windows from the top of the window seat to the ceiling. At least one of these windows must be openable to allow access to the roof and garden for maintenance and repairs.
 - f) Reduce the depth of the awning over the ground floor balcony to a maximum of 1.0m. Install louvres, or similar, to both sides of the ground floor level balcony to the same depth as the awning. The louvres or similar are to be angled to reasonably maintain privacy for occupants of the proposed building and dwellings at 35 and 39 Bay View Street Lavender Bay.
 - g) The solid to void ratio in the eastern harbour facing elevation shall be revised to reduce the amount of glazed area and increase the solid portions of the elevation, to comply with clause 1.4.12 Colours and Materials, Provision 4, of Part B, Residential, North Sydney Development Control Plan 2013.
 - h) The lower levels of the eastern harbour facing elements are to be made visually recessive to reduce the visual impact of four levels by the use of recessive finishes and colours and the use of appropriate landscaping in the foreground.
 - i) Replace the glass in the balustrades on the eastern elevation with “BL-3 Weathered Balustrade Brass Rods” as noted on drawing DA203, Revision D.
 - j) Install gates on each side of the house for the safety and security of companion animals and people.
 - k) Amend the plans to show that the solar panels will be installed to an angle of not more than 5 degrees of the horizontal (the roof surface).
2. Council is to address Chapter 10 of SEPP (Biodiversity and Conservation) 2021, as required by clause 6.65 Savings and transitional provisions of the SEPP.

The Panel requests the applicant prepare amended plans, and necessary information is to be submitted to council within 21 days from the date of this meeting. If no response is received to this request within the required time period, then the matter is to be determined by the Panel by electronic means.

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Delegation is granted to the Manager of Development Services to determine whether renotification of the amended plans is warranted with reference to the Community Consultation Protocol prior to the matter being determined by electronic means.

Panel Reason:

The Panel has deferred the consideration of this matter due the number of design matters to be addressed including the impact on the neighbouring properties.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Michel Reymond	Y				

Item **LPP01** - REPORTS - **05/04/2023**

N O R T H S Y D N E Y C O U N C I L R E P O R T S

**NSLPP MEETING HELD ON 05/04/2023****Attachments:**

1. Site Plan
2. Consolidated Architectural Plans
3. Consolidated Assessment Plans
4. Amended Shadow Study Analysis

ADDRESS/WARD: 37 Bay View Street, McMahons Point**APPLICATION No:** 418/21**PROPOSAL:** Erection of dwelling house and associated works**PLANS REF:**

Plan No.	Rev No.	Description	Prepared by	Dated
DA000	D	Cover Sheet	Architecture Saville Isaacs	14/03/23
DA011	C	BASIX Sheet	Architecture Saville Isaacs	09/11/22
DA100	C	Site Plan	Architecture Saville Isaacs	09/11/22
DA102	C	Plan Basement	Architecture Saville Isaacs	09/11/22
DA103	C	Plan Lower Ground	Architecture Saville Isaacs	09/11/22
DA104	C	Plan Ground	Architecture Saville Isaacs	09/11/22
DA105	C	Plan First Floor	Architecture Saville Isaacs	09/11/22
DA106	C	Plan Roof	Architecture Saville Isaacs	09/11/22
DA111	C	Site Coverage	Architecture Saville Isaacs	09/11/23
DA200	C	Elevation Streetscape	Architecture Saville Isaacs	14/03/23
DA201	D	Elevation West (Street)	Architecture Saville Isaacs	14/03/23
DA202	D	Elevation North	Architecture Saville Isaacs	14/03/23
DA203	D	Elevation East (Water)	Architecture Saville Isaacs	14/03/23
DA204	D	Elevation South	Architecture Saville Isaacs	14/03/23
DA301	C	Section Long	Architecture Saville Isaacs	09/11/22
DA302	C	Section Cross	Architecture Saville Isaacs	09/11/22
LP01-D8221	E	DA Cover Sheet	Dangar Barin Smith	16/11/2022
LP02-D8221	E	Plant Schedule	Dangar Barin Smith	16/11/2022
LP03-D8221	E	Ground Landscape Plan	Dangar Barin Smith	16/11/2022
LP04-D8221	E	Lower Ground Landscape Plan	Dangar Barin Smith	16/11/2022
LP05-D8221	E	Basement Landscape Plan	Dangar Barin Smith	16/11/2022
LP06-D8221	E	First Floor Landscape Plan	Dangar Barin Smith	16/11/2022
LP07-D8221	E	Planter Detail	Dangar Barin Smith	16/11/2022
H-DA-00	C	Legend, Details & Sediment Control	Itm Design	12/11/2022
H-DA-01	C	Basement Stormwater Drainage	Itm Design	12/11/2022
H-DA-02	C	Lower Ground Floor & Ground Floor Stormwater	Itm Design	12/11/2022
H-DA-03	C	First Floor & Roof Stormwater	Itm Design	12/11/2022

OWNER: P Dugal**APPLICANT:** P Dugal, C/- Architecture Saville Isaacs**AUTHOR:** Jim Davies, Executive Planner**DATE OF REPORT:** 23 March 2023**DATE LODGED:** 3 December 2022**RECOMMENDATION:** Deferred Commencement

EXECUTIVE SUMMARY

This development application seeks approval for construction of a dwelling house and associated works, demolition of the existing house having been approved under CDC 223/20, by a private certifier, internal parts of the building are understood to have been removed.

The applications is reported to North Sydney Local Planning Panel for determination as 45 submissions were received during two separate notification periods.

The original application was notified in January 2022 and subsequently amended in response to issues raised by Council, including several concerns expressed regarding the first proposal. 29 submissions were received.

The applicant submitted amendments which suitably responded to a number of these concerns, which were notified over December 2022 and January 2023, the period having been extended due to the Holidays. 16 submissions were received, 15 of them were from people who made submissions during the first notification period.

Submissions raised concerns about a range of matters, the main issues being:

- Excessive bulk and scale,
- Incompatibility with local character,
- Variations to setbacks,
- Overshadowing of a neighbouring dwelling,
- Impacts on neighbour's views, and
- The amount of excavation proposed.

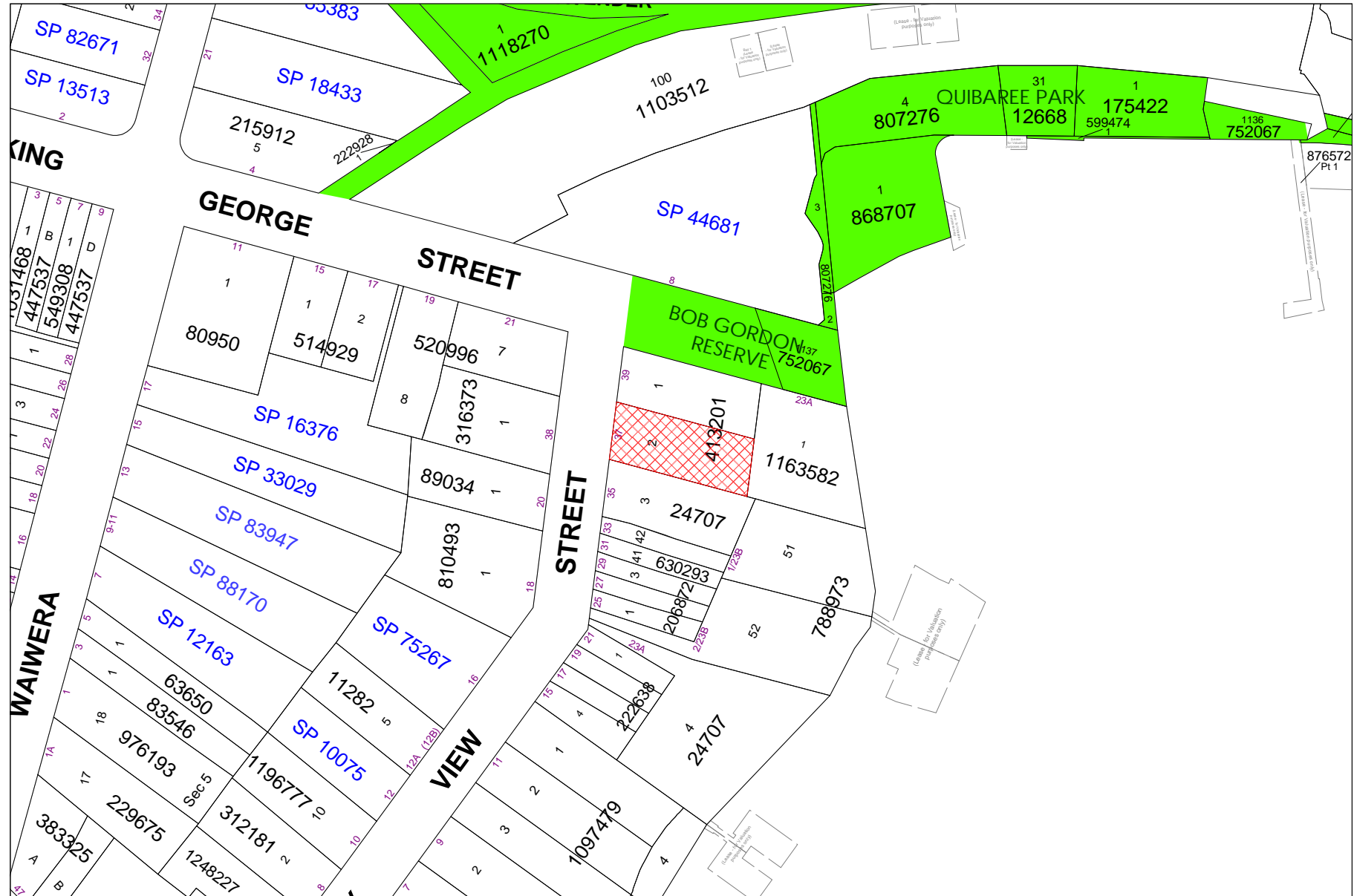
The report has considered these concerns in an appraisal of the application having regard to relevant State and Council planning requirements.

This assessment concludes the application is generally satisfactory, subject to further design amendments being made. Matters that require design refinement are:

- Increasing the southern side boundary setback of the garage to conform to the setback of the remainder of the house to this boundary, to improve the streetscape, be more compatible with local character, allow for landscaping to soften the dwelling's appearance, lessen the bulk and scale of the proposed dwelling (especially the garage) when viewed from the neighbouring dwelling south of the site and the street, and reasonably reduce overshadowing impacts on the front yard and bedroom of this dwelling,
- Removing the roof garden, as it does not meet the criteria of the DCP for rooftop open space,
- Replacing glass balustrades with solid balustrades, of balconies on the eastern façade, to reduce the glazing visible from Lavender Bay, adjacent public open space, venues including Luna Park and North Sydney Pool, and surrounding development, and to be more compatible with the character of other development on the western side of Lavender Bay, and
- Installing louvres, or similar, to both sides of the ground floor level balcony, to reasonably maintain privacy with neighbours either side of the site.

Accordingly, a deferred commencement consent is recommended, although the Panel may choose to defer the application for the recommended amendments to be made, to be subsequently approved via authority delegated to Council's Manager Development Services.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

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DESCRIPTION OF PROPOSAL

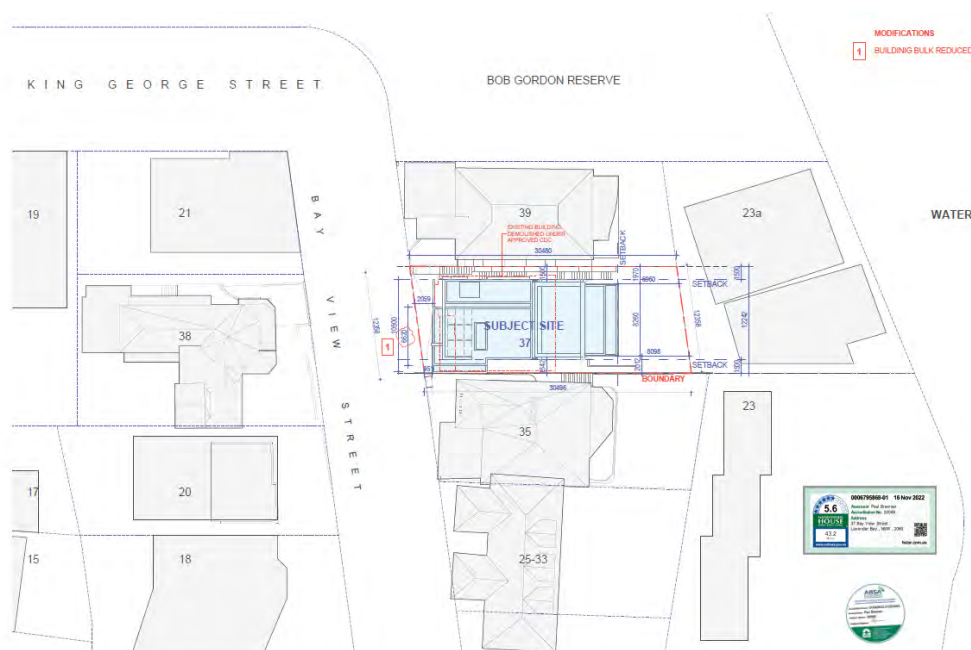
Proposal

The application seeks consent for erection of a new dwelling house as illustrated below, by extracts of the architectural drawings submitted. All images by Architecture Saville Isaacs.

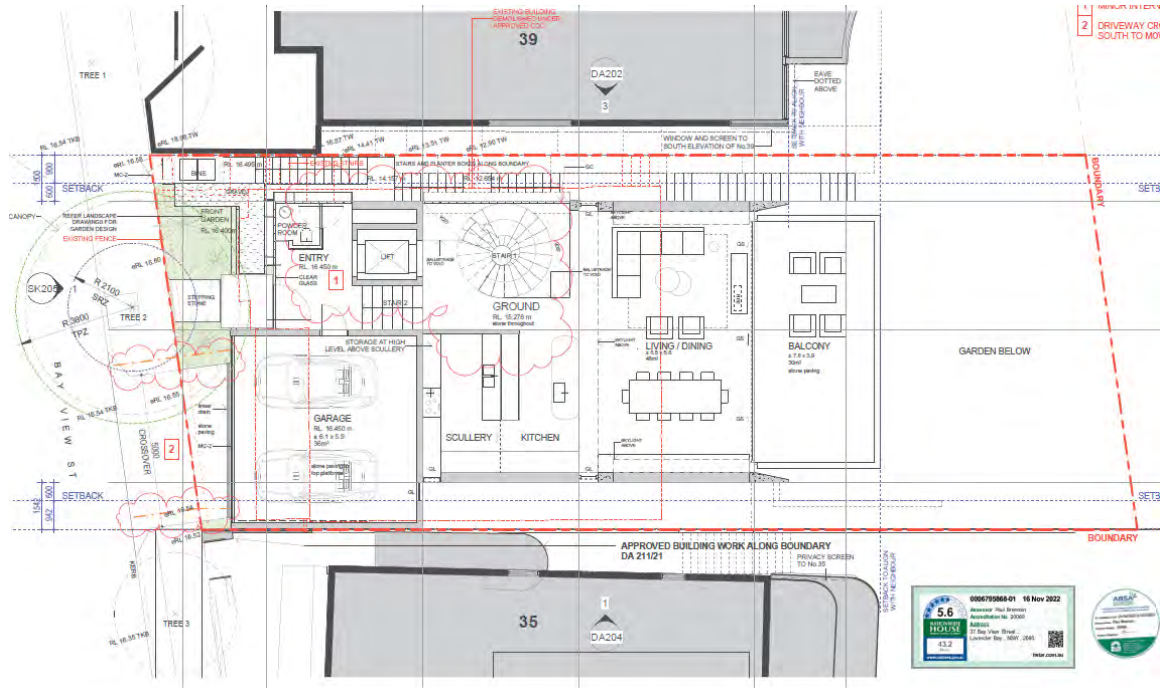
In summary, the proposed house has 4 levels, 4 bedrooms, extensive living spaces and a double garage. Landscaping of front and rear yards, with planting on the southern boundary and a new driveway, are also proposed. Not being able to drain to the street, on-site stormwater treatment and disposal via an infiltration system is proposed.



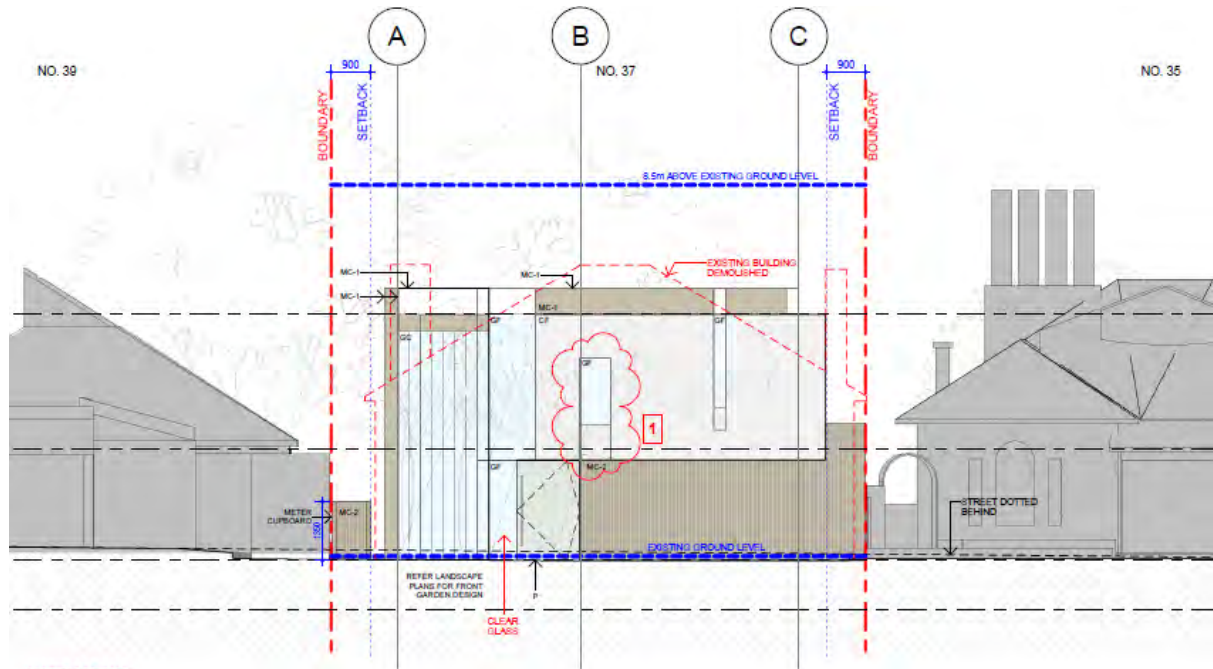
Photomontage of the proposed development.



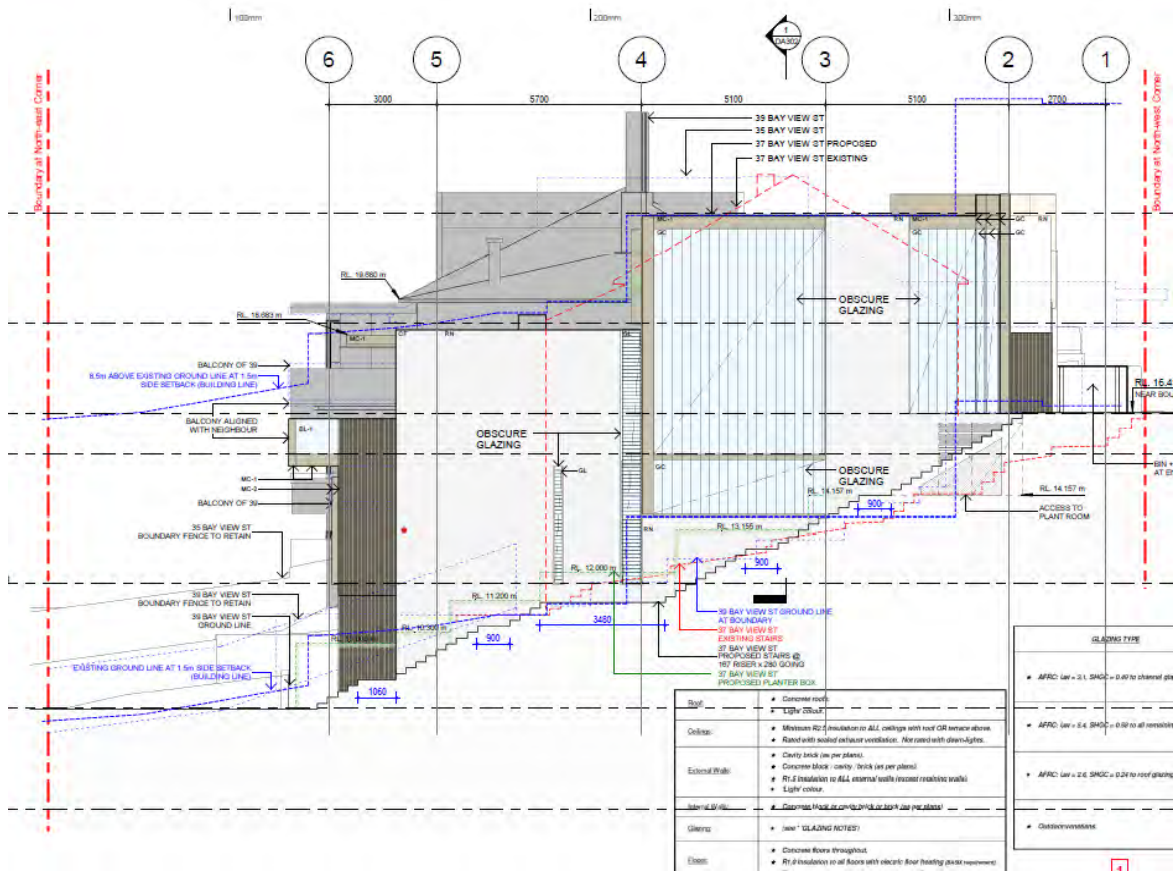
Site and context plan (a good reference for proposed setbacks (drawing DA100) .



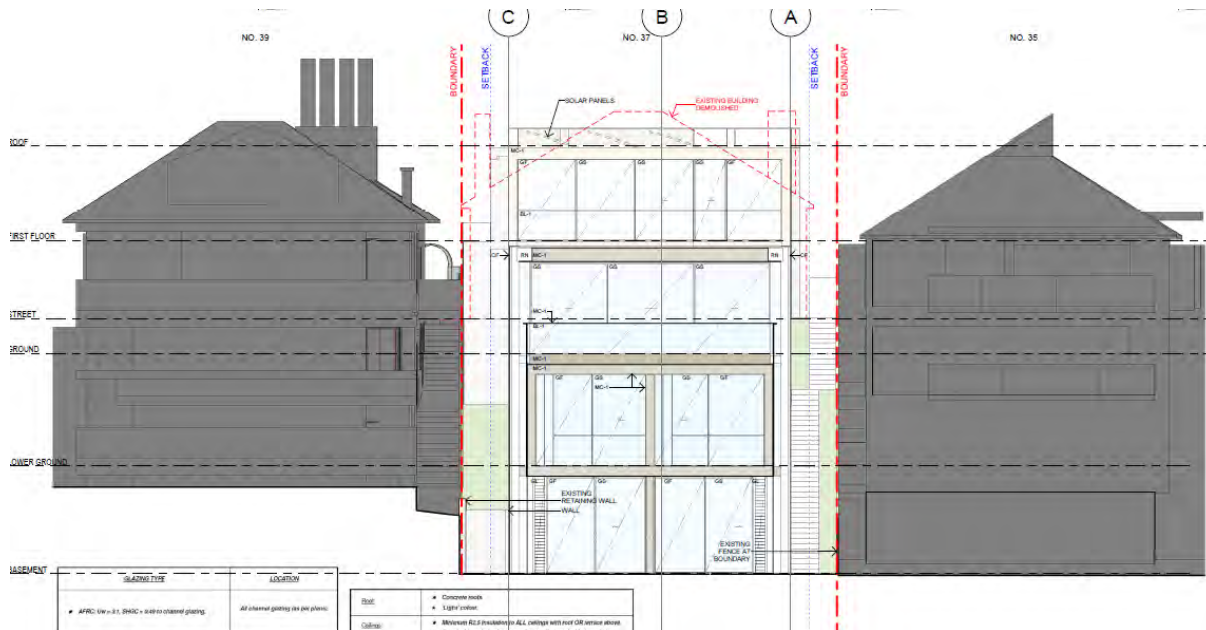
Ground floor plan.



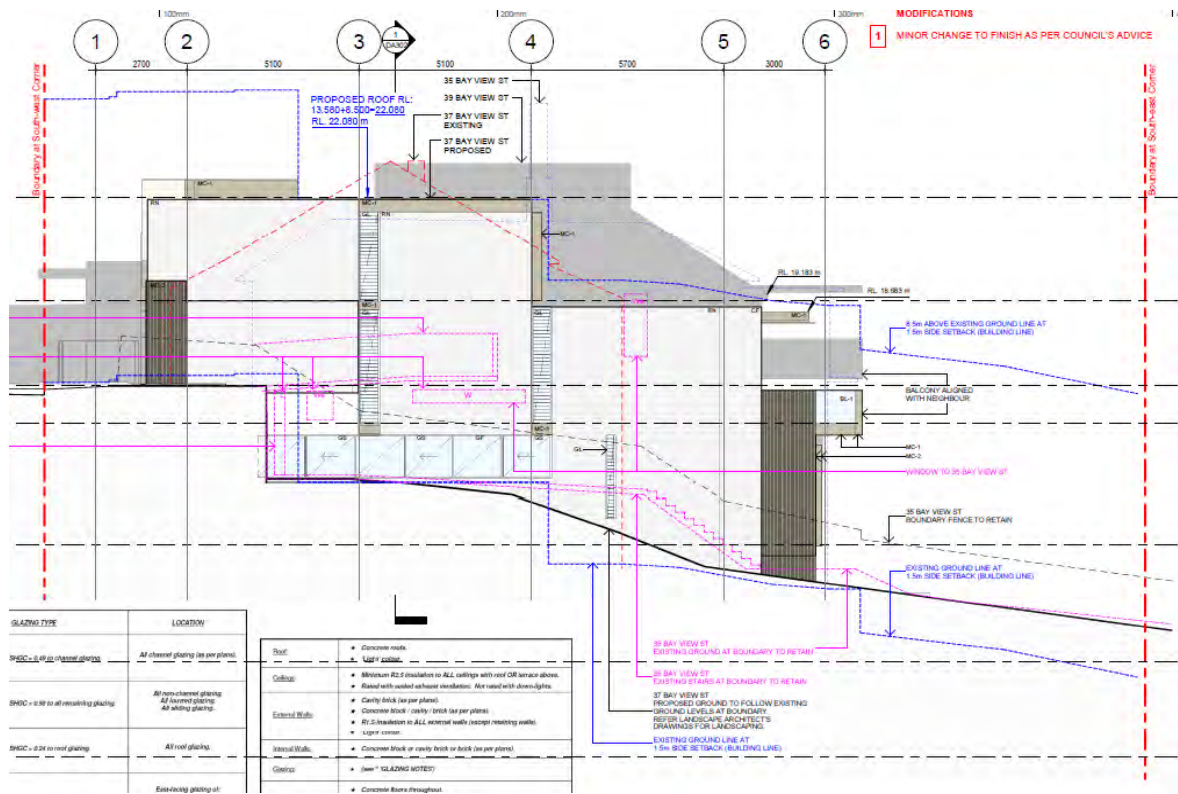
Western street elevation.



Northern elevation.



Rear, eastern elevation, with silhouettes of extant dwellings north and south of the site.



Southern elevation.

Site

The site has an irregular shape with non-perpendicular front and rear boundaries and parallel side boundaries, giving the site an area of 373m² and a frontage/width of 12.4m. The site falls steeply in an easterly direction toward Lavender Bay. Being just above the western shore of the bay, panoramic views of the bay, other parts of Port Jackson and landmarks including the Bridge, the Opera House, the Sydney CBD Luna Park and North Sydney Pool are available. There is no significant vegetation on the site, although there are three mature and healthy crepe myrtles along the footpath, which add to the quality and character of the street.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (the LEP)

- Zoning – R3 Medium Density Residential
- Item of Heritage - No
- In Vicinity of Item of Heritage - Yes
- Conservation Area - No
- Foreshore Building Line - No

Environmental Planning & Assessment Act 1979 (the Act) - Local Development

SEPP (Precincts – Eastern Harbour City) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

SEPP (Building Sustainability Index: BASIX) 2004

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POLICY CONTROLS

North Sydney Development Control Plan 2013 (the DCP)
 Sydney Harbour Foreshores & Waterways Area DCP 2005
 North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The site is in the McMahons Point Neighbourhood of the Lavender Bay Planning Area, per Part C Section 9 of the NSDCP 2013, which describes the locality thus:

- Most properties have harbour views,
- Topography is steep, falling toward Lavender Bay,
- Low rendered masonry fences on lower side of streets,
- Sandstone retaining walls on high side of streets,
- Fully paved verges with limited landscaping.

The site and it's immediate surrounds possess all of these characteristics.

Below is a series of photographs, further detailed by captions which depict and describe the character of the site's locality (or visual catchment), as defined by the Land & Environment Court, in *Mt Annan 88 v Camden Council [2016] NSWLEC 1072*, where in paragraph 63, the judgement states (emphasis added):

*While the term "locality" was not specifically defined by the experts, the general agreement was that it was the general area that could be viewed from the site**.

* i.e. the visual catchment.

This terminology is apt to this assessment.



View south down Bay View Street. The terracotta-roofed and red-brick house behind the street trees to the left, is on the site. This view shows the important role these trees play in the streetscape. Left of the subject house is part of the double garage of the neighbouring dwelling at No 39 Bay View. In the background of the image, is the corner in the street which terminates the vista and the site's visual catchment (Google).

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Again, looking south along Bay View, (the viewpoint is further south than the previous image) showing the traditional built form on the eastern (left-hand) side of the street. The (part) house on the site is at the left of the image. Evident is the continuity of pitched roofs, from the site to the buildings on the corner in Bay View Street. This group of buildings could be considered a remnant of Bay View Street's original character, including the house with the car port at No 35 to the left of centre (Google).



Image of No 39 Bay View (Google). In the centre of the image is the double-doored garage at No 39, with 21 King George (extant dwelling) to the right (DA 216/21 approved for a new two-storey house of contemporary design). The house on the site is obscured by the street trees. Glimpses of the Bridge, City and Lavender Bay are visible. To the left of No 39 is the Bob Gordon Reserve, with a stairway to the waterfront next to the garage, behind the white SUV.

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The above image shows the house on the site (No 37) and its immediate neighbours and part of the set of two storey attached dwellings to the right of the neighbour (No 35). Neighbouring dwellings (Nos 39 and 35) are single storey with relatively light weight parking structures built forward of each dwelling. In a rebuild or further alterations and additions, their replacement with less dominating structures would be strongly encouraged, as envisaged by the DCP.



Northerly view along Bay View Street, at the corner in the street that defines the southern end of the site's locality. Again, this image shows the contribution trees make to local character, also softening built form in the street (the view would be softer if the stump to the right was still a whole tree).

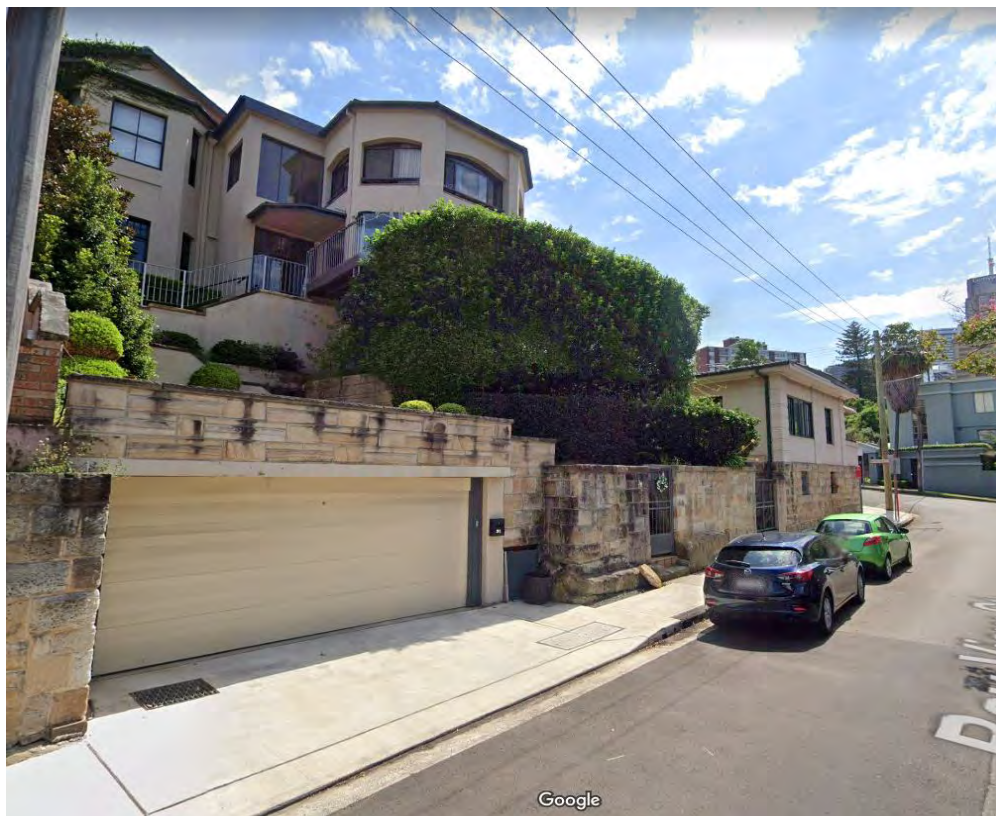
The view and hence the visual character of the northern section of Bay View Street is also influenced by varied architectural form and perhaps more significantly the difference in levels either side of the street. This latter factor arguably reduces the visual relationship of buildings opposite each other. The east and west sides of this part of Bay View Street could be considered to have distinct characters. And taking a broader view, this section of the street is fairly typical of the Lavender Bay & McMahons Point locales (Google).

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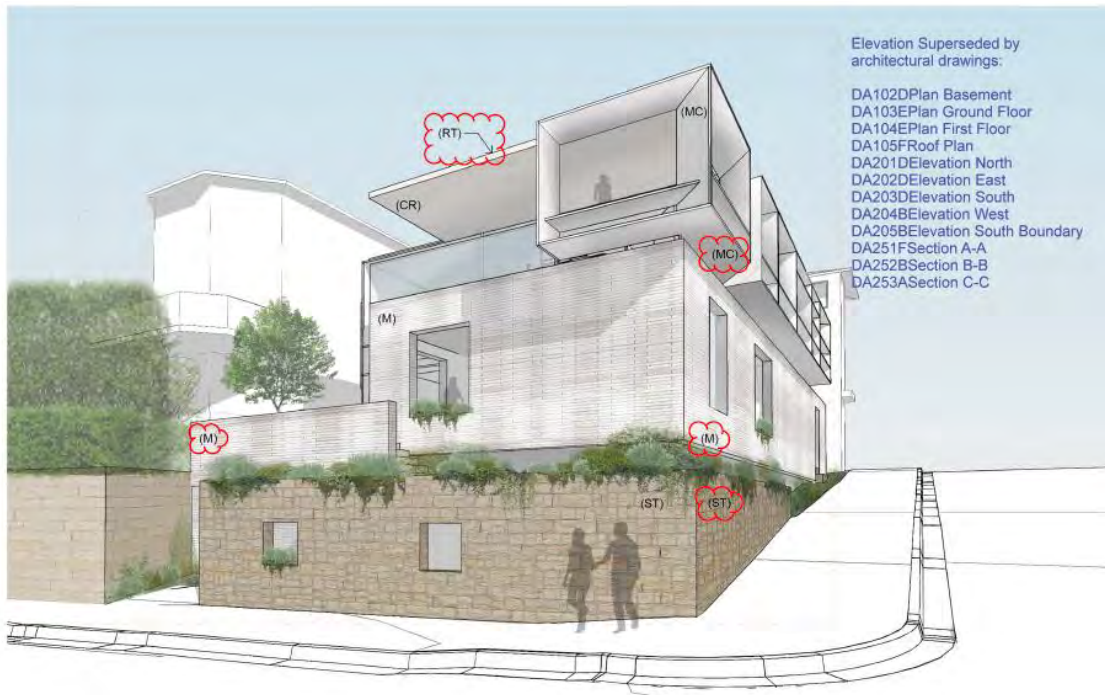
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Interwar block of flats (20 Bay View) and new house to the left (18 Bay View), exemplifying the contrasting age, vernacular and character of Bay View Street's urban fabric, when compared with the eastern side of the street (Google).



Modified Victorian house (38 Bay View) and smaller house at 21 King George Street. This image further illustrates the diversity in character on either side of the street. (Google)



Images above and below, of the dwelling approved at 21 King George Street – note these images may not accurately depict the development as approved by the North Sydney Local Planning Panel as further modification was required during the process. (Architecture Saville Issacs).



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RELEVANT HISTORY

Previous applications

None relevant.

Subject Application

Date	Action
3 December 21	Application lodged.
14 January 22	Application notified for 14 days. 29 submissions received.
13 July 22	Site inspected by author and conservation planner.
August/September 22	Additional information received from applicant, responding to submissions and initial assessment.
13 October 22	<p>Formal request for information sent to applicant, addressing key issues, as follows:</p> <ul style="list-style-type: none"> - Earthworks, requirements for revised/additional geotechnical advice, and consideration of reducing the degree of excavation requested, - Remove habitable rooms below ground level due to non-compliance with the Building Code of Australia, - Potential stormwater and groundwater impact and management, - As the extent of overshadowing of the house at No 35 Bay View Street was unclear in the original submission, elevation shadow diagrams were requested. Diagrams were also requested demonstrating overshadowing by a design that complied with setback and height requirements. - Further view impact analysis from dwellings west and north-west of the site. - The proposal having potential to damage extant street trees adjacent the site and neighbouring land. - Potential for the proposed, semi-enclosed pool to cause unacceptable noise – no information was submitted to support the pool in this regard. - An analysis of proposed window type and location in relation to existing windows of neighbouring houses was requested. That large windows on side elevations was uncharacteristic of the locality was also advised. - That the amount of glazing to front and rear elevations should be reduced was advised, to comply with the DCP and considering the house's location in the Sydney Opera House buffer zone. - Reduce the amount of parking from 4 to 2 spaces to comply with the DCP. - Increase the side setback of the garage to comply with the DCP, including where building height exceeds 7.0m, which requires a minimum side setback of 2.5m. - The dwelling's form and scale being incompatible with its immediate neighbours, and the design requiring a reduction in scale, lessening of the garage's dominance (as a proportion of the building's façade) and articulating the façade. Increasing the setbacks and curtailing floor area of the 1st floor was suggested. - The dwelling's main entry having diminished visibility of and from the street being setback behind the garage. Opaque glass also reduces informal surveillance of the street and connection with the public domain. This treatment requires consideration, to reduce the dominance of the garage being the 'front of the house' (closer to the street than the main entry), to improve the dwelling's contribution to the streetscape.

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	<ul style="list-style-type: none"> - Buildings should have a pitched roof, according to the DCP, also having regard to other buildings in the immediate vicinity of the site having pitched roofs. - Full compliance with side setbacks was requested, including where the building has a height of 3 storeys, the building height exceeds 10.0m (partly below existing ground level due to proposed excavation), requiring side setbacks of at least 2.5m.
<p>November – December 2022</p>	<p>The application was amended, via submission of:</p> <ul style="list-style-type: none"> - A covering letter addressing the above matters from Council’s letter, - Revised amended plans, which in summary: <ul style="list-style-type: none"> - Reduces the number of levels from 5 to 4, by removing the storage level and reducing excavation by about 3.0m, - Removes the pool, - Removes the car stacker with a double garage to the street remaining, - Increases the setback to 1.542m to the south, except the garage which remains on the boundary and the forward part of the 1st floor, which has a 900mm setback, - Removes the drying courtyard on the southern side, raising the finished ground level to match the ground level at the boundary with No 35. - Relocates and resizes various rooms (to accommodate the removal of the previous lowest level), otherwise within the same envelope (with minor modifications), - Changes the some of the obscure glazing next to the front door to clear glazing, and - Removes the large window from the southern façade from the 1st floor principal bed suite. - Revised geotechnical and structural engineering assessments, - All habitable rooms having natural light and ventilation in compliance with the BCA, - Revised stormwater plans, - Elevation overshadowing diagrams showing PM hourly winter solstice shadows cast on No 35 (the requested diagram to illustrate shadows cast by a building compliant with DCP setbacks and LEP height was not submitted), - Additional view analysis was submitted, - Another arboricultural assessment was submitted regarding the street trees, with amended landscaping plans, - Acoustic privacy addressed by removing the pool, - Regarding glazing, and potential impacts on the Opera House, a report by Weir Phillips Heritage and Planning was submitted, - Parking addressed by reducing the number of spaces from 4 to 2, - The architect, Stephen Isaacs of Architecture Saville Issacs, responded in writing to the DCP requirements regarding built form, character, dwelling entry, roofs and the local character statement for the McMahons Point Neighbourhood, with comment by Weir Phillips regarding the proposed building’s presentation to Bay View Street, in relation to heritage items, - The zero setback of the garage to the side, southern boundary was noted as consistent with Bay View Street’s character, where other parking structures are similarly sited, and - A revised BASIX certificate was submitted.

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9 December – 22 – 18 January 2023	Amended application was notified and 16 submissions were received, 15 from submitters regarding the original application.
8 March 2023	Meeting held with the applicants.
14 March 2023	Amended plans received, adjusting façade articulation and finishes.

INTERNAL REFERRALS

Building

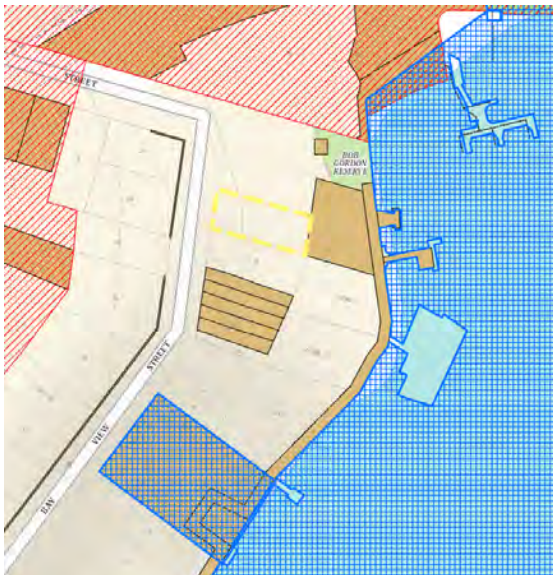
The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia, except advice was obtained regarding the original application including several habitable rooms not satisfying BCA requirements for natural light and ventilation. This has been corrected in the amended plans submitted.

A comprehensive assessment is still required, prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

HERITAGE

The conservation planner's report is provided below.

1. Heritage Status and Significance:



37 Bay View Street is not identified as a scheduled heritage item nor is the site located with a heritage conservation area. A broader aerial view above the site identifies multiple nearby heritage items including the *Lavender Bay* and *McMahons Point North* heritage conservation areas (CA12 and CA13 respectively). The following heritage items are assessed as being within the immediate visual catchment of 37 Bay View Street as viewed from the harbour:

- 23A King George Street (I 0329);
- 11 Bay View Street *Idelmere* (I 0 315)
- Boatshed *Idelmere boatshed* (I 0316)
- 25 -33 Bay View Street being: item no.s I0317/ I 0318/ I 0319/ I 0320/ I03121;

The stone retaining wall (I 0322) which is opposite to the site is also within the visual context of the site in terms of the Bay View Street streetscape: The statements of significance relating to these heritage items and conservation areas are provided in the APPENDIX attached to this memo.

With reference to the above, the provisions in *NDCP 2013 Part B: s13.4 Development in the vicinity of heritage items* apply to the assessment of the development.

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NB The eastern boundary of the *McMahon's Point North* conservation area follows the side and/or the rear property boundaries along the eastern-most end of King George Street, Bay View Street and East Crescent Street. As such, the impact from the proposed development on the character and significance of this conservation area, including the heritage items within it (i.e., 15 Waiwera Street (I 0354), 11, 15 and 17 King George Street (I 0326/ I 0327/ I 0328) is assessed to be minimal

2. Heritage Impact Assessment and Recommendations:

The below assessment of the proposed development has been undertaken in relation to *NSDCP 2013 Part B: s13.4 Development in the vicinity of heritage items* and with regard to *NSLEP 2013 Clause 5.10(5) (c) Heritage assessment*.

The existing Federation period dwelling is a face brick dwelling that presents a single storey scale to Bay View Street and three storeys to the rear/ harbour facing elevation in response to the sloping topography of the site. It appears to be a group with 35 and 39 Bay View Street and appears to have been developed around a similar timeframe as number 35. Number 39 Bay View Street appears to be a later building but one that has adopted a compatible form, scale and massing as its two neighbours. There are clear gap views between these dwellings.

In light of the recent approval on the opposite side of the street at 21 King George Street (19 August 2022) for a new contemporary two storey dwelling under DA 216/21, no objection is raised for a similarly designed contemporary building on the subject site subject to the compatibility of the proposed building envelope with its site context and with regard to:

- A. the Bay View Street streetscape; and
 - B. the compatibility of the harbour facing view in terms of its impact on the heritage setting, most notably in terms of the adjacent boatshed in the foreground, the terrace group at 25 - 33 Bay View Street *Idelmere* + boatshed as well as with the broader foreshore harbour including the area within the *Lavender Bay* conservation area.
- A. The contemporary built form does not adversely impact on the heritage significance of the stone retaining wall that sits on the higher side of Bay View Street – its function and significance is clearly identifiable by the way in which it has been integrated into the new development at 21 King George Street. The proposed front setbacks are compatible with the adjacent dwellings at 35 and 39 Bay View Street. It is recommended that clear gap views between 35, 37 and 39 Bay View Street be retained.
 - B. Overall, the proposed orientation and alignment of the development is compatible with the existing subdivision pattern in the immediate vicinity of the site. However, the existing rear/harbour facing setback sits behind that of its adjoining neighbours muting its relative visual impact. Additionally, the existing three storey built form has a high solid to void ratio compatible with the historic context of the overall site. In contrast, the proposed elevation is heavily glazed and projects beyond that of the adjoining dwellings and is four storeys. Also, the impact from the proposed balconies across the full width of the built form in relation to the group of three create a dominant rather than a recessive impact that does not result in a compatible collective group that provides a backdrop to the boatshed and related heritage setting.

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The harbour facing elevation is out of character in this regard and creates an adverse impact on the setting of the boat house, 25-33 Bay View Street as well as on the broader context of the site that captures *Idelmere*, the setting of the nearby Lavender Bay heritage conservation area and the heritage items within it that are located along the harbour foreshore. Provisions to reduce this impact should be implemented. Overall, a recessive impact from the contemporary form of the new work will ensure an improved outcome relating to the setting and visual prominence of the heritage heritage times and character

Conditions of consent recommending the revision of the proposed alignment of the rear/harbour facing elevation with its adjoining neighbours, reducing the visual impact of the lower ground level through the use of recessive finishes/colour and appropriate landscaping in the foreground are proposed.



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Whilst the Federation expression of the early building will be lost through its demolition, the contemporary form, massing, scale and setbacks are to complement the existing built form on either side of the subject site as well as develop a relationship with the contemporary design of the recently approved DA at 21 King George Street. It achieves a high solid to void ratio which is expressed in the buildings in the immediate context of the site. This can also be achieved at the subject site to minimise the adverse impact on the setting of the nearby heritage items through the expression of large areas of glazing.

In conclusion, the key emphasis of any future works is to encourage a high-quality built outcome that fits into the design and visual context of the site generally and in terms of the setting of the heritage items in the vicinity of the site. The proposal is supported subject to the recommended conditions below.

3. Conclusion and Recommendations

With reference to the above, an assessment of the proposal has been undertaken in terms of *NLEP 2013 Clause 5.10 (5)(c) Heritage conservation and Development in the vicinity of heritage items*. In order to comply with the provisions of *NDCP 2013 Part B: s13.4* to meet the objectives of *NLEP 2013 Clause 5.10 (5)(c)*, the following conditions are recommended

1. That the side building lines are to maintain compatible gap views between numbers 35 and 39 Bay View Street as currently exist.
2. That the solid to void ratio in the rear/ harbour facing elevation shall be revised to reduce the amount of glazed area and increase the solid portions of the elevation in line with the predominant solid to void ratio evident in the neighbouring dwellings and heritage items in the vicinity of the site.
3. That the lower level of the rear/ harbour facing elevation is to be visually recessive to reduce the visual impact of four levels by the use of recessive finishes and colours and the use of appropriate landscaping in the foreground.

(Reason: To protect the setting and views to and from the adjoining heritage item group and the nearby heritage items and heritage conservation area.)

Details of the proposed revisions are to be submitted to Council prior to the issue of any CC.

Planner's comment

The above three recommendations have been included in the recommended deferred commencement condition.

ENGINEERING

Council's development engineer has considered the application and has recommended conditions addressing construction traffic management, drainage, structural stability and geotechnical conditions, and stormwater management.

LANDSCAPING

The following report of Council's Landscape Development Officer is based on the amended application, including the revised arborist's report.

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While the updated arborist report prepared by Vertical Tree Management & Consultancy dated 5/11/22 is considered to understate the impact of the proposal to T2 Lagerstroemia indica, assessing only the impact of the vehicle crossing and not including works within the subject site – resulting in an assessment of a minor versus a major impact as is actually the case, strict adherence to tree protection conditions, and strict supervision by project arborist may allow for the proposal to be permitted.

Prior to any approval, confirmation is required that the existing Telecom pit within the proposed footprint of the vehicle crossing can be either lowered in its existing location, or re-located such that no further impact is caused to T1, T2, or T3, with the former option being the preferred outcome. No additional negative impact to these trees can be permitted.

Previous advice regarding required amendments to earlier Landscape Plan have not been heeded and must be amended in an amended plan.

REQUIRED AMENDMENTS

- *The proposed Syzigium ‘Resilience’ in the side setbacks between 35 Bayview St, 39 Bay View St, and the subject site, shall 2 replaced with an equal number of Rhaps exelsa (45l).*
- *The Acer palmatum (200l) proposed to be planted within the rear setback of the subject site is considered unsuitable and shall be replaced with 1 x Tristaniopsis laurina (200l).”*
- *Upon resolution of the existing Telecom pit location, a detailed Tree Protection Management Plan prepared by an AQ5 qualified arborist shall be submitted to Council’s Manager Development Services for approval.*

Planner’s comment

The amendments specified above were discussed with the Landscape Development Officer. It was agreed they could be addressed via conditions of consent.

Accordingly, conditions are recommended to cover these matters, together with other conditions recommended by the Landscape Development Officer to protect trees during and after construction.

EXTERNAL REFERRALS

None required.

SUBMISSIONS

Original proposal

Council notified adjoining properties and the Lavender Precinct Committee of the proposed development seeking comment between 14 January 2022 and 28 January 2022. Council received 29 submissions. The matters raised in the submissions are listed below:

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

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Basis of Submissions

The proposal is contrary to North Sydney LEP and possibly The Sydney Harbour Catchment REP – superseded by the SEPP (Biodiversity and Conservation) 2021 - and the Foreshores and Waterways Area DCP.

Non-compliance with the following DCP controls:

- excavation and topography,
- site coverage,
- insufficient landscape area, and
- out of character with other residences in the locality, including heritage architecture. The dwelling deserves to be protected.
- Object to the four car garage, in “...an already narrow and congested street and with such proximity to a blind corner...which is unsafe and inconsistent with council’s guidelines for residential parking...”.
- Another submission noted ample public transport and car-sharing opportunities in the area.
- The proposal does not comply with building massing and density controls, it is an overdevelopment of the site and causes visual intrusion into the streetscape.
- “It should present as two storeys above existing ground level with a 36-degree sloping roof.”
- The development adversely affects neighbours’ amenity.
- The proposal is out of context with surrounding development.
- The development does not contribute to the garden setting and low scale character of North Sydney’s residential neighbourhoods.
- The proposal is inconsistent with LEP building height objectives (cl. 4.3) namely paragraphs:
 - (a) conform to landform,
 - (b) to retain views or suitably share them,
 - (c) maintain solar access,
 - (d) maintain privacy,
 - (e) maintain compatibility between development, and
 - (g) maintaining a built form of 1 and 2 storeys.
- The proposal does not incorporate sustainable design principles.
- Stormwater volume is not minimised and its quality is not improved.
- Bulk of the building is increased as excavation increases, which could affect the structural integrity of adjacent buildings.
- Front and side setbacks are not complied with, which are inconsistent with DCP objectives and cause adverse amenity impacts to neighbours.
- Proposed bedrooms (2 and 3) protrude beyond the house to the south (No 35).
- Landscaping on the southern side of the proposal will reduce sunlight to the dwelling at No 35.
- The roof terrace (notated as a ‘planted roof’ on plans) is objected to, forming a large terrace off the main bedroom.
- Overshadowing of No 35 is unacceptable, caused by :”...excessive bulk of the inconsistent and out of character front facade with non-compliant setbacks...”.
- Loss of visual and acoustic privacy.
- In particular the width (and location) of balconies contributes to adverse privacy impacts.
- Request provision of an overlay to demonstrate compliance with height standard.
- Occupants/owners of nearby property submit that:
 - The front setback be increased by 1.5m – 2.0m,
 - The southern side setback of the garage and level above to a minimum 1.5m
 - Reduce excavation,
 - Mark ‘roof terrace’ as ‘non-trafficable’,
 - Replace sliding doors to main bedroom with windows,
 - Delete window from the southern side of the main bedroom,
 - Reduce or make retractable the awning over the ground level balcony to preserve views,
 - Alter the plant selection along the southern boundary,

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- Remove the car stacker, and
- Reduce the depth of the ground level terrace by at least 1.0m.

Amended Proposal

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the Lavender Precinct Committee, from 9 December 2022 until 18 January 2023. Council received 16 submissions (15 from previous submitters) and the matters raised in submissions are listed below, noting that many issues raised were common to both notification periods:

Basis of Submissions

- “While none of the non-compliant components of the proposal result in view impacts, reducing the extent of the ground floor balcony, balcony roof, living room and secondary bedroom at the north-eastern corner would resolve the view impacts from 39 Bay View Street while still providing for the same development potential and amenity.”
- “It is recommended the Applicant introduce a visual privacy treatment or a redesign of this (north-eastern) portion of (the) proposed development, without compromising existing iconic views, to eliminate overlooking to habitable rooms within the site.”
- “The submitted Visual Impact Assessment is limited... (it) would not satisfy the Land and Environment Court requirements for the use of photomontages.”
- The garage dominates the street frontage and is inconsistent with cl. 1.5.4 of the DCP, minimising the opportunity for landscaping and an adequate garden setting.
- Installation of height poles and stringlines to show view impacts should be provided.
- Construction will disrupt street usage.
- Removal of bedrock could cause movement and changed water flows (surface and ground water).
- The period of construction is 18 to 24 months, according to the architect. The neighbourhood should not be subject to earthworks and construction, including vehicles and other equipment during such “...a wholly unreasonable length of time.”
- Demolition should not have been approved, via complying development certificate, whether the building is heritage-listed or not.
- The house was formerly a boarding house and the relevant housing policy should be applied (formerly SEPP 10, now SEPP (Housing) 2021).
- The development may affect local native fauna movement.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the Act, are assessed under the following headings:

SEPP (Biodiversity and Conservation) 2021

Development in the Sydney Harbour Catchment

The land to be developed is in the Harbour Foreshores and Waterways Area as defined by this policy. Consequently, the following provisions apply and the proposed development is not inconsistent with them as they relate to the site and the proposed house.

- 6.6 Water quality and quantity
- 6.7 Aquatic ecology
- 6.8 Flooding
- 6.9 Recreation and public access

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6.11 Land within 100m of a natural waterbody
6.28 General (Development in Foreshores and Waterway Area)

Being in Sydney Harbour's Foreshores and Waterways Area, the site is subject to relevant provisions of the DCP of the same name, published in 2005. Of relevance to the site is the need to conduct assessments of the proposal's potential to impact the conservation value of certain 'terrestrial and aquatic ecological communities' and the 'landscape character type' a site is located in.

The subject land is in the "Urban Development (with scattered trees)" terrestrial ecological community, to which the DCP attributes a "low conservation status". Nevertheless, an assessment against performance criteria is required:

Terrestrial ecological community assessment

Criteria	Performance
<i>Mature trees containing hollows are preserved where feasible.</i>	The site contains no hollow bearing trees.
<i>Natural watercourses and any special natural features such as cliff faces and rock outcrops are protected.</i>	The site has no such features.
<i>The incremental and cumulative effects of development are considered having regard to the above performance criteria.</i>	N/A
<i>Fencing to contain domestic pets is provided.</i>	Fencing is proposed to side and rear boundaries. gates at the side of the house would be necessary to prevent companion animals reaching the street. Gates are recommended to be installed.
<i>Measures to minimise soil erosion and siltation during construction and following completion of development are implemented.</i>	Suitable measures are proposed and conditioned.
<i>Controls are implemented to prevent pollutants from entering the waterway.</i>	Suitable measures are proposed and conditioned.
<i>Any pollutants and any increase in suspended solids is temporary and does not exceed the current pollution and range of turbidity.</i>	This criterion is aimed at water-land interface or water-based development, that would disturb the bed of a natural water course or body.

The subject land is situated in a 'landscape character type 8'. According to the DCP, the performance criteria for 'type 8' are considered in the following table:

Landscape character assessment

Criteria	Performance
<i>Vegetation is integrated with land-based development to minimise the contrast between natural and built elements;</i>	There is no contrast between natural and land based (waterfront) development as the site is removed by elevation from the waterfront, so there is no need to consider integration of vegetation.
<i>Design and mitigation measures are provided to minimise noise and amenity impacts between incompatible land uses;</i>	There is arguably no land use incompatibility in the site's vicinity.

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<p><i>The maritime uses on the Harbour are preserved. Pressure for these uses to relocate is minimised. New developments adjoining maritime uses are designed and sited to maintain compatibility with existing maritime uses; and</i></p>	<p>No pressure is expected to be caused by the development on nearby maritime uses. Marine activity at the boatshed below the site would unlikely be obliged to move to another site as a result of the proposed development.</p>
<p><i>Remaining natural features that are significant along the foreshore are preserved and views of these features are maintained.</i></p>	<p>The proposal does not affect natural foreshore features or unreasonably effect views of them.</p>

SEPP (Precincts – Eastern Harbour City) 2021

Part 2.2 of the SEPP identifies State Significant Precincts which include provisions specific to carrying out development in those precincts. Appendix 1 identifies one such precinct, titled “Sydney Opera House”.

Cl.1 in Appendix 1 identifies and provides planning provisions for the “Sydney Opera House Buffer Zone”, of which the site is a part.

Three matters require consideration when development is proposed in the buffer zone, in that development is to:

- (a) *preserve the world heritage value of the Sydney Opera House, and*
- (b) *preserve views and vistas between the Sydney Opera House and other public places in the buffer zone, and*
- (c) *avoid diminution of the visual prominence of the Sydney Opera House when viewed from other public places in the buffer zone.*

The submission made with the amended application by Weir Phillips Heritage and Planning concludes the development will be indistinguishable from its surrounding urban fabric on the steep rise from the Lavender Bay shore line to the ridge formed by buildings and trees along Middle Street. Consequently, the site being 1.5km from the Opera House, the proposal has little or no effect on the visual prominence or significance of the Opera House, as indicated in the image below. Neither would the aggregate impact of the proposal and other redevelopment of a similar scale be likely to diminish the Opera House’s values and those of its visual catchment.

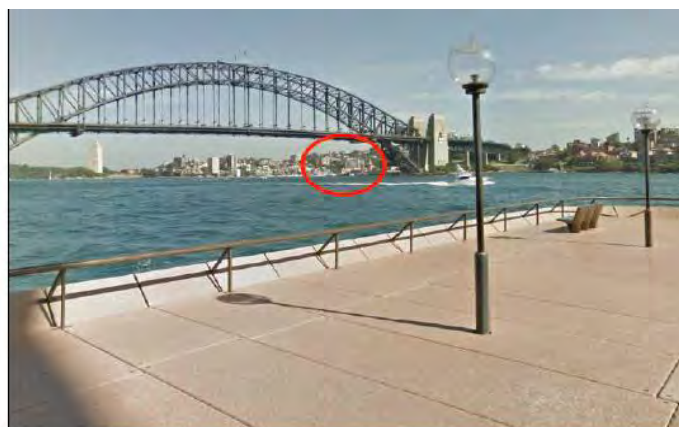


Figure 2: View towards the site from the Opera House from the forecourt.
 Google Maps; annotation by WP Heritage and Planning.

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SEPP (Resilience and Hazards) 2021

Past use of the site for residential purposes is unlikely to have caused contamination to an extent that would require remediation. Neither is any change to the current use proposed, likely requiring further investigation or remediation. The application can be approved, as applicable requirements of the policy have been considered.

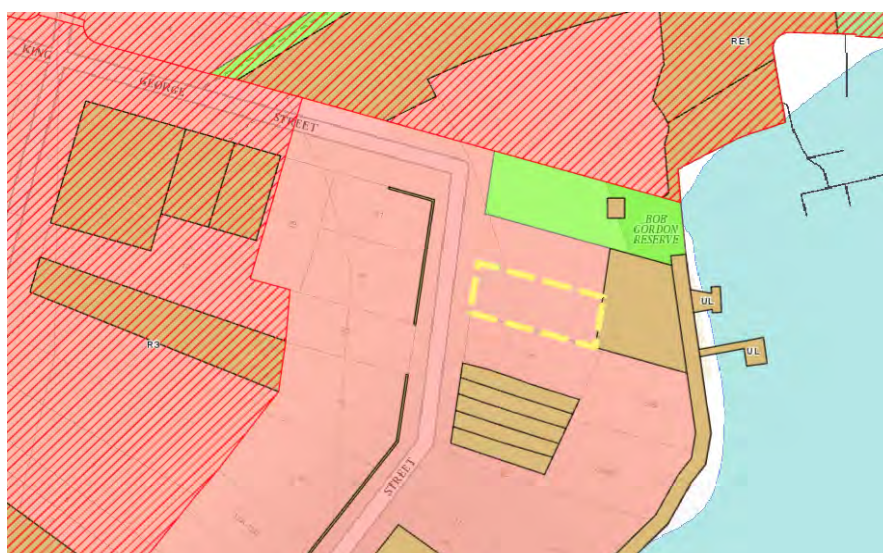
SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate (No. 1243971S_02 dated 16 November 2022) for a separate dwelling house has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The site is zoned R3 Medium Density Residential. Dwelling houses are permissible with consent in this zone.



Site (yellow edge) with zoning of site and surrounds, R3 Medium Density Residential (Pink), RE1 Public Recreation (Green) and heritage items (tan) and Heritage Conservation Area (red hatch) (eplanning spatial viewer).

2. Objectives of the zone

R3 zone objectives are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*

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

The proposal is consistent with relevant zone objectives, in that:

- The proposed dwelling helps meet housing needs,
- Contributes to a variety of housing types,
- It does not provide non-residential uses,
- Medium density housing is not proposed (the proposed dwelling house is permissible),
- There is no transition between areas of different densities, densities are mixed in the site's vicinity, and
- Subject to recommended design amendments being made, a high level of residential amenity would likely be achieved.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area - #m ²	Proposed	Control	Complies
Clause 4.1 – Subdivision lot size			N/A
Clause 4.3 – Heights of Building	8.5m	8.5m	YES
Clause 4.4 – Floor Space Ratio			N/A
Clause 4.4a – Non residential FSR			N/A
Clause 6.6 Dual Occupancy:			
• Appearance as a dwelling house			N/A
• Level of attachment to common wall (80%) or common floor to ceiling (80%)			N/A
• Minimum lot size – 450m ²			N/A

3. Height of Building

The following objectives for the permissible height limit pursuant to clause 4.3 in NSLP 2013 are stated below:

- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- to promote the retention and, if appropriate, sharing of existing views,*
- to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- to ensure compatibility between development, particularly at zone boundaries,*
- to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

The height of the proposal measured in accordance with the building height definition of the LEP is 8.5m, which does not exceed the development standard. This is due to the proposed building's relationship to the existing ground level (as defined by the LEP), and the significant quantum of excavation proposed, which is discussed later in this report.

As the proposed building complies, it is deemed to be consistent with the standard's objectives.

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4. Heritage Conservation

The subject site is close to several heritage items listed in Schedule 5 of the LEP, and the following objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Being in the vicinity of heritage items, cl. 5.10 (5) of the LEP requires consideration.

The heritage assessment is provided in the above Referrals section of the report.

As concluded by Council's conservation planner, the proposal is consistent with these provisions of the LEP.

5. Earthworks

The proposal involves excavation, and an assessment has been carried out per cl. 6.10 of the LEP. Provisions of this clause require Council to consider the following, before granting consent:

- Drainage patterns and soil stability,
- Natural features and vegetation on the site and in the locality,
- The effect of the development on likely future use of the land,
- The quality of material to be used as fill or proposed to be excavated,
- The effect of the development on the effect of adjoining properties,
- The source of fill and the destination of any excavated material,
- The likelihood of disturbing Aboriginal relics,
- Proximity to and potential for adversely impacting a water course or environmental sensitive area, and
- Appropriate measures to avoid, minimise or mitigate potential impacts.

A geotechnical report and a letter from a structural engineer have been submitted with the amended application which suitably address these matters, with the exception of those relating to fill and spoil (addressed under waste management and environmental protection legislation) and the likelihood of finding of archaeological artefacts of cultural significance to First Nations people. The site to be excavated is predominately natural sandstone which is easily excavated and is unlikely to be contaminated. The scope of the proposal does not require a comprehensive analysis and assessment of the material to be removed. The probability of discovering Aboriginal relics is low, being remote from watercourses and foreshore areas and due to the nature of the existing improvements.

The information was submitted upon Council's request, as significant concern was expressed by neighbours regarding the potential of the development to destabilise neighbouring land and buildings.

Subject to recommended conditions, the geotechnical aspects of the proposal have been adequately considered.

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NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessed in accordance with applicable DCP provisions:

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 replaces an existing dwelling with a new dwelling and is satisfactory.
1.2.2 Maintaining Residential Accommodation	Yes	
1.2.3 Affordable Housing	N/A	
1.2.4 Housing for Seniors/Persons with disability	N/A	
1.3 Environmental Criteria		
i. Topography Objectives seek to: <ul style="list-style-type: none"> - Maintain natural topography and landform, - Retain vegetation and trees, - Minimise negative impact on neighbour amenity, - Not disturb local geotechnical and hydrogeological characteristics, and - Minimise effects of adjoining transport infrastructure. 	On merit.	The amended design, the revised geotechnical report and letter from the structural engineer address relevant objectives. A condition is recommended requiring further investigations and works being in accordance with the submitted geotechnical report and structural engineer's letter.
1.3.2 Bushland	N/A	
1.3.3 Bush Fire Prone Land	N/A	
1.3.4 Foreshore Frontage	N/A	
1.3.6 Views	Yes	See assessment below this table.
1.3.7 Solar Access	No	See assessment below this table regarding the side setback.
1.3.8 Acoustic Privacy	Yes	A new dwelling replaces an existing dwelling in a residential setting. No additional noise to what may be expected from normal domestic activities is expected to occur.
1.3.9 Vibration	N/A	
1.3.10 Visual Privacy <ul style="list-style-type: none"> • Roof top terraces are only permitted under specific circumstances, and if appropriate, • Must be the smaller of the lesser of either 50% of the floor area below or 18m². 	Yes	See assessment below this table. In addition to the proposed rooftop garden, privacy relating to other aspects of the proposal is considered.
1.4 Quality built form		
1.4.1 Context	Yes	The submitted proposal, as amended, and subject to the design being further refined as recommended the proposal will be compatible with its urban context.
1.4.2 Subdivision Pattern	N/A	
1.4.3 Streetscape	Yes	The key issue relating to the streetscape is preservation of street trees opposite the site and neighbouring dwellings. Recommended relocation of the garage and/or reduction of the garage's width, as discussed below the table, may impact driveway location which in turn may have an impact on the crepe myrtle adjacent the site. Redesign will need to be the subject of further arboricultural assessment, which is recommended.

1.4.4 Laneways	N/A			
1.4.5 Siting	Yes by condition	Siting of the dwelling is apt, except for the southern setbacks of part of the dwelling accommodating the garage and 1 st floor bed-suite. Also discussed below the table, regarding the southern side setback.		
1.4.6 Setback – Side	Yes and no, see table to the right.	Zone R3 (Medium Density Residential)		
		Control	Proposed (southern side)	Compliance
		1 st storey (Up to 4m) 900mm	0.0m (garage)	No (see DA104)
		2 nd storey (up to 7m) 1.5m	0.942m (principal bed over garage)	No (see DA105)
		3 rd storey (Greater than 7m)	1.542	No Height is 3 storeys and > 7.0m east of front half of garage (see DA 204)
		Control	Proposed (northern side)	Compliance
		1 st storey (Up to 4m) 900mm	1.5	Yes
		2 nd storey (up to 7m) 1.5m	1.5m	Yes Part of building east of obscure glazing, toward middle of building (See DA202)
		3 rd storey (Greater than 7m)	1.5m	No Middle section where obscure glazing positioned and eastern most part of building over bottom flight of stairs. (See DA202)
		See discussion below this table.		

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<p>P1 Front setback</p> <ul style="list-style-type: none"> To match adjoining properties. <p>P5 Rear Setback – Rear</p> <ul style="list-style-type: none"> To match adjoining properties. 	<p>Front: On merit.</p> <p>Rear: Yes.</p>	<p>Front setback</p> <p>It would be preferable to have the garage setback behind the section of the front façade with the pedestrian entry. However amendments made to the facade by including windows above the garage door and the recommendation to increase the setback of the garage and the first floor to the southern boundary, acceptably reduce what would otherwise be a dominant and obtrusive element of the building, when viewed from the street and other dwellings in the immediate locality. With regard to the foregoing and the irregular setback of other buildings along the street, including other parking structures close to or on the boundary, the proposed front setback is satisfactory.</p> <p>However, the garage being further setback from the street boundary may be necessary for another reason, to reduce and effectively mitigate or avoid potential impact on the street trees.</p> <p>Rear setback</p> <p>As shown on plan DA100, the rear setback is aligned with the balconies (the easternmost parts) of the dwellings either side of the site.</p>
<p>1.4.7 Form Massing Scale</p> <ul style="list-style-type: none"> Floor to ceiling height 2.7m 	Yes.	Amendments made and implementation of the recommendations will render the proposal's built form, massing, scale and character consistent with the existing urban fabric and development approved in the same locality, at 21 King George Street (DA 216/21), illustrated above.
<p>1.4.8 Built Form Character</p>	Yes.	As above.
<p>1.4.9 Dwelling Entry</p>	Yes.	Amended by replacing some of the obscure glazing with clear glazing to improve informal surveillance of the street, the dwelling entry is acceptable.
<p>1.4.10 Roofs</p>	On merit. and by condition.	When the applicants were written to in October 2022, they were informed the proposal did not comply, in that the dwelling did not include a pitched roof. As already noted, amendments submitted and further alterations recommended will result in a building that will be consistent with the existing character of the locality, without including a pitched roof. And as demonstrated by the view analysis (below this table) a flat roof has axiomatic benefits.
<p>1.4.11 Dormers</p>	N/A	
<p>1.4.12 Materials</p>	Yes.	Materials are of a contemporary style and substance, like those approved across the street.
<p>1.4.13 Balconies – Apartments</p>	N/A	
<p>1.4.14 Front Fences</p> <ul style="list-style-type: none"> No greater than 1m from front building line & along front boundary Transparent fences no greater than 1.5m with 50% solid construction 	On merit.	As shown above, taken from the architectural cover sheet, the photomontage indicates only a small section of 'fence' on the boundary, next to the northern neighbour's boundary. What appears to be a fence seems to be the door of a meter cupboard, which also forms an enclosure for garbage bins, behind the meter box. It is 1.35m high and about 1.0m wide. <p>The remainder of the frontage is fence-free.</p>

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1.5 Quality Urban Environment																			
1.5.1	High Quality Residential Accommodation	N/A																	
1.5.2	Lightwells & Ventilation	N/A																	
1.5.3	Safety and Security	N/A																	
1.5.4	Vehicle Access and Parking	Yes by condition	The garage dominates the street frontage and is inconsistent with P 14 of this clause, minimising the opportunity for landscaping and an adequate garden setting. Despite the proximity of the garage to the front boundary, there is sufficient area for landscaping adjacent to the residence's pedestrian entry. The garage's dominance would be reduced by increasing its setback from the side (and front) boundary, as discussed.																
1.5.5	Site Coverage	Yes	See table below.																
1.5.6	Landscape Area		<table border="1"> <thead> <tr> <th>Control</th> <th>Required</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage (max)</td> <td>50</td> <td>50</td> <td>Yes</td> </tr> <tr> <td>Landscaped area (min)</td> <td>30</td> <td>31.4</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area (max)</td> <td>20</td> <td>18.6</td> <td>Yes</td> </tr> </tbody> </table>	Control	Required	Proposed	Compliance	Site coverage (max)	50	50	Yes	Landscaped area (min)	30	31.4	Yes	Unbuilt-upon area (max)	20	18.6	Yes
Control	Required	Proposed	Compliance																
Site coverage (max)	50	50	Yes																
Landscaped area (min)	30	31.4	Yes																
Unbuilt-upon area (max)	20	18.6	Yes																
1.5.7	Landscaping	Yes	The Landscape Development Officer found the proposal to be acceptable subject to recommended conditions.																
1.5.8	Front Gardens	Yes	Despite the double width driveway and small front setbacks, there is sufficient area for landscaping the front garden.																
1.5.9	Private and Communal Open Space	Yes	The rear yard would exceed the minima required, the rear yard being approximately 12m x 7 m = 84m ² , (7m is an average estimate, given the rear boundary is not perpendicular to the side boundaries).																
1.5.10	Swimming Pools	N/A	The pool in the original DA was deleted in the amended application.																
1.5.11	Tennis Courts	N/A																	
1.5.12	Garbage Storage	Yes	Adequate, concealed bin storage is provided.																
1.5.13	Site Facilities	N/A																	
1.5.14	Servicing of new lots	N/A																	
1.6 Efficient Use of Resources																			
1.6.1	Energy Efficiency	Yes	As mentioned, a valid BASIX certificate has been submitted with the application and BASIX commitments included on the plans. These cover the applicable provisions of this clause of the DCP.																
1.6.2	Passive Solar Design																		
1.6.3	Thermal Mass and Insulation																		
1.6.4	Natural Ventilation																		
1.6.6	Hot Water Systems																		
1.6.7	Water Conservation																		
1.6.8	Stormwater Management																		

Views

Arguably, the most critical aspect of view assessment is compliance with controls that establish the maximum building envelope, namely height and setbacks. View assessment of this application is no different, in that building height could affect views from above the site and, in particular, the rear setback could affect views of neighbours either side of the site. Views from the public domain must be considered as well. Compliance establishes the 'starting point' of whether a proposal building promotes 'view sharing' (DCP cl. 1.3.6 part B Residential Development) and 'view retention and sharing', the latter if appropriate (LEP cl. 4.3 (1) (b)). According to the Land and Environment Court's planning principles for view sharing (Tenacity), compliance also 'opens the door' to considering whether design alternatives might lessen view impacts on neighbours, without reducing development potential and amenity for the applicant.

The proposal is in alignment with this 'starting point', as the building is compliant with the height standard (see drawings DA201 and DA301) and the rear setback (see drawing (DA100)). Although central sections of the building's side walls are higher than 7.0m, and should therefore be setback 2.5m, building sections that breach this prescribed setback do not significantly affect views or other amenities of the locality's residents.

Due to compliance with building height, the proposal is in a highly defensible position when the impact on views is critiqued in accordance with the Land & Environment Court's view sharing principles. In summary, from the oft-quoted Tenacity case, these principles are:

Principle 1 – the views to be affected

- *A whole or partial view.*
- *View subjects – e.g. famous or significant landmarks, land and/or water, shorelines of harbours, estuaries or beaches.*
- *The value, or quality of the view.*

Principle 2 – from where views are obtained

- *Over front or rear, or side boundaries.*
- *View from standing or sitting positions.*
- *Retaining side views and sitting positions is difficult and often unrealistic.*

Principle 3 – extent of impact on views

- *Views from living areas (indoor – kitchens, lounges, rumpus, dining, and outdoor – decks, terraces, balconies) are more significant.*
- *Consider the qualitative impact.*

Principle 4 – assess the reasonableness of the development

- *A development which complies fully with planning controls is more reasonable than one which does not.*
- *Increasing degrees of non-compliance contribute to the impact being less reasonable.*
- *For a compliant development, whether the design could be altered to lessen the impact on neighbour's views and still maintain the amenity and development potential of the subject site, should be considered.*

Conclusion – describe the severity of impact on views

- *The severity of the impact on a view is derived from considering the previous four principles:*
 - *Are the views of a high or low quality, or somewhere between?*
 - *Are the views direct (front or rear) or indirect (side), from standing or sitting positions?*

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- *Are the views from regularly used living spaces or those less regularly used?*
- *Is the development compliant with development controls?*
- *Can the design be altered without impacting development potential or amenity of the site and proposed development?*

View and visual impact analyses have been submitted with the original and amended development applications. In this regard, it is noted that the envelope (height and setbacks) of both the original and amended designs are the same. The visual impact analysis was requested, to consider views from locations, from which submissions were received and not considered in the original view analysis. Each report was, according to their author, prepared in observance of Tenacity principles.

View analysis

The view analysis, submitted with the first version of the DA was based on assessing the views from 21 King George St, 38 Bay View St and 39 Bay View St.

The report concluded the development does not significantly impact views from public places and private residences which were considered most likely to be potentially affected, in considering the Tenacity principles.

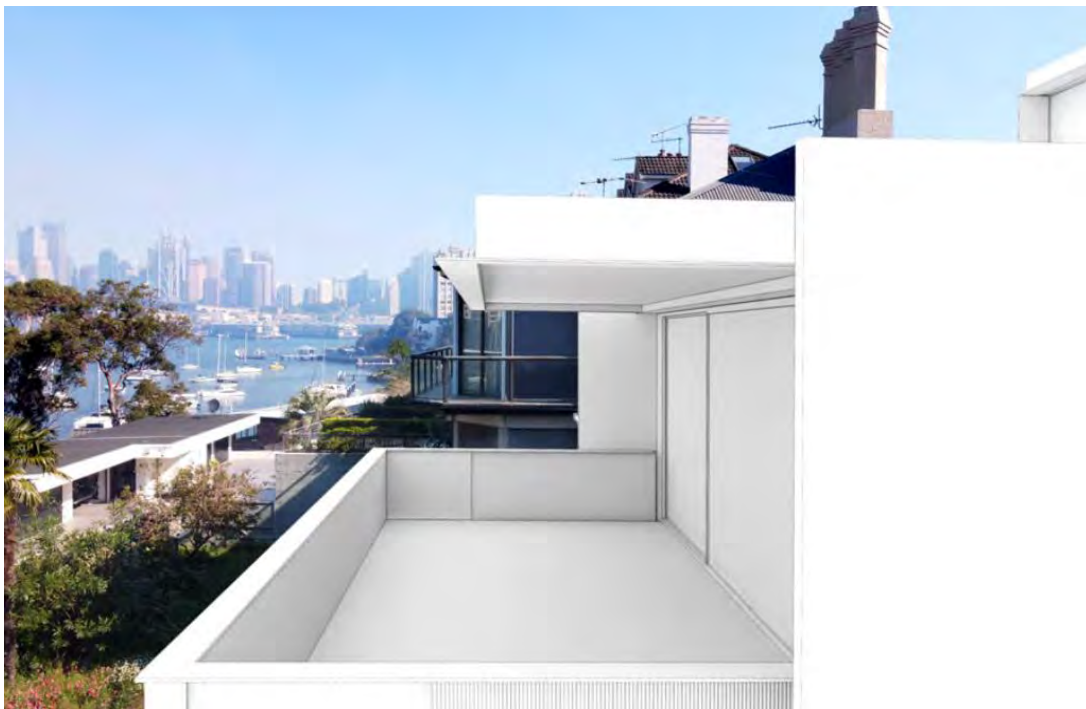
Below is a selection of images from the view analysis on which this conclusion, inter alia, was drawn. All images have been produced by Architecture Urbaine.



View from the first storey of the house at 38 Bay View. A 3D model of the proposed building is superimposed over the existing house. The overall effect on this view is to slightly decrease the amount of Lavender Bay which is visible. In 'Tenacity terms' the view is high quality, but the effect is minor, and acceptable, due to the proposal's building envelope compliance. That the impact would be lessened to a minor degree by increasing the southern side boundary setback, is noted, as would increasing the setback of the building where the height exceeds 7.0m.



View from the existing house at 21 King George Street. The change in roof shape shows the effect of the proposal. However, a point which also applies to the image above, is that the maximum height permitted is some 2.9m above the proposed roof line (See drawing DA204). A building design to the maximum permitted height could have a significantly greater impact than the building for which approval is sought.



This view is from the highest balcony of the house at No 39. The view impact is negligible, noting again the proposed building fully complies with building height, and in this case with the rear setback (to the left). The proposed balcony in white extends eastwards to the same extent as the neighbours' balconies either side, including the one from which this image is taken. While the view impact is acceptable, the image demonstrates the need for privacy screens either side of the balcony, as discussed below.

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Visual impact analysis

This report was submitted following the first notification of the application at Council's request, as the proposal was claimed by some submissions to impact views from places not considered in the originally submitted view impact analysis.

Accordingly, this report also examined potential impacts of the proposal from apartments in the building at 4 King George Street, 11 King George Street, 21 Waiwera Street and 35 Waiwera Street. 3D modelling (which does not as appear as accurate as the technology/method used for the above images from the (first) view impact assessment) was used to demonstrate the proposal has no impact on views from most of these viewpoints, and an acceptable impact from other viewpoints. An example is shown below, where some minor effect on the view, from 21 Waiwera Street, is apparent.



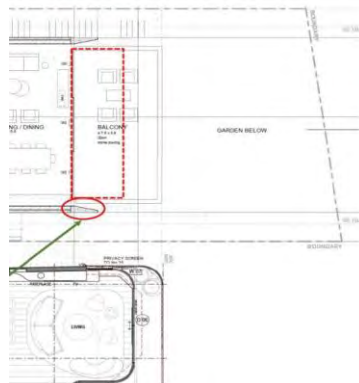
The blue shading (centre of image) approximates the visible part of the proposed dwelling when viewed from the balcony of a top-floor apartment at 21 Waiwera Street. To the right of the blue shading, the approved dwelling at 21 King George St is shown.

View analysis: neighbours' submissions.

In the interests of parity, it is apt to discuss submissions by the owners/occupants of 35 and 39 Bay View Street.

No 35 Bay View

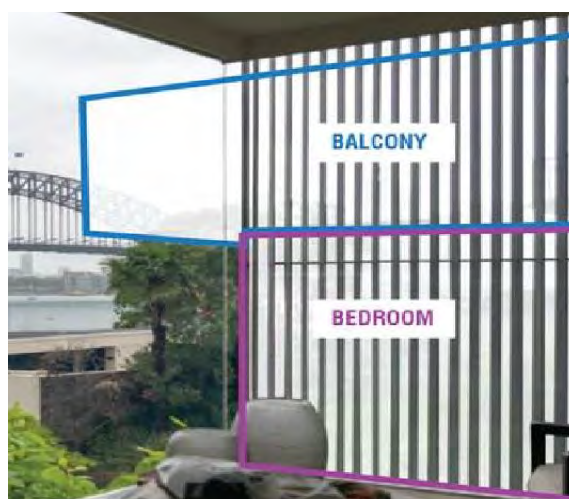
The proprietor submitted that the view of the Bob Gordon Reserve and Lavender Bay to the northeast, over the site, would be impacted by the privacy 'fin' extending from the main wall of the proposal adjacent to the ground floor balcony, shown below.



The image indicates the view would be affected from the dining room. The view would be unaffected from the living room and the balcony. Again, the compliant eastern rear setback is of significance. Also evident is the need for privacy screens on the proposed balcony (partly outlined in red).

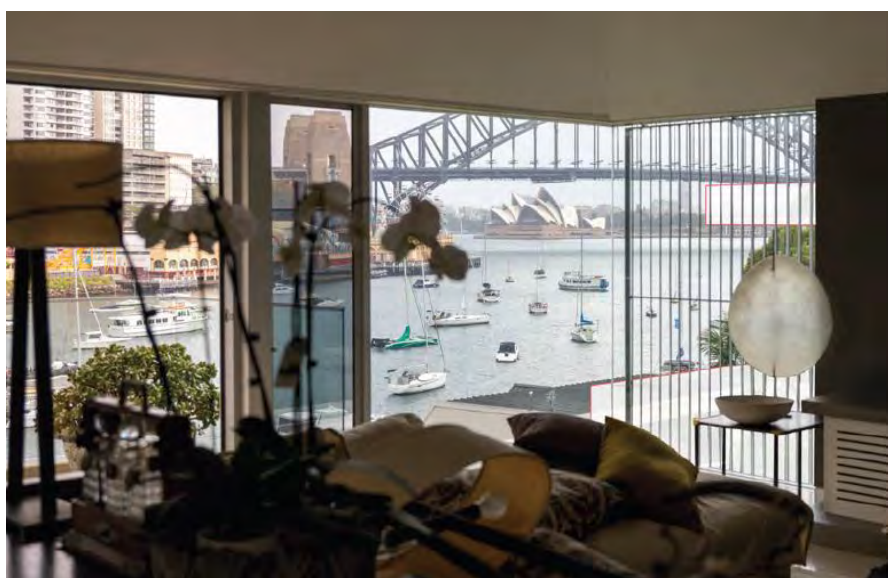
No 39 Bay View

The owners of this property had submissions prepared by planning and visual impact specialists. Below are selected images submitted regarding views and privacy.



This image was submitted to indicate the proximity to the main bedroom at No 39, of a bedroom and the 'ground floor' balcony as proposed. A slotted window is provided for proposed bedroom 2, which is angled toward the bay, not towards the neighbouring residence (see drawing DA103). The proposed balcony has a partial impact on the view of the bridge, from where the image was taken.

Observing the harbour view from a position to the left of, and/or closer to the window than this viewpoint, would lessen or potentially avoid this impact. Furthermore, the view from the lounge room of this dwelling (shown below), in 'tenacity terms', is arguably more significant or of higher value than the view from a bedroom.



This image is taken from the lounge room of the residence at No 39. To the right can be seen a 3D model of part of the proposed ground floor balcony and the awning above, in white with red edge. From this viewpoint, the balcony has negligible impact on the vista's key elements. Taking 'Tenacity view sharing principles' into account, given the proposal's critical envelope elements are compliant and this view is over a side boundary, the effect is insignificant and there are no grounds to modify the design. Again, changing the viewpoint, would reduce or eliminate the slight impact. And as pointed out by the applicant, the privacy louvres (right hand side of the image) already affect the view, being in front of the part of the proposal visible from this room.

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Visual privacy

Two aspects of the proposal have unacceptable impacts on visual privacy with neighbours, which are discussed in turn, the proposed rooftop garden and the ground floor balcony.

Rooftop garden

A rooftop area adjacent to the 1st floor bedroom is shown as a “planted roof”. It is reasonable to describe it as private open space on a roof, and should therefore comply with this provision of the DCP (Part B Residential Development, cl. 1.3.10, P6, P7 & P8).

Amongst other matters, rooftop terraces are only allowed when there is no other alternative for open space off a primary living room (it may be inferred they are not permitted at all, off a bedroom). As shown on the plans there is an ample balcony proposed off the main living area, in addition to the back yard.

The recommended deferred commencement condition requires:

- the rooftop garden to be replaced with a material that makes it untrafficable except for maintenance,
- prevention of direct access from the bedroom suite on the 1st floor and provision of access by other means,
- change the full-length sliding doors from the 1st floor bedroom suite to windows, and
- reduce the height of these windows, by raising the sill to at least 1.2m above the finished floor level and having a solid wall finish below the windows.

East-facing balconies

The proposed building has four levels facing east, with the building being excavated into the site further than the existing building, taking advantage in the fall of the land from west to east.

Above existing ground level (the back yard) are the lower ground, ground, and first floor building levels. Of these, the ground floor has a deep balcony, that extends from the main living and dining area. To maintain the privacy of the subject dwelling's occupants and the neighbours it is necessary to include privacy screening above the northern and southern balustrades of the balcony. This screening should match the depth of the awning above, to avoid unnecessary view impacts from dwellings either side, and to 'strike a balance' between views and privacy, on-site and for the neighbours. This requirement is included in the recommended deferred commencement condition.

Southern side setback

The proposal has an adverse impact on winter sunlight afforded to the front garden and bedroom window facing the street, of the dwelling at No 35 Bay View, the site's southern neighbour. The overshadowing is partly caused by the garage having a zero setback for its entire depth of some 5.9m, and the 1st floor only having a 942mm setback, instead of a minimum setback of 1.5m.

Submitted shadow diagrams indicate additional shadows are likely caused by the section of the building closer to the street, accommodating the garage and the principal bedroom suite. This is critical to this assessment, as the non-compliant setbacks of this section of the building in all likelihood contribute to overshadowing the neighbouring property, between noon and 3.00pm during the winter solstice. This is despite the 1st floor height being compliant.

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Although the shadow diagrams (plan and elevation) do not differentiate between which parts of the proposed building cause which part of the overshadowing, it is apparent that this impact would be reduced if the garage and first floor were to be respectively set back at least 900mm and 1.5m (the minima permitted). However, a 1.542m setback from the southern boundary, to have the same setback to the southern side boundary as the remainder of the building, is preferred as this would have streetscape and character, landscaping and further amenity benefits.

The applicant submits it is part of the local character of Bay View Street for garages to be built to the southern boundary. In the site's immediate vicinity, there are several facts which counter this opinion:

1. The car port at No 35, which is built near their southern side boundary, would have been the result of or was part of an application for alterations and additions to the dwelling house. The approval of the carport may pre-date the current controls. It is a light-weight structure, easily removed in the event of redevelopment (a 'new build' or further alterations and additions).
2. The garage at No 39, is built to its northern boundary, not the southern boundary. It too was likely part of or was an alteration and addition to the existing dwelling, and would likely be easily removed as well.
3. Garage doors opposite the site are not as comparable, being set within the sandstone retaining wall that flanks the footpath on the western side of Bay View Street. These parking structures do not obscure the view of, add bulk to, or cause loss of amenity to any dwelling on that side, or the opposite side, of the street. Neither do they appreciably interfere with streetscape or character.
4. The heritage item, 25-31 Bay View Street, has no on-site parking and is built partly to the boundary.

The applicant's submission also claims the proposal is apt, as Council has approved other double garages at the southern end of the street, on its eastern side. This bears little relevance to the merits of the subject application, not being in the 'same visual catchment', or 'locality'. These are terms that can be used interchangeably, and have been by the Court, as in *Mt Annan 88 v Camden Council*.

The applicant also submits the additional impact is reasonable as the bedroom in question is a 'guest' bedroom. This is considered to bear little weight, as the use of the room can readily and quickly change with the shifting demands of family/household life, or with change of ownership.

It is also reasonable to allow viewing by the public from the street to the harbour to give a sense of location and place. This can easily be achieved by providing set back.

A deferred commencement condition is recommended, for the setback of the garage to be increased to the same as the rest of the building, to 1.542m from the southern boundary. It is noted that the garage is 6.1m wide, so reducing the width by about 600mm will leave it about 5.5m wide, so design refinement of the remainder of the front of the dwelling may be necessary.

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This amendment will also assist in reducing the visual dominance and intrusion of the garage, improve the streetscape and provide a setback more apt to the overall scale and shape of the building. It will also allow for landscaping down the side boundary next to the garage wall, which would soften its appearance. And without the setback, in addition to the overshadowing, the blank wall on the boundary would be unduly and unreasonably harsh, overbearing and imposing in appearance.

In addition to the foregoing the location and health of the street trees must be considered when finessing the garage/bedroom location, to achieve a suitable side setback. It may also be apt to consider setting the garage further back from the street boundary, and re-angling the driveway, for instance. As recommended, an arborist will need to review the refined design to reconsider potential impact on the street trees from any construction activity, including the driveway, and recommend any means of ameliorating or eliminating potential impacts.

Lavender Bay Planning Area – Part C of the DCP

The proposal in the McMahons Point neighbourhood and its provisions in DCP Part C do not have any specific controls, except requiring development to conform to applicable Part B Residential provisions, already addressed above.

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 is \$30,161.00, levied in accordance with s7.12 of the Act.

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant s 4.15 (1) considerations of the Act 1979	Yes

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SUBMITTERS CONCERNS

The application was notified on two occasions as detailed earlier, to adjoining properties and the Lavender Precinct Committee. Council received 45 submissions (from 30 correspondents), and the matters raised by them have been considered in this report. Key matters are summarised and considered in the following table:

Issue	Consideration
The proposal is contrary to North Sydney LEP and possibly SEPP (Biodiversity and Conservation) 2021 Chapter 6 and the Foreshores and Waterways Area DCP.	Considered in this report, with regard to the LEP, the SEPPS and the DCP mentioned.
Non-compliance with the following DCP controls: <ul style="list-style-type: none"> - excavation and topography, - site coverage, - Insufficient landscape area, and - out of character with other residences in the locality, including heritage architecture, the dwelling deserves to be protected. 	Considered with regard to the DCP.
Object to the four car garage, in "...an already narrow and congested street and with such proximity to a blind corner...which is unsafe and inconsistent with council's guidelines for residential parking...". Another submission noted ample public transport and car-sharing opportunities in the locality.	The car-stacker has been removed and parking reduced from 4 to 2 cars, which complies with DCP parking requirements.
Non-compliances set a precedent for future development.	Each application is assessed according to its own merits, having regard to applicable planning controls.
The proposal does not comply with building massing and density controls, it is an overdevelopment of the site and causes visual intrusion into the streetscape.	Considered in relation to the DCP.
"It should present as two storeys above existing ground level with a 36-degree sloping roof.	Considered in relation to the DCP.
The development adversely affects neighbours' amenity.	Considered in relation to the DCP.
The proposal is out of context with surrounding development.	Considered in relation to the DCP.
The development does not contribute to the garden setting and low scale character of North Sydney's residential neighbourhoods.	Considered in relation to the DCP.

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<p>The proposal is inconsistent with LEP building height objectives (cl. 4.3) namely paragraphs:</p> <ul style="list-style-type: none"> - (a) conform to landform, - (b) to retain views or suitably share them, - (c) maintain solar access, - (d) maintain privacy, - (e) maintain compatibility between development, and - (f) maintaining a built form of 1 and 2 storeys. 	<p>Considered in relation to the LEP.</p>
<p>The proposal does not incorporate sustainable design principles.</p>	<p>A BASIX certificate has been submitted, thus compliance with minimum sustainable design requirements is achieved.</p>
<p>Stormwater volume is not minimised and its quality is not improved.</p>	<p>Considered by Council's Development Engineer and recommendations are included for stormwater management.</p>
<p>Bulk of the building is increased as excavation is increased, which may affect the structural integrity of adjacent buildings.</p>	<p>The lowest level of the building as originally proposed, has been removed. The reduced degree of excavation now proposed is suitably supported by structural engineering and geotechnical advice.</p>
<p>Front and side setbacks are not complied with, which are inconsistent with DCP objectives and cause adverse amenity impacts to neighbours.</p>	<p>Considered in relation to the DCP.</p>
<p>Proposed bedrooms (2 and 3) protrude beyond the house to the south (No 35).</p>	<p>Rear setbacks comply with the DCP. The revised proposal on each level (rooms or balconies) is either behind or level with the eastern (rear) extent of the balconies of neighbouring buildings.</p>
<p>Landscaping on the southern side of the proposal will reduce sunlight to the dwelling at No 35.</p>	<p>Considered elsewhere in this report, the Landscape Development Officer requires other species to be used.</p>
<p>The roof terrace (notated as a 'planted roof' on plans) is objected to, being adjacent to a large terrace off the main bedroom suite.</p>	<p>Conditions are recommended to remove the 'planted roof' as it does not comply with DCP criteria that would otherwise permit such a terrace, at an albeit reduced size and prevent access to the roof except for maintenance.</p>
<p>Overshadowing of No 35 is unacceptable, caused by : "...excessive bulk of the inconsistent and out of character front facade with non-compliant setbacks...".</p>	<p>Considered in relation to the DCP.</p>
<p>Loss of visual and acoustic privacy. In particular the width (and location) of balconies contributes to adverse privacy impacts.</p>	<p>Considered in relation to the DCP.</p>

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<p>Occupants/owners of No 35 submit that:</p> <ul style="list-style-type: none"> - The front setback be increased by 1.5m – 2.0m, - The southern side setback of the garage and level above should be increased to a minimum 1.5m, - Excavation be reduced, - Mark the 'roof terrace' as 'non-trafficable', - Replace sliding doors to main bedroom with windows, - Delete window from the southern side of the main bedroom, - Reduce or make retractable the awning over the ground level balcony to preserve views, - Alter the plant selection along the southern boundary, - Remove the car stacker, and - Reduce the depth of the ground level terrace by at least 1.0m. 	<ul style="list-style-type: none"> - The front setback is established at a reasonable alignment, given the small setbacks of nearby buildings. However recommended design modifications may require increasing the garage's front setback. - Excavation has been reduced by one level (about 3.0m). - A condition is recommended, requiring the roof garden to be replaced with a material that makes it untrafficable except for maintenance and to prevent direct access from the bedroom on the 1st floor. - The window on the southern side of bedroom on the top floor has been deleted and the space will become part of the masonry wall. - The awning over the ground level balcony does not cover the full depth of the balcony. The purpose of the awning appears to be reducing the amount of summer sun entering the living/dining rooms, which is acceptable. - Planting on the southern boundary has been revised and is acceptable, with amendments recommended by the Landscape Development Officer regarding species selection. - The ground floor balcony aligns with the rear balconies of neighbouring buildings and complies with the DCP.
<p>"While none of the non-compliant components of the proposal result in view impacts, reducing the extent of the ground floor balcony, balcony roof, living room and secondary bedroom at the north-eastern corner would resolve the view impacts from 39 Bay View Street while still providing for the same development potential and amenity."</p>	<p>Considered in relation to the DCP.</p>
<p>"It is recommended the Applicant introduce a visual privacy treatment or a redesign of this (north-eastern) portion of (the) proposed development, without compromising existing iconic views, to eliminate overlooking to habitable rooms within the site."</p>	<p>Considered in relation to the DCP.</p>
<p>"The submitted Visual Impact Assessment is limited... (it) would not satisfy the Land and Environment Court requirements for the use of photomontages."</p>	<p>Considered in relation to the DCP.</p>

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The garage dominates the street frontage and is inconsistent with cl. 1.5.4 of the DCP, minimising the opportunity for landscaping and an adequate garden setting.	Considered in relation to the DCP.
Installation of height poles and stringlines to show view impacts should be provided.	<p>The applicant provided and some submissions included visual impact analysis diagrams, photomontages and the like, to demonstrate view impacts, which were made publicly available on Council's DA Tracker.</p> <p>Due to compliance with the height standard and proposed setback variations not potentially and significantly impacting neighbours' views, height poles were deemed unnecessary.</p>
Construction will disrupt street usage.	A construction management program is recommended (in a consent condition), to be submitted to the traffic committee and approved before issue of a construction certificate.
Removal of bedrock could cause movement and changed water flows (surface and ground water).	Geotechnical and structural recommendations have been submitted, which must be implemented as required by a proposed condition of consent.
The period of construction is 18 to 24 months, according to the architect. The neighbourhood should not be subject to earthworks and construction, including vehicles and other equipment over such "...a wholly unreasonable length of time."	A condition requires work to be carried out in accordance with EPA guidelines, to minimise adverse impacts on neighbouring properties, from noise and vibration during demolition, earth and construction works. Another condition restricts hours of construction and days on which works may be undertaken.
Demolition should not have been approved, via complying development certificate, whether the building is heritage-listed or not.	There was no impediment to issue of a CDC (224/20, by a private certifier) for the existing house's demolition.
The house was formerly a boarding house and the relevant housing policy be applied (formerly SEPP 10, now SEPP (Housing) 2021, Chapter	Complying development approval for demolition has been granted, and it is understood internal fabric of the dwelling has been removed in accordance with this approval, as advised by the architect. The protection of the dwelling's former use as a boarding house is no longer tenable, regardless of whether it may have satisfied the requirements of the SEPP (Housing) 2021.
The development may affect local native fauna movement.	Noted, although arboreal marsupials are known to use human-built structures for movement and habitat.

PUBLIC INTEREST

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

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SUITABILITY OF THE SITE

The proposal, a dwelling house, is a permissible form of development in the R3 Medium Density Residential zone. Consequently, the proposal is suitable for the site having regard to the merits of the proposal.

CONCLUSION + REASONS

The proposal has been considered under the relevant Environmental Planning Instruments and policies including the principal LEP and DCP for the North Sydney area and is found to be satisfactory, subject to the design being refined, as detailed by this report. Deferred commencement consent is recommended for the following reasons:

1. The proposed development is permissible with consent.
2. Subject to the recommended design amendments being made, the applied-for development will be consistent with the local planning framework, chiefly applicable provisions of the North Sydney LEP and DCP.
3. The development, as recommended to be amended, will have acceptable impacts on built and natural environments, and on the residential amenity and character of the locality .
4. Matters raised by public submissions have been considered.

Council received 45 submissions from 30 correspondents that raised concerns which are considered in this report and addressed with appropriate conditions of consent when necessary.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Lavender Precinct Committee on two separate occasions, due to the application being substantially amended. The table above outlines the concerns raised and how they have been considered and were appropriate, responded to.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 418/21 for erection of a dwelling house and associated works on land at 37 Bay View Street Lavender Bay, subject to the following Deferred Commencement and standard conditions:-

AA. Deferred Commencement Condition

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

The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 6 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 6 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

Design amendments

- AA1 Within six months of the date of this consent, plans are to be submitted to Council for the approval of the Manager Development Services, to make the following amendments to the proposed development:
- a) That the side building lines are to maintain/create gap views between the proposed dwelling and the dwellings on numbers 35 and 39 Bay View Street.
 - b) In this regard, the southern side boundary setback of the garage and part of the first floor must be setback to conform to the setback of the remainder of the house to this boundary, being 1.542m. The amended design must also address any other adjustments to the building, driveway or landscape design, to achieve the increased setback.
 - c) Before submitting the amended design required by paragraphs a) and b), the design must be assessed by a suitably qualified and experienced arborist (AQ5) and their assessment report submitted, to demonstrate the amendment does not negatively impact any of the three crepe myrtles on the footpath adjacent to and near the site. The report may include recommendations to effectively reduce, mitigate or avoid any potential impacts on those trees.
 - d) Landscape the setback area between the garage and the southern boundary and, if agreed with the neighbour, erect a fence along the boundary.
 - e) Remove the roof garden and replace it with pebbles or similar to prevent access to the roof for all purposes except maintenance and repairs. Access for these purposes shall be provided by means other than directly from the bedroom.
 - f) The sliding doors to the 1st floor bedroom are to be replaced with windows, and the windows be reduced in size by partly replacing them with a solid wall of a material that will be the same as or complement the other materials proposed to be used, between the finished floor level to a minimum height of 1.4m above the finished floor level, for the full width of the eastern bedroom wall.
 - g) The lower levels of the rear/ harbour facing elements are to be visually recessive to reduce the visual impact of four levels by the use of recessive finishes and colours and the use of appropriate landscaping in the foreground.
 - h) The solid to void ratio in the rear / harbour facing elevation shall be revised to reduce the amount of glazed area and increase the solid portions of the elevation in line with the predominant solid to void ratio evident in the neighbouring dwellings and heritage items in the vicinity of the site.
 - i) To achieve the outcomes specified in paragraphs g) and h) the glass balustrades could be replaced with solid balustrades, of all balconies on the eastern façade. Materials used for this purpose, for the full width of each balcony, should be the same as or complement the other materials proposed to be used in the development.
 - j) Install louvres, or similar, to both sides of the ground floor level balcony to the same depth as the awning above the balcony. The louvres or similar are to be angled to reasonably maintain privacy for occupants of the proposed building and dwellings at 35 and 39 Bay View Street Lavender Bay.

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- k) Install gates on each side of the house for the safety and security of companion animals and people.
- l) Provide for as much of the roof area as possible to drain to the Bayview Street alignment.

(Reason: To ensure compliance and an acceptable impact on local character and the built environment)

JIM DAVIES
EXECUTIVE ASSESSMENT PLANNER

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
37 BAY VIEW STREET, LAVENDER BAY
DEVELOPMENT APPLICATION NO. 418/21

AA. Deferred Commencement Condition

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

The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 6 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement condition within 6 months from the date of this consent, this consent will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

Design amendments

AA1. Within six months of the date of this consent, plans are to be submitted to Council for the approval of the Manager Development Services, to make the following amendments to the proposed development:

- a) That the side building lines are to maintain/create gap views between the proposed dwelling and the dwellings on numbers 35 and 39 Bay View Street.
- b) In this regard, the southern side boundary setback of the garage and part of the first floor must be setback to conform to the setback of the remainder of the house to this boundary, being 1.542m. The amended design must also address any other adjustments to the building, driveway or landscape design, to achieve the increased setback.
- c) Before submitting the amended design required by paragraphs a) and b), the design must be assessed by a suitably qualified and experienced arborist (AQ5) and their assessment report submitted, to demonstrate the amendment does not negatively impact any of the three crepe myrtles on the footpath adjacent to and near the site. The report may include recommendations to effectively reduce, mitigate or avoid any potential impacts on those trees.

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- d) Landscape the setback area between the garage and the southern boundary and, if agreed with the neighbour, erect a fence along the boundary.
- e) Remove the roof garden and replace it with pebbles or similar to prevent access to the roof for all purposes except maintenance and repairs. Access for these purposes shall be provided by means other than directly from the bedroom.
- f) The sliding doors to the 1st floor bedroom are to be replaced with windows, and the windows be reduced in size by partly replacing them with a solid wall of a material that will be the same as or complement the other materials proposed to be used, between the finished floor level to a minimum height of 1.4m above the finished floor level, for the full width of the eastern bedroom wall.
- g) The lower levels of the rear/ harbour facing elements are to be visually recessive to reduce the visual impact of four levels by the use of recessive finishes and colours and the use of appropriate landscaping in the foreground.
- h) The solid to void ratio in the rear / harbour facing elevation shall be revised to reduce the amount of glazed area and increase the solid portions of the elevation in line with the predominant solid to void ratio evident in the neighbouring dwellings and heritage items in the vicinity of the site.
- i) To achieve the outcomes specified in paragraphs g) and h) the glass balustrades could be replaced with solid balustrades, of all balconies on the eastern façade. Materials used for this purpose, for the full width of each balcony, should be the same as or complement the other materials proposed to be used in the development.
- j) Install louvres, or similar, to both sides of the ground floor level balcony to the same depth as the awning above the balcony. The louvres or similar are to be angled to reasonably maintain privacy for occupants of the proposed building and dwellings at 35 and 39 Bay View Street Lavender Bay.
- k) Install gates on each side of the house for the safety and security of companion animals and people.
- l) Provide for as much of the roof area as possible to drain to the Bayview Street alignment.

(Reason: To ensure compliance and an acceptable impact on local character and the built environment.)

This consent shall not operate until such time as the written approval stating that the requirements of this condition have been satisfied.

Subject to the above deferred commencement conditions being satisfied within 6 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following site specific and standard conditions:

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

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

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Plan No.	Rev No.	Description	Prepared by	Dated
DA000	D	Cover Sheet	Architecture Saville Isaacs	14/03/23
DA011	C	BASIX Sheet	Architecture Saville Isaacs	09/11/22
DA100	C	Site Plan	Architecture Saville Isaacs	09/11/22
DA102	C	Plan Basement	Architecture Saville Isaacs	09/11/22
DA103	C	Plan Lower Ground	Architecture Saville Isaacs	09/11/22
DA104	C	Plan Ground	Architecture Saville Isaacs	09/11/22
DA105	C	Plan First Floor	Architecture Saville Isaacs	09/11/22
DA106	C	Plan Roof	Architecture Saville Isaacs	09/11/22
DA111	C	Site Coverage	Architecture Saville Isaacs	09/11/23
DA200	C	Elevation Streetscape	Architecture Saville Isaacs	14/03/23
DA201	D	Elevation West (Street)	Architecture Saville Isaacs	14/03/23
DA202	D	Elevation North	Architecture Saville Isaacs	14/03/23
DA203	D	Elevation East (Water)	Architecture Saville Isaacs	14/03/23
DA204	D	Elevation South	Architecture Saville Isaacs	14/03/23
DA301	C	Section Long	Architecture Saville Isaacs	09/11/22
DA302	C	Section Cross	Architecture Saville Isaacs	09/11/22
LP01-D8221	E	DA Cover Sheet	Dangar Barin Smith	16/11/2022
LP02-D8221	E	Plant Schedule	Dangar Barin Smith	16/11/2022
LP03-D8221	E	Ground Landscape Plan	Dangar Barin Smith	16/11/2022
LP04-D8221	E	Lower Ground Landscape Plan	Dangar Barin Smith	16/11/2022
LP05-D8221	E	Basement Landscape Plan	Dangar Barin Smith	16/11/2022
LP06-D8221	E	First Floor Landscape Plan	Dangar Barin Smith	16/11/2022
LP07-D8221	E	Planter Detail	Dangar Barin Smith	16/11/2022
H-DA-00	C	Legend, Details & Sediment Control	Itm Design	12/11/2022
H-DA-01	C	Basement Stormwater Drainage	Itm Design	12/11/2022
H-DA-02	C	Lower Ground Floor & Ground Floor Stormwater	Itm Design	12/11/2022
H-DA-03	C	First Floor & Roof Stormwater	Itm Design	12/11/2022

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

Plans on Site

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

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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)

External Finishes and Materials

A3. External finishes and materials must be in accordance with the submitted schedule Drawing DA500 identified in the table to Condition A1, except where otherwise approved in writing by Council.

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

B. Matters to be Completed before the lodgement of an Application for a Construction Certificate

Construction Management Program - Local Traffic Committee Approval

B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
 - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

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- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.

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- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a **minimum six (6) weeks' assessment period** is required, including referral to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

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

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)

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Dilapidation Report Private Property (Excavation)

- C2. 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/i.e., prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C3. A photographic survey and dilapidation report of adjoining properties Nos. 35 Bay View Street Lavender Bay and 39 Bay View Street Lavender Bay detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Shoring for Adjoining Property

- C4. Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. A copy of this documentation must be provided to the Council for record purposes.

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

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

Structural Adequacy of Adjoining Properties - Excavation Works

- C5. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property Nos. 35 Bay View Street Lavender Bay and 39 Bay View Street Lavender Bay, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

(Reason: To ensure the protection and structural integrity of adjoining properties in close proximity during excavation works)

Geotechnical Report

- C6. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which is consistent with the report by Douglas Partners, Project 2013154.00, November 2022 and the letter from Cantilever Consulting Engineers 25 November 2022, which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;
 - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
 - f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

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Sediment Control

- C7. 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

- C8. 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

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- c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Skylight(s)

- C9. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Reflectivity Index of Glazing

- C10. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

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Roofing Materials - Reflectivity

- C11. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

- C12. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C13. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To ensure interface between property and public land remains uniform)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C14. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the vehicular access way must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor,
- b) the width of the vehicular layback must be 6m metres (including the wings),
- c) the vehicular crossover must be set square to the kerb,
- d) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback,
- e) the gutter levels must be placed on a single straight grade between the existing gutter levels adjacent to the subject premises,
- f) new footpath, kerb gutter and road shoulder works are required for the full property frontage,
- g) transitioning works of one footpath panel on both sides of the driveway crossing are required to ensure uniformity in the footpath,
- h) the works will require reconstruction of the carriageway shoulder extending out 1200mm from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works,
- i) any twisting of the driveway access must occur entirely within the subject property,

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- j) all inspection openings, utility services must be adjusted to match the proposed driveway levels,
- k) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed,
- l) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter,
- m) a longitudinal section along the footpath property boundary at a scale of 1:50 is required,
- n) the sections must show the calculated clearance to the underside of any overhead structure,

The permit must be granted by Council prior to the issue of any Construction Certificate.

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

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

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C15. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code,
 - b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner to a isolating/silt arrestor pit within the property and then conveyed by gravity to the kerb/gutter in Bay View Street,
 - c) the stormwater drainage system shall be designed for an average recurrence interval (A.R.I) of 1 in 20 years,
 - d) all redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated,

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- e) pipelines within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,
- f) the design and installation of the rainwater tank(s) must comply with BASIX and Sydney Water requirements. Overflow from the tank(s) shall be connected by gravity to the stormwater disposal system,
- g) any proposed fence/building structure is to be constructed so as not to impede the natural overland flow, and
- h) provision is to be made for the collection and disposal in an approved manner of any overland flow entering the subject property or concentrated as a result of the proposed works,
- i) surface inlet pits shall be located to catch surface flows and shall be provided at all pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system and shall be of sufficient size to accept the flow,
- j) all sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer shall be submitted with the application for a Construction Certificate,
- k) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception,
- l) provide subsoil drainage to all necessary areas with pump out facilities as required.

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

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

Charged Stormwater Drainage System

- C16. The charged stormwater drainage system must be conveyed to Council's kerb & gutter in Bay View Street, generally in accordance with the stamped approved plans prepared by ITM Design, Job No.20/313, Drawing No's, H-DA-00, Rev. C, H-DA-01, Rev. C, H-DA-02, Rev. C & H-DA-03, Rev. C, all dated 12/11/2022.

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All stormwater drainage works shall be in accordance with Council's specifications and the following;

- a) There must be a minimum difference in height between the roof gutter and the discharge pit at the property boundary of 1.8 metres. In addition, all local and friction losses must be taken into account.
- b) There must be a gravity flow across the footpath from an isolating pit within the property. The isolating pit must have a solid, fixed lid.
- c) All pipes must be a minimum of 100 mm and all joints must be solvent welded.
- d) A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site dispersal system.
- e) Gutter guards must be installed on all gutters to minimize debris entering the system.
- f) A Positive Covenant will be required to be placed on the title of the property to inform owners of their responsibility in maintaining the system.
- g) A Permit for Street Opening must be applied for and approved prior to undertaking stormwater drainage works in the public road.

(Reason To ensure controlled stormwater management and disposal)

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

C17. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$10,000.00 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.

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

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

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

Tree Bond for Public Trees

- C18. Prior to the issue of any construction certificate, security in the sum of \$25,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

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SCHEDULE

Tree Species	Location	Bond
T1-T3 <i>Lagerstroemia indica</i>	Council verge in front of 35,37 & 39 Bay View St	\$25,000

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

Tree Protection Measures to be shown on Construction Drawings

C19. The tree protection measures contained in the arborist report prepared by Vertical Tree Management & Consultancy, dated 5 November 2022, in conjunction with the approved Tree Protection Management Plan, prepared by an AQ5 qualified arborist is to be submitted to Council's Landscape Development Officer. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C20. 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
T1-T3 <i>Lagerstroemia indica</i>	Council verge in front of 35,37 & 39 Bay View St	To 6x10m

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)

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Tree Protection

C21. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
- f) The project arboriculturist is to submit a list of critical stages where joint site inspections with Council’s Landscape Development Officer may be required, with the adopted schedule to be complied with during the course of works, and include at minimum, the following hold points:
 - i. Prior to demolition of existing structures;
 - ii. At commencement of any excavation works within 7 metres of any tree to be retained;
 - iii. Prior to any tree crown or root pruning;
 - iv. At commencement of construction works within 7 metres of any tree to be retained.

(Reason: Tree protection measures)

Approval for Removal of Trees

C22. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
<i>Plumeria sp.</i>	Front setback 37 Bay View St	5m
<i>T4 Citrus sp.</i>	rear setback 37 Bay View St	4m
<i>T5 Datura wrightii</i>	rear setback 37 Bay View St	5m

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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)

Air Conditioners in Residential Premises

C23. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

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

(Reason: To maintain residential amenity)

Section 7.12 Contributions

C24. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$30,161.00

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Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C25. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$25,000.00
Engineering Construction Bond	\$10,000.00
TOTAL BONDS	\$35,000.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$30,161.00
TOTAL FEES	\$30,161.00

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

(Reason: Compliance with the development consent)

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BASIX Certificate

C26. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1243971S_02 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)

Under Awning Sign

C27. Any under awning sign must be erected approximately horizontal to the ground and be at no point less than 2.6 m from the ground. 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 adequate head clearance for pedestrian safety)

Amendments to the Landscape Plan

C28. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The proposed *Syzigium* 'Resilience' in the side setbacks between 35 Bayview St, 39 Bay View St, and the subject site, shall 2 replaced with an equal number of *Rhapis exelsa* (45l).
- The *Acer palmatum* (200l) proposed to be planted within the rear setback of the subject site is considered unsuitable and shall be replaced with 1 x *Tristaniopsis laurina* (200l)."
- Upon resolution of the existing Telecom pit location, a detailed TPMP prepared by an AQ5 qualified arborist shall be submitted to council's Landscape Development Officer for approval

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

(Reason: To ensure residential amenity)

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D. Prior To Any Commencement

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 & beam construction & flexible location of piers/footings shall be used within the TPZ of any protected tree. No roots greater than 40mm shall be cut. No canopy pruning shall be permitted. All excavation within the TPZ of T2 shall be carried out by hand under strict supervision of on-site project arborist. Root protection in accordance with AS4970 shall be in place over TPZ of T2 for the duration of works. No excavation towards either T2 or T3 past the edges of the VXO as shown in approved plans shall be permitted. Levels within the front setback of 37 Bayview Street, within the TPZ of T2, shall remain as existing, except where proposed building line of new dwelling & driveway is shown on approved plans.

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

Tree Protection

- D2. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised Tree protection measures)

Project Arborist Engaged

- D3. • The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
- The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.

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- The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
- Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.
- The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Protection of Public Trees

- D4. 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	Protection
T1-T3 <i>Lagerstroemia indica</i>	Council verge in front of 35,37 & 39 Bay View St	Trunk, branch & root protection

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

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: Protection of existing environmental and community assets)

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Temporary Fences and Tree Protection

- D5. All protected trees on-site that are specifically nominated as per **Condition C20** 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

- D6. 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)

Sydney Water Approvals

- D7. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes: **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

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Geotechnical Stability during Works

- E4. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the report prepared by Douglas Partners, Project 2013154.00, November 2022 and the letter from Cantilever Consulting Engineers 25 November 2022 and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

Council Inspection of Public Infrastructure Works

- E5. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- Formwork for layback, kerb/gutter, footpath, etc.

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

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

Progress Survey

- E6. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:
- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;
 - b) at the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials; and

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- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

Dust Emission and Air Quality

E7. 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

E8. 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)

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No Work on Public Open Space

- E9. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Applicant's Cost of Work on Council Property

- E10. The Applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E11. 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

- E12. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Vertical Tree Management & Consultancy dated 5 November 2022, in conjunction with the approved Tree Protection Management Plan prepared by an AQ5 qualified arborist to be submitted to Council's Landscape Development Officer, must be implemented for the duration of the works.

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:

- a. 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.

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- b. An application to modify this consent pursuant to Section 4.55 of *the Environmental Planning and Assessment Act 1979* will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Trees to be Removed

- E13. 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
<i>Plumeria sp.</i>	Front setback 37 Bay View St	5m
<i>T4 Citrus sp.</i>	Rear setback 37 Bay View St	4m
<i>T5 Datura wrightii</i>	Rear setback 37 Bay View St	5m

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

Benchmarks

- E14. All permanent survey markers must be retained, undamaged, and not relocated.

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

Special Permits

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

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

**37 BAY VIEW STREET, LAVENDER BAY
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2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Noxious Plants

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

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

Construction Hours

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

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

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

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

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

Out-of-hours' Work Permits

E18. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.

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- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Installation and Maintenance of Sediment Control

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

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

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

Sediment and Erosion Control Signage

- E20. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

- E21. 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

- E22. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements

E23. 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

E24. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E25. The only waste derived fill material that may be received at the development site is:

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

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

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

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Waste Disposal

- E26. 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.

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

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Commencement of Works

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

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

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Protection of Public Places

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

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

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

Site Sign

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

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Damage to Adjoining Properties

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

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

Utility Services

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

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

Covenant and Restriction (Stormwater Control Systems)

- G4. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:
- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 37 Bay View Street Lavender Bay, requiring the ongoing retention, maintenance and operation of the stormwater facility (rainwater reuse tank, charged lines);
 - b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
 - c. the wording on the Instrument making reference to the Council file/s which hold:
 - (a) the Construction plans; and
 - (b) the "Work-as-Executed" (as built) plans;

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

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Typical wording for the Instrument can be sourced from Council's "Specification for the Management of Stormwater".

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

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

(Reason: Compliance and adequate maintenance of drainage system)

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
T1-T3 <i>Lagerstroemia indica</i>	Council verge in front of 35,37 & 39 Bay View St	To 6x10m

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

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

Sydney Water

- G6. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

The final Section 73 Certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development, whichever is the earlier.

Notes: Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index, or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(Reason: To ensure compliance with the statutory requirements of Sydney Water)

BASIX Completion Certificate

- G7. 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)

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Landscaping

- G8. The landscaping shown in the approved landscape plans identified by Condition A1, as amended by this consent, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

- G9. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

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

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

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

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)

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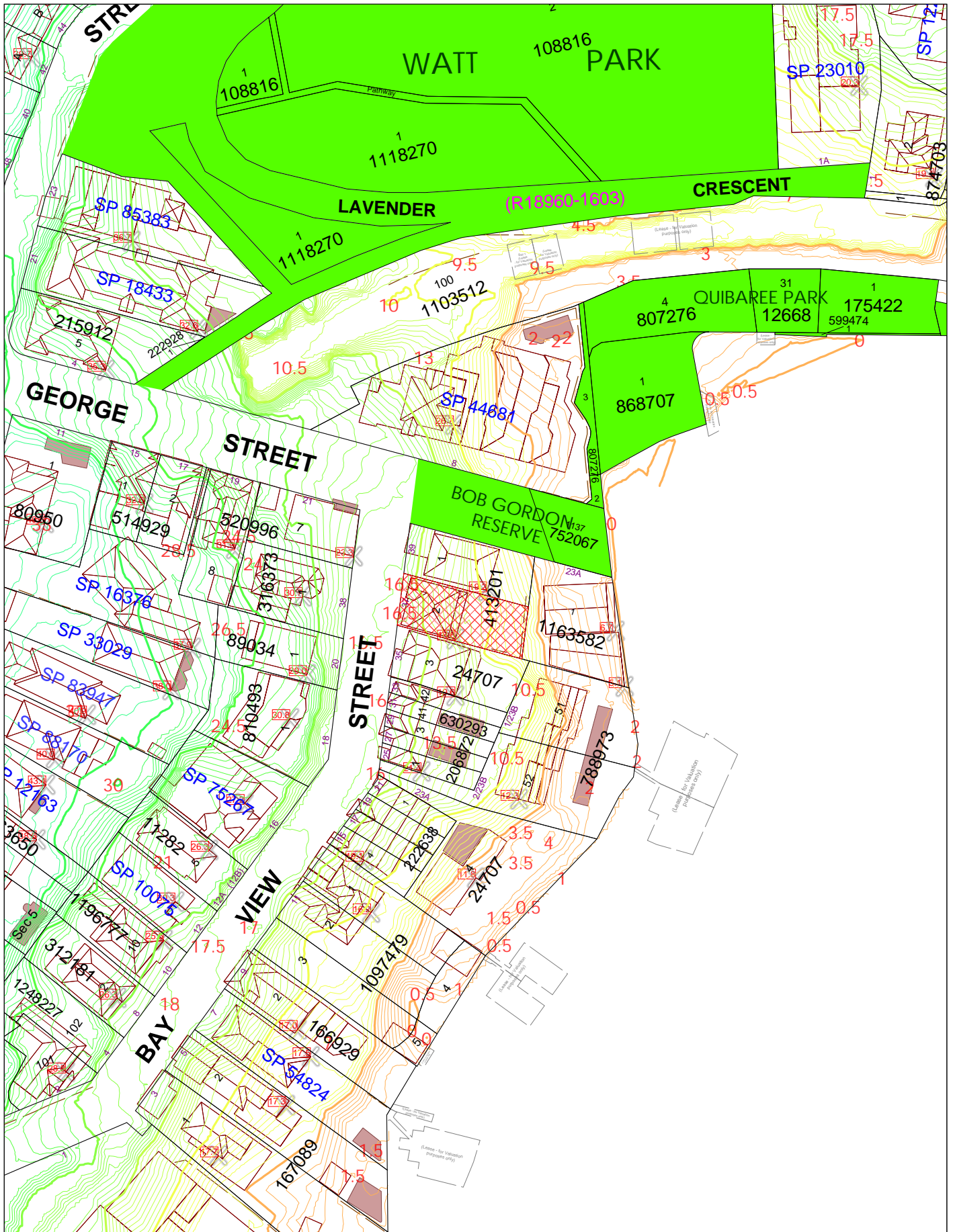
Maintenance of Approved Landscaping

12. The owner of the premises at 37 Bay View Street is to maintain the landscaping approved by this consent generally in accordance with landscape plan identified by Condition A1 as modified by **Condition C28**

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

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

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



North Sydney Council

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

37 BAY VIEW ST



Sheet No	Sheet Name	Rev
DA000	Cover Sheet	D
DA011	BASIX Sheet	C
DA100	Site Plan	C
DA102	Plan_Basement	C
DA103	Plan_Lower Ground	C
DA104	Plan_Ground (Garage)	C
DA105	Plan_First Floor	C
DA106	Plan_Roof	C
DA111	Site Coverage	C
DA200	Elevation Streetscape	C
DA201	Elevation West (Street)	D
DA202	Elevation North	D
DA203	Elevation East (Water)	D
DA204	Elevation South	D
DA301	Section Long	C
DA302	Section Cross	C

Areas

Site Area: 373.3 m²
 Site Coverage: 186.53 m² (49.97%)
 Landscape: 117.39 m² (31.45%)
 Un built upon: 69.38 m² (18.58%)



Date	Rev	Issue	CLIENT	PROJECT	TITLE
2022.08.17	B	DA - Adjusted Graphics	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Cover Sheet
2022.11.30	C	DA - Additional Information			
2023.03.14	D	DA - Additional Information			
NSW Nominated Architects: S. ISAACS #7929 P: 02 - 9086 9000 F: 02 - 9086 9001 ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060			ARCHITECTURE <i>Saville Isaacs</i>		PROJECT DATE: JAN 08 ISSUED DATE: 2023.03.14 SCALE @ A3: STATUS: PRELIMINARY
The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.			JOB No. 2033 DRAWING No. DA000 REV. D		

BASIX Requirements as per certificate no: 1243971S_02

Water Commitments

Landscape:

Indigenous or low water use species throughout.

Fixtures:

- All Showerheads :min 4 star (>6 but <=74.5 L/min)
- Toilet Flushing Systems :min 4 star
- Kitchen Taps :min 5 star
- Basin Taps :min 5 star

Alternative Water:

Rain Water Tank: min. 4000L
Water to be used in garden

Energy Commitments

Hot Water:

Electric Heat Pump, 15-20 STCs.

Cooling system:

- At least 1 Living Area: 3 Phase Airconditioning, EER<2.5
- At least 1 Bedroom: 3 Phase Airconditioning, EER<2.5

Heating system:

- At least 1 Living Area: 3 Phase Airconditioning, EER<2.5
- At least 1 Bedroom: 3 Phase Airconditioning, EER<2.5

Ventilation:

- Exhaust system to be installed for:
- At least 1 bathroom: individual fan (manual on / off)
- Kitchen: individual fan (manual on / off)
- Laundry: individual fan (manual on / off)

Artificial Lighting:

LED light fittings for: All bedrooms, study, living, dining, kitchen, bathrooms, laundry & hall-way.

Alternative Energy:

min. 1.5kW photovoltaic system to be installed.

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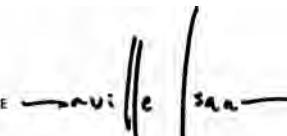
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Date	Rev	Issue																
2021.11.11	A	DA																
2022.11.09	C	DA - Additional Information																
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.</small>		NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759		P: 02 - 9086 9000 F: 02 - 9086 9001		ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060		PROJECT DATE: JAN 08 ISSUED DATE: 2022.11.09 SCALE @ A3: STATUS: PRELIMINARY										

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MODIFICATIONS

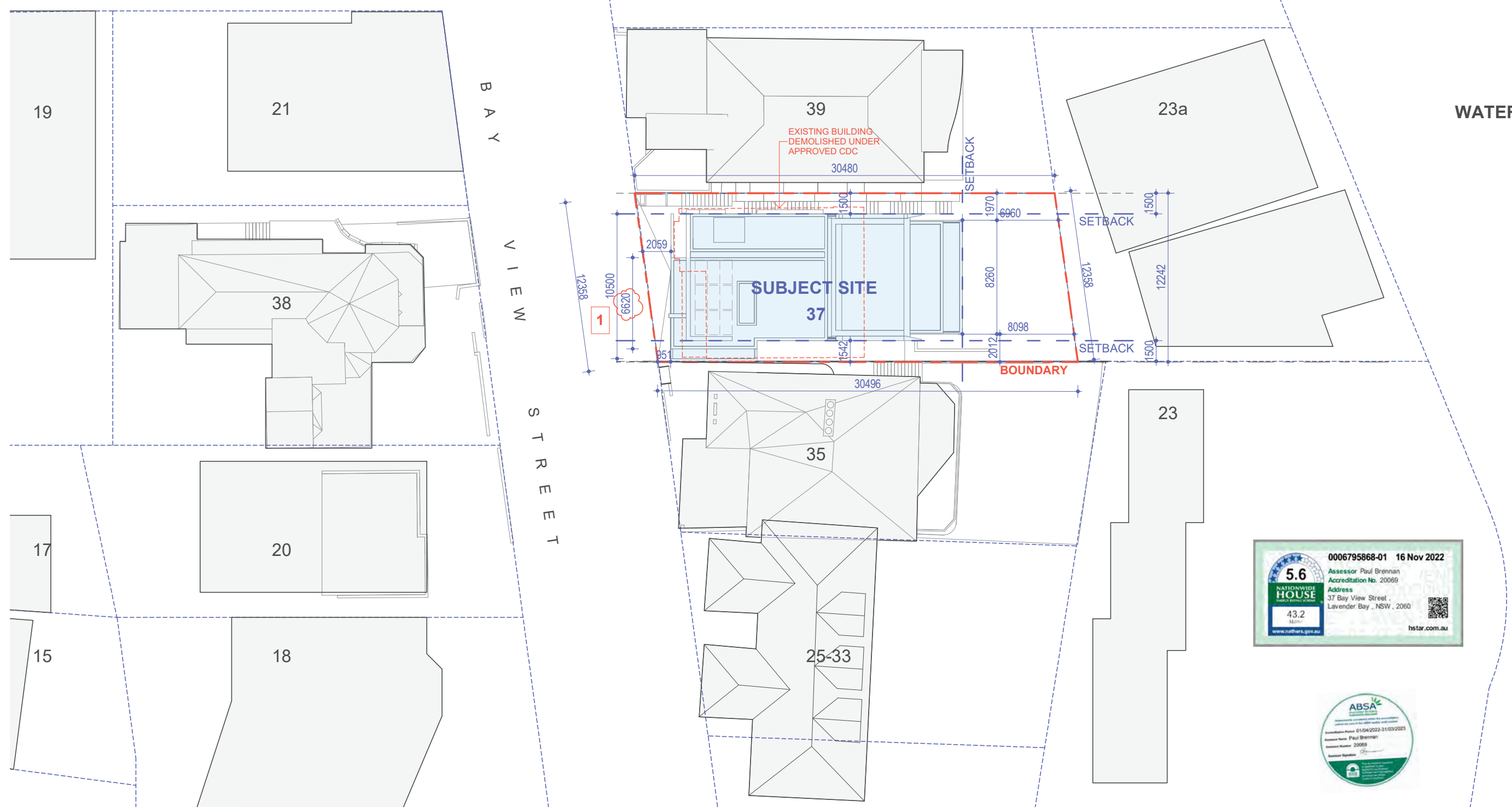
1 BUILDING BULK REDUCED

KING GEORGE STREET

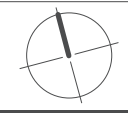
BOB GORDON RESERVE

BAY VIEW STREET

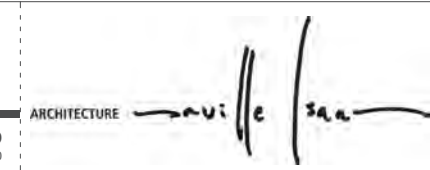
WATER



Date	Rev	Issue
2021.11.11	A	DA
2022.11.09	C	DA - Additional Information



CLIENT
T + P DUGAL



PROJECT
37 BAY VIEW STREET
LAVENDER BAY, NSW

TITLE
Site Plan
JOB No.
2033
DRAWING No.
DA100
REV.
C

The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.

NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

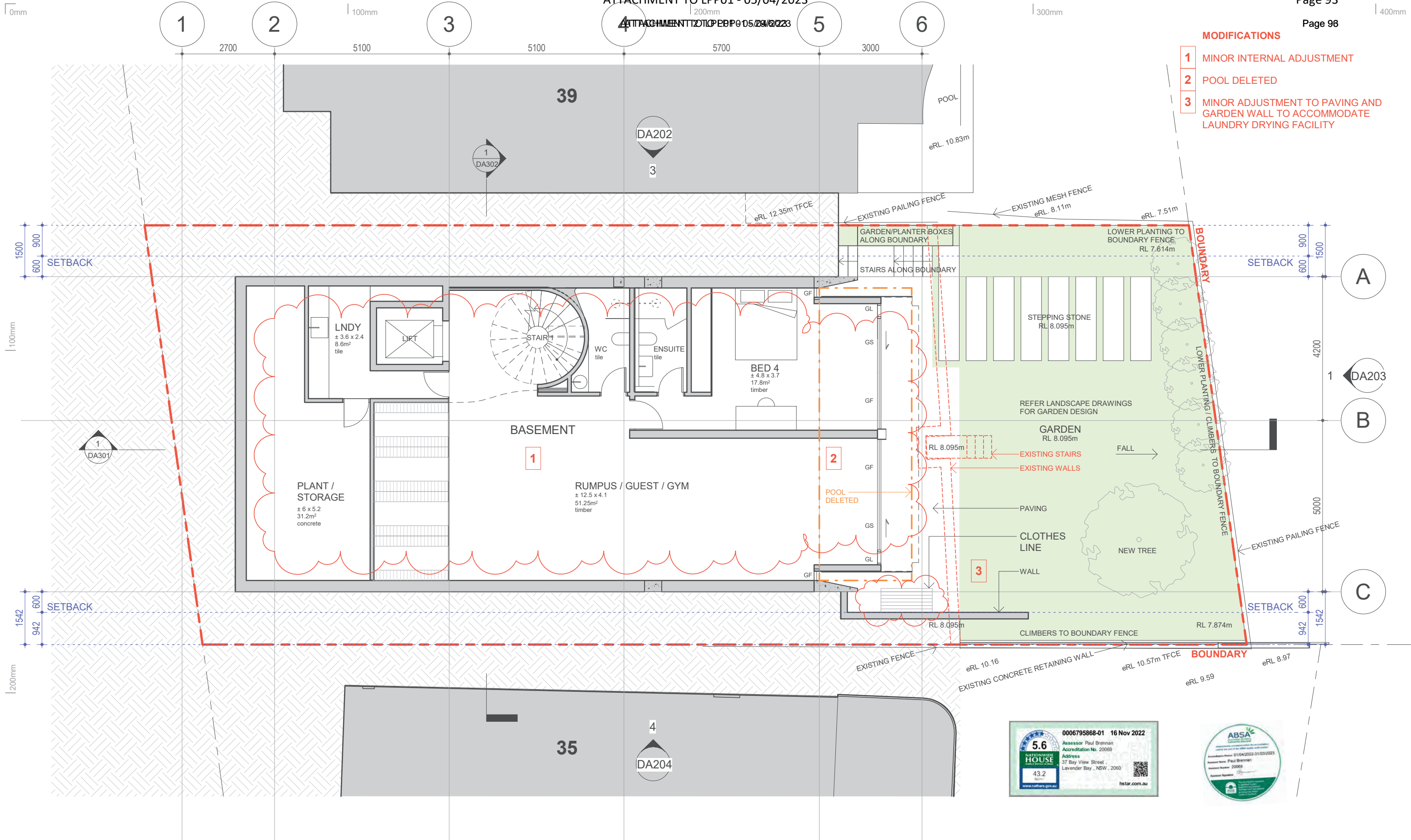
ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

PROJECT DATE
JAN 08

ISSUED DATE
2022.11.09

SCALE @ A3:
1 : 300

STATUS
PRELIMINARY

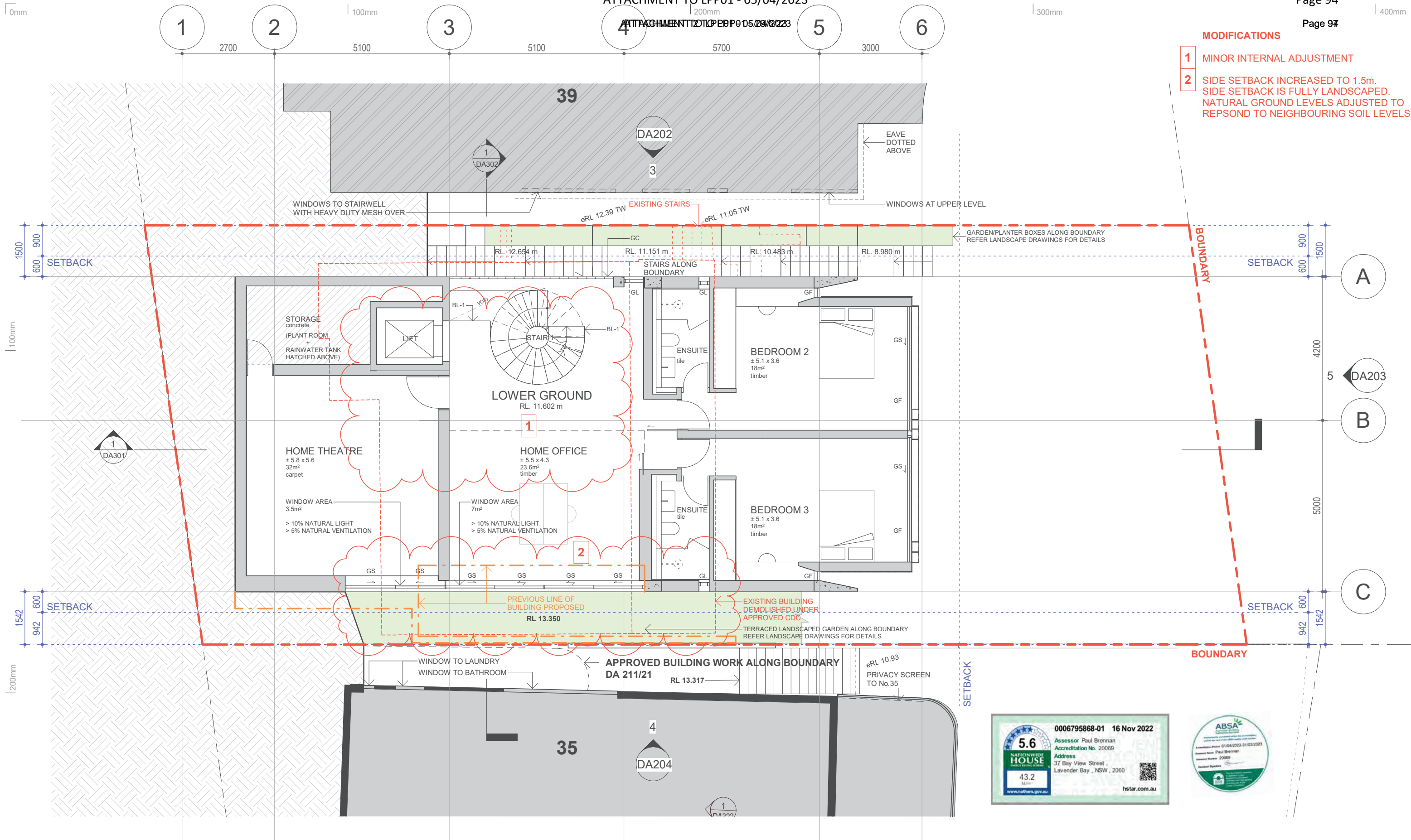


- MODIFICATIONS**
- 1 MINOR INTERNAL ADJUSTMENT
 - 2 POOL DELETED
 - 3 MINOR ADJUSTMENT TO PAVING AND GARDEN WALL TO ACCOMMODATE LAUNDRY DRYING FACILITY



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	2021.11.11	A	DA	2022.11.09	C	DA - Additional Information	CLIENT	T + P DUGAL	PROJECT	37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE	Plan_Basement	JOB No.	2033	DRAWING No.	DA102	REV.	C
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- MODIFICATIONS**
- 1 MINOR INTERNAL ADJUSTMENT
 - 2 SIDE SETBACK INCREASED TO 1.5m. SIDE SETBACK IS FULLY LANDSCAPED. NATURAL GROUND LEVELS ADJUSTED TO RESPOND TO NEIGHBOURING SOIL LEVELS.



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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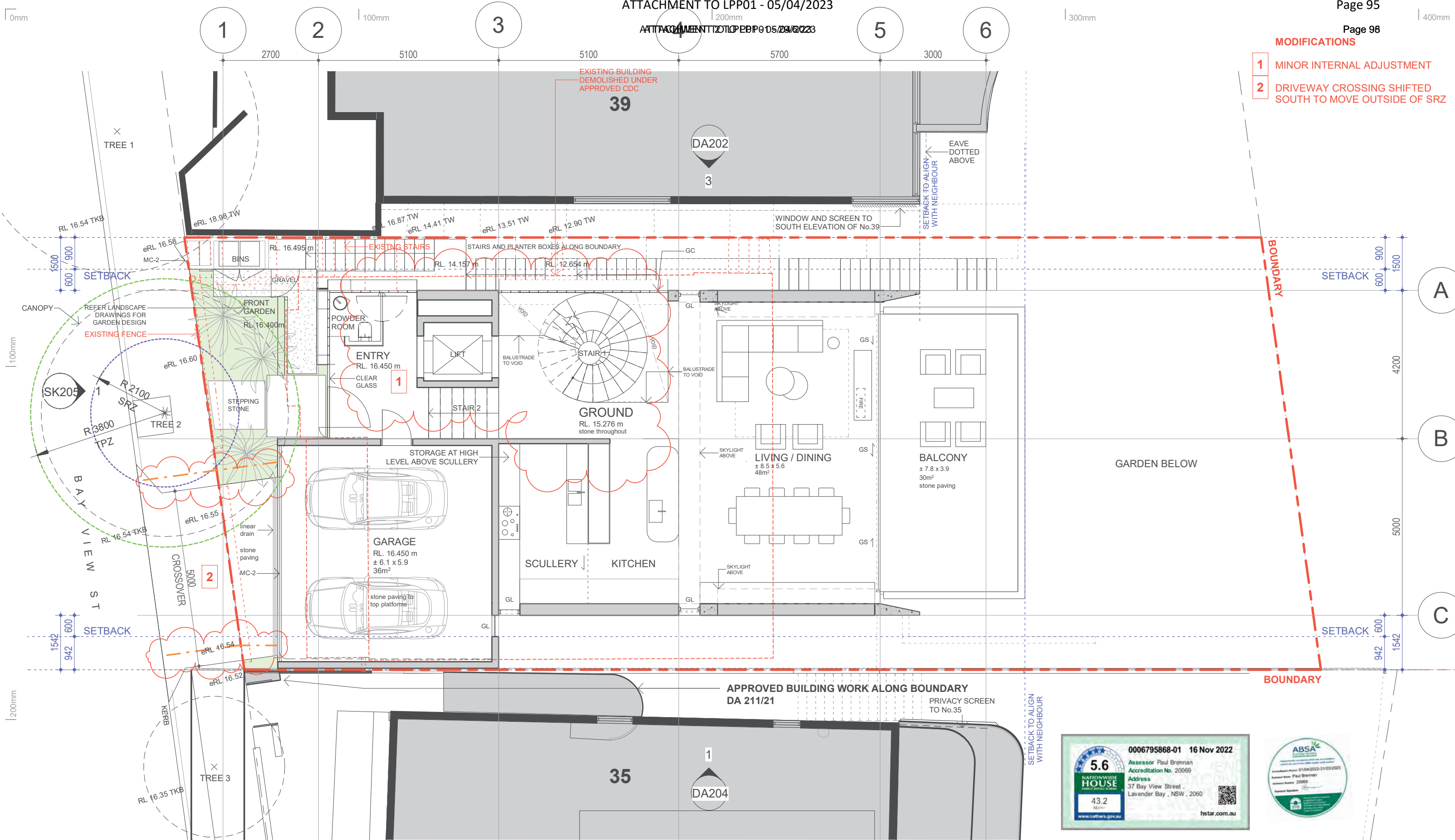
Date	Rev	Issue	CLIENT	PROJECT	TITLE
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Plan_Lower Ground
2022.11.09	C	DA - Additional Information			JOB No. 2033

NSW Nominated Architects: S. ISAACS #7929	P. 02 - 9086 9000	ARCHITECTURE SAVILLE ISAACS PTY LTD	PROJECT DATE	ISSUED DATE	SCALE @ A3:	STATUS
ABN: 79 124 014 759	F. 02 - 9086 9001	23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	JAN 08	2022.11.09	1:100	PRELIMINARY

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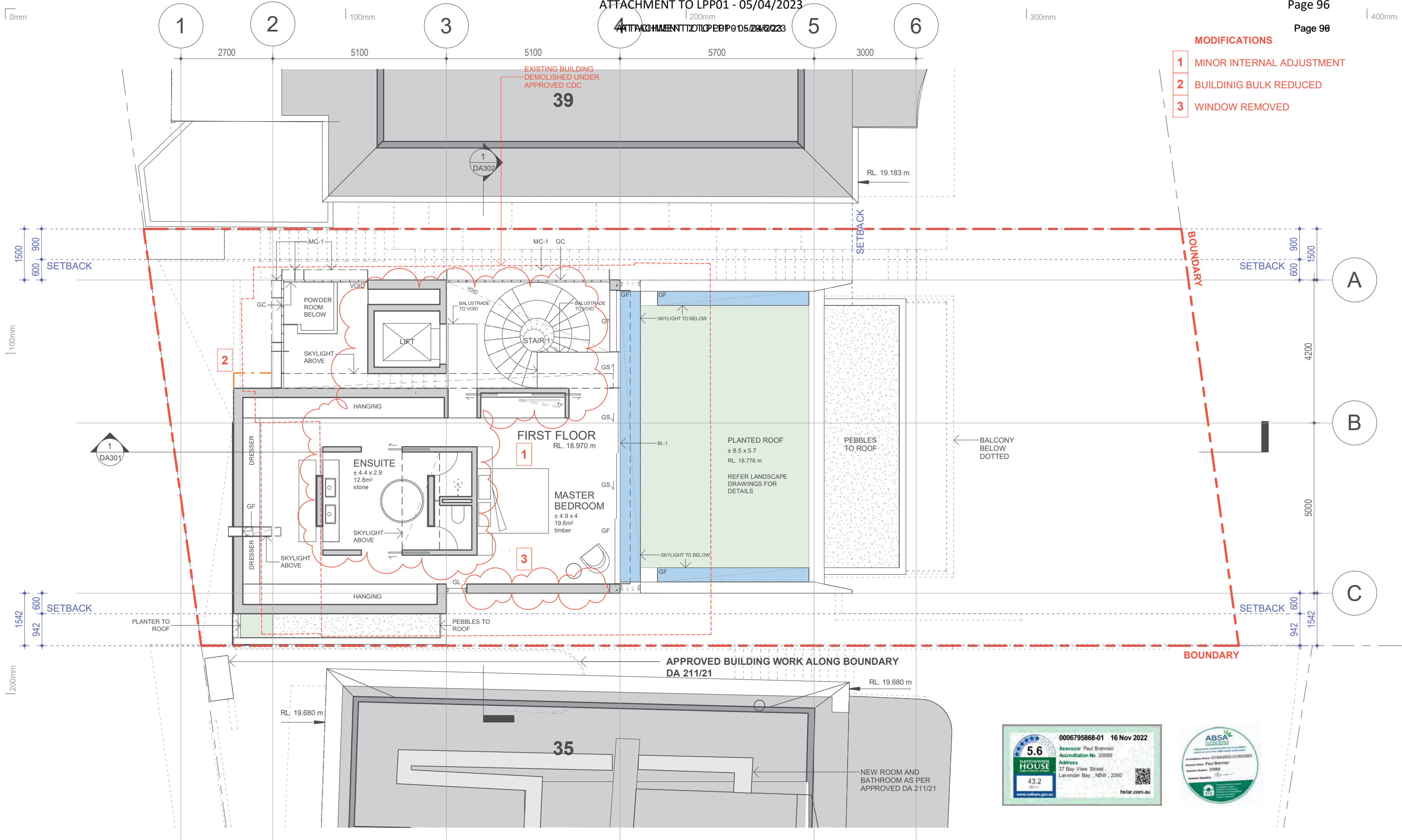
MODIFICATIONS

- 1 MINOR INTERNAL ADJUSTMENT
- 2 DRIVEWAY CROSSING SHIFTED SOUTH TO MOVE OUTSIDE OF SRZ



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	CLIENT	PROJECT	TITLE
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Plan_Ground (Garage)
2022.11.09	C	DA - Additional Information			JOB No. 2033
					DRAWING No. DA104
					REV. C



- MODIFICATIONS**
- 1 MINOR INTERNAL ADJUSTMENT
 - 2 BUILDING BULK REDUCED
 - 3 WINDOW REMOVED

CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	CLIENT	PROJECT	TITLE
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Plan_First Floor
2022.08.17	B	DA - Adjusted Graphics			JOB No.
2022.11.09	C	DA - Additional Information			2033
					DRAWING No.
					DA105
					REV.
					C

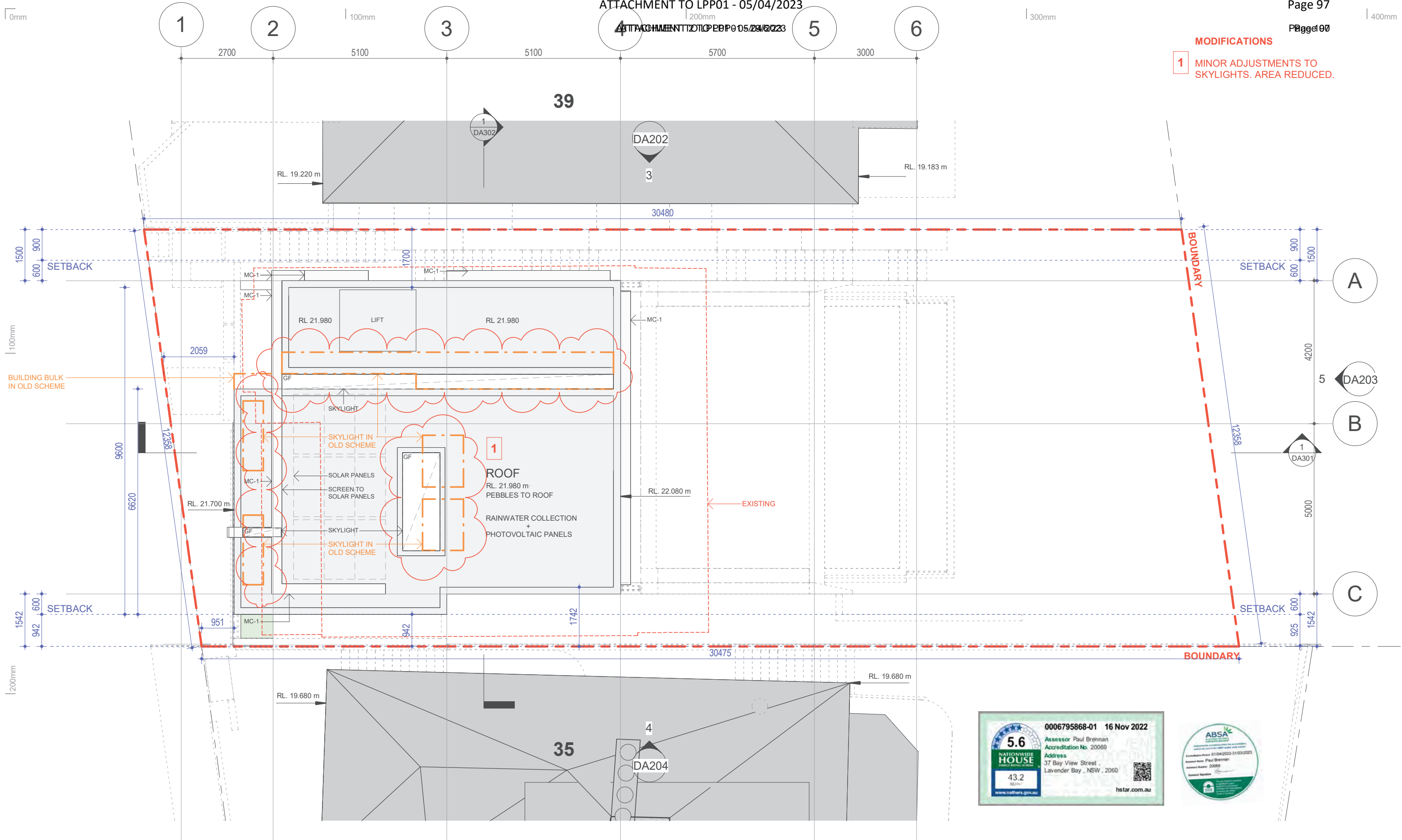
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 ABN: 79 124 014 759 F. 02 - 9086 9001 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060



ARCHITECTURE *Saville Isaacs*

PROJECT DATE: JAN 08 ISSUED DATE: 2022.11.09 SCALE @ A3: 1:100 STATUS: PRELIMINARY



MODIFICATIONS
1 MINOR ADJUSTMENTS TO SKYLIGHTS. AREA REDUCED.



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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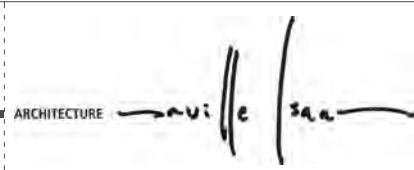
Date	Rev	Issue	CLIENT	PROJECT	TITLE
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Plan_Roof
2022.08.17	B	DA - Adjusted Graphics			JOB No.
2022.11.09	C	DA - Additional Information			2033
			ARCHITECTURE SAVILLE ISAACS PTY LTD	PROJECT DATE	DRAWING No.
			23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	JAN 08	DA106
				ISSUED DATE	REV.
				2022.11.09	C
				SCALE @ A3:	
				1:100	
				STATUS	
				PRELIMINARY	

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 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

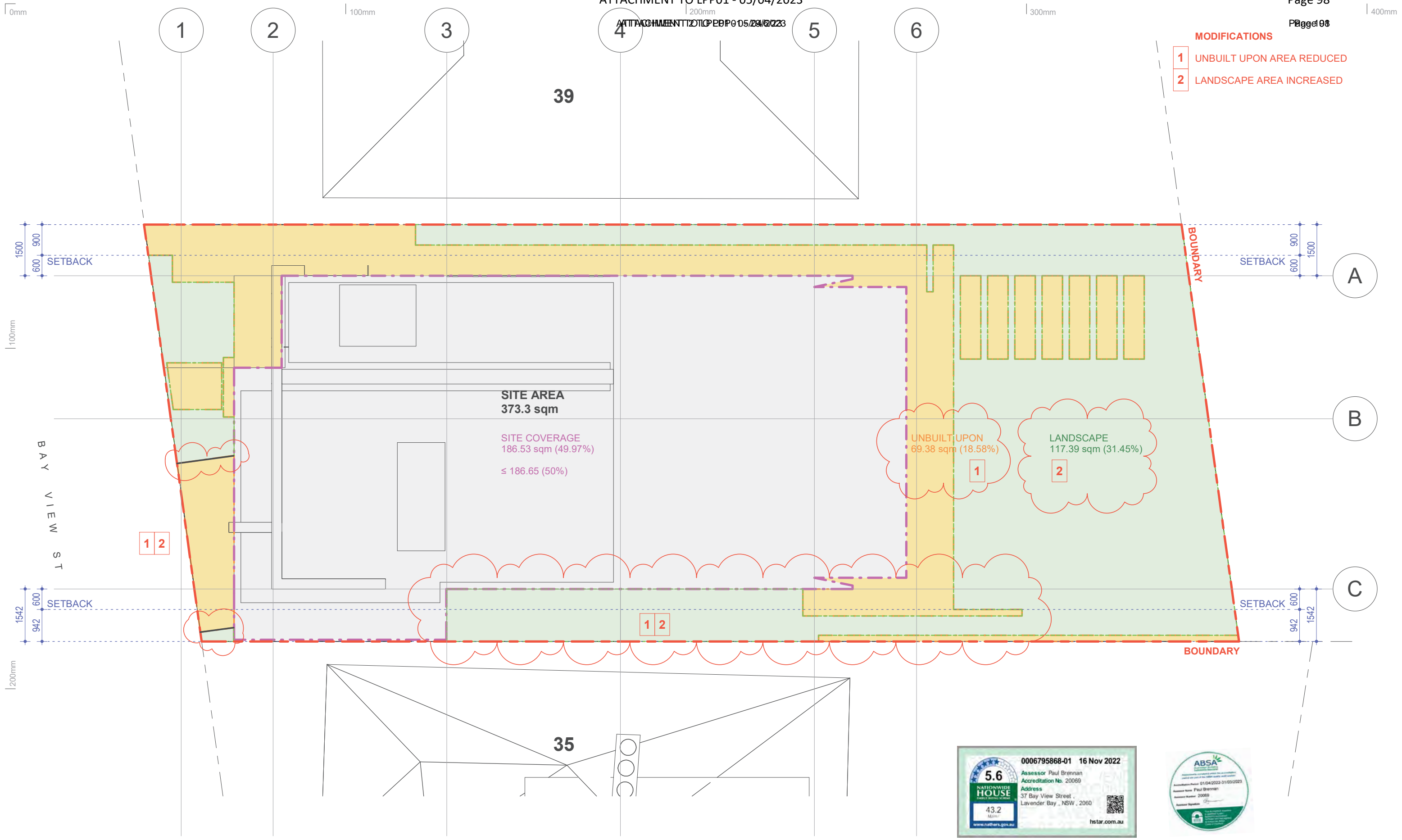


PROJECT DATE
 JAN 08

ISSUED DATE
 2022.11.09

SCALE @ A3:
 1:100

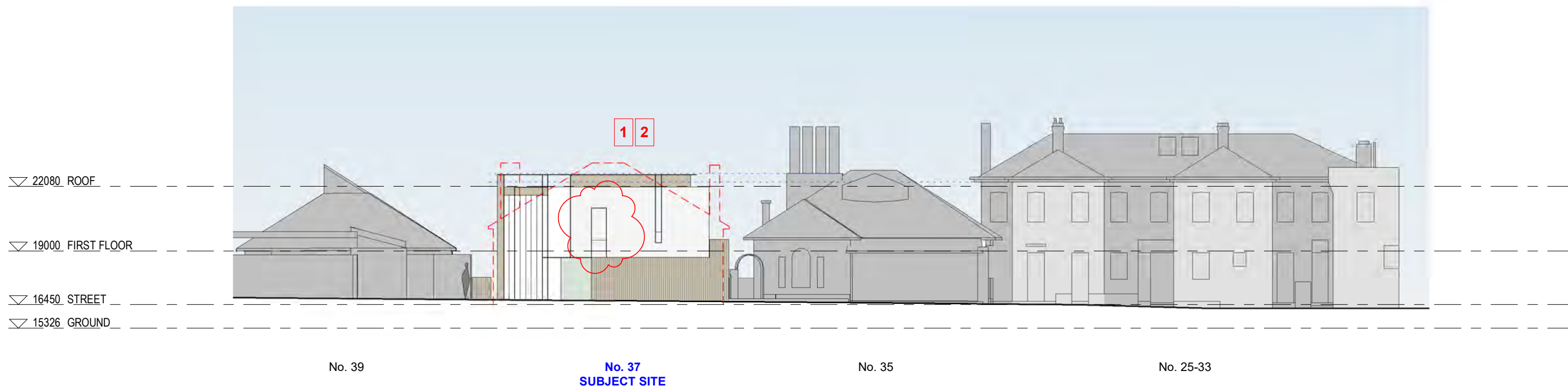
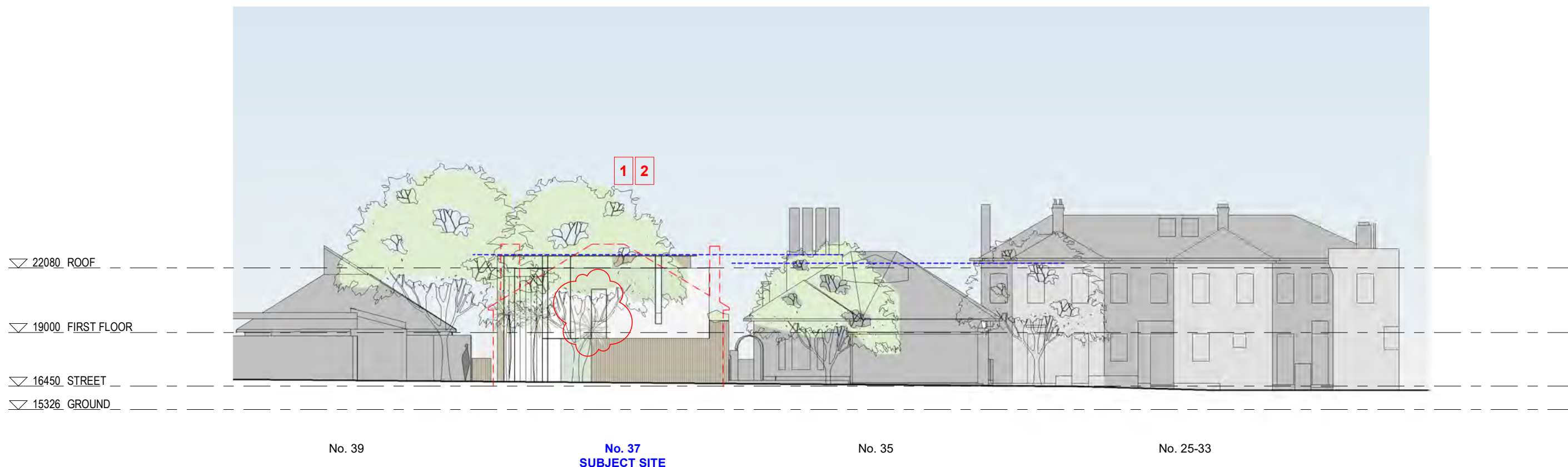
STATUS
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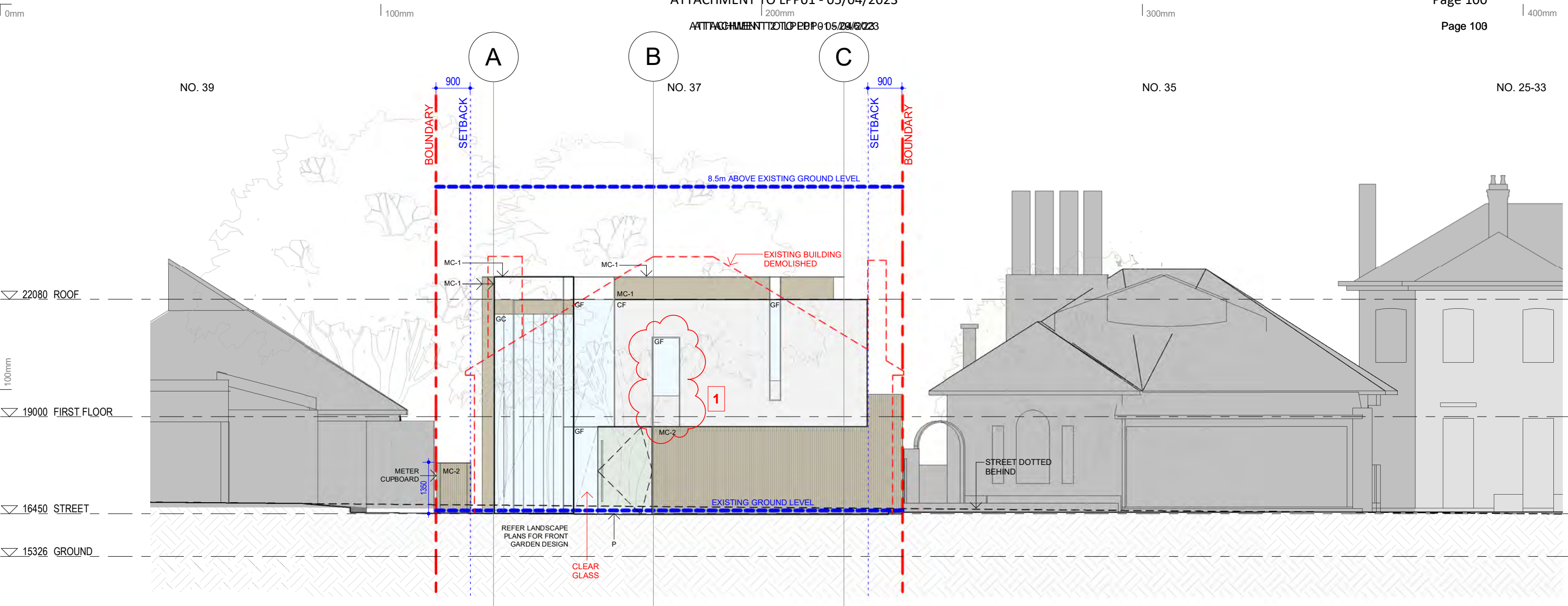
Date 2021.11.11 2022.11.09		Rev A C		Issue DA DA - Additional Information				CLIENT T + P DUGAL				PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Site Coverage JOB No. 2033 DRAWING No. DA111 REV. C			
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.</small>				NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759		P: 02 - 9086 9000 F: 02 - 9086 9001		ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060		PROJECT DATE JAN 08		ISSUED DATE 2022.11.09		SCALE @ A3: 1 : 100		STATUS PRELIMINARY	

MODIFICATIONS

- 1** MINOR ADJUSTMENT TO STREET FACADE. WINDOW ADDED AS PER COUNCIL'S ADVICE
- 2** MINOR CHANGE TO FINISH AS PER COUNCIL'S ADVICE



Date	Rev	Issue	CLIENT	PROJECT	TITLE		
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Elevation Streetscape		
2022.11.30	B	DA - Additional Information					
2023.03.14	C	DA - Additional Information					
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.</small>			NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759	P: 02 - 9086 9000 F: 02 - 9086 9001	ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	PROJECT DATE: JAN 08 ISSUED DATE: 2023.03.14 SCALE @ A3: 1 : 200	JOB No. 2033 DRAWING No. DA200 REV. C STATUS: PRELIMINARY



MODIFICATIONS

- 1** MINOR ADJUSTMENT TO STREET FACADE. WINDOW ADDED AS PER COUNCIL'S ADVICE
- 2** MINOR CHANGE TO FINISH AS PER COUNCIL'S ADVICE

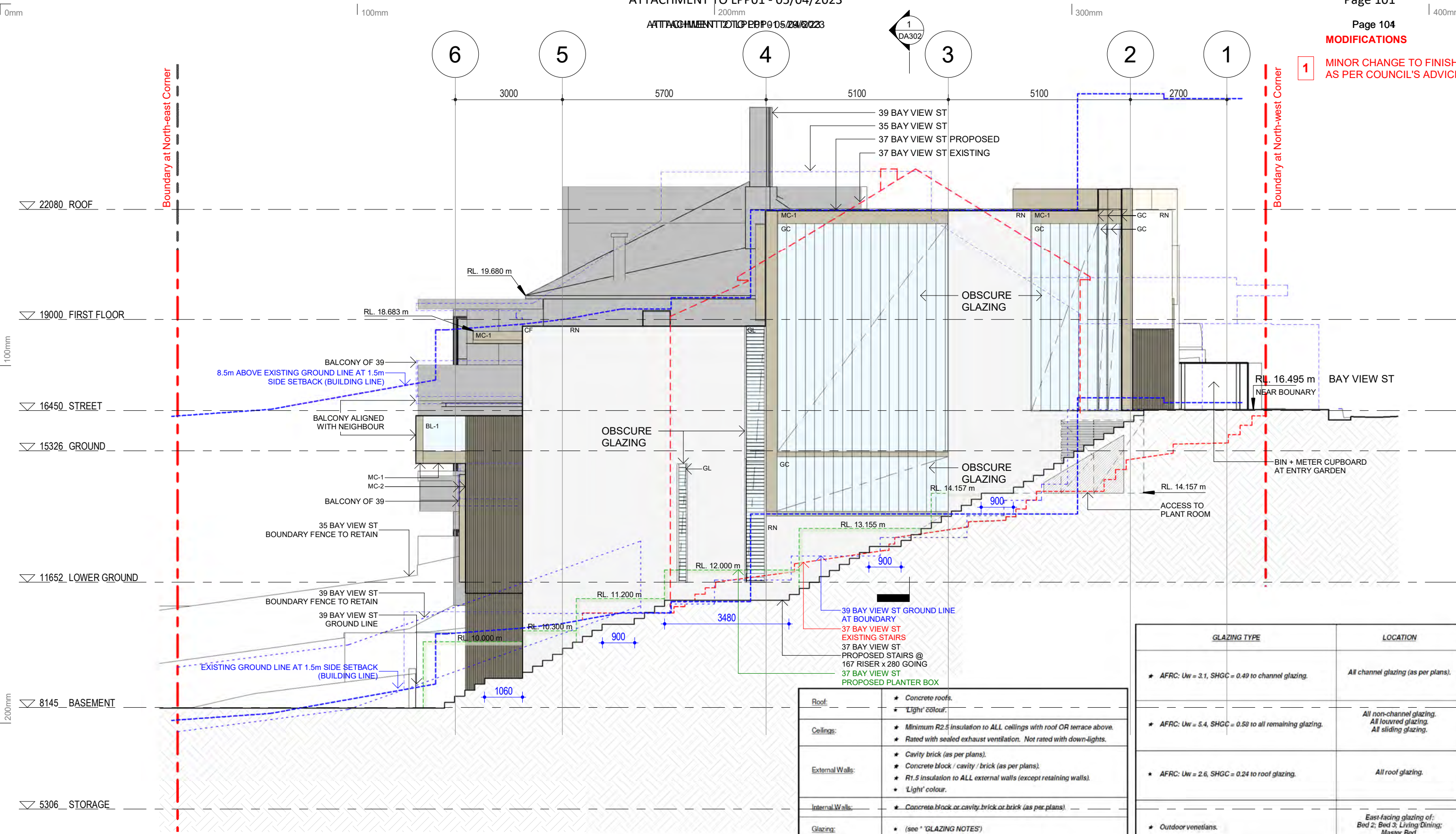
Roof:	<ul style="list-style-type: none"> ★ Concrete roofs. ★ 'Light' colour.
Ceilings:	<ul style="list-style-type: none"> ★ Minimum R2.5 insulation to ALL ceilings with roof OR terrace above. ★ Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls:	<ul style="list-style-type: none"> ★ Cavity brick (as per plans). ★ Concrete block / cavity / brick (as per plans). ★ R1.5 insulation to ALL external walls (except retaining walls). ★ 'Light' colour.
Internal Walls:	<ul style="list-style-type: none"> ★ Concrete block or cavity brick or brick (as per plans).
Glazing:	<ul style="list-style-type: none"> ★ (see 'GLAZING NOTES')
Floors:	<ul style="list-style-type: none"> ★ Concrete floors throughout. ★ R1.0 insulation to all floors with electric floor heating (BASIX requirement). ★ Timber, tile, stone, carpet or no coverings to floors (as per plans).

GLAZING TYPE	LOCATION
★ AFRC: Uw = 3.1, SHGC = 0.49 to channel glazing.	All channel glazing (as per plans).
★ AFRC: Uw = 5.4, SHGC = 0.58 to all remaining glazing.	All non-channel glazing. All louvred glazing. All sliding glazing.
★ AFRC: Uw = 2.6, SHGC = 0.24 to roof glazing.	All roof glazing.
★ Outdoor venetians.	East-facing glazing of: Bed 2; Bed 3; Living/Dining; Master Bed.

CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE WEATHERED BRASS PLATE	BL-3	WEATHERED BALUSTRADE BRASS RODS	MC-1	WEATHERED BRASS CLADDING 1	MC-2	WEATHERED BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	CLIENT	PROJECT	TITLE
2022.08.17	B	DA - Adjusted Graphics	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Elevation West (Street)
2022.11.30	C	DA - Additional Information			JOB No. 2033
2023.03.14	D	DA - Additional Information			DRAWING No. DA201
					REV. D

1 MINOR CHANGE TO FINISH AS PER COUNCIL'S ADVICE



Roof:	<ul style="list-style-type: none"> Concrete roofs. 'Light' colour.
Ceilings:	<ul style="list-style-type: none"> Minimum R2.5 insulation to ALL ceilings with roof OR terrace above. Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls:	<ul style="list-style-type: none"> Cavity brick (as per plans). Concrete block / cavity / brick (as per plans). R1.5 insulation to ALL external walls (except retaining walls). 'Light' colour.
Internal Walls:	<ul style="list-style-type: none"> Concrete block or cavity brick or brick (as per plans)
Glazing:	<ul style="list-style-type: none"> (see 'GLAZING NOTES')
Floors:	<ul style="list-style-type: none"> Concrete floors throughout. R1.0 insulation to all floors with electric floor heating (BASIX requirement). Timber, tile, stone, carpet or no coverings to floors (as per plans).

GLAZING TYPE	LOCATION
★ AFRC: Uw = 3.1, SHGC = 0.49 to channel glazing.	All channel glazing (as per plans).
★ AFRC: Uw = 5.4, SHGC = 0.59 to all remaining glazing.	All non-channel glazing. All louvred glazing. All sliding glazing.
★ AFRC: Uw = 2.6, SHGC = 0.24 to roof glazing.	All roof glazing.
★ Outdoor venetians.	East-facing glazing of: Bed 2; Bed 3; Living/Dining; Master Bed.

CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE WEATHERED BRASS PLATE	BL-3	WEATHERED BALUSTRADE BRASS RODS	MC-1	WEATHERED BRASS CLADDING 1	MC-2	WEATHERED BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	CLIENT	PROJECT	TITLE
2022.08.17	B	DA - Adjusted Graphics	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Elevation North
2022.11.30	C	DA - Additional Information			JOB No. 2033
2023.03.14	D	DA - Additional Information			DRAWING No. DA202
					REV. D

0mm 100mm

300mm 400mm

NO. 39

NO. 37

NO. 35



GLAZING TYPE	LOCATION
★ AFRC: Uw = 3.1, SHGC = 0.49 to channel glazing.	All channel glazing (as per plans).
★ AFRC: Uw = 5.4, SHGC = 0.59 to all remaining glazing.	All non-channel glazing. All louvred glazing. All sliding glazing.
★ AFRC: Uw = 2.6, SHGC = 0.24 to roof glazing.	All roof glazing.
★ Outdoor venetians.	East-facing glazing of: Bed 2; Bed 3; Living/Dining; Master Bed.

Roof:	<ul style="list-style-type: none"> ★ Concrete roofs. ★ 'Light' colour.
Ceilings:	<ul style="list-style-type: none"> ★ Minimum R2.5 insulation to ALL ceilings with roof OR terrace above. ★ Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls:	<ul style="list-style-type: none"> ★ Cavity brick (as per plans). ★ Concrete block / cavity / brick (as per plans). ★ R1.5 insulation to ALL external walls (except retaining walls). ★ 'Light' colour.
Internal Walls:	★ Concrete block or cavity brick or brick (as per plans).
Glazing:	★ (see "GLAZING NOTES")
Floors:	<ul style="list-style-type: none"> ★ Concrete floors throughout. ★ R1.0 insulation to all floors with electric floor heating (BASIX requirement). ★ Timber, tile, stone, carpet or no coverings to floors (as per plans).

MODIFICATIONS

1 MINOR CHANGE TO FINISH AS PER COUNCIL'S ADVICE

CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE WEATHERED BRASS PLATE	BL-3	WEATHERED BALUSTRADE BRASS RODS	MC-1	WEATHERED BRASS CLADDING 1	MC-2	WEATHERED BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue
2022.08.17	B	DA - Adjusted Graphics
2022.11.30	C	DA - Additional Information
2023.03.14	D	DA - Additional Information

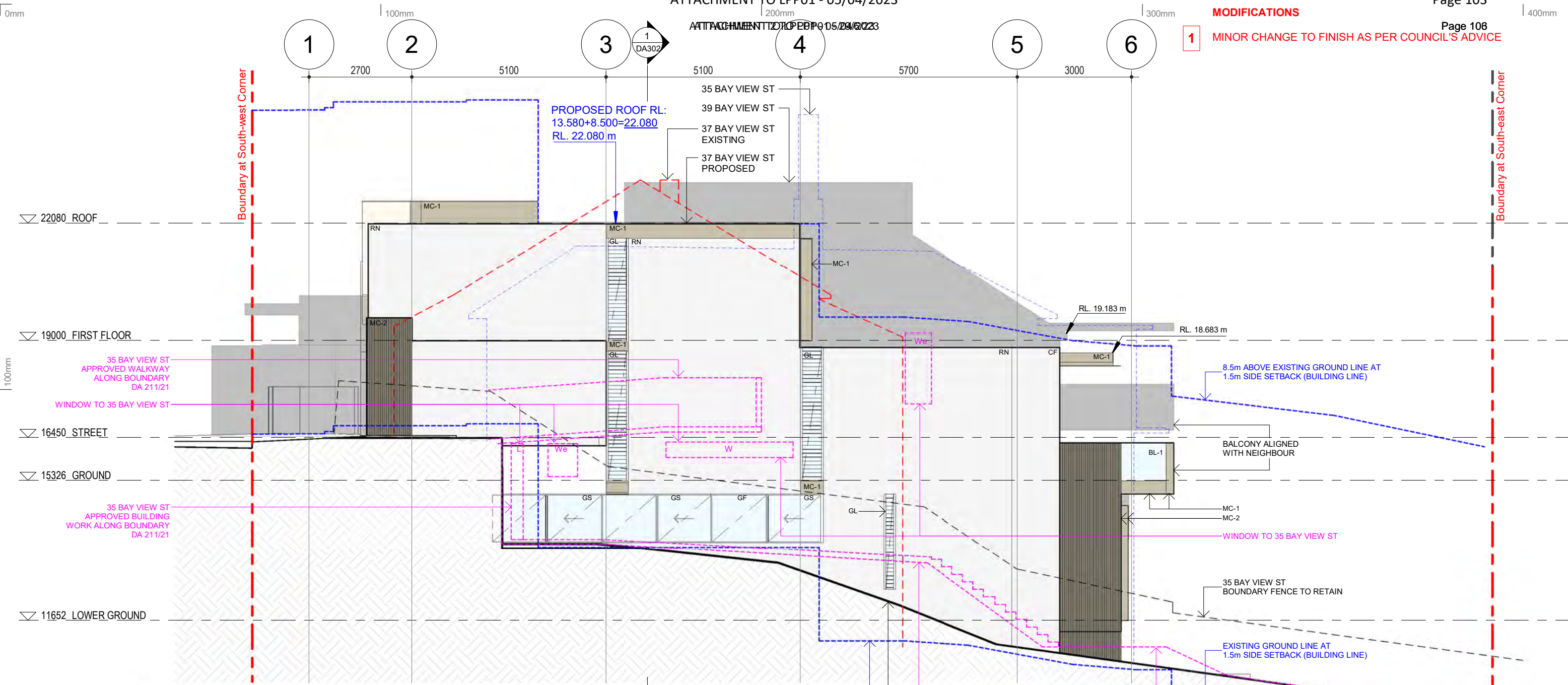
CLIENT
T + P DUGAL

ARCHITECTURE
Saville Isaacs

PROJECT
37 BAY VIEW STREET
LAVENDER BAY, NSW

TITLE
Elevation East (Water)
JOB No. 2033
DRAWING No. DA203
REV. D

MODIFICATIONS
1 MINOR CHANGE TO FINISH AS PER COUNCIL'S ADVICE



GLAZING TYPE	LOCATION
* AFRC: Uw = 3.1, SHGC = 0.49 to channel glazing.	All channel glazing (as per plans).
* AFRC: Uw = 5.4, SHGC = 0.58 to all remaining glazing.	All non-channel glazing. All louvred glazing. All sliding glazing.
* AFRC: Uw = 2.6, SHGC = 0.24 to roof glazing.	All roof glazing.
* Outdoor venetians.	East-facing glazing of: Bed 2; Bed 3; Living Dining; Master Bed.

Roof:	* Concrete roofs. * 'Light' colour.
Ceilings:	* Minimum R2.5 insulation to ALL ceilings with roof OR terrace above. * Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls:	* Cavity brick (as per plans). * Concrete block / cavity / brick (as per plans). * R1.5 insulation to ALL external walls (except retaining walls). * 'Light' colour.
Internal Walls:	* Concrete block or cavity brick or brick (as per plans).
Glazing:	* (see 'GLAZING NOTES')
Floors:	* Concrete floors throughout. * R1.0 insulation to all floors with electric floor heating (BASIX requirement). * Timber, tile, stone, carpet or no coverings to floors (as per plans).

CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE WEATHERED BRASS PLATE	BL-3	WEATHERED BALUSTRADE BRASS RODS	MC-1	WEATHERED BRASS CLADDING 1	MC-2	WEATHERED BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue
2022.08.17	B	DA - Adjusted Graphics
2022.11.30	C	DA - Additional Information
2023.03.14	D	DA - Additional Information

CLIENT
T + P DUGAL

ARCHITECTURE
Saville Isaacs

PROJECT
37 BAY VIEW STREET
LAVENDER BAY, NSW

TITLE
Elevation South
JOB No.
2033
DRAWING No.
DA204
REV.
D

0mm

100mm

200mm

300mm

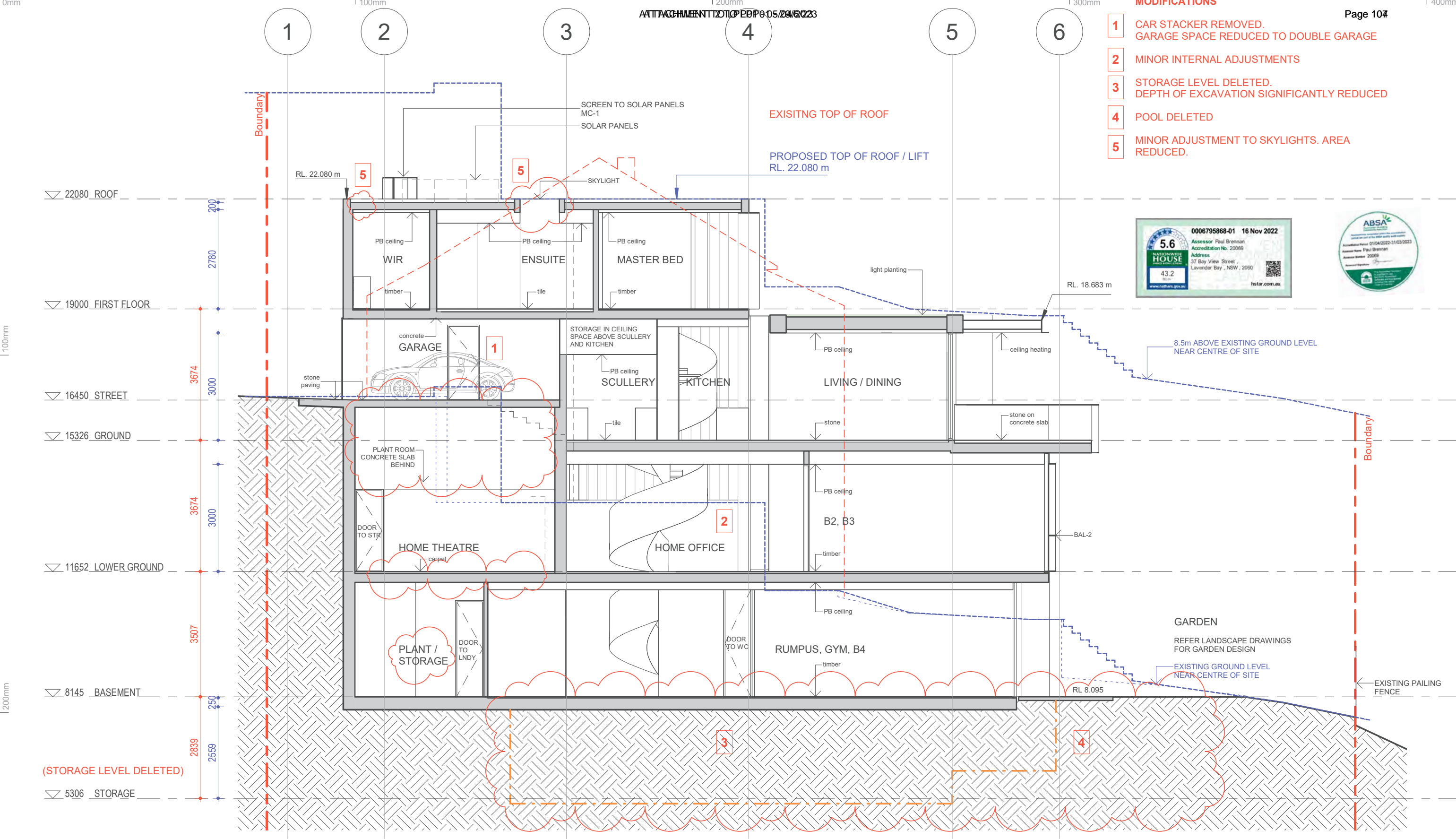
400mm

100mm

200mm

(STORAGE LEVEL DELETED)

- MODIFICATIONS**
- 1** CAR STACKER REMOVED. GARAGE SPACE REDUCED TO DOUBLE GARAGE
 - 2** MINOR INTERNAL ADJUSTMENTS
 - 3** STORAGE LEVEL DELETED. DEPTH OF EXCAVATION SIGNIFICANTLY REDUCED
 - 4** POOL DELETED
 - 5** MINOR ADJUSTMENT TO SKYLIGHTS. AREA REDUCED.



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAIN
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Date	Rev	Issue		CLIENT		PROJECT	TITLE
2021.11.11	A	DA		T + P DUGAL		37 BAY VIEW STREET LAVENDER BAY, NSW	Section Long
2022.11.09	C	DA - Additional Information					JOB No. 2033
							DRAWING No. DA301
							REV. C

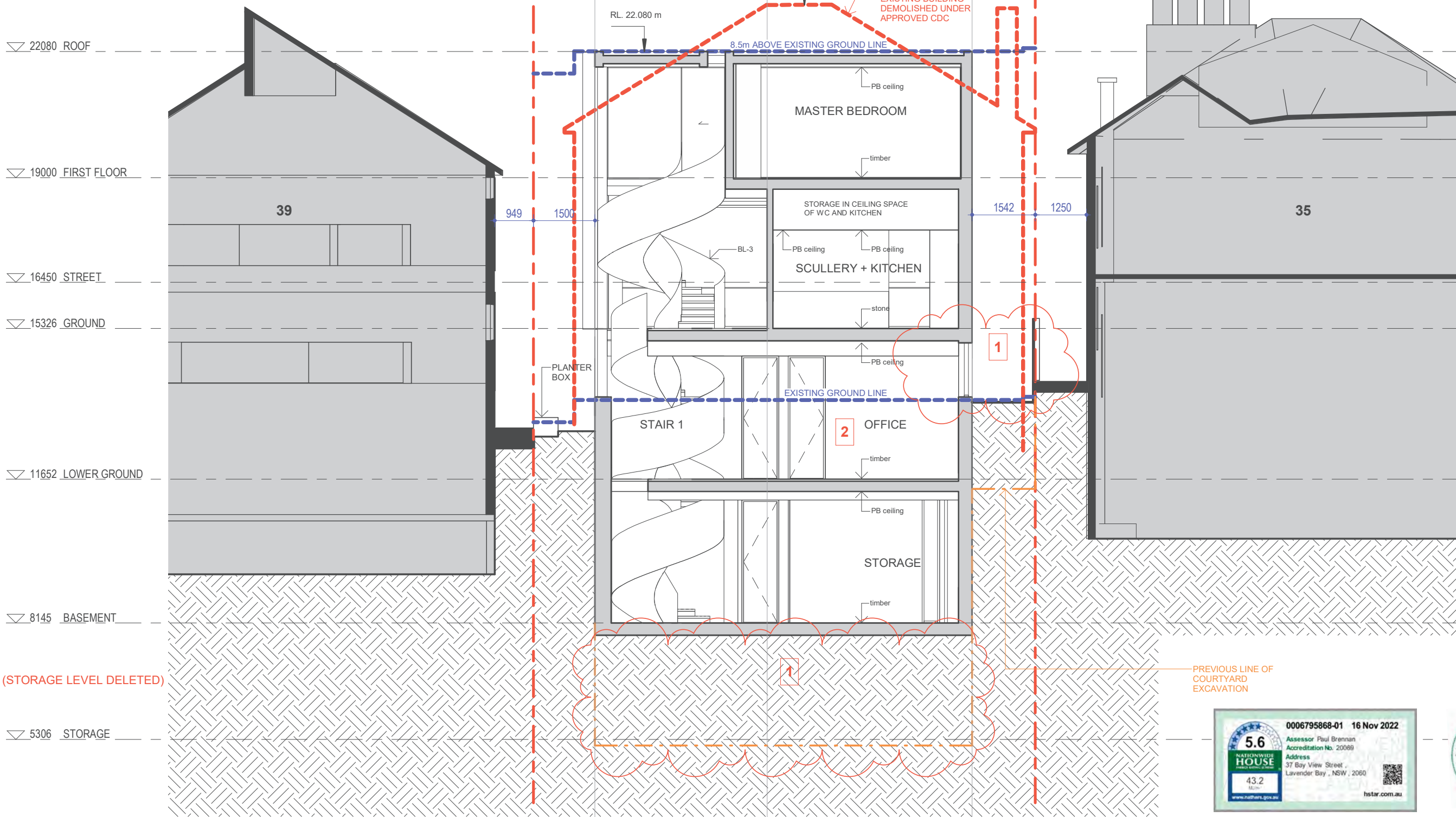
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NSW Nominated Architects: S. ISAACS #7929 P. 02 - 9086 9000 ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

PROJECT DATE: JAN 08 ISSUED DATE: 2022.11.09 SCALE @ A3: 1:100 STATUS: PRELIMINARY

MODIFICATIONS

- 1** COURTYARD AND EXCAVATION REMOVED. SIDE SETBACK IS FULLY LANDSCAPED. NATURAL GROUND LEVELS ADJUSTED TO RESPOND TO NEIGHBOURING SOIL LEVELS.
- 2** MINOR INTERNAL ADJUSTMENTS
- 3** STORAGE LEVEL DELETED. DEPTH OF EXCAVATION SIGNIFICANTLY REDUCED



CF	CONCRETE RENDER FINISH	RN	MASONRY RENDER FINISH	GC	CHANNEL GLASS	GF	GLASS FIXED	GL	GLASS LOUVRES	GS	GLASS SLIDING	BL-1	BALUSTRADE GLASS	BL-2	BALUSTRADE BRASS PLATE	BL-3	BALUSTRADE BRASS RODS	MC-1	BRASS CLADDING 1	MC-2	BRASS CLADDING 2	P	PAINT
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Date	Rev	Issue	CLIENT	PROJECT	TITLE
2021.11.11	A	DA	T + P DUGAL	37 BAY VIEW STREET LAVENDER BAY, NSW	Section Cross
2022.11.09	C	DA - Additional Information			JOB No. 2033
					DRAWING No. DA302
					REV. C

BASIX Requirements as per certificate no: 1243971S

Water Commitments

Landscape:

Indigenous or low water use species throughout.

Fixtures:

- All Showerheads :min 4 star (>74.5 but <= 6L/min)
- Toilet Flushing Systems :min 4 star
- Kitchen Taps :min 6 star
- Basin Taps :min 6 star

Alternative Water:

Rain Water Tank: min. 5000L
 Water to be used in garden and pool

Energy Commitments

Hot Water:

Electric Heat Pump, 15-20 STCs.

Cooling system:

At least 1 Living Area: 3 Phase Airconditioning, EER<2.5
 At least 1 Bedroom: 3 Phase Airconditioning, EER<2.5

Heating system:

At least 1 Living Area: 3 Phase Airconditioning, EER<2.5
 At least 1 Bedroom: 3 Phase Airconditioning, EER<2.5

Ventilation:

Exhaust system to be installed for:
 At least 1 bathroom: individual fan (manual on / off)
 Kitchen: individual fan (manual on / off)
 Laundry: individual fan (manual on / off)

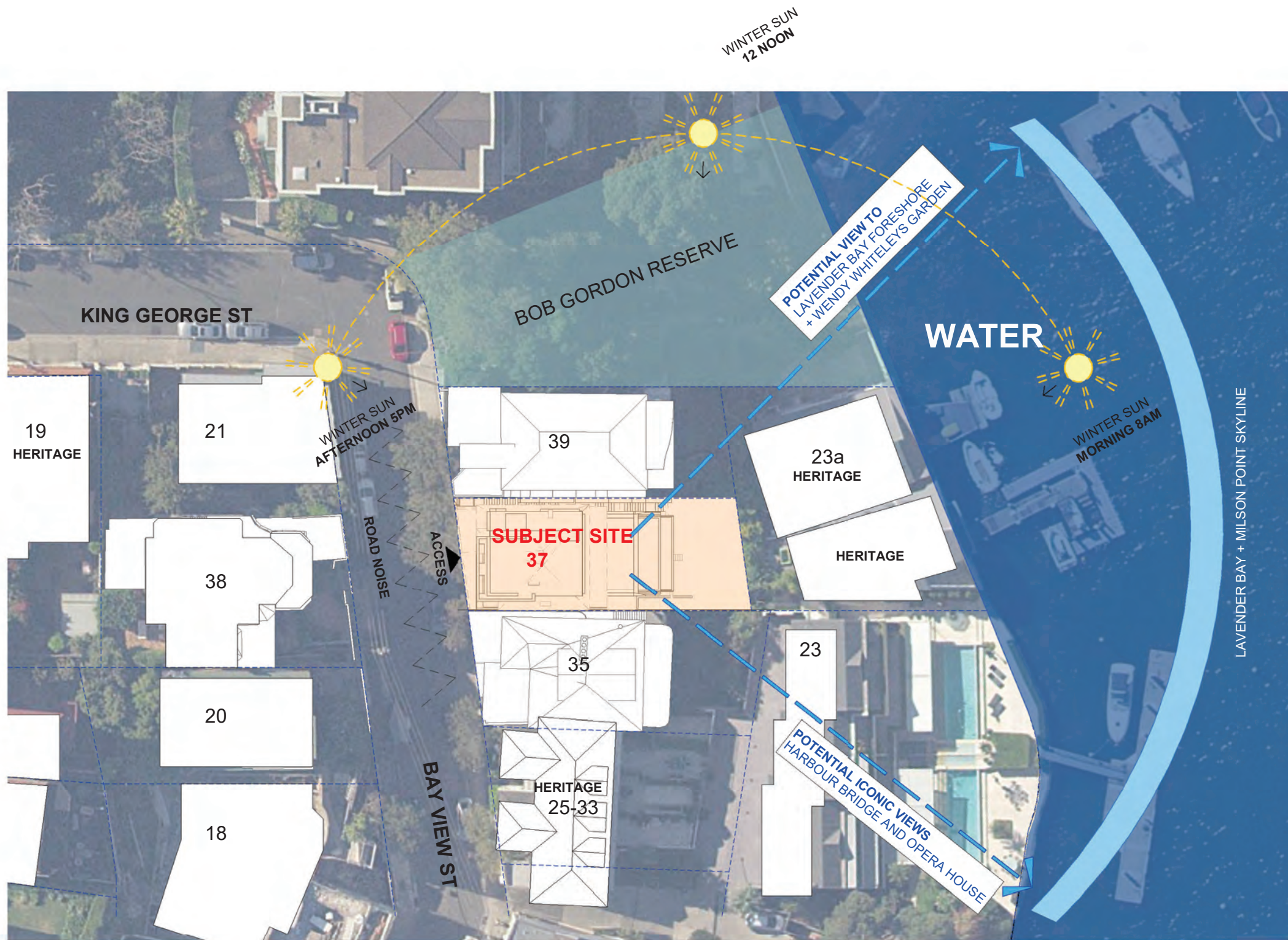
Artificial Lighting:

LED light fittings for: All bedrooms, study, living, dining, kitchen, bathrooms, laundry & hall-way.

Alternative Energy:

min. 3kW photovoltaic system to be installed.



Date 2021.11.11	Rev A	Issue DA	CLIENT T + P DUGAL	ARCHITECTURE <i>Saville Isaacs</i>	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE BASIX Sheet JOB No. 2033 DRAWING No. DA011 REV. A			
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>PROJECT DATE JAN 08</small>	<small>ISSUED DATE 2021.11.11</small>	<small>SCALE @ A3:</small>	<small>STATUS PRELIMINARY</small>



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Date 2021.11.11	Rev A	Issue DA		CLIENT T + P DUGAL		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Site Analysis Plan
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>				<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P. 02 - 9086 9000 F. 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P. 02 - 9086 9000 F. 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>PROJECT DATE: JAN 08 ISSUED DATE: 2021.11.11 SCALE @ A3: 1 : 500</small>	<small>TITLE: PRELIMINARY</small>

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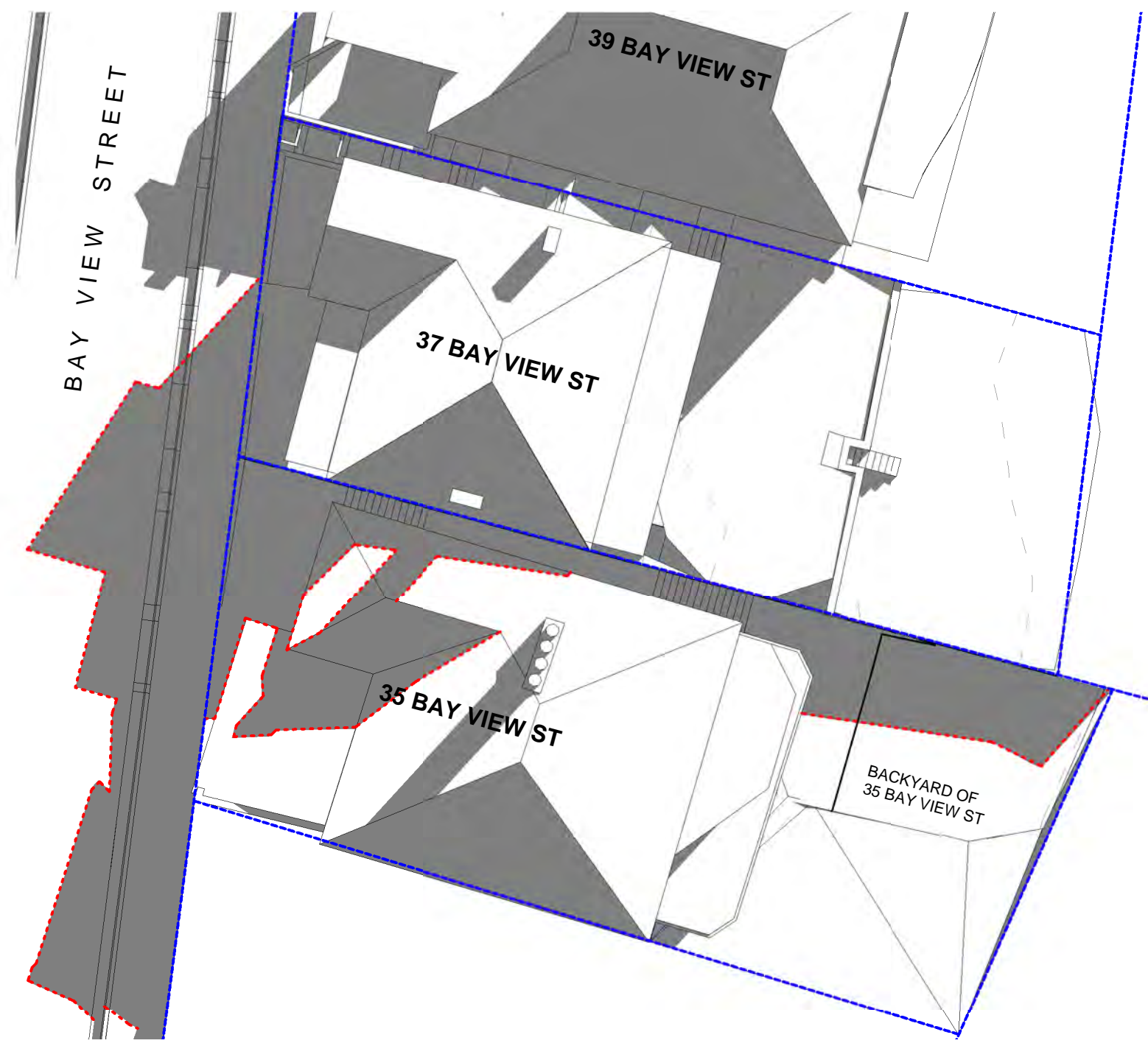
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Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW				CLIENT T + P DUGAL		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Existing - June 9am JOB No. 2033 DRAWING No. DA391 REV. A							
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>ARCHITECTURE</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>SCALE @ A3: 1 : 200</small>		<small>STATUS PRELIMINARY</small>	

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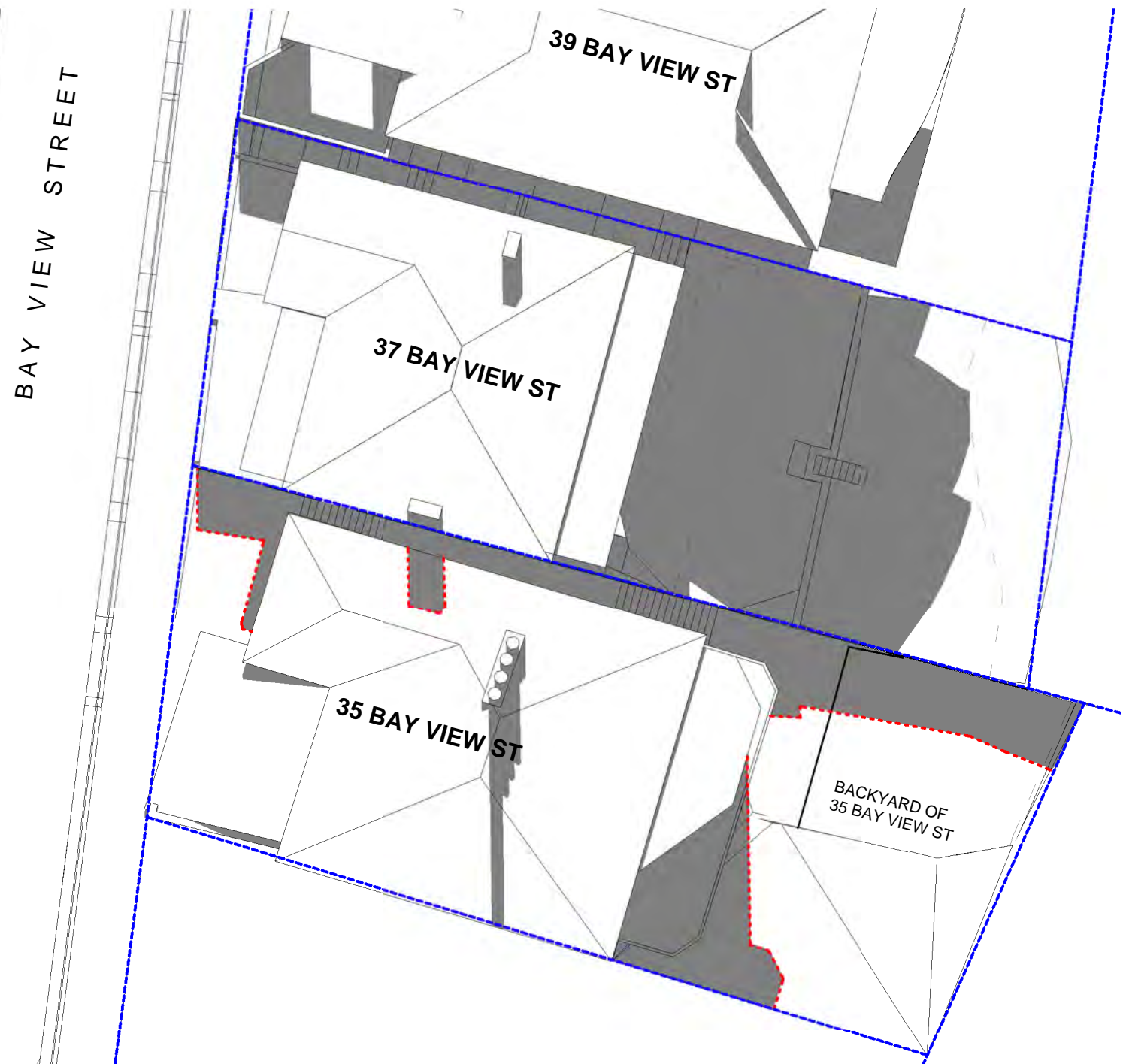
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Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW		CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Shadow Existing - June 12pm JOB No. 2033 DRAWING No. DA392 REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small>	<small>PROJECT DATE JAN 08</small> <small>ISSUED DATE 2021.11.11</small> <small>SCALE @ A3: 1 : 200</small>	<small>STATUS PRELIMINARY</small>

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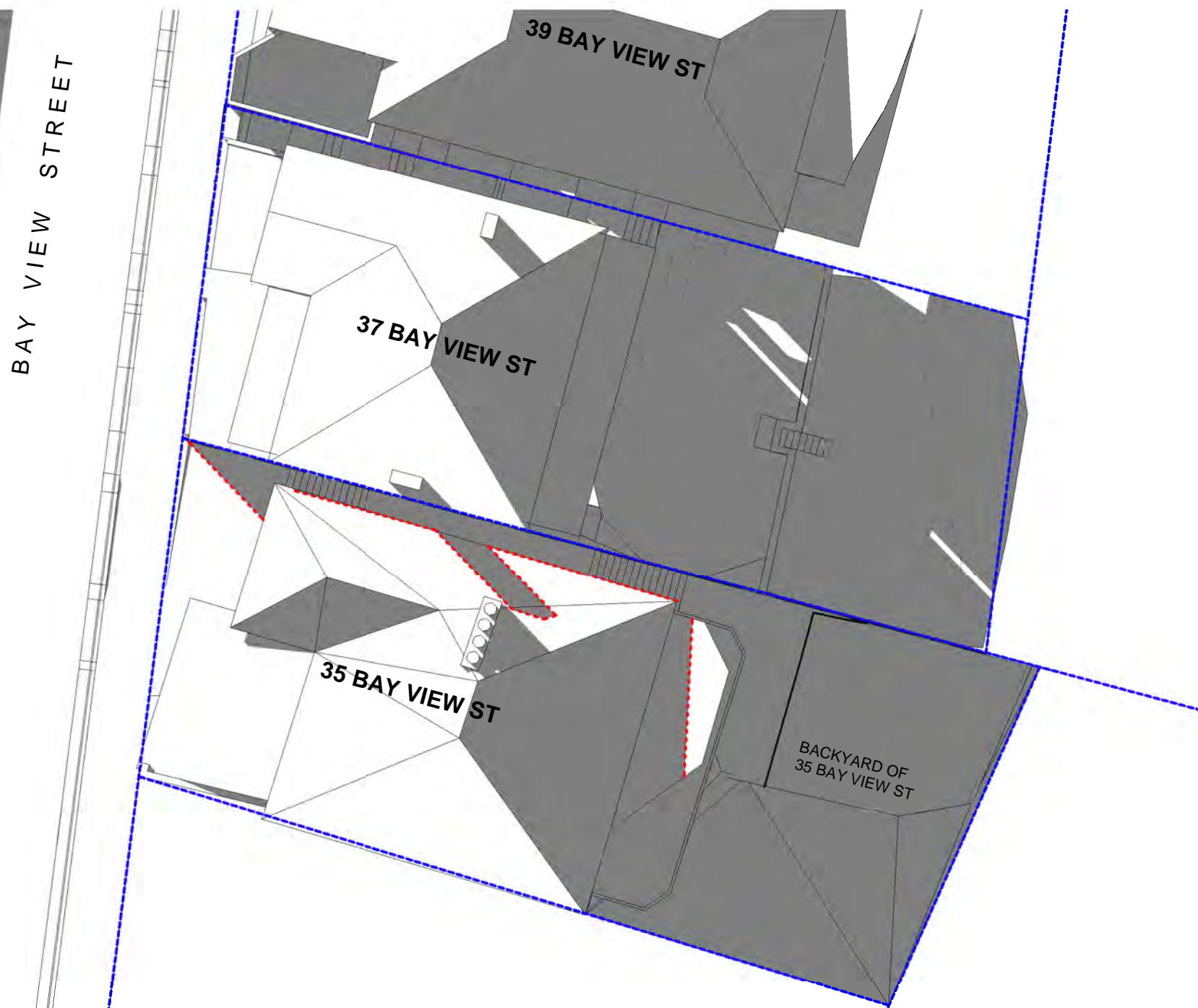
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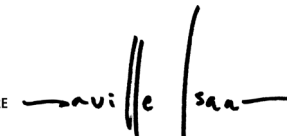
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Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW		CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Shadow Existing - June 3pm JOB No. 2033 DRAWING No. DA393 REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small>	<small>PROJECT DATE JAN 08</small> <small>ISSUED DATE 2021.11.11</small> <small>SCALE @ A3: 1 : 200</small>	<small>STATUS PRELIMINARY</small>

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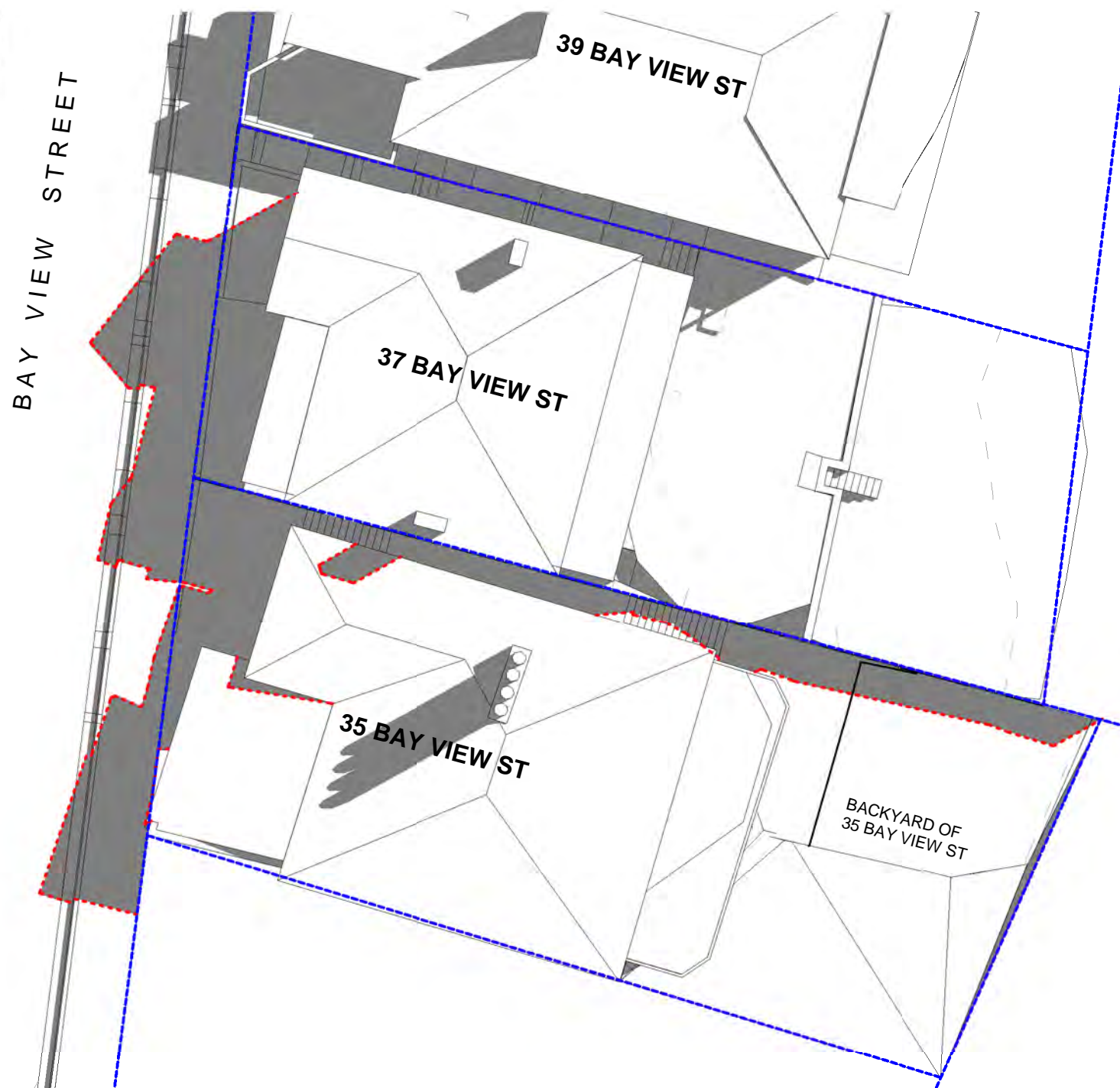
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Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW		 CLIENT T + P DUGAL		ARCHITECTURE		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Existing - March 9am JOB No. 2033 DRAWING No. DA394 REV. A					
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P. 02 - 9086 9000 F. 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>SCALE @ A3: 1 : 200</small>		<small>STATUS PRELIMINARY</small>	

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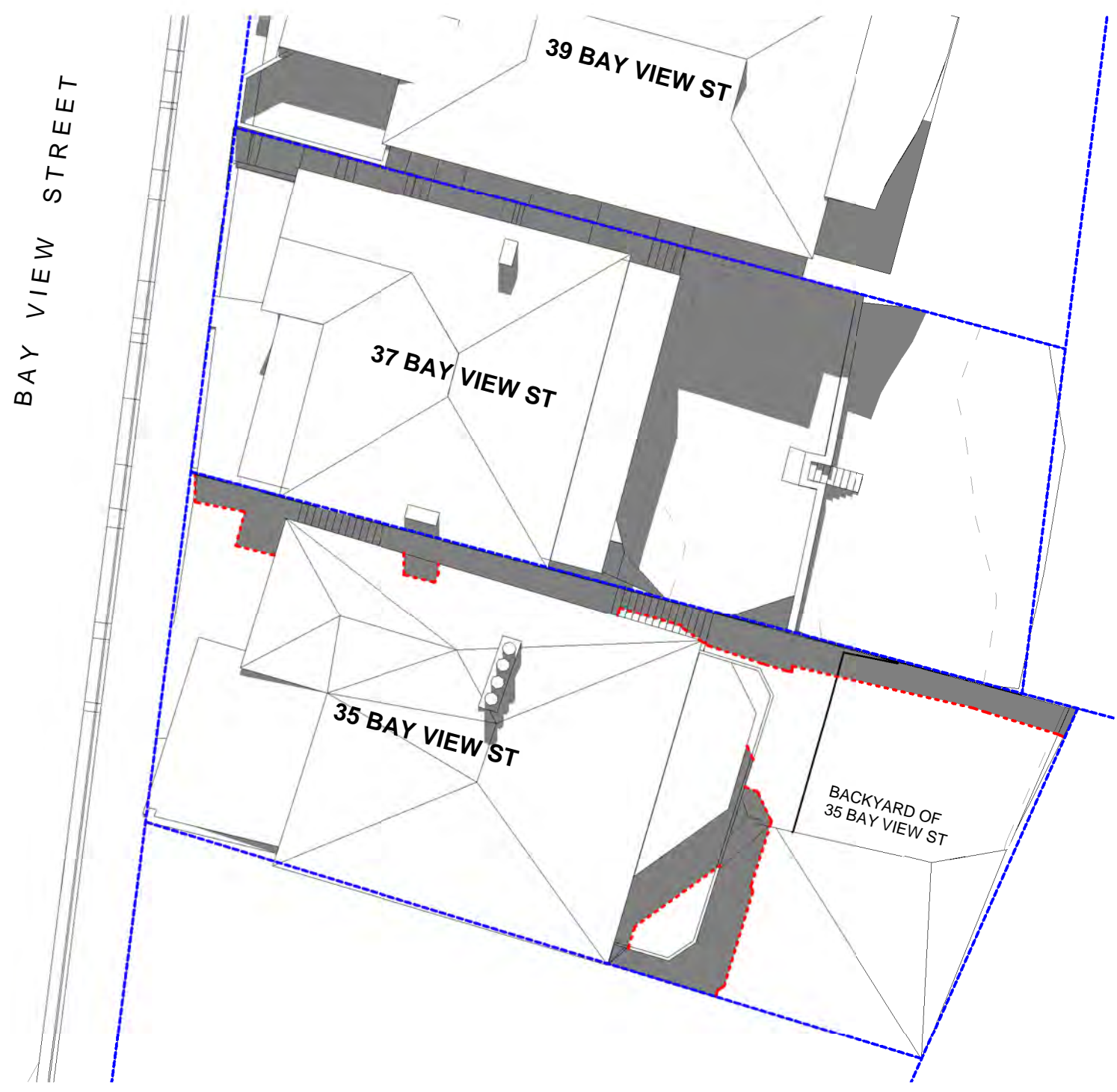
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
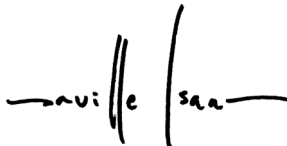
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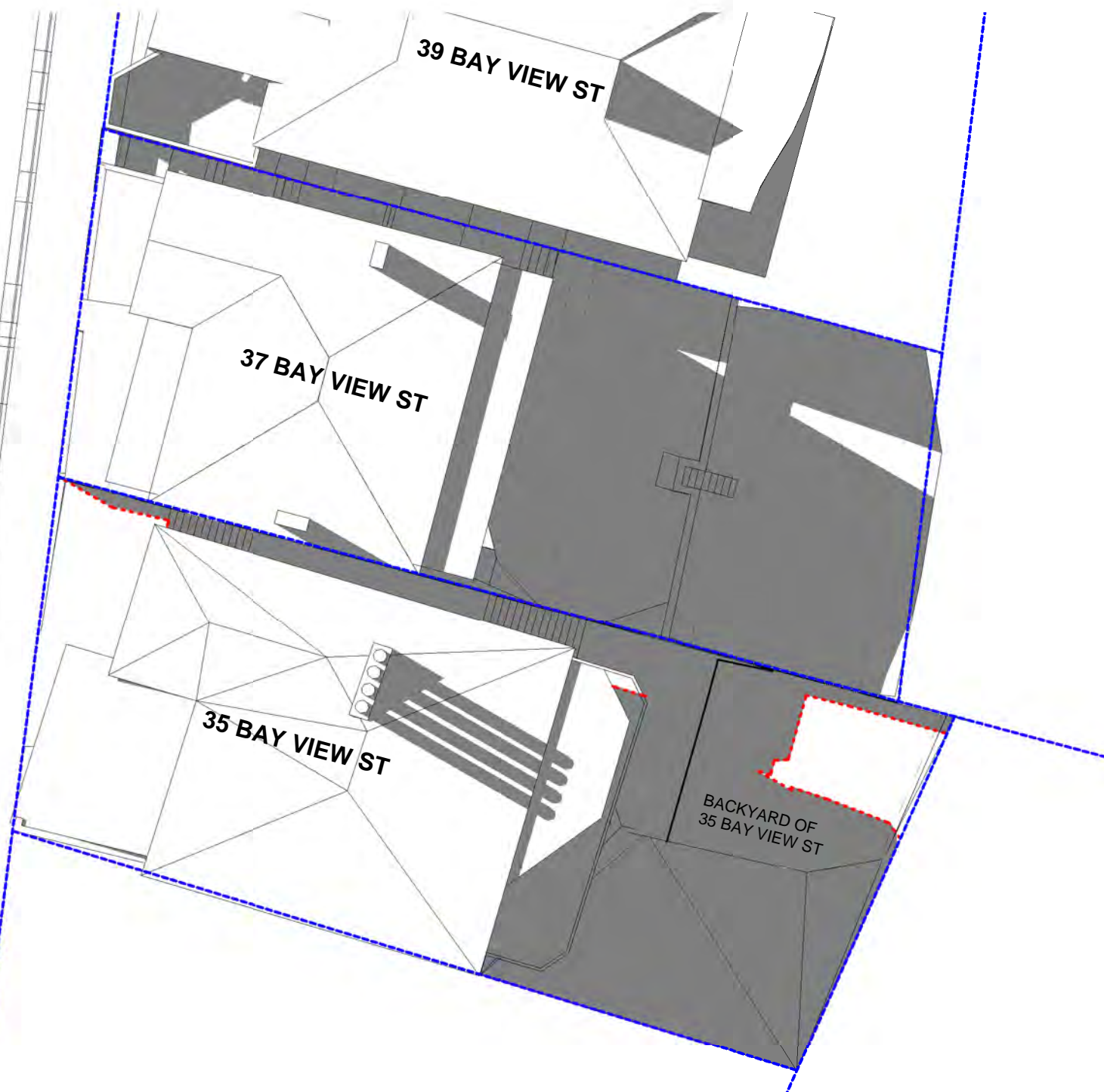





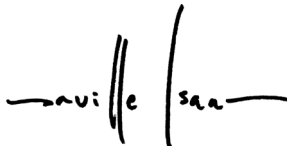
Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW		CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Shadow Existing - March 12pm JOB No. 2033 DRAWING No. DA395 REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small>	<small>PROJECT DATE JAN 08</small> <small>ISSUED DATE 2021.11.11</small> <small>SCALE @ A3: 1 : 200</small>	<small>STATUS PRELIMINARY</small>

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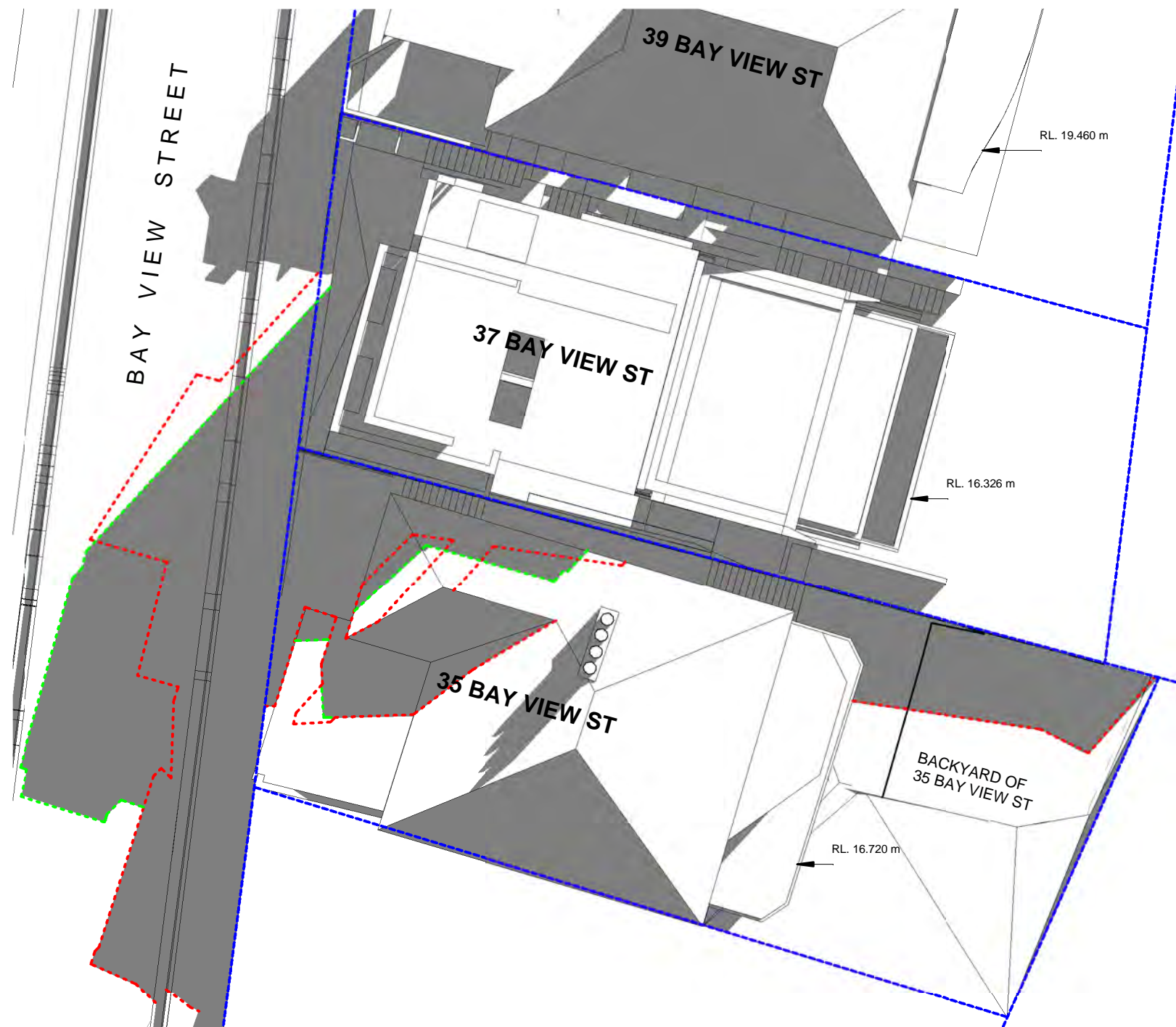
BAY VIEW STREET



Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW		CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Shadow Existing - March 3pm JOB No. 2033 DRAWING No. DA396 REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small>	<small>PROJECT DATE JAN 08</small> <small>ISSUED DATE 2021.11.11</small> <small>SCALE @ A3: 1 : 200</small>	<small>STATUS PRELIMINARY</small>

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Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW		 CLIENT T + P DUGAL		ARCHITECTURE ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Proposed - June 9am JOB No. 2033 DRAWING No. DA397 REV. A			
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>SCALE @ A3: 1 : 200</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>STATUS PRELIMINARY</small>	

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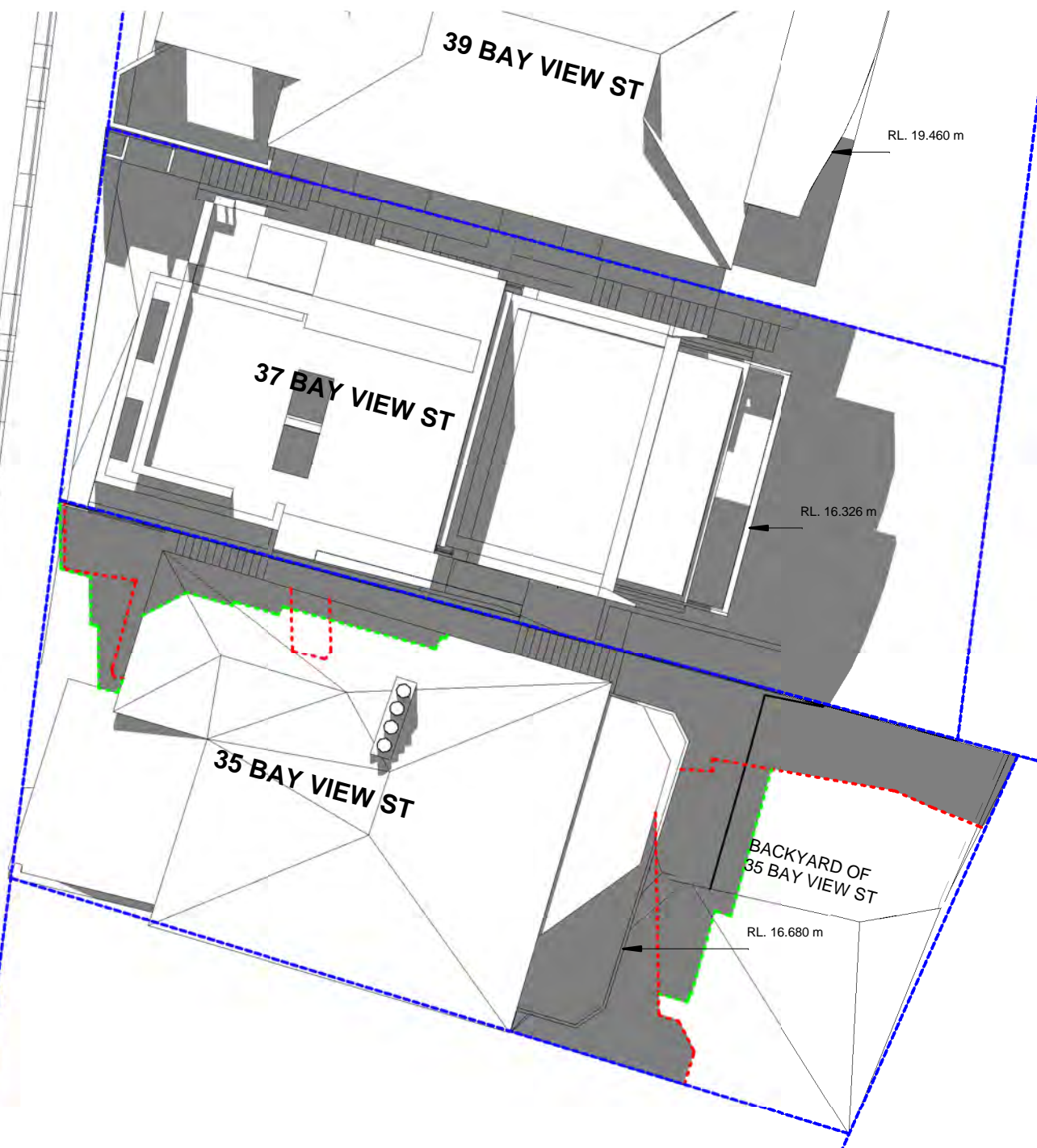
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BAY VIEW STREET



Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW		 CLIENT T + P DUGAL		ARCHITECTURE		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Proposed - June 12pm JOB No. 2033 DRAWING No. DA398 REV. A					
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>SCALE @ A3: 1 : 200</small>		<small>STATUS PRELIMINARY</small>	

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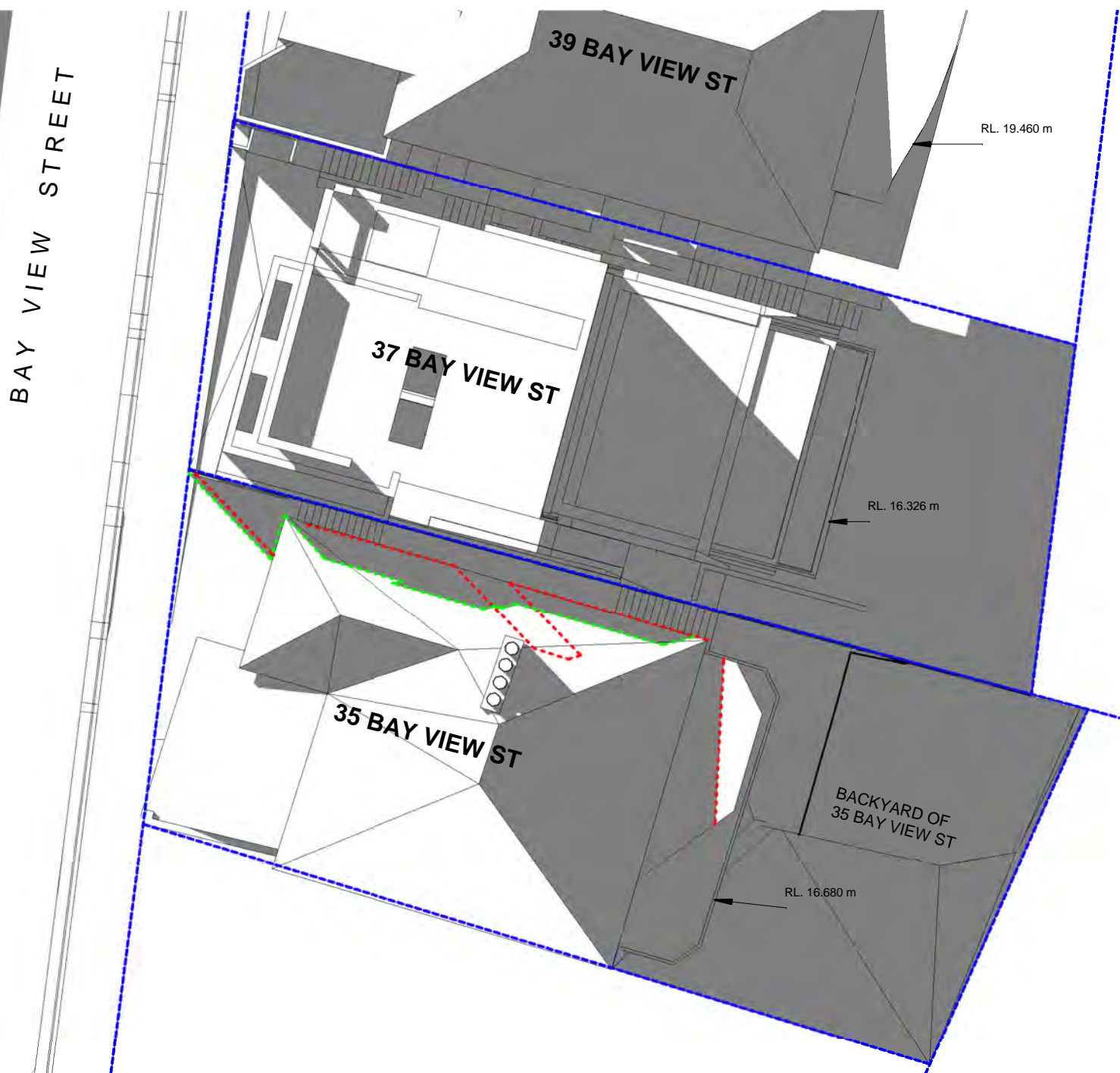
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Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW		 CLIENT T + P DUGAL		ARCHITECTURE		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Proposed - June 3pm JOB No. 2033 DRAWING No. DA399 REV. A					
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>SCALE @ A3: 1 : 200</small>		<small>STATUS PRELIMINARY</small>	

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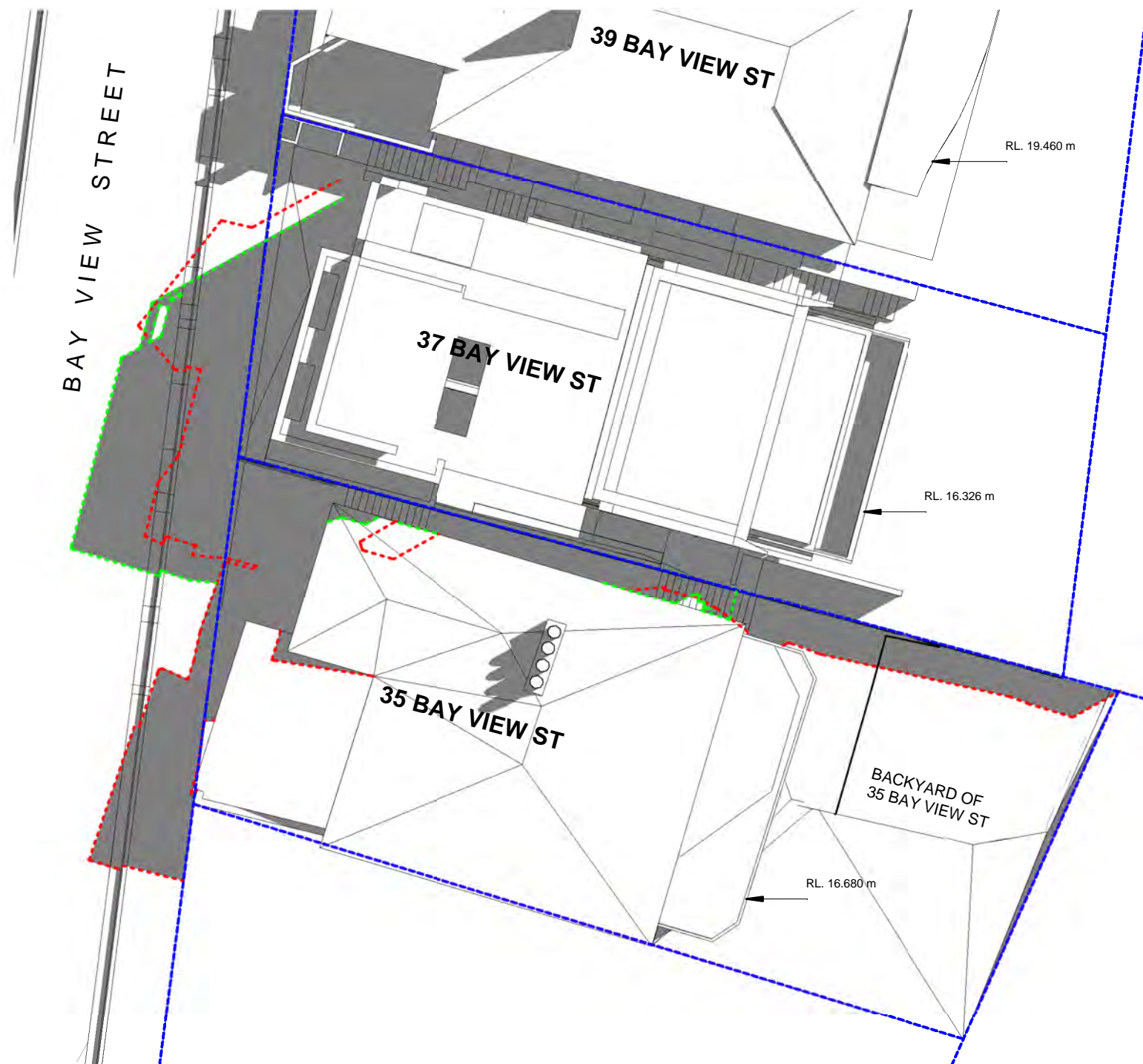
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<p>Date: 2021.11.11 Rev: A Issue: DA</p>		<p>LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW</p>				<p>CLIENT T + P DUGAL</p>				<p>PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW</p>		<p>TITLE Shadow Proposed - March 9am JOB No. 2033 DRAWING No. DA400 REV. A</p>	
<p>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</p>				<p>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</p>		<p>P: 02 - 9086 9000 F: 02 - 9086 9001</p>		<p>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</p>		<p>PROJECT DATE: JAN 08 ISSUED DATE: 2021.11.11 SCALE @ A3: 1 : 200</p>		<p>STATUS: PRELIMINARY</p>	

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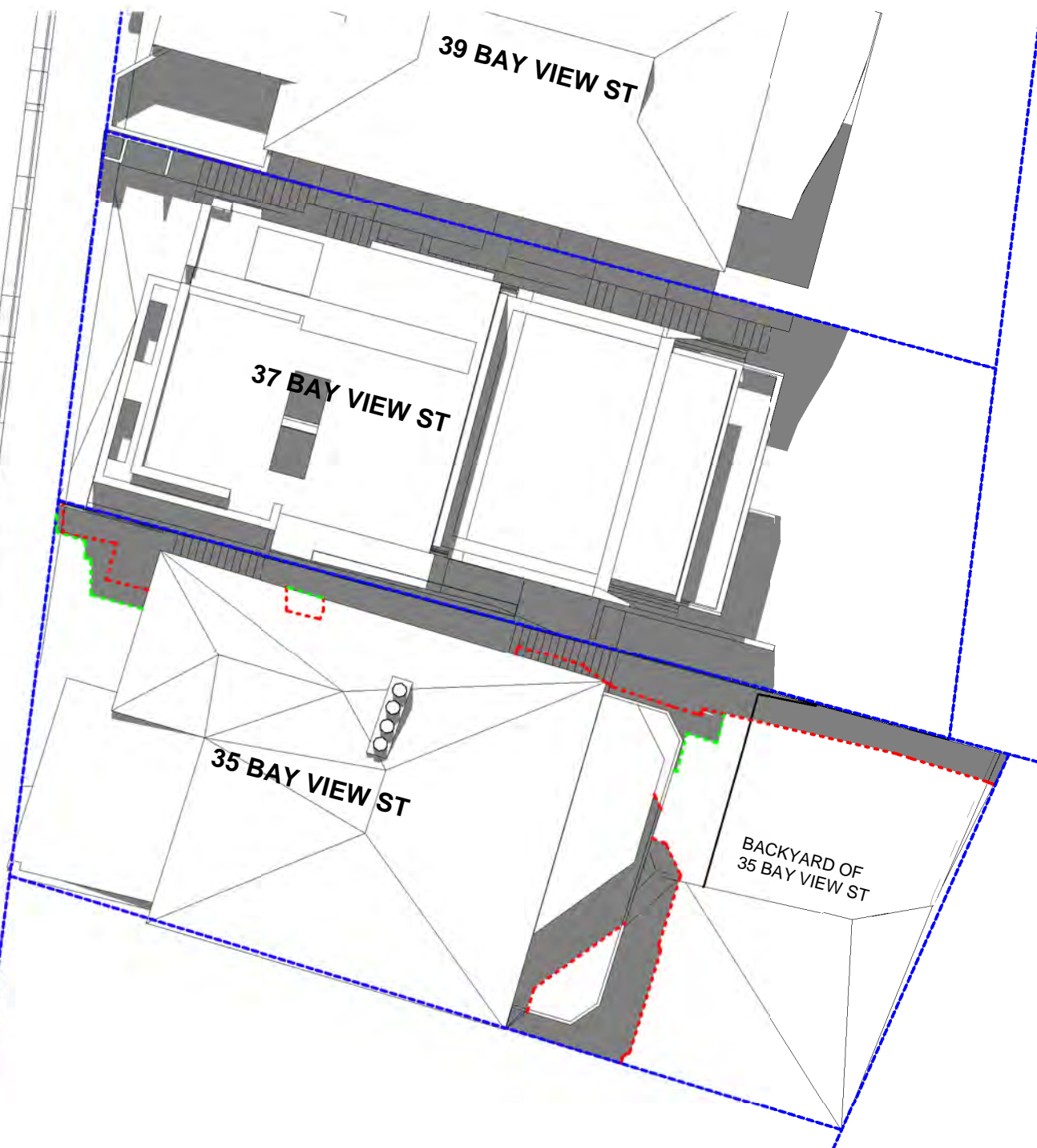
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BAY VIEW STREET



Date 2021.11.11		Rev A		Issue DA		LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW		 CLIENT T + P DUGAL		ARCHITECTURE		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW		TITLE Shadow Proposed - March 12pm JOB No. 2033 DRAWING No. DA401 REV. A					
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>						<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>PROJECT DATE JAN 08</small>		<small>ISSUED DATE 2021.11.11</small>		<small>SCALE @ A3: 1 : 200</small>		<small>STATUS PRELIMINARY</small>	

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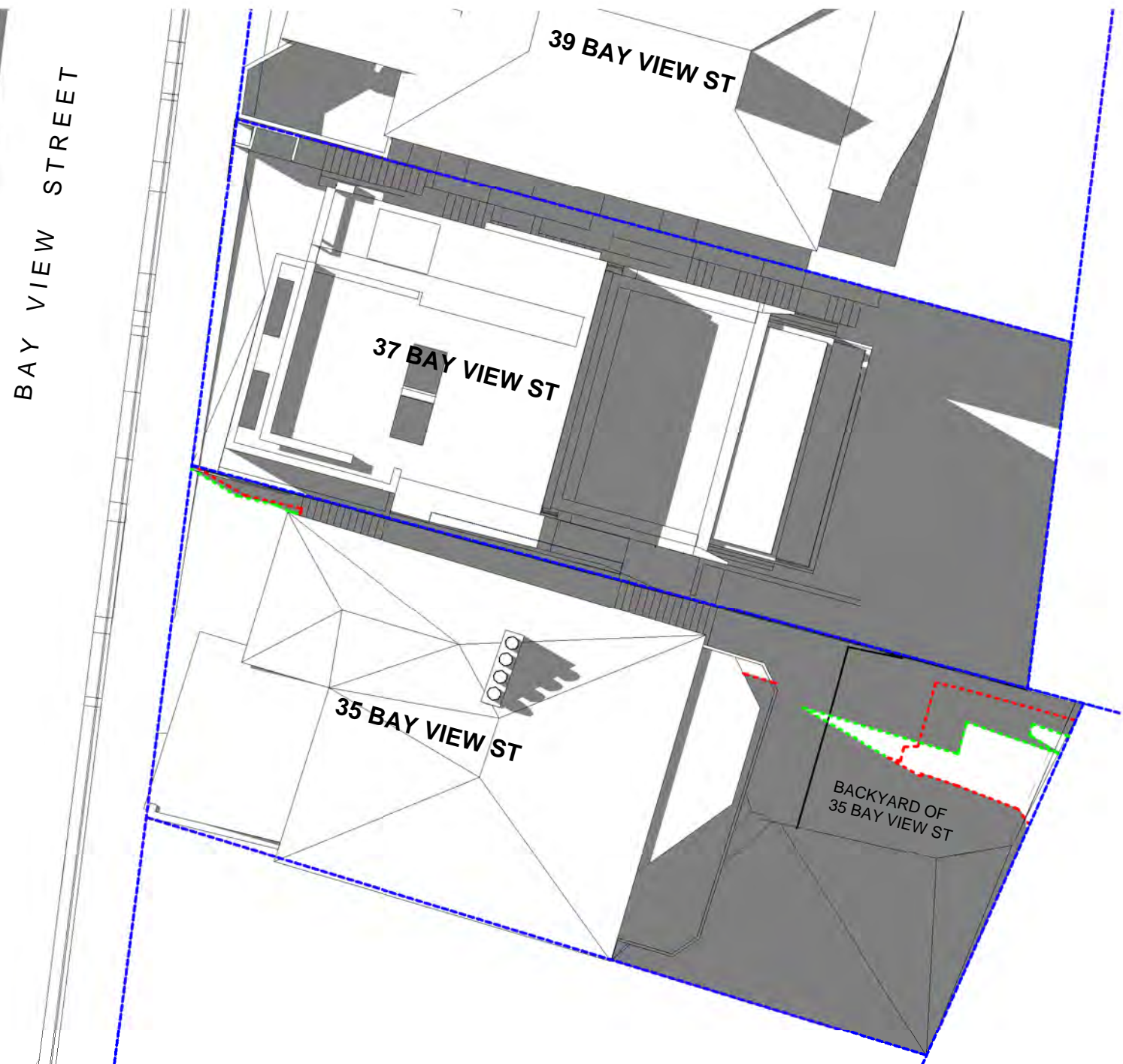
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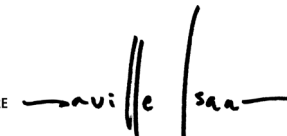
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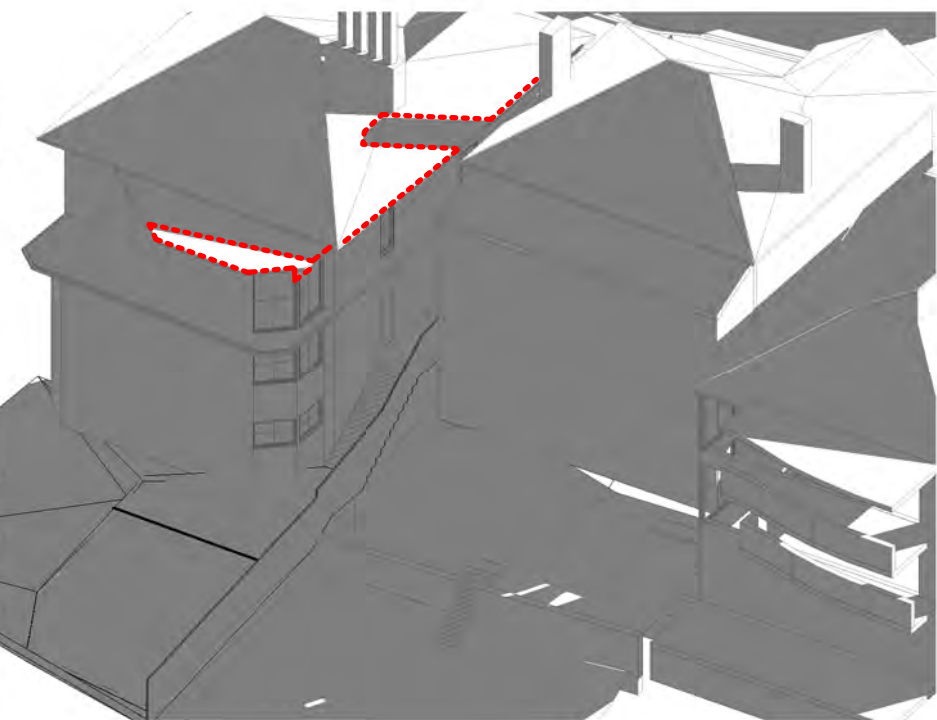
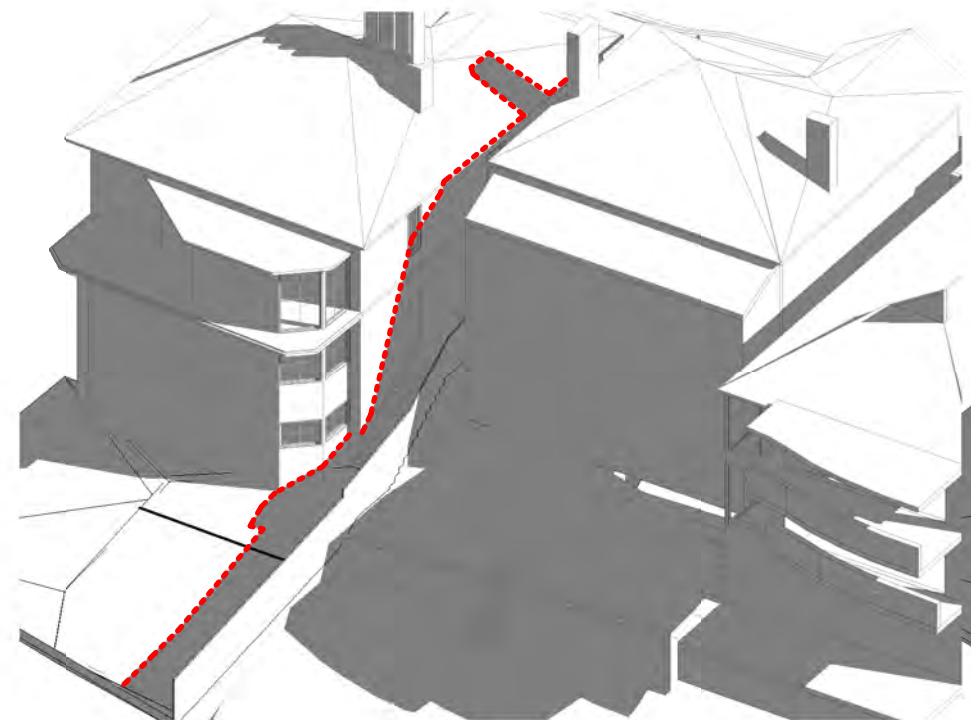
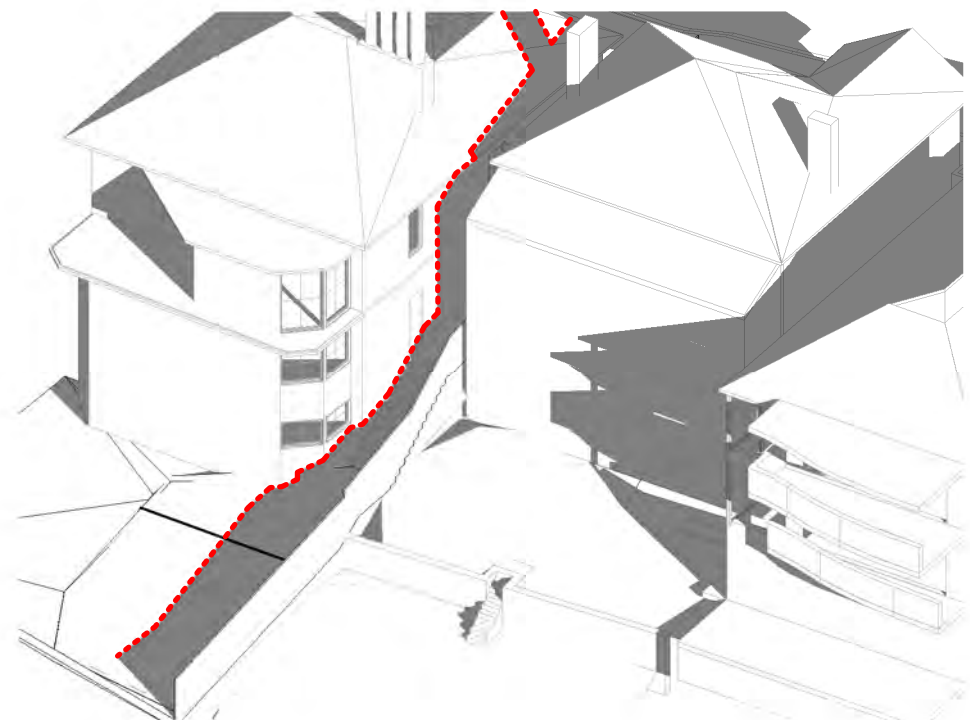
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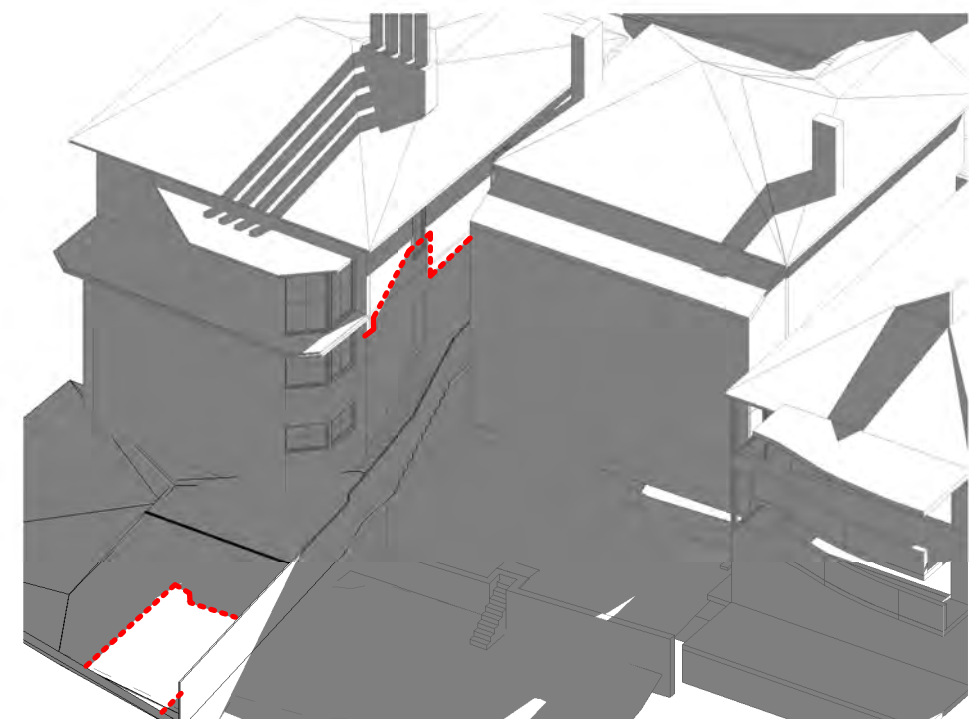
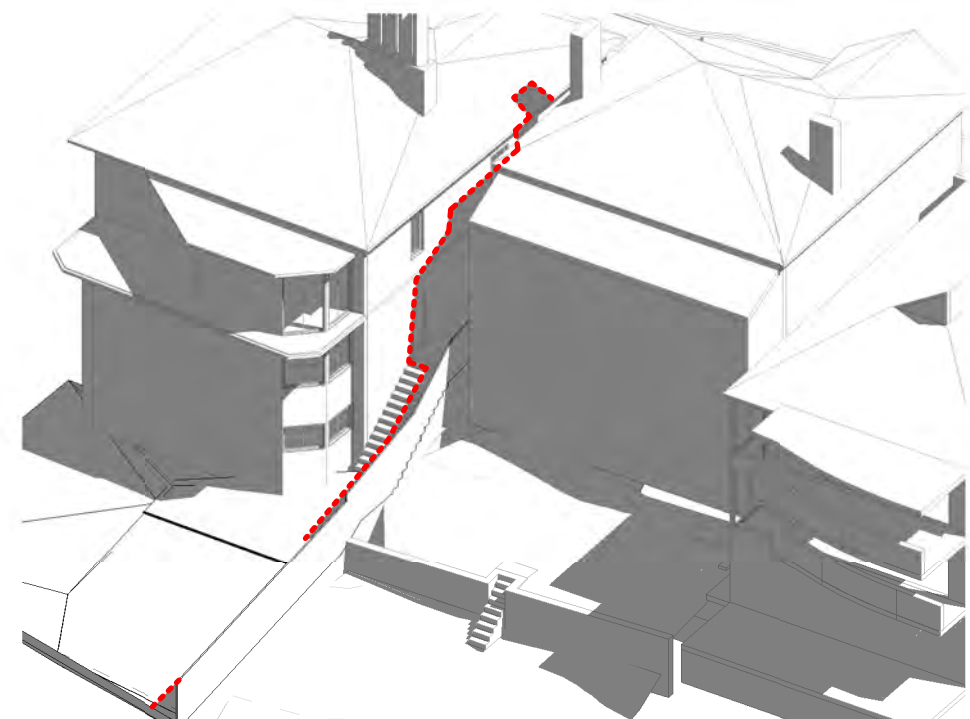
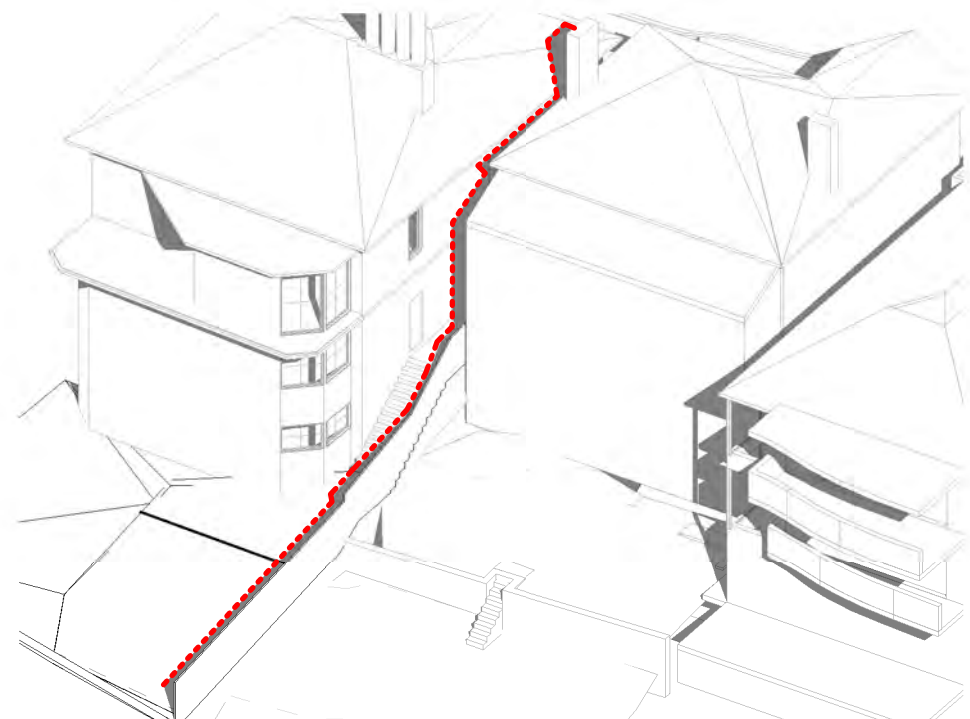
Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW		CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Shadow Proposed - March 3pm JOB No. 2033 DRAWING No. DA402 REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small>	<small>PROJECT DATE JAN 08</small> <small>ISSUED DATE 2021.11.11</small> <small>SCALE @ A3: 1 : 200</small>	<small>STATUS PRELIMINARY</small>



1 Shadow Existing - June 0900
Scale

2 Shadow Existing - June 1200
Scale

3 Shadow Existing - June 1500
Scale

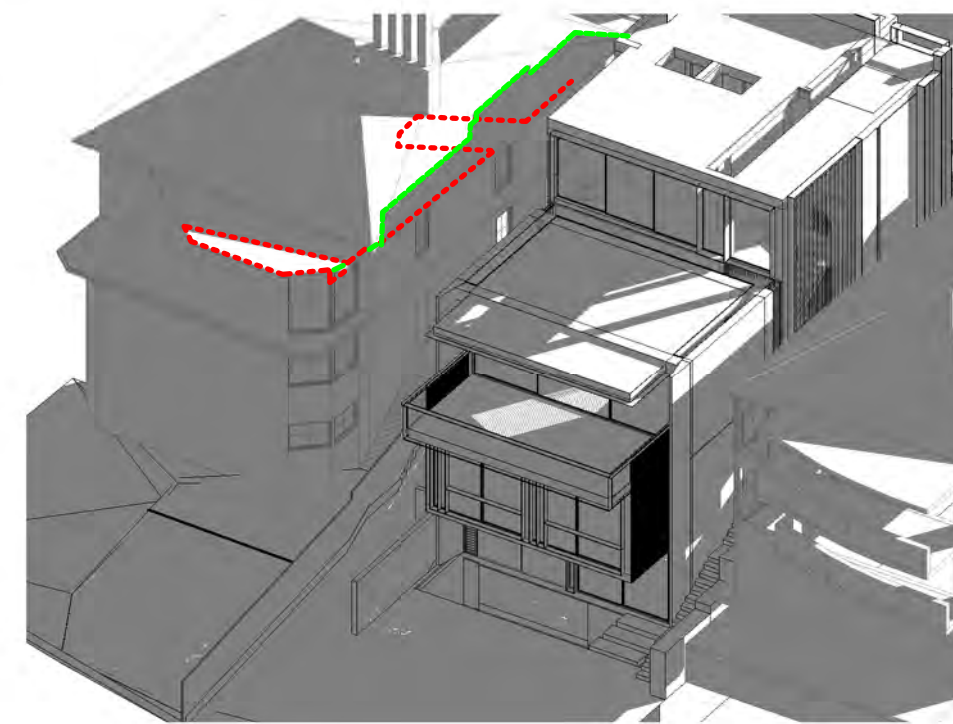
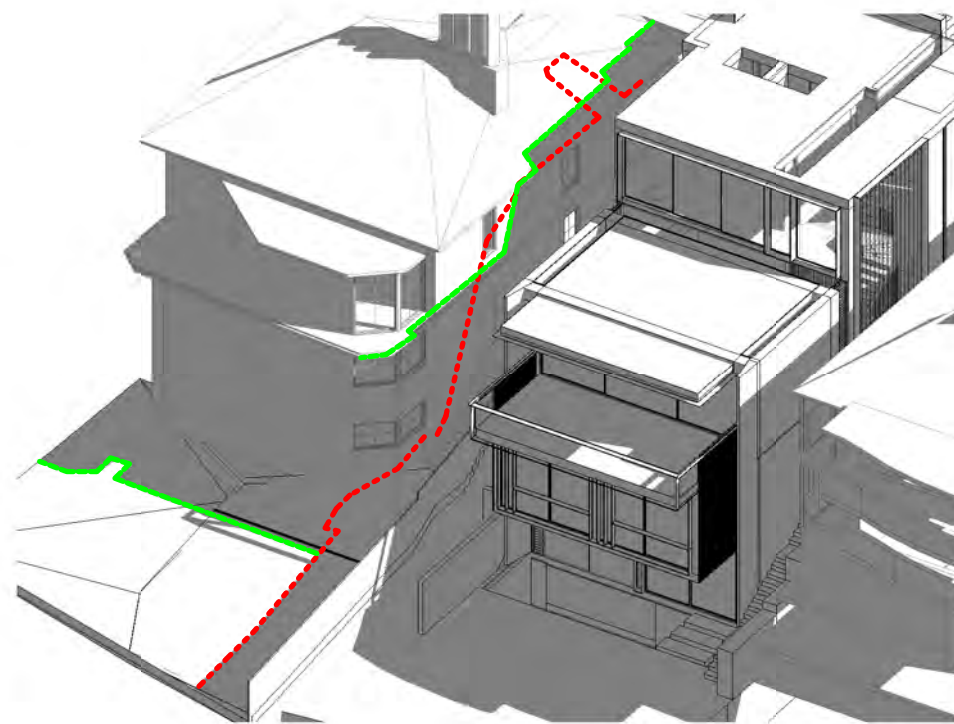
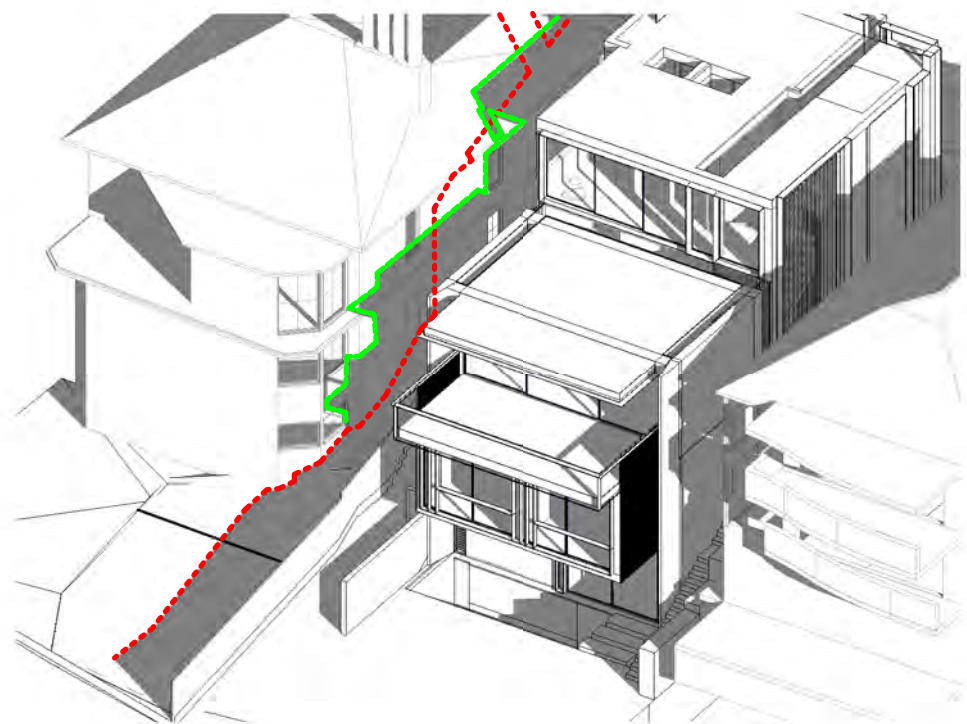


4 Shadow Existing - March 0900
Scale

5 Shadow Existing - March 1200
Scale

6 Shadow Existing - March 1500
Scale

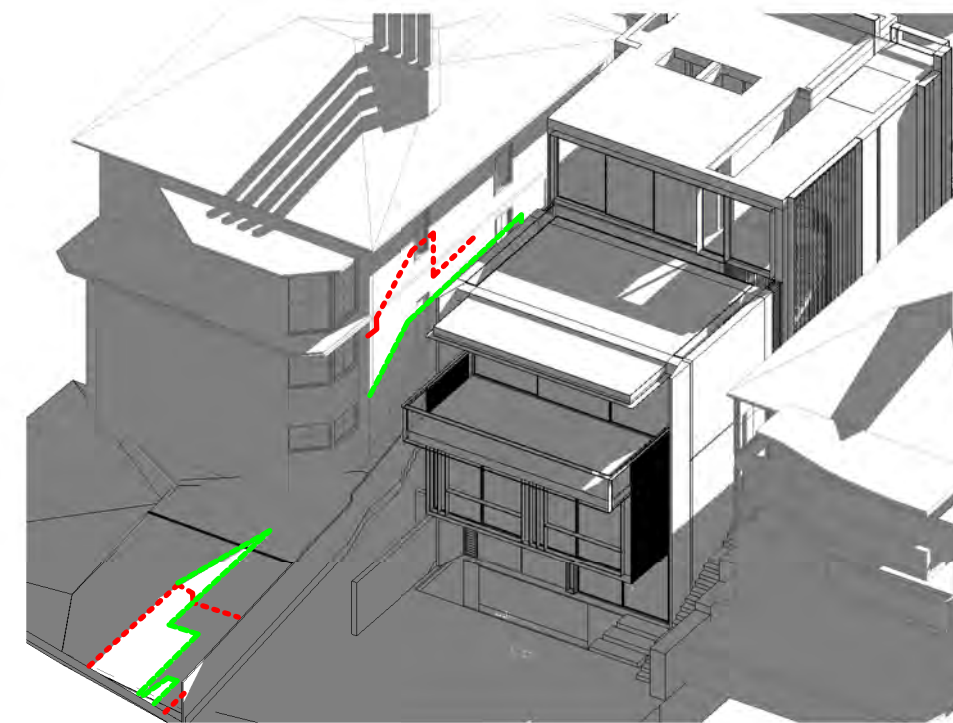
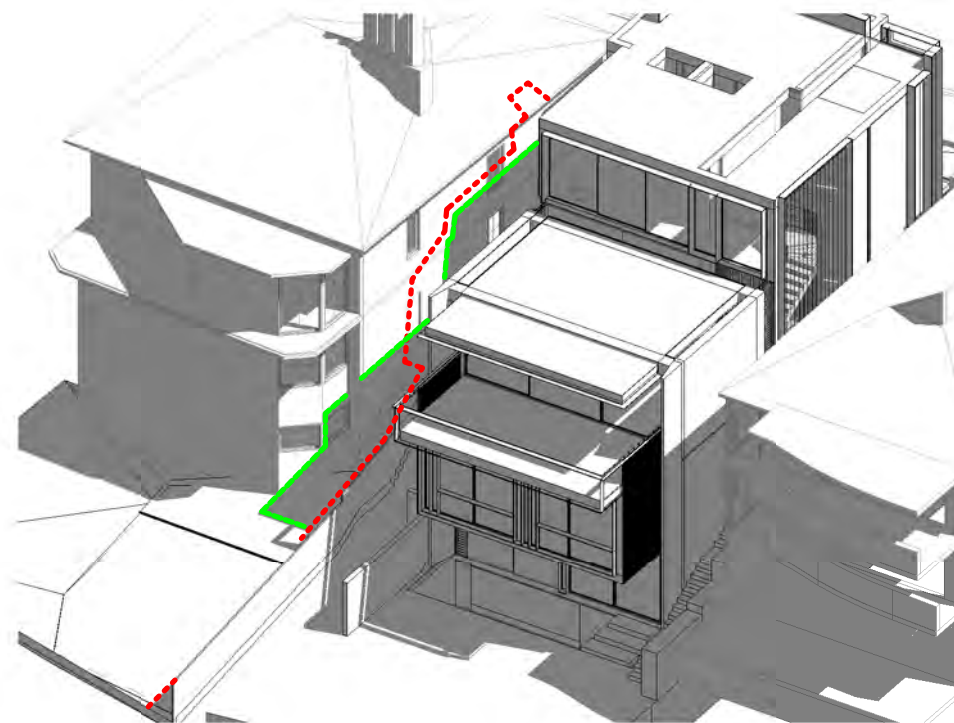
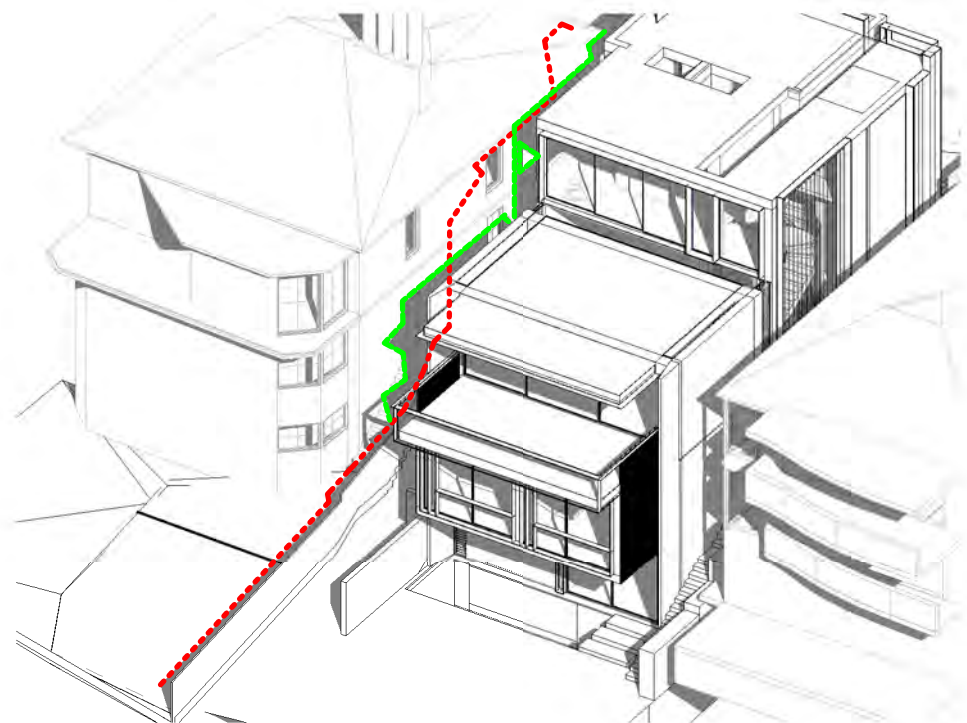
Date 2021.11.11	Rev A	Issue DA	LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW	CLIENT T + P DUGAL	ARCHITECTURE	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Axo Shadows Existing
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>				NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759		P: 02 - 9086 9000 F: 02 - 9086 9001	ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060



1 Shadow Proposed - June 0900
Scale

2 Shadow Proposed - June 1200
Scale




3 Shadow Proposed - June 1500
Scale



4 Shadow Proposed - March 0900
Scale

5 Shadow Proposed - March 1200
Scale

6 Shadow Proposed - March 1500
Scale

Date 2021.11.11	Rev A	Issue DA	LEGEND  OUTLINE OF EXISTING SHADOW  OUTLINE OF PROPOSED SHADOW	CLIENT T + P DUGAL	ARCHITECTURE 	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Axo Shadows Proposed
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>				NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759		P: 02 - 9086 9000 F: 02 - 9086 9001	ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

0mm

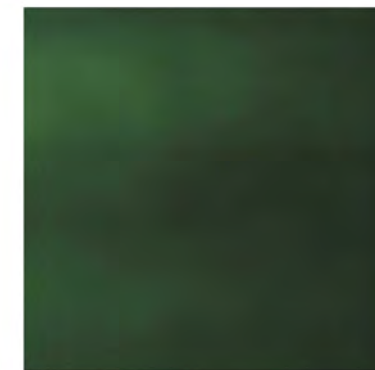
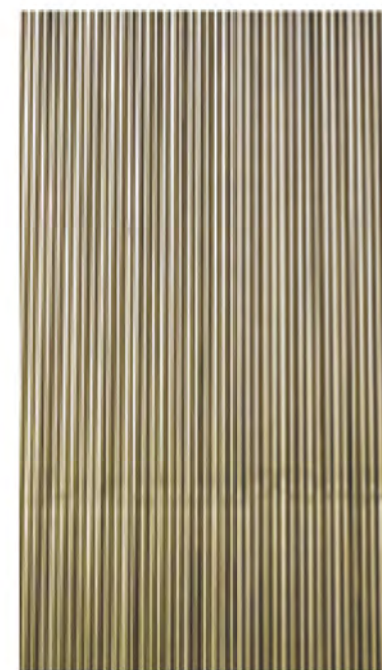
100mm

200mm

300mm

400mm

100mm



CF CONCRETE RENDER FINISH

RN MASONRY RENDER FINISH

GC CHANNEL GLASS

BL-2 BALUSTRADE BRASS PLATE

BL-3 BALUSTRADE BRASS RODS

MC-1 BRASS CLADDING 1

MC-2 BRASS CLADDING 2

P PAINT


200mm

Date 2021.11.11	Rev A	Issue DA	NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759	P: 02 - 9086 9000 F: 02 - 9086 9001	CLIENT T + P DUGAL	ARCHITECTURE <i>Saville Isaacs</i>	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Material Board	JOB No. 2033	DRAWING No. DA500	REV. A
The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project			ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060		PROJECT DATE JAN 08	ISSUED DATE 2021.11.11	SCALE @ A3: 1 : 20	STATUS PRELIMINARY			



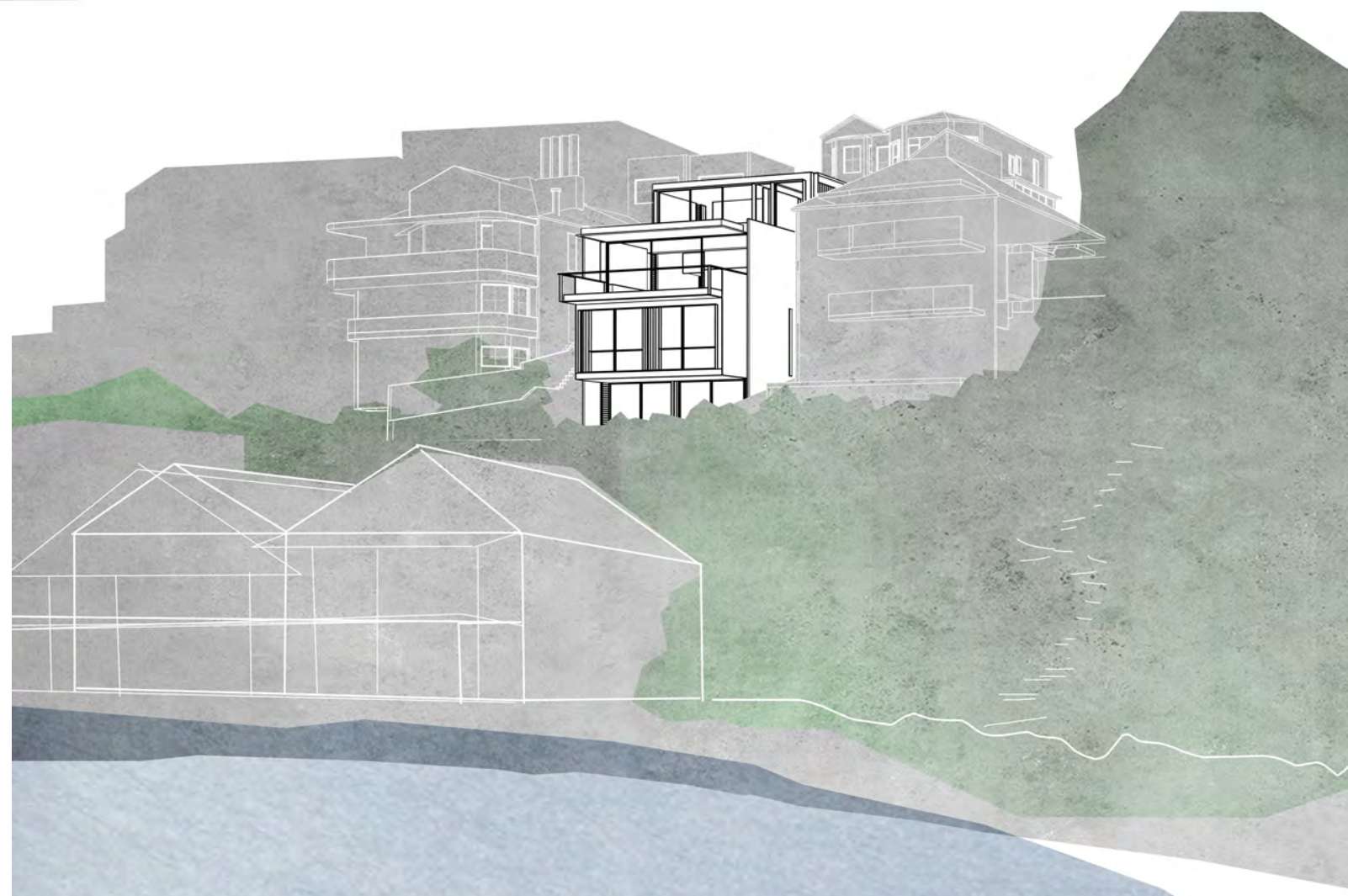
100mm

200mm

Date	Rev	Issue	CLIENT		ARCHITECTURE	PROJECT		TITLE		
2021.11.11	A	DA	T + P DUGAL				37 BAY VIEW STREET LAVENDER BAY, NSW		Photomontage - Bay View Street	
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>		<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>		<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>		<small>JOB No. 2033 DRAWING No. DA600 REV. A</small>	
						<small>PROJECT DATE</small> JAN 08	<small>ISSUED DATE</small> 2021.11.11	<small>SCALE @ A3:</small>	<small>STATUS</small> PRELIMINARY	



PERSPECTIVE - SOUTH EAST



PERSPECTIVE - NORTH EAST

Date 2021.11.11	Rev A	Issue DA		CLIENT T + P DUGAL		PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Perspectives	JOB No. 2033	DRAWING No. DA601	REV. A
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project</small>			<small>NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759</small>	<small>P: 02 - 9086 9000 F: 02 - 9086 9001</small>	<small>ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060</small>	<small>ARCHITECTURE</small> <i>Saville Isaacs</i>	<small>PROJECT DATE</small> JAN 08	<small>ISSUED DATE</small> 2021.11.11	<small>SCALE @ A3:</small>	<small>STATUS</small> PRELIMINARY

Shadow Impact to No.35 Bay View West Facade Windows ('Guest Bedroom', Non-Living area). Hourly Comparison between Existing and Proposed of No.37 Bay View.

0mm

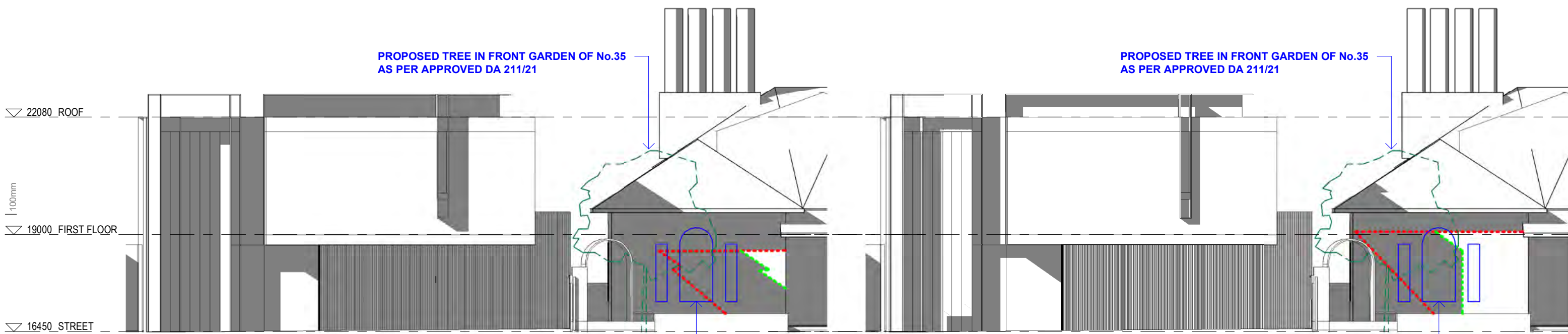
100mm

200mm

300mm

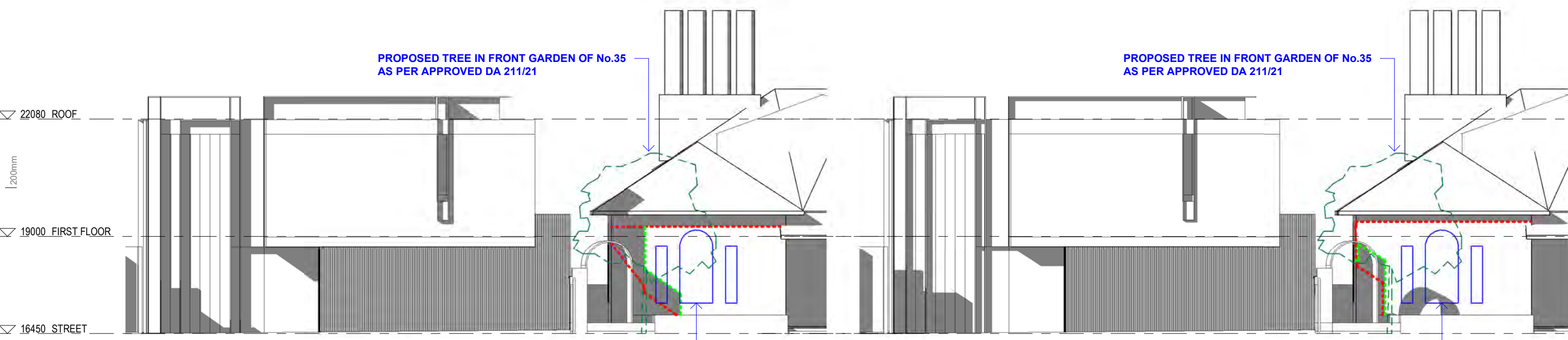
400mm

ATTACHMENT TO LPP01 - 05/04/2023



1 Winter Solstice 12pm
Scale 1 : 100

5 Winter Solstice 1pm
Scale 1 : 100



6 Winter Solstice 2pm
Scale 1 : 100

2 Winter Solstice 3pm
Scale 1 : 100

Date 2022.11.04	Rev A	Issue DA - Additional Information	LEGEND OUTLINE OF EXISTING SHADOW OUTLINE OF PROPOSED SHADOW	 CLIENT T + P DUGAL	ARCHITECTURE ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	PROJECT 37 BAY VIEW STREET LAVENDER BAY, NSW	TITLE Extra Shadow Study_West Ele JOB No. 2033 DRAWING No. DA451 REV. A	
<small>The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.</small>								NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759