



NSLPP MEETING HELD ON 01/11/2023

Attachments:

1. Site Plan
2. Architectural Plans
3. View Impact Assessment

ADDRESS: 7 Ryries Parade, Cremorne

APPLICATION NO: DA 81/23

PROPOSAL: Demolition of existing dwelling and construction of a new two storey dwelling

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
A1	2d	Site Plan	Montgomery Homes	28/06/2023
A2	2d	Roof Plan	Montgomery Homes	28/06/2023
A3	2d	Upper Floor Plan	Montgomery Homes	28/06/2023
A4	2d	Lower/Mid Floor Plan	Montgomery Homes	28/06/2023
A5	2d	North West & South East Elevation	Montgomery Homes	28/06/2023
A6	2d	North East & South West Elevation	Montgomery Homes	28/06/2023
A7	2d	Driveway Long Section & Section	Montgomery Homes	28/06/2023
L/01	A	Landscape Plan	A Total Concept Landscape Architects	22/08/2022
L/04	A	Landscape Elevation	A Total Concept Landscape Architects	22/08/2022

OWNER: David William Lai Kwon

APPLICANT: David William Lai Kwon

AUTHOR: Report of Thomas Holman, Assessment Officer

DATE OF REPORT: 28 September 2023

DATE LODGED: 14 March 2023

DATE AMENDED: 22 August 2023

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for the demolition of an existing dwelling and structures to be replaced with a new two storey dwelling, vehicular crossing, and landscaping at 7 Ryries Parade, Cremorne.

The application is reported to the North Sydney Local Planning Panel for determination because development application received more than 10 submissions by way of objection.

The dwelling is deemed to be a low scale residential development compliant with the maximum height of building as stipulated in Cl. 4.3 of *NSLEP 2013* and the development complies with setback controls within s1.4.6 of NSDCP 2013 and also maximum site coverage stipulated in s1.5.5 of NSDCP 2013. The form, massing and scale of the dwelling is consistent with surroundings buildings and is a low density residential development commensurate with the desired future character for the Benelong and Northern Foreshore Neighbourhood.

The dwelling complements the built form character of the locality designed with appropriate setbacks including a matching front setback to adjoining properties and the dwelling has a low pitched roof ensuring key characteristics of the site and surrounds are continued and the desired built form for the Benelong and Northern Foreshore Neighbourhood is maintained satisfying Objective O1 and Provision P2 in s1.4.8 of NSDCP 2013.

The new dwelling is designed to maximise the sharing of views for adjoining properties compliant with the objectives and provisions in s1.3.6 of NSDCP 2013. The replacement dwelling is considered a reasonable development compliant with the maximum height of building as stipulated in Cl. 4.3 of *NSLEP 2013* and the development complies with setback controls within s1.4.6 of NSDCP 2013 and also maximum site coverage stipulated in s1.5.5 of NSDCP 2013 indicative of a development which is reasonable ensuring access to views for adjoining properties are maintained.

The development is generally sited on a similar footprint to the existing dwelling maintaining much of the site and adjoining site's vegetation including tree canopy. The tree retention including additional tree planting is sought ensuring an appropriate provision of landscaping for the site. A condition of consent is however recommended requiring amendments to the driveway removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive of grasses and/or groundcovers to ensure the development complies with the minimum 40% landscaped area stipulated in s1.5.6 of NSDCP 2013.

A total of eleven (11) unique submissions were received raising objections regarding view loss, a front setback non-compliance, potential site coverage exceedance, impact to existing tree canopy and additional overshadowing and loss of privacy. The amended plans sought to reduce the potential impact of the development including providing a dwelling with a similar alignment with the primary facades of adjoining properties and a view loss assessment was provided considering the potential impact to affected properties.

Following this assessment, the development that application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

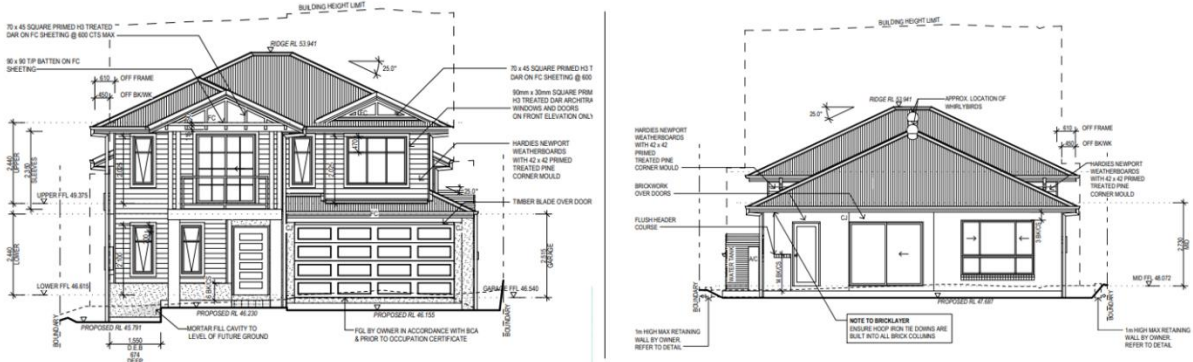
The applicant is seeking development consent for the demolition of an existing dwelling and structures to be replaced with a new two storey dwelling and landscaping. Below is more detail regarding the proposed works:

Demolition

- The existing single storey dwelling is to be demolished as well as the garage and associated driveway.
- The sandstone retaining walls within the rear garden are to be demolished and also the low brick front fence.

New Dwelling

- The ground floor of the dwelling will comprise of an integrated garage (8.43m x 5.6m), two bedrooms, one bathroom and an open plan living/kitchen area to the rear plus a covered alfresco area.
- The first floor will comprise of a three bedrooms, three bathrooms and a front deck (3.5m x 1.65m).



Figures 1 & 2 – North West Front Elevation (left) and South East Rear Elevation (right)

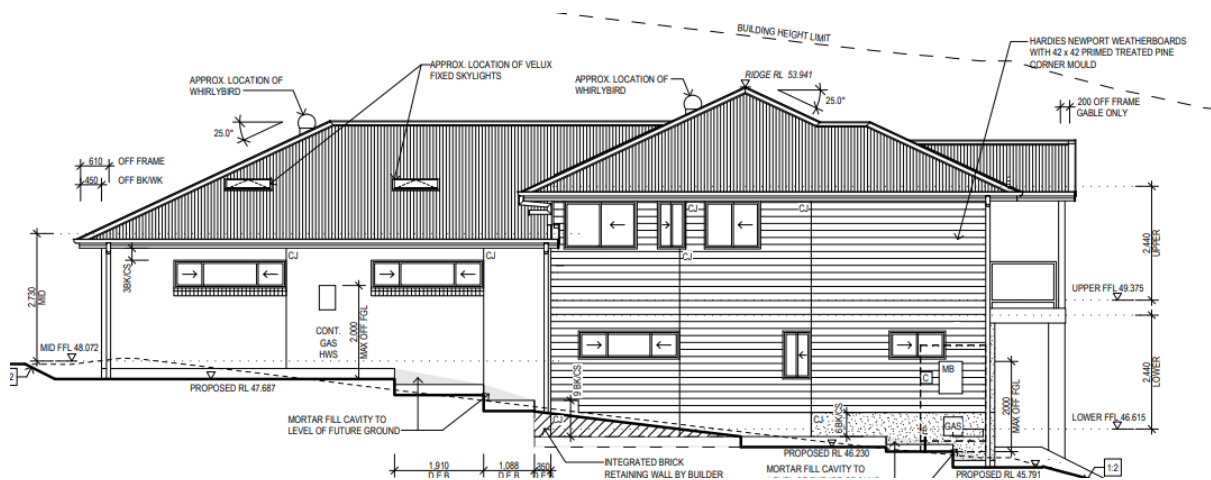


Figure 3 – North East Side Elevation

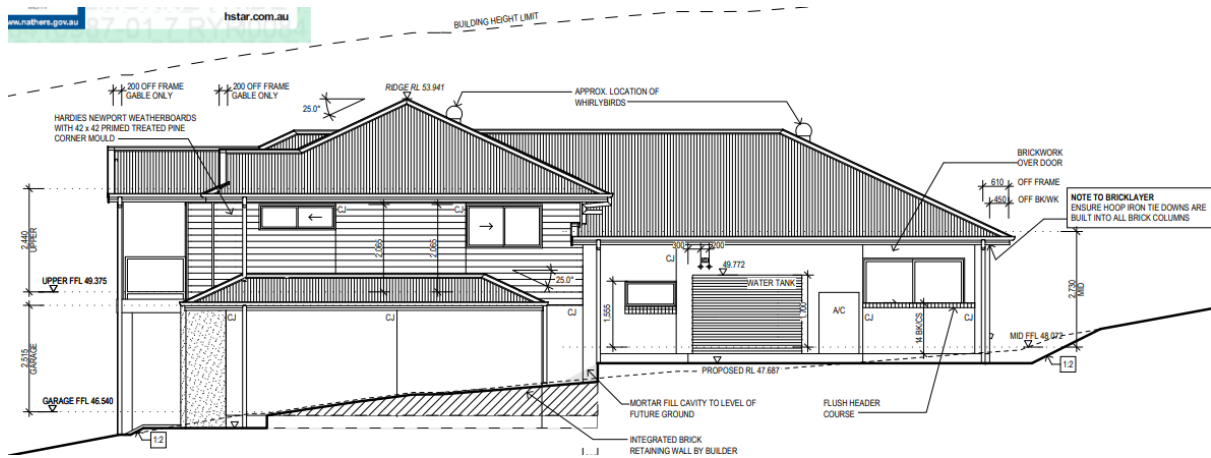


Figure 4 – South West Side Elevation

Landscaping

- Three trees are sought for removal including:
 - 1 x *Lagerstroemia indica* (Crepe Myrtle) within the side setback adjacent to the south western side boundary.
 - 1 x *Ceratopetalum gummiferum* (NSW Christmas Bush) with the front setback adjacent to the north eastern side boundary.
- Replacement tree planting includes 1 x *Tristanopsis laurina* (Water Gum) within the front/rear garden and 2 x *Plumeria* (Frangipani) within the front garden are to remain as well as trees on adjoining land.
- A lawn area is proposed within the front and rear garden and shrub planting is proposed including 6 x *Correa Alba* within the front garden and 9 x *Syzygium 'Cascade'* adjacent to the rear boundary of the site.

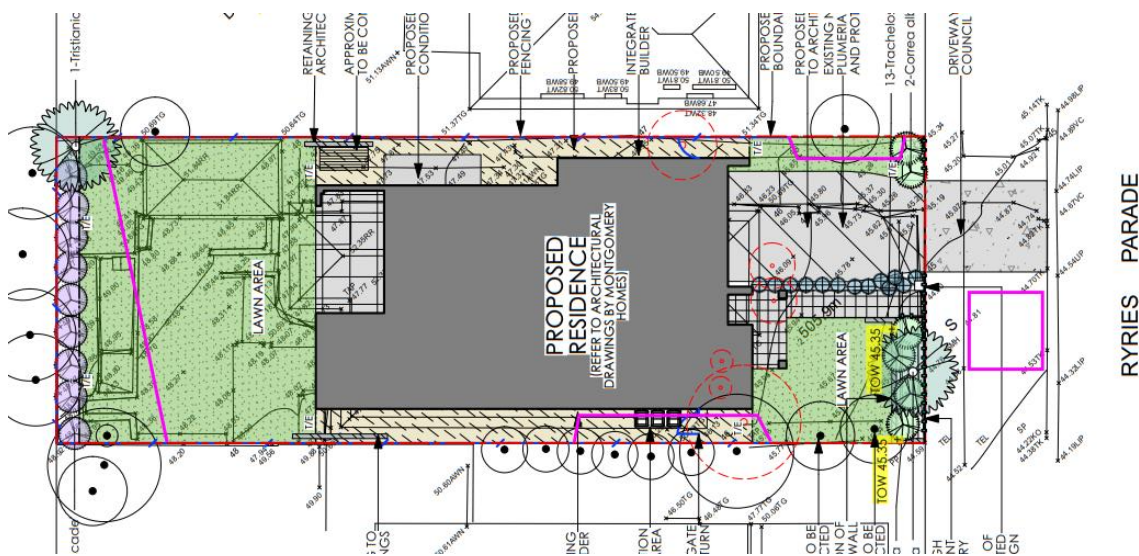


Figure 5 – Landscape Plan

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – C4 Environmental Living
- Item of Heritage - No
- In Vicinity of Item of Heritage - No

- Conservation Area - No
- FSBL - No

Environmental Planning & Assessment Act 1979

SEPP (Biodiversity and Conservation) 2021

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

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

POLICY CONTROLS

NSDCP 2013

North Sydney Local Infrastructure Contributions Plan

DESCRIPTION OF LOCALITY

The site legal description is Lot 53 DP 10291 and the address is 7 Ryries Parade, Cremorne. The site comprises of a single storey brick dwelling with a pitched tile roof and the site has a long driveway adjacent to the south western boundary leading to a single brick garage. The site has a front grass garden with shrub planting and three trees within the front garden. To the rear the garden is stepped with a combination of grass, shrub planting within sandstone garden beds. The topography of the site has a rise of approximately 4m from the front boundary facing Ryries Parade to the rear boundary.



Figures 6, 7 & 8 – Photo of front, rear of dwelling to be demolished and existing rear garden

The site adjoins other dwellings that are primarily two storey detached dwellings. Neighbouring properties have a varied architectural character, however they primarily have pitched roofs and are detached with side setbacks to corresponding boundaries and a front and rear garden. Properties along Ryries Parade and properties to the rear of the site (Ellalong Road) have water views towards Middle Harbour.



Figures 9-12 – Photos of properties within Ryries Parade including 5 Ryries Parade (top left), 1-3 Ryries Parade (top right), 7-9 Ryries Parade (bottom left/right)

The site is located within a C4 Environmental Living Zone, it is not a heritage item or within a conservation area and is located within 300m of bushland (Buffer Area B).



Figures 13-15 – Land Zoning Map (left), Height of Building Map (middle), Bushland Buffer Map (right)

RELEVANT HISTORY

Previous applications

Date	Action
	A search of Council records including research by Council's Information and Records Department confirms there is no recent planning history associated with the subject site.

Current Application

Date	Action
14/03/2023	Development Application No. 81/23 was lodged proposing to demolish the existing dwelling and construct a new two storey dwelling and landscaping.
22/03/2023	Additional information was requested on 22 March 2023 including a compliance diagram and a revised SEE addressing any potential non-compliances with the site coverage, un-built upon and landscaped area.

30/03/2023	An amended Site Plan detailing the Site Coverage, Landscaped Area and Un-built upon area as well as an amended SEE was lodged confirming compliance with the maximum/minimum rates.
14/04/2023	Development Application No. 81/23 was notified to adjoining properties and the Willoughby Bay Precinct between 31 March – 14 April 2023.
23/05/2023	A site visit was completed by the assessment officer.
06/06/2023	Following a preliminary assessment of the development application a letter was issued to the applicant raising outstanding issues with the development which included: <ul style="list-style-type: none">• Views – due to the increased height and siting of the new dwelling there will be an impact upon views of adjoining properties therefore a view loss assessment is required to confirm the extent of impact.• Front Setback – the proposed front setback (4.93m – 6m) is not in alignment with the primary facades of buildings of adjoining properties.• Front Fence – additional information is required detailing the proposed front fencing.• Revised Plans – the floor plans must detail setbacks to site boundaries and a roof plan is required.• Landscaping – Council’s Landscape Development required retention and protection of both Plumeria within the front setback.
01/09/2023	Additional information was submitted including a view loss assessment and amended plans including landscape plans was submitted detailing resitting of the dwelling to encompass a larger front setback and the retention of the Plumeria in the front garden. A Landscape Elevation detailed the proposed front fencing.
22/09/2023	The amended application was renotified to adjoining properties and the Willoughby Bay Precinct between 08 September – 22 September 2023.

INTERNAL REFERRALS

BUILDING

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

ENGINEERING

The application has been referred to Council’s Senior Development Engineer who raised no objections subject to conditions of consent requiring protection of public infrastructure (**C1 Dilapidation Report & C11 Bond for Damage and Completion of Infrastructure Works**), preparation of a sediment control plan and stormwater management plan and the requirement to obtain a driveway crossing and road infrastructure permit (**C9 Obtain Driveway Crossing under S138 Roads Act 1993**).

LANDSCAPING

The application has been referred to Council’s Landscape Development Officer who provided the following comments (*in italics*):

The drawings lack detail particularly with respect to the site levels and landscape treatment within the front and rear setback. The proposed vehicular crossing appears to be approximately 2.5m further north than existing, posing a potentially unacceptable impact to the street trees (Camellia sasanqua) located opposite the subject site. No objection is raised to the removal of Ceratopetalum gummiferum located within the front setback of the site (7x5m) due to its poor form and presence of internal decay. 1 x Plumeria (5x5m) located in the northern corner of 7 Ryries Parade is shown for removal, but this tree and the slightly smaller Plumeria immediately to its west (not shown on drawings), should be retained and protected.

The proposed Elaeocarpus reticulatus shown to be planted within the front setback shall be replaced with Tristaniopsis laurina (75l), 1 x Camellia sasanqua (75l) shall be planted in the council verge in front of 7 Ryries Parade and ground levels within the TPZ of all protected trees shall be retained as existing.

Planning Comment: the amended plans with a greater front setback ensures that Plumeria(s) within the front setback can be maintained. The amended landscape plan proposes a *Tristaniopsis laurina* within the front setback as per directions from Council's Landscape Development Officer.

The vehicular crossover seeks to replace an existing crossover in a similar location as shown in the proposed Site Plan (A1 of 1, Rev 2d). Council's Development Engineer requires the applicant to obtain a driveway crossing and road infrastructure works permit prior to Construction Certificate and the vehicular crossing will be 3.5m (including the wings) not as wide as that depicted in the Site Plan reducing the potential encroachment into the TPZ of the street tree (*Camellia Sasanqua*).

Standard conditions of consent are recommended as per the Landscape Development Officer directions to ensure tree protection both within the site/adjoining the site and for protection of the street tree (**C13 Tree Protection Measures, C14 Protection of Trees, D1 Protection of Trees and G7 Certification of Tree Condition**). Additionally, as per the Landscape Development Officer referral a condition of consent will require an additional street tree (1 x *Camellia sasanqua* 'Plantation Pink') to be planted (**G10 Required Tree Planting**).

SUBMISSIONS

Original proposal

On 22 March 2023, Council notified adjoining properties and the Willoughby Bay Precinct of the proposed development seeking comment between 31 March 2023 – 14 April 2023. Council received seven (7) submissions to the proposal. 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.

Basis of Submissions

- The proposed development does not have sufficient regard to the Planning Principle relating to view sharing and the relevant Land and Environment Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.
- The development will greatly impact upon the view of Middle Harbour from No. 5 Ryries Parade including views from the recently constructed second storey extension.

- The proposed dwelling front setback (4.93m) is inappropriate for the area and will have a significant impact on views of No. 5 Ryries Parade.
- The removal of existing hedging along the southern boundary and insufficient replacement screen planting results in insufficient privacy for occupants of 5 Ryries Parade.
- An air conditioning unit is proposed 0.9m from the southern boundary close to a habitable room of No. 5 Ryries Parade. It is requested the air conditioner unit is in a different location away from the southern boundary.
- The application contains no detail about the proposed demolition methods, noise and dust impact during demolition and a dilapidation report is required due to potential damage during demolition and excavation.
- The proposed two storey addition may obstruct water views for occupants of the property located to the rear – 42 Ellalong Road. A view analysis is required so as to consider the view impact from 42 Ellalong Road.
- Screening plants should be provided to the rear boundary of the development site.
- The proposed two storey dwelling with a five metre front setback would have a substantial impact on views from 3 Ryries Parade.
- The proposed front setback is contrary to the front setback alignment of adjoining properties on Ryries Parade.
- The proposed development appears to exceed the maximum site coverage.
- The development will impact upon views from 40 Ellalong Road and no view analysis is provided confirming the extent of impact to adjoining properties.
- It is unclear what the setback is for the dwelling from Ryries Parade. A memorandum of agreement dated August 1935 signed by private landowners agreed to a variation to a covenant requiring that no building on Ryries Parade shall be erected within nineteen feet nine inches (6m) of the alignment with Ryries Parade.
- Object to the removal of (2) Frangipani trees in the front setback of 7 Ryries Parade. These trees provide privacy and appear to be able to be kept not interfering with the construction of the house.

Amended Proposal

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the precinct for 14 days between 08 and 22 September 2023. Council received four (4) submissions and the matters raised in submissions are listed below:

Basis of Submissions

- The view loss impact assessment does not consider any impact on water views from the second storey of 5 Ryries Parade.
- The front deck will result in a direct outlook to the upper floor of 5 Ryries Parade.
- The development will create significant overshadowing to 5 Ryries Parade at mid-winter between 9am to 12pm.
- The view impact assessment does not assess the impact on existing views from the upper floor of 3 Ryries Parade.
- The current site plan does not clearly show if the development complies with site coverage, landscaped area and un-built upon areas.
- The view impact assessment does not evaluate the impact on the existing views of 40 Ellalong Road and will impact upon middle harbour views.

CONSIDERATION

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

Environmental Planning and Assessment Act 1979 (as amended)

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

- **Chapter 2 Vegetation in non-rural areas**

Section 2.6 of the Policy specifies that a person must not clear declared vegetation in a non-rural area of the State without consent of Council. The Policy confers the ability for Council to declare vegetation that requires consent in a Development Control Plan. Section 16 of Part B in NSDCP 2013 specifies declared trees for the purpose of the SEPP which includes trees over 5m in height or canopy. The amended development application seeks the removal of two (2) trees within the site (*Tree 3 Lagerstromia indica* & *Tree 5 Ceratopetalum gummiferum*). Council's Landscape Development Officer referral raises no objections to the removal of these trees and the amended plans seek to retain the 2 x *Plumeria* within the front setback and provide adequate tree planting within the site therefore the development preserves the amenity of contribution of trees to the locality satisfying the aims of Chapter 2.

SEPP (Biodiversity & Conservation) 2021

- **Chapter 6 Water Catchments**

Having regard to Chapter 6 of the *SEPP (Biodiversity and Conservation) 2021* the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour, being a regulated catchment for the purpose of Section 6.6 of the Policy.

SEPP (Resilience and Hazards) 2021

- **Chapter 4 Remediation of Land**

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate 1372485S dated 10 February 2023 for a dwelling house has been submitted with the application to satisfy the Aims of the SEPP. **(See Condition No. C23, G8)**

SEPP (Sustainable Buildings) 2022

On 1 October 2023, the *SEPP (Sustainable Buildings) 2022* came into effect, which repealed the *SEPP (Building Sustainability Index: BASIX) 2004*. However, as this application was submitted prior to 1 October, the new BASIX standards do not apply.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The site is zoned C4 Environmental Living under the provisions of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)*. Development for the purposes of a dwelling house is permissible with the consent of Council.

2. Objectives of the zone

The objectives for a C4 Environmental Living Zone are stated below:

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

The proposed dwelling is consistent with the relevant objectives of the zone providing a low impact development requiring minimal impact to existing landscaping including tree canopy and the dwelling is designed with moderate provision of glazing to the front façade, appropriate colours and materials and a low pitched roof contributing to the aesthetic quality of the locality. The dwelling house will maintain a high level of residential amenity to adjoining properties maintaining a reasonable access to sunlight and visual privacy and ensuring access to views from adjoining dwellings.

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013			
Site Area – 505.9m²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	7.2m	8.5m	YES

3. Height of Building

The following objectives for the permissible height limit 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.*
- to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living.*

The proposed works would have a maximum height of 7.2m that complies with the permissible height limit of 8.5m in accordance with clause 4.3 in *NSLEP 2013*.

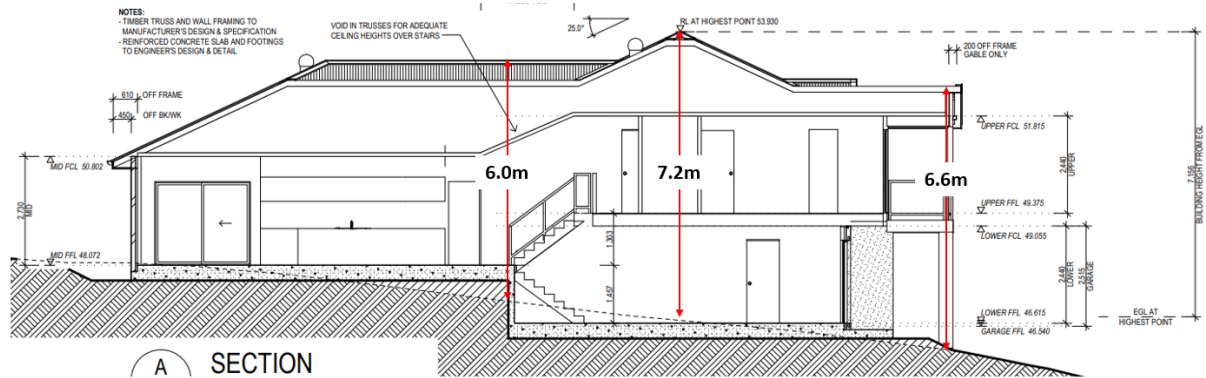


Figure 16 – Annotated Section A, Dwg No. A7 Rev 2d

4. Earthworks

The proposal involves some earthworks to construct the new dwelling comprising both cut and fill due to the topography of the site. The site is noted for having a topography which gradually rises from the front boundary facing Ryries Parade to the rear boundary of 4-5m. However, the dwelling is designed with split levels which helps to minimise the extent of earthworks required (cut and fill highlighted in the section below).

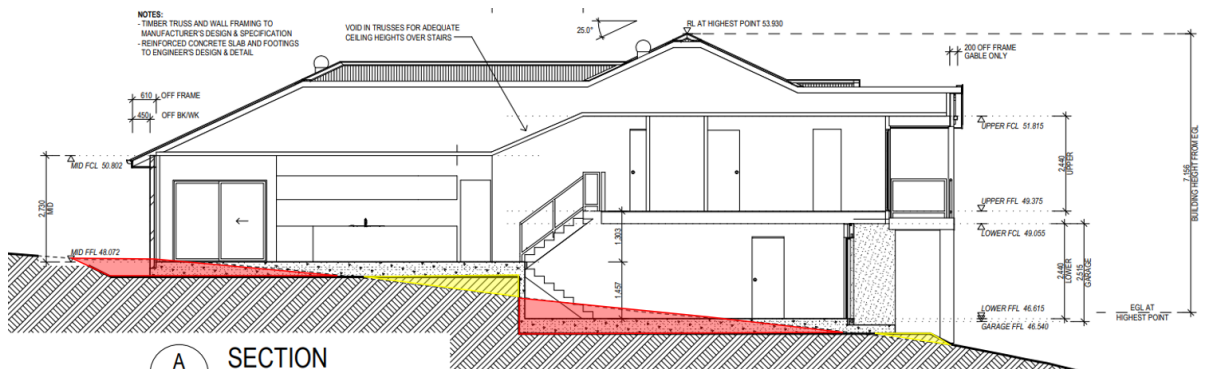


Figure 17 – Annotated Section A detailing in red excavation and in yellow fill

The dwelling due to the split level design and proposed 910mm side setback to the south western boundary and 1.5m side setback to the north eastern boundary ensures that the development is likely to have a minimal disruption on the soil stability of the locality, the amenity of adjoining properties and the development is generally sited on a similar footprint to the existing dwelling maintaining much of the site and adjoining site’s vegetation therefore the development is considered compliant with matters for consideration in Cl. 6.10(3) of NSLEP 2013.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development			
	<i>complies</i>	<i>Comments</i>	
1.2 Social Amenity			
1.2.2 Maintaining Residential Accommodation	Yes	The development comprises demolition of an existing single storey dwelling and the construction of a new two storey 5 x bed dwelling not reducing the residential density of the site compliant with Objective O1 and Provision P1 of s1.2.3 of NSDCP 2013.	

1.3 Environmental Criteria		
1.3.1 Topography	Yes	<p>The dwelling by having a split level is designed to respond to the natural topography of the site minimising earthworks and ensuring the ground level (finished) is no greater than 500mm above or below ground level (existing) compliant with Provision P3, s1.3.1 of NSDCP 2013.</p> <p>The dwelling will have a 910mm side setback to the south western boundary and 1.5m to the north eastern side boundary. The siting of the dwelling including setbacks to the side boundaries and minor earthworks required as shown in Figure 17 does not necessitate the preparation of structurally adequacy reports regarding excavation and is not recommended by Council's Development Engineer. However, a condition of consent is recommended requiring a dilapidation report of adjoining properties detailing the physical condition of those properties prior to construction (C2 Dilapidation Survey Private Property Neighbouring Buildings).</p> <p>In summary, the development is appropriately designed and sited to minimise an impact on the topography, vegetation of the site and is unlikely to have an impact on the structural integrity of adjoining properties satisfying the Objectives and Provisions in s1.3.1 of NSDCP 2013.</p>
1.3.2 Bushland	Yes	<p>The site is situated within a bushland buffer (Buffer Area B) located within 300m of bushland.</p> <p>Provision P3, s15.3.3 'Indigenous vegetation' of the NSDCP 2013 requires applicants to submit a landscape plan with at least 50% of the overall number of trees, shrubs and groundcovers being locally occurring native species.</p> <p>Council's Bushland Management Coordinator confirmed the species in the Landscape Plan does provide sufficient native planting to satisfy the percentage requirements of Provision P3, s15.3.3 of NSDCP 2013.</p>
1.3.3 Bush Fire Prone Land	Yes	<p>The site is not located on bushfire prone land.</p>
1.3.4 Foreshore Frontage	Yes	<p>The site is not on land that adjoins the foreshore.</p>
1.3.6 Views	Yes	<p>The site and surrounds are noted for having water views and the applicant has submitted a view loss assessment as requested by Council following completion of the preliminary assessment of the development application which included a site visit to the site and adjoining properties.</p> <p>Provision P2 of s1.3.6 states development should be designed to maximise views from surrounding properties and Provision P4 requires Council to consider the Land and Environment Court's Planning Principles for view sharing established in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.</p> <p>Below is consideration of the potential impact, extent of impact and whether the development and impact to neighbouring views is reasonable for the most affected neighbouring properties.</p> <p>5 Ryries Parade (Located to the south west side)</p> <p>A site visit was completed by the assessment officer on 02 June 2023 and consideration was given to the most affected windows being the side window on the ground and first floor level. Below is consideration of the development's impact inclusive of the steps for assessment established in Tenacity.</p> <ul style="list-style-type: none"> - Views from the windows that have water views do not have views of the Harbour Bridge or Opera House which is described as an iconic view in the Planning Principle judgement for view loss. - The ground and first floor windows with water views are obtained across side boundaries which are harder to protect as stipulated in step 2 of the Planning Principle. Photos were taken of existing views from a standing position from the ground floor living room and upper level bedroom detailing the water views across the side boundary.



Figure 18 – Annotated photo from ground floor living room of 5 Ryries Parade confirming the extent of water views not affected

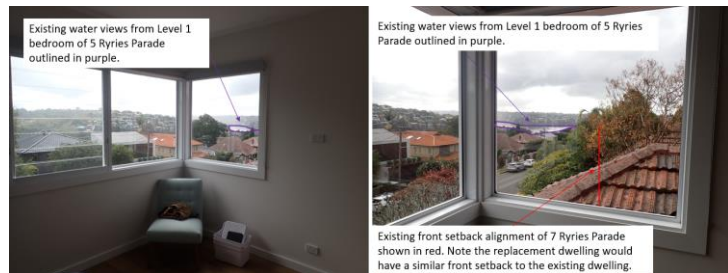


Figure 19 – Annotated photos from first floor bedroom of 5 Ryries Parade confirming the extent of water views not affected

- The extent of impact from the proposed replacement dwelling is considered insignificant noting the development has been amended to have an increased front setback to align with that of 5 Ryries Parade.

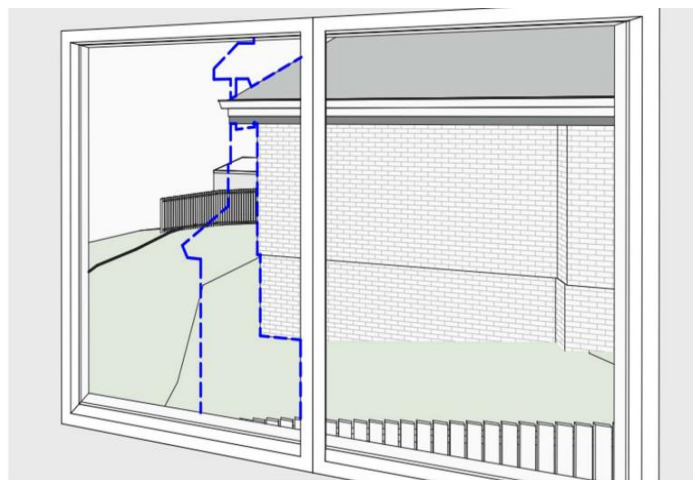


Figure 20 – View through ground level window at 5 Ryries Parade towards proposed dwelling (existing dwelling edged in blue), Mona Building Designs

- The replacement dwelling is considered a reasonable development and has substantial compliances being compliant with the maximum height of building as stipulated in Cl. 4.3 of NSLEP 2013 and the development complies with setback controls within s1.4.6 of NSDCP 2013 and also maximum site coverage stipulated in s1.5.5 of NSDCP 2013. Compliance with core controls that determine the form, massing and scale of the dwelling is indicative of a development which is reasonable.

3 Ryries Parade is located two doors down from the subject site and due to amendments to the front setback of the replacement dwelling to align with adjoining properties there will be no view loss impact to residents at 3 Ryries Parade.



Figure 21 & 22 – Annotated Site Plan with purple line detailing the front façade alignment with adjoining properties including 3 Ryries Parade and annotated aerial map with 3 Ryries outlined in yellow and direction of water views in yellow

42 Ellalong Road (Located to the rear south east)

A site visit was completed by the assessment officer on 02 June 2023 and consideration was given to the most affected part of the dwelling being the upper level rear deck. Below is consideration of the development’s impact inclusive of the steps for assessment established in Tenacity.

- Views from the windows that have water views do not have views of the Harbour Bridge or Opera House which is described as an iconic view in the Planning Principle judgement for view loss.
- The ground floor deck has views to the rear garden of 42 Ellalong Road with no water views and the first floor deck has water views obtained to the rear across multiple lots including 7 Ryries Parade.
- The extent of impact from the proposed replacement dwelling is considered insignificant noting the development has been designed with a maximum height of RL 53.941 which is only 11mm higher than the existing dwelling. This is highlighted on page 3 of the view impact assessment prepared by Mona Building Designs and confirmed referring to below comparison between the Survey Plan and dwelling elevation.

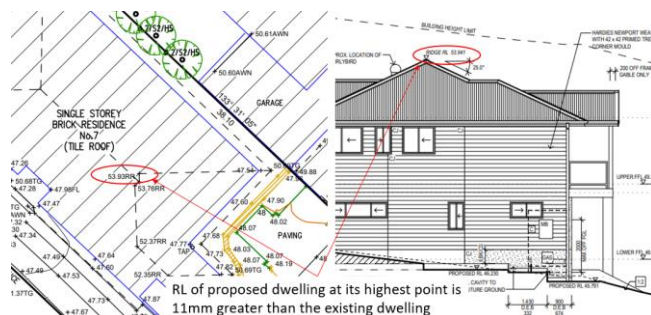


Figure 23 & 24 – Annotated Site Plan with maximum height circled in red with height of replacement dwelling at 7 Ryries Parade circled in red

- Below is a 3D view prepared by Mona Building Designs confirming increased bulk of the dwelling with a minimal increase in height and an annotated photo confirms the bulk of the dwelling would have no further impact on water views for 42 Ellalong Road.



Figure 25 & 26 – 3D View with outline of replacement dwelling in orange (left) annotated photo with waster views in purple to remain unaffected

- The replacement dwelling is considered a reasonable development and has substantial compliances being compliant with the maximum height of building as stipulated in Cl. 4.3 of *NSLEP 2013* and the development complies with setback controls within s1.4.6 of *NSDCP 2013* and also maximum site coverage stipulated in s1.5.5 of *NSDCP 2013*. Compliance with core controls that determine the form, massing and scale of the dwelling is indicative of a development which is reasonable.

40 Ellalong Road (Located to the rear south west)

A site visit was completed by the assessment officer on 02 June 2023 and consideration was given to the most affected windows and upper level deck. Below is consideration of the development’s impact inclusive of the steps for assessment established in Tenacity.

- Views from the windows that have water views do not have views of the Harbour Bridge or Opera House which is described as an iconic view in the Planning Principle judgement for view loss.
- The first floor bedroom, kitchen and deck have water views to the rear and side across multiple lots including 7 Ryries Parade.
- The extent of impact from the proposed replacement dwelling is considered minor noting the development has been designed with a maximum height of RL 53.941 which is only 11mm higher than the existing dwelling and the bulk of the dwelling to the rear remains single storey. The view impact assessment prepared by Mona Building Designs and confirms no impact to water views to 40 Ellalong Road. Below are photographs taken from respective first floor rooms including the deck confirming water views are not affected.

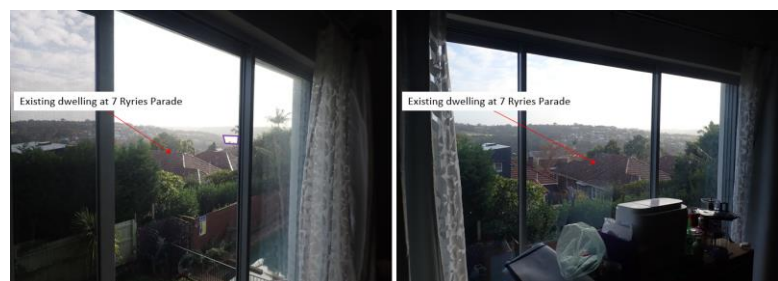


Figure 27 & 28 – Existing photo detailing location of 7 Ryries Parade and water view outlined in purple (left) and photo from kitchen of 40 Ellalong Road – no water views (right)



Figure 29 & 30 – 3D View with outline of replacement dwelling in purple (left) annotated photo taken from deck with water views in yellow to remain unaffected

		<p>- The replacement dwelling is considered a reasonable development and has substantial compliances being compliant with the maximum height of building as stipulated in Cl. 4.3 of <i>NSLEP 2013</i> and the development complies with setback controls within s1.4.6 of <i>NSDCP 2013</i> and also maximum site coverage stipulated in s1.5.5 of <i>NSDCP 2013</i>. Compliance with core controls that determine the form, massing and scale of the dwelling is indicative of a development which is reasonable and no further amendments are required or a more skilful design necessary.</p> <p>In summary, the new dwelling is designed to maximise the sharing of views for adjoining properties compliant with the objectives and provisions in s1.3.6 of <i>NSDCP 2013</i>.</p>
<p>1.3.7 Solar Access</p>	<p>Yes</p>	<p>Shadow diagrams are included detailing the extent of shadow cast from the dwelling at both the winter solstice (June 21) and March and September equinoxes. Below is consideration of the shadow impact at mid-winter for the subject site and adjoining properties.</p> <p>9am</p> <p>At 9am shadows from the dwelling will be cast within the south western side setback and over the roof of 5 Ryries Parade. The shadows cast from the dwelling will not affect the rear private space of the subject site and have a minor shadow impact to the private open space of adjoining property at 5 Ryries Parade.</p> <p>Figure 31 – June 21 9am shadow diagram (Dwg No. A11, Rev 2d)</p> <p>12pm</p> <p>At midday shadows cast from the dwelling would affect the south western side setback of the subject site, a small part of the rear garden and the north eastern side elevation of 5 Ryries Parade. A review of the recently constructed floor plans for 5 Ryries Parade confirms the northern elevation windows of 5 Ryries Parade do not serve main internal living areas and main internal living areas have an eastern outlook to the rear garden. The shadows cast would have a limited impact to private open space of the subject site and no impact to private open space of adjoining properties.</p>

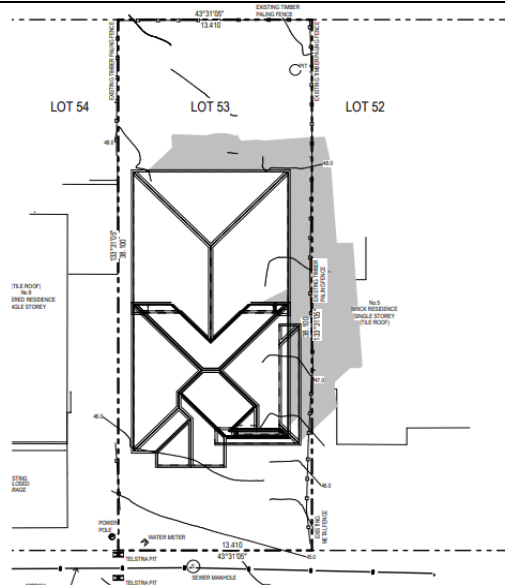


Figure 32 – June 21 12pm shadow diagram (Dwg No. A11, Rev 2d)

3pm

At 3pm shadows cast will have no impact to adjoining properties with shadows falling over part of the rear garden of the subject site.

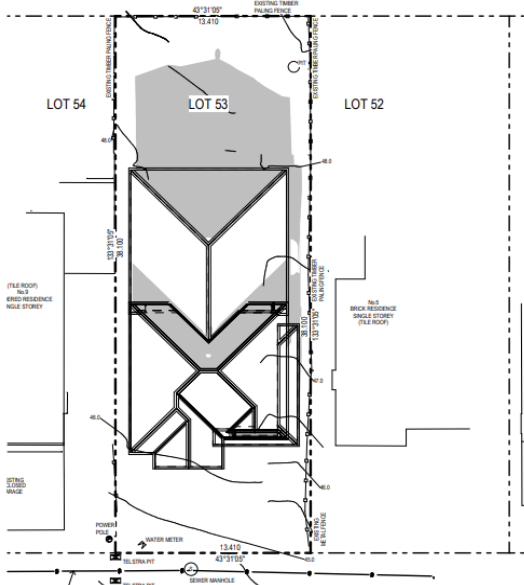


Figure 33 – June 21 3pm shadow diagram (Dwg No. A11, Rev 2d)

In summary, the winter shadow diagrams confirm the dwelling is designed and sited appropriately to provide a minimum of 3 hours solar access at mid-winter between the hours of 9.00am and 3.00pm to windows of main internal living areas and principal private open space of both the subject site and adjoining properties satisfying Provision P1, s1.3.7 of NSDCP 2013.

<p>1.3.8 Acoustic Privacy</p>	<p>Yes</p>	<p>Subject to condition (F1 – National Construction Code) the proposal is considered to be capable of achieving compliance with required building construction levels to meet acoustic standards. The proposal is considered capable of achieving compliance with the relevant objectives and the provisions of NSDCP 2013.</p> <p>The dwelling is designed with compliant setbacks and modest sized openings to the side elevations and the dwelling replaces an existing dwelling not significantly intensifying the residential use of the site therefore likely to have a neutral acoustic impact to adjoining properties.</p>
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		<p>The first floor balcony to the front of the dwelling is considered modest in size with sufficient separation to the side boundaries unlikely to have any acoustic impact to adjoining residents.</p> <p>In summary, the development would provide a reasonable level of acoustic privacy to residents both within and adjoining the site in accordance with Objective O1 and Provision P4, s1.3.8 of NSDCP 2013.</p>
<p>1.3.9 Vibration</p>	<p>Yes</p>	<p>The site is not adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles therefore consideration of the likely impact of a road noise or vibration is not required pursuant to Cl. 2.120 'Impact of road noise or vibration on non-road development' in the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.</p>
<p>1.3.10 Visual Privacy</p>		<p>Provision P3, s1.3.10 of the NSDCP 2013 requires the location of windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings. Below is consideration of the respective window openings on the elevations of the proposed dwelling to determine if a reasonable level of visual privacy is maintained for adjoining properties.</p> <p>North West (Front) Elevation</p> <p>The front elevation includes two ground floor windows and four first floor windows varying in size. The windows are supportable because they would primarily direct views to the streetscape with no direct or close views to adjoining properties.</p> <p>South East (Rear) Elevation</p> <p>Two large glazed windows are proposed to the rear elevation of the dwelling. The windows will be located on the ground level and will direct views to the rear garden having no direct or close views to adjoining properties.</p> <p>North East (Side) Elevation</p> <p>It is notable that the windows on the North East (Side) Elevation are limited with windows openings primarily to the front or rear of the dwelling. The ground floor windows will have a limited impact to the privacy of the northern adjoining property due to the side boundary fence preventing a direct outlook to the northern adjoining dwelling. It is also noted the majority of the ground floor windows (4 out of 5) have high sill heights greater than 1.5m above floor level further reducing any direct outlook.</p> <p>Three windows are proposed for the first floor and each window has a sill height approximately 1.2m above floor level. The windows are however acceptable being modest in size with a compliant side setback of 1.5m and not affecting the visual privacy of the adjoining property (9 Ryries Parade) directing views over the roof of the neighbour as evident in the below photograph.</p> <p>It is also noted that these three (3) windows are to bathrooms and are of lower impact in comparison to habitable / high traffic spaces.</p> <div data-bbox="754 1727 1329 2123" data-label="Image"> </div> <p>Figure 34 – Photo of the adjoining property No. 9 Ryries Parade</p>

South West (Side) Elevation

It is notable that the windows on the North East (Side) Elevation are limited with windows openings primarily to the front or rear of the dwelling.

The ground floor windows will have a limited impact to the privacy of the southern adjoining property (5 Ryries Parade) due to the side boundary fence preventing a direct outlook to the northern adjoining dwelling.

Two windows are proposed for the first floor and each window has a sill height approximately 1.2m above floor level. The windows are however acceptable being modest in size with a compliant side setback of 1.5m and not affecting the visual privacy of the adjoining property (9 Ryries Parade) sited offset to the first floor window of 5 Ryries Parade directing views to the metal clad elevation of the neighbouring property. The windows would have no direct or close views of windows, balconies or private open space of the adjoining dwelling directing views primarily to the blank northern side elevation or roof of 9 Ryries Parade as evident in the below photograph.



Figure 35 – Photo of the adjoining property No. 5 Ryries Parade

Decks, Patios and Terraces

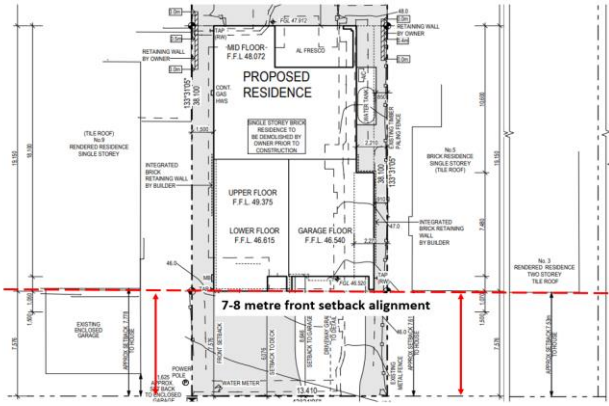
A first floor deck is proposed to the front of the property which will primarily direct views to the streetscape and Middle Harbour beyond. The deck is modest in size measuring 3.4m x 1.6m. Due to its size and location no further privacy measures are considered necessary to protect the visual privacy of adjoining properties.

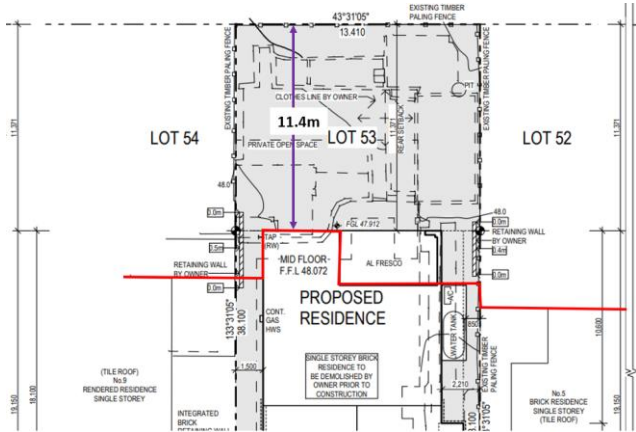
The front balcony and its impact to neighbouring properties was considered particularly potential privacy loss to the southern neighbour 5 Ryries Parade. 5 Ryries Parade is subject to a recent contemporary style first floor addition with a corner window providing water views.



Figures 36 & 37 – Photos of the corner north facing window on the first floor (circled in red) of the adjoining property No. 5 Ryries Parade

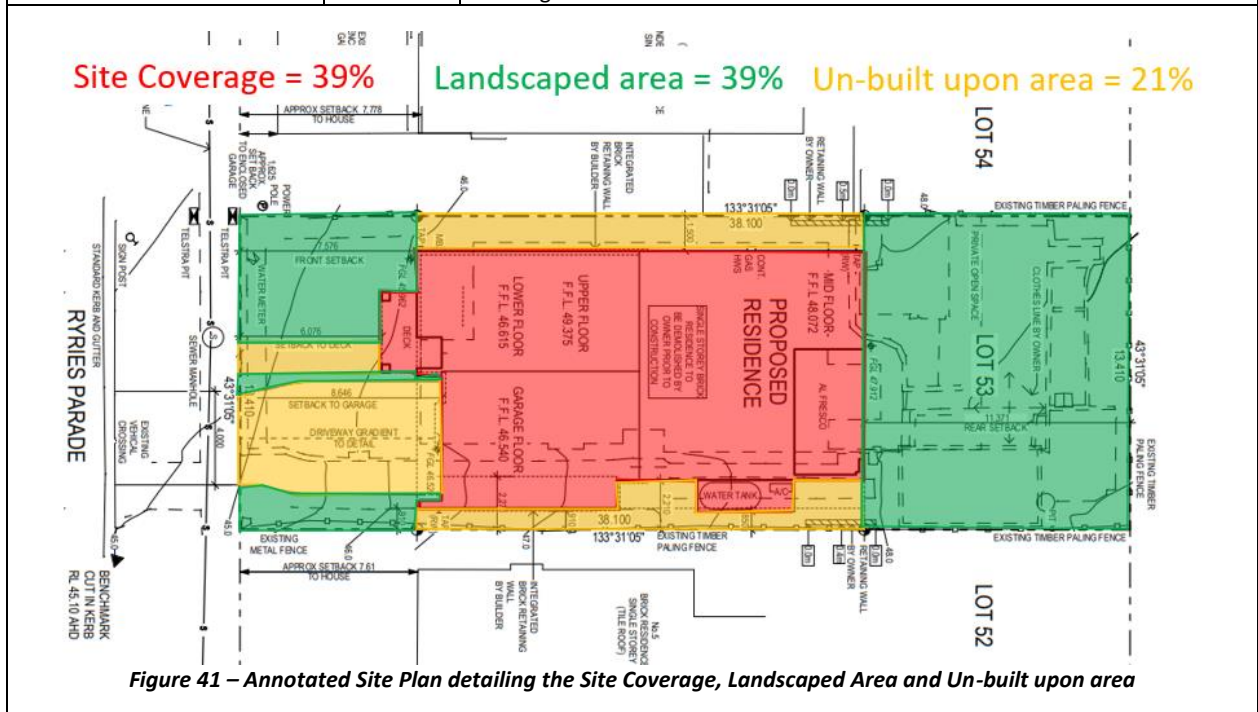
No further privacy measures are considered noting the modest size of the balcony and its separation of approximately 13-14m to the affected window of 5 Ryries Parade. Furthermore, a visit by the assessing officer noted the proposed balcony may direct views to minimal aspects of the first floor room

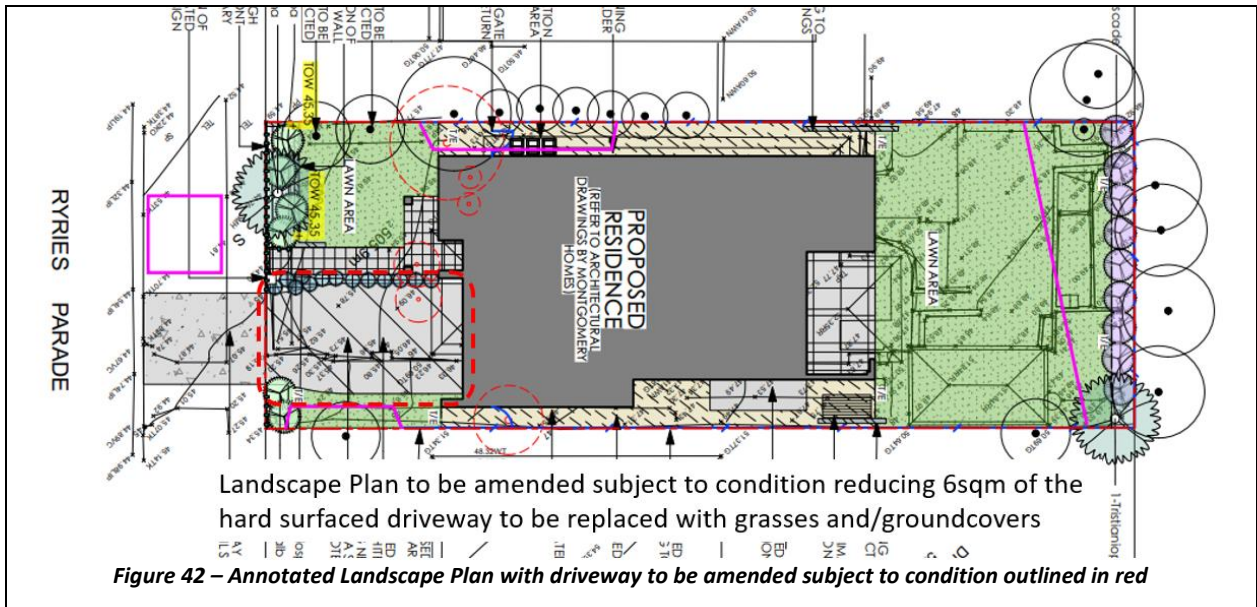
		<p>and the use of further privacy measures such as screening would therefore be unreasonable and overburdening.</p> <p>In summary, the windows are located primarily to the front and rear elevations directing views to the street/Middle Harbour or rear garden of the subject site and the development is designed with minimal windows to the side elevations that are either designed with high sills above floor level or located so as to prevent views to windows or private open space of adjoining properties. The development therefore retains a reasonable level of visual privacy compliant with the Objective and Provisions of s1.3.10 of the NSDCP 2013.</p>			
<p>1.4 Quality built form</p>					
<p>1.4.1 Context</p>	<p>Yes</p>	<p>The development appropriately responds to the character of the site by siting the dwelling to have a minor impact on existing landscaping and tree canopy and the dwelling is designed with a step in floor levels which assists in minimising excavation and retention in topography. The dwelling design is a good outcome ensuring the height of the two storey element is similar to that of the existing dwelling to have minimal impact on existing views of adjoining properties therefore the dwelling responds to the constraints of the site.</p> <p>The development is therefore supported satisfying both Objective O1 and Provision P1 in s1.4.1 of NSDCP 2013.</p>			
<p>1.4.2 Subdivision Pattern</p>	<p>Yes</p>	<p>The existing lot size, shape or orientation of the site would be maintained.</p>			
<p>1.4.3 Streetscape</p>	<p>Yes</p>	<p>The development proposes a new driveway to serve the new dwelling and the application seeks to utilize the existing vehicular crossing to Ryries Parade. Council's Development Engineer requires the applicant to obtain a driveway and road infrastructure permit prior to the issue of the Construction Certificate (C9 Obtain Driveway Crossing Permit under s.138 Roads Act 1993). Furthermore, the proposed construction activity associated with the replacement dwelling and driveway crossing has the potential to damage public infrastructure therefore a bond is recommended for damage to public infrastructure during construction (C11 Bond for Damage and Completion of Infrastructure Works).</p> <p>One street tree (<i>Camellia sasanqua</i>) is located opposite the subject site on the public footpath. A tree bond is recommended for the protection of this street tree (C12 Tree Bond for Public trees) as well as conditions seeking its protection during construction (C14 Protection of Trees & E11 No Removal of Trees on Public Property).</p>			
<p>1.4.5 Siting</p>	<p>Yes</p>	<p>The dwelling is designed as a single building form, addressing the street with external walls parallel to corresponding boundaries complying with Provisions P2 and P3, s1.4.5 of NSDCP 2013.</p>			
<p>1.4.6 Setback – Front</p>		<p>The dwelling as amended has a front setback that is generally in alignment with primary facades of building on adjoining properties compliant with Provision P1, s1.4.6 of NSDCP 2013.</p>  <p>Figure 38 – Annotated Site Plan confirming the primary façade alignment</p>			
<p>1.4.6 Setback – Side</p>	<p>Yes</p>	<p>C4 Environmental Living</p> <table border="1" data-bbox="746 2074 1334 2107"> <tr> <td></td> <td>Proposed</td> <td>Complies</td> </tr> </table>		Proposed	Complies
	Proposed	Complies			

		<table border="1" data-bbox="748 232 1334 560"> <tr> <td>Ground floor</td> <td>North East 1.5m</td> <td>Yes</td> </tr> <tr> <td></td> <td>South West 910mm – 2.21m</td> <td>Yes</td> </tr> <tr> <td>First floor</td> <td>North East 1.5m</td> <td>Yes</td> </tr> <tr> <td></td> <td>South West 2.27m</td> <td>Yes</td> </tr> </table> <p>The proposed dwelling has side setbacks that comply with the minimum side setback requirements stipulated in Table B-1.5 of the NSDCP 2013.</p> <p>The proposed side setbacks for the dwelling are annotated on the Site Plan, Dwg No. A1 Rev 2d and the lower/mid floor plan, A4 Rev 2d.</p>	Ground floor	North East 1.5m	Yes		South West 910mm – 2.21m	Yes	First floor	North East 1.5m	Yes		South West 2.27m	Yes
Ground floor	North East 1.5m	Yes												
	South West 910mm – 2.21m	Yes												
First floor	North East 1.5m	Yes												
	South West 2.27m	Yes												
<p>1.4.6 Setback – Rear</p>		<p>The proposed dwelling would be sited with rear setback not in alignment with adjoining properties extending further by approximately 2-3 metres. The rear setback is, however, supportable noting the setback of 11.4m complies with the minimum 10m characteristic rear setback for properties in the Benelong and Northern Foreshore Neighbourhood as stipulated in Part C of the DCP.</p>  <p>Figure 39 – Annotated Site Plan confirming the rear building setbacks (in red) and the new dwelling setback to the rear boundary</p>												
<p>1.4.7 Form Massing Scale</p>	<p>Yes</p>	<p>The height of the dwelling with a maximum height of 7.2m does not exceed the maximum 8.5m stipulated within Cl. 4.3 of NSLEP 2013 compliant with Provision P1, s1.4.7 of NSDCP 2013.</p> <p>The two storey built element of the dwelling is designed with floor to ceiling heights of 2.44m. Provision P4 stipulates a minimum floor to ceiling height of 2.7m. However, a lesser floor to ceiling height is permissible if rooms receive sufficient daylight and ventilation. The dwelling with 2.44m floor to ceiling heights are appropriate noting sufficient sunlight and ventilation is provided to habitable rooms and the floor to ceiling heights contribute to a dwelling with a modest height which is a design response to encouraging view sharing from surrounding properties.</p> <p>The primary façade facing the street is designed with a modest provision in windows including appropriately sized window openings not dominating the front façade compliant with directions in Provision P5, s1.4.7 of NSDCP 2013.</p>												
<p>1.4.8 Built Form Character</p>	<p>Yes</p>	<p>The dwelling is reflective and complements the built form character of the locality designed with appropriate setbacks including a matching front setback to adjoining properties and the dwelling has a low pitched roof ensuring key characteristics of the site and surrounds are continued and the desired built form for the Benelong and Northern Foreshore Neighbourhood is maintained satisfying Objective O1 and Provision P2 in s1.4.8 of NSDCP 2013.</p>												
<p>1.4.9 Dwelling Entry</p>	<p>Yes</p>	<p>The dwelling is clearly identifiable from the street designed with a front door and windows to a habitable room orientated to the street complying with Provisions P1 and P2, s1.4.9 of NSDCP 2013.</p>												

<p>1.4.10 Roofs</p>	<p>Yes</p>	<p>The dwelling has a pitched (hipped) roof with a pitch of 25 degrees complying with Provisions in s1.4.10 of the NSDCP 2013.</p> <p>The angle of the roof pitch (25 degrees) is considered a low pitch in accordance with directions in the Benelong and Northern Foreshore Neighbourhood Character Statement.</p>
<p>1.4.12 Colours and Materials</p>	<p>Yes</p>	<p>The dwelling will comprise of the following materials and finishes as shown in the external colour schedule and elevations:</p> <p>Elevations – a combination of brick (PGH Beach - Beige) and weatherboard cladding (Ashen Mist – Light Grey). Roof – metal roof (Wallaby) Window Frames – Pearl White colour. Front Door/Front Posts and Garage Door – Dover White colour.</p> <p>The colours and materials appear to be supportable being reflective of the locality but to ensure external colours and finishes are compatible with surrounding development and noting there are some deficiencies in the detail of colours and finishes the following conditions of consent are recommended.</p> <p>Condition A4 External Finishes and Materials</p> <p>External finishes and materials must be in accordance with the submitted schedule dated 31 January 2023, prepared by Montgomery Homes and received by Council on 10 March 2023 unless otherwise modified by Council in writing.</p> <p>Condition C6 External Colours and Finishes</p> <p>The external colours and finishes shall be compatible with surrounding development. A schedule is to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.</p>
<p>1.4.14 Front Fences</p>	<p>Yes</p>	<p>The existing low brick wall is to be demolished and replaced with a timber picket fence measuring 1.2m above ground level. Details of the proposed front fence is shown below and in the submitted Landscape Elevation (L/04 Rev A).</p> <div data-bbox="722 1261 1353 1648" data-label="Image"> </div> <p>Figure 40 – Landscape Elevation detailing the front fence, L/04</p> <p>The front fence is supported being designed with an appropriate height and material (low picket fence) as identified in the Benelong and Northern Foreshore Neighbourhood character statement in Part C of the DCP.</p>
<p>1.5 Quality Urban Environment</p>		
<p>1.5.4 Vehicle Access and Parking Quantity</p>	<p>Yes</p>	<p>The garage proposed on the ground floor can accommodate 2 cars complying with the maximum car parking rates on Table B-10.1, Section 10 of the NSDCP 2013.</p> <p>The garage measuring 8.43m x 5.5m has additional space for storage as well as space to accommodate bicycle parking complying with the minimum bicycle parking rates in Table B-10.4, Section 10 of the NSDCP 2013.</p>
<p>1.5.4 Vehicle Access and Parking Location</p>	<p>Yes</p>	<p>The garage proposed would not be located within the front setback but located within the ground floor of the dwelling integrated within the front façade of the proposed dwelling therefore satisfying Provision P10 of s1.5.4.</p>

		<p>The development provides a separate pedestrian access therefore the driveway is primarily for vehicular use complying with Provision P7, s1.5.4 of NSDCP 2013.</p>														
<p>1.5.4 Vehicle Access and Parking Access</p>	<p>Yes</p>	<p>On site car parking is currently accommodated within the site and the provision of on-site parking is characteristic of the surroundings.</p> <p>The driveway will permit a car to stand within the property while garage doors are opening complying with Provision P17, s1.5.4 of NSDCP 2013.</p> <p>The extent of driveway is satisfactory not adversely impacting on the visual appearance of the street or the front setback garden setting with sufficient space retained for landscaping and tree planting within the front setback.</p>														
<p>1.5.5 Site Coverage</p> <p><i>Attached/ detached/ semi-detached dwelling</i> <i>Site area = 505.9m²</i></p> <table border="1" data-bbox="199 716 486 940"> <thead> <tr> <th colspan="2">Table B-1.6: Max Site Coverage</th> </tr> <tr> <th>Lot Size</th> <th>Cover (max)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>60%</td> </tr> <tr> <td>230-499</td> <td>50%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>35%</td> </tr> <tr> <td>1000+</td> <td>30%</td> </tr> </tbody> </table>	Table B-1.6: Max Site Coverage		Lot Size	Cover (max)	0-229	60%	230-499	50%	500-749	40%	750-999	35%	1000+	30%	<p>Yes</p>	<p>The proposal involves a total site coverage of 39% (199m²) including the dwelling, garage and water tank.</p> <p>A maximum site coverage of 40% applies to the proposed development in accordance with exclusions expressed in P2 to s1.5.5 of DCP 2013.</p> <p>The dwelling has a compliant site coverage of 199m² (39%) in accordance with the rates stipulated in Table B-1.6, Provision P1, s1.5.5 of the NSDCP 2013.</p> <p>It is noted an updated compliance diagram has not been provided as part of the amended architectural plans, however the building footprint remains apart from increasing the front setback by approximately 2-3m to ensure a matching alignment with adjoining properties. Council's Assessment Officer in a detailed calculation assessment also noted the covered balcony is mostly defined as site coverage.</p>
Table B-1.6: Max Site Coverage																
Lot Size	Cover (max)															
0-229	60%															
230-499	50%															
500-749	40%															
750-999	35%															
1000+	30%															





<p>1.5.6 Landscape Area</p>	<p>Yes, subject to condition</p>	<p>The proposed development has been assessed and the landscape area requirements as follows:</p> <table border="1" data-bbox="750 929 1332 1254"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage Max 40%</td> <td>199m² (39%)</td> <td>Yes</td> </tr> <tr> <td>Landscaped area Min 40%</td> <td>199.9m² (39%)</td> <td>No (compliant subject to condition)</td> </tr> <tr> <td>Unbuilt-upon area Max 20%</td> <td>107m² (21%)</td> <td>No (compliant subject to condition)</td> </tr> </tbody> </table> <p>Landscape area (40% min required) & Un-built upon area (20% max permitted)</p> <p>The proposed landscape area previously complied with DCP 2013 requirements, however due to the siting of the dwelling 2-3m further from the front boundary a longer footpath and driveway will increase hard surfacing. It is also noted the Landscape Plan proposes pebble mulch along both side setbacks which is not defined as landscaped area contrary to the definition in Provision P2, s1.5.6 of NSDCP 2013. The total resulting landscaped area therefore has a shortfall of 2.46m² and an un-built upon area exceedance of 5.82m².</p> <p>There is considered significant opportunity to improve landscaping within the site particularly with regards to reducing hard surfacing associated with the driveway. A condition of consent is therefore recommended requiring amendments to the driveway removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive or grasses and/or groundcovers (C24 Amendments to the Landscape Plan).</p> <p>The condition of consent would result in a development that complies with the minimum landscaped area and maximum un-built upon area stipulated in Table B-1.7, Provision P1, s1.5.6 of NSDCP 2013.</p>	Control	Proposed	Compliance	Site coverage Max 40%	199m ² (39%)	Yes	Landscaped area Min 40%	199.9m ² (39%)	No (compliant subject to condition)	Unbuilt-upon area Max 20%	107m ² (21%)	No (compliant subject to condition)
Control	Proposed	Compliance												
Site coverage Max 40%	199m ² (39%)	Yes												
Landscaped area Min 40%	199.9m ² (39%)	No (compliant subject to condition)												
Unbuilt-upon area Max 20%	107m ² (21%)	No (compliant subject to condition)												
<p>1.5.7 Landscaping</p>	<p>Yes</p>	<p>The development seeks to retain all trees within and adjoining the site apart from the removal of 2 x trees (<i>Tree 3 – Lagerstroemia indica</i> and <i>Tree 5 Ceratopetalum gummiferum</i>).</p> <p>The tree retention is supported by Council’s Landscape Development and additional tree planting is sought including 2 x <i>Tristaniopsis laurina</i>. Tree retention, plus additional tree planting and shrub planting provided an appropriate provision of landscaping for the site.</p>												

		<p>Council's Landscape Development Officer raised concerns with regards to the finished levels throughout the site and potential impact from earthworks to the tree protection zone (TPZ) of protected trees. A condition of consent is recommended in accordance with directions from Council's Landscape Development Officer requiring no change in ground levels within the TPZ of all protected trees and the existing topography of the rear garden shall remain (C24 Amendments to the Landscape Plan).</p> <p>Conditions of consent stipulating tree protection, the trees expressly permitted for removal, maintenance of ground levels and provision of additional landscaped areas will cumulatively ensure a positive landscaped outcome for the site and surrounds generally complying with the Objectives and Provisions in s1.5.7 of NSDCP 2013.</p>
1.5.8 Front Gardens	Yes	<p>The front garden will comprise lawn areas, 2 x Plumeria, 1 x Tristaniopsis laurina and shrub planting to the front boundary and a condition of consent seeks to reduce the extent of hard surfacing for the driveway (C24 Amendments to the Landscape Plan) therefore ensuring the front garden of the site assists in water infiltration and softens and complements the view of the building from the street generally meeting the Objectives and Provisions in s1.5.8 of NSDCP 2013.</p>
1.5.9 Private and Communal Open Space	Yes	<p>The dwelling has a rear garden providing sufficient private open space accessible from a main living area therefore a reasonable level of amenity is provided in accordance with the Objectives and Provisions in s1.5.9 of NSDCP 2013.</p>
1.5.13 Garbage Storage	Yes	<p>There is sufficient space on site whether within the garage or to the side of the dwelling for storage of bins and the route to the collection point (kerb) is direct and not impeded.</p>
1.5.14 Site Facilities	Yes	<p>The Landscape Plan provides an indicative location of a clothes line within the south western side setback and a letter box will be incorporated into the front fence satisfying the requirements of Provision P1 and P2 of s1.5.13 in NSDCP 2013.</p>
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	<p>A valid BASIX Certification has been submitted as part of the development application documentation.</p>

North Cremorne Planning Area (Benelong and Northern Foreshore Neighbourhoods) – Part C of NSDCP 2013

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

5.4.2 Desired Future Character

Diversity

P1 Primarily low density residential accommodation, generally comprising dwelling houses, semi-detached houses and dual occupancies.

The replacement dwelling would have compliant setbacks, site coverage and a height below the maximum height of 8.5m indicative of low density residential accommodation.

5.4.3 Desired Built Form

Form, massing and scale

P2 Minimise the building footprint to preserve natural features, native vegetation and rock outcrops, particularly on land adjoining or near foreshores.

The replacement dwelling will be constructed over a similar footprint as the dwelling to be demolished therefore preserving most of the natural features of the site. Furthermore, subject to appropriate tree protection conditions and additional planting as shown in the Landscape Plan the development would have a positive landscaped outcome.

Roofs

P5 Development should maintain low pitched roofs.

The roof of the dwelling has a 25 degree pitch which is considered a low pitch satisfying the above provision.

Setback

P9 Front: 3m

P10 Rear: 10m

The dwelling is sited with a matching front setback to adjoining properties of approximately 7-8m compliant with the minimum 3m stipulated above and the rear setback of the dwelling is 11.3m greater than the 10m stipulated above therefore the dwelling has appropriate setbacks.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Contribution

Applicable contribution type		
s7.12 contribution details <i>(payment amount subject to indexing at time of payment)</i>	Development cost:	\$708,347.00
	Contribution:	\$7,083.00

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

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|--|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |

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

SUBMITTERS CONCERNS

On 22 March 2023, Council notified adjoining properties and the Willoughby Bay Precinct of the proposed development seeking comment between 31 March 2023 – 14 April 2023. Council received seven (7) submissions to the proposal. The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the precinct for 14 days between 08 and 22 September 2023. Council received four (4) submissions.

The application was notified twice to adjoining properties and the in total Council received eleven (11) submissions where the following matters were raised:-

- ***The proposed development does not have sufficient regard to the Planning Principle relating to view sharing and the relevant Land and Environment Planning Principle for view sharing established in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.***

The amended application comprises of a view impact assessment inclusive of assessment of the views from the most affected properties which is sufficient to conder access to views in accordance with both s1.3.6 of the NSDCP 2013 and principles of view sharing in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.

- ***The removal of existing hedging along the southern boundary and insufficient replacement screen planting results in insufficient privacy for occupants of 5 Ryries Parade.***

The existing southern side boundary has limited screen planting. It is noted a brick garage is located to the rear of the site along the southern boundary which minimises views between the private open space of 5 & 7 Ryries Parade. Noting no screen planting is proposed to either the northern or southern side boundaries additional screen planting is recommended as a condition of consent (**C20 Screen Planting**) to further improve privacy between neighbouring private open spaces as well as adding a landscaped buffer between adjoining properties.



Figures 43, 44 & 45 – Photos of the southern side boundary (left and middle) and photo of the northern side boundary (right)

- ***The application contains no detail about the proposed demolition methods, noise and dust impact during demolition and a dilapidation report is required due to potential damage during demolition and excavation.***

Appropriate conditions of consent are recommended prior to construction certificate as well during construction to record the condition of properties (**C2 Dilapidation Survey Private Property**) and to ensure public safety and residential amenity is maintained during demolition and construction (**E7 Dust Emission and Air Quality and E8 Noise and Vibration**).

- ***The proposed two storey addition may obstruct water views for occupants of the property located to the rear – 42 Ellalong Road. A view analysis is required so as to consider the view impact from 42 Ellalong Road.***

A view impact assessment has been prepared by Mona Building Designs confirming the new dwelling will result in negligible loss of views to vegetation and not impact to water views of 42 Ellalong Road and this view loss assessment is concurred with additional view loss assessment considered in the DCP compliance table.

- ***Screening plants should be provided to the rear boundary of the development site.***

Screen planting is provided along the rear boundary comprising of *Syzygium Cascade* hedging and 1 x *Tristaniopsis laurina*.

- ***Object to the removal of (2) Frangipani trees in the front setback of 7 Ryries Parade. These trees provide privacy and appear to be able to be kept not interfering with the construction of the house.***

The development has been amended whereby a greater front setback is proposed retaining both Frangipani trees.

- ***The view impact assessment does not assess the impact on existing views from the upper floor of 3 Ryries Parade.***

Although the view loss assessment does not consider the views from the upper floor of 3 Ryries Parade. However, 3 Ryries Parade is located two doors down from the subject site and due to amendments to the front setback of the replacement dwelling to align with adjoining properties there will be no view loss impact to residents at 3 Ryries Parade.

- ***It is unclear what the setback is for the dwelling from Ryries Parade. A memorandum of agreement dated August 1935 signed by private landowners agreed to a variation to a***

convent requiring that no building on Ryries Parade shall be erected within nineteen feet nine inches (6m) of the alignment with Ryries Parade.

The development has been amended with a front setback that aligns with the front setback of adjoining properties.

- ***The view loss impact assessment does not consider any impact on water views from the second storey of 5 Ryries Parade.***

The view loss assessment provides evidence combined with an assessment by the assessing officer confirming no loss to water views for the windows that serve an upper floor habitable room of 5 Ryries Parade.

- ***The front balcony will result in a direct outlook to the upper floor of 5 Ryries Parade.***

The front balcony and its impact to the upper floor of 5 Ryries Parade was considered and due to the modest size of the balcony and its separation to the neighbouring property the balcony would not have direct or close views retaining a reasonable level of visual privacy compliant with the objective and provisions in s1.3.10 of NSDCP 2013.

- ***The development will create significant overshadowing to 5 Ryries Parade at mid-winter between 9am to 12pm.***

The assessment of the winter shadow diagrams confirms the dwelling is designed and sited appropriately to provide a minimum of 3 hours solar access at mid-winter to windows of main internal living areas and principal private open space of the adjoining property satisfying Provision P1, s1.3.7 of NSDCP 2013.

- ***The current site plan does not clearly show if the development complies with site coverage, landscaped area and un-built upon areas.***

This pick up is correct, an updated compliance diagram has not been provided as part of the amended architectural plans, however the building footprint remains apart from increasing the front setback by approximately 2-3m to ensure a matching alignment with adjoining properties. Council's Assessment Officer in a detailed calculation assessment found a compliant site coverage but non-compliances in landscaped area and un-built upon area due to the longer footpath and driveway which will increase hard surfacing.

A condition of consent is therefore recommended requiring amendments to the driveway removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive of grasses and/or groundcovers (**C24 Amendments to the Landscape Plan**). The condition of consent would result in a development that complies with the minimum landscaped area and maximum un-built upon area stipulated in Table B-1.7, Provision P1, s1.5.6 of NSDCP 2013.

- ***The view impact assessment does not evaluate the impact on the existing views of 40 Ellalong Road and will impact upon middle harbour views.***

The view impact assessment does consider the views from the deck of 40 Ellalong Road determining a negligible loss of views to vegetation and no impact upon water views. A further detailed assessment from the most affected habitable rooms of the adjoining dwelling by the Assessment

Officer against s1.3.6 of NSDCP confirms no water views from habitable rooms of 40 Ellalong Road are also not affected.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a C4 Environmental Living Zone where dwelling houses are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Willoughby Bay Precinct for 14 days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape.

CONCLUSION

The matters for consideration as outlined in section 4.15(1) of the *Act* have been satisfied. The proposed development is permissible, meets the development standards and relevant objectives and provisions of *NSLEP 2013* and *NSDCP 2013* subject to conditions.

The proposed dwelling is consistent with the relevant objectives of the zone providing a low impact development requiring minimal impact to existing landscaping including tree canopy and the dwelling is designed with moderate provision of glazing to the front façade, appropriate colours and materials and a low pitched roof contributing to the aesthetic quality of the locality.

The dwelling is compliant with the maximum height of building as stipulated in Cl. 4.3 of *NSLEP 2013* and the development complies with setback controls within s1.4.6 of *NSDCP 2013* and also maximum site coverage stipulated in s1.5.5 of *NSDCP 2013*. The form, massing and scale of the dwelling is consistent with surroundings buildings and is a low density residential development commensurate with the desired future character for the Benelong and Northern Foreshore Neighbourhood.

The dwelling complements the built form character of the locality designed with appropriate setbacks including a matching front setback to adjoining properties and the dwelling has a low pitched roof ensuring key characteristics of the site and surrounds are continued and the desired built form for the Benelong and Northern Foreshore Neighbourhood is maintained satisfying Objective O1 and Provision P2 in s1.4.8 of *NSDCP 2013*.

The development is generally sited on a similar footprint to the existing dwelling maintaining much of the site and adjoining site's vegetation including tree canopy. The tree retention including additional tree planting is sought ensuring an appropriate provision of landscaping for the site. A condition of consent is however recommended requiring amendments to the driveway removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive of grasses and/or groundcovers to ensure the development complies with the minimum 40% landscaped area stipulated in s1.5.6 of *NSDCP 2013*.

A total of eleven (11) unique submissions were received raising objections regarding view loss, a front setback non-compliance, potential site coverage exceedance, impact to existing tree canopy and additional overshadowing and loss of privacy. The amended plans were developed in response, in part, to the submissions and sought to reduce the potential impact of the development including providing a dwelling with a similar alignment with the primary facades of adjoining properties and a view loss assessment was provided considering the potential impact to affected properties.

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 81/23 for demolition of existing dwellings and construction of a new dwelling including landscaping to land at 7 Ryries Parade subject to the attached standard conditions:-

THOMAS HOLMAN
ASSESSMENT OFFICER

ISOBELLA LUCIC
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
7 RYRIES PARADE, CREMORNE
DEVELOPMENT APPLICATION NO. 81/23

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 endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
A1	2d	Site Plan	Montgomery Homes	28/06/2023
A2	2d	Roof Plan	Montgomery Homes	28/06/2023
A3	2d	Upper Floor Plan	Montgomery Homes	28/06/2023
A4	2d	Lower/Mid Floor Plan	Montgomery Homes	28/06/2023
A5	2d	North West & South East Elevation	Montgomery Homes	28/06/2023
A6	2d	North East & South West Elevation	Montgomery Homes	28/06/2023
A7	2d	Driveway Long Section & Section	Montgomery Homes	28/06/2023
L/01	A	Landscape Plan	A Total Concept Landscape Architects	22/08/2022
L/04	A	Landscape Elevation	A Total Concept Landscape Architects	22/08/2022

(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 plans endorsed with Council's approval stamp, 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 Certifier.

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DEVELOPMENT APPLICATION NO. 81/23**

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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 Principal Certifier 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 dated 31 January 2023, prepared by Montgomery Homes and received by Council on 10 March 2023 unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, 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)

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 Principal Certifier 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 Principal Certifier 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 Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining properties No's. 5 & 9 Ryries Parade 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, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Sediment Control

- C3. 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.

An Erosion and Sediment Control Plan must be prepared and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Erosion and 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;

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- 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 Principal Certifier 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

- C4. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Skylight(s)

- C5. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The Principal Certifier 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)

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External Colours and Finishes

- C6. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Roofing Materials - Reflectivity

- C7. 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 Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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

- C8. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

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. Works 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 Works 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 Principal Certifier to enable issue of the Construction Certificate.

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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)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

- C9. 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 redundant layback crossing on Ryries Parade must be reinstated as upright kerb gutter, grass verge and concrete footpath;
- c) the width of the vehicular layback must be 3.5 metres (including the wings);
- d) the vehicular layback must be set square to the kerb;
- e) the crossing (between the layback and the property boundary) must be perpendicular on a single straight grade of approximately 4.5%, falling to the back of the layback;
- f) the boundary footpath levels must match the existing levels and must not be altered unless agreed to by Council;
- g) the footpath and grass verge on Ryries Parade must be reconstructed and are to be transitioned at least 1.5m on both sides or for additional pavement panel, whichever is greater, to ensure uniformity on the footpath;
- h) the gutter levels and road shoulder levels on Ryries Parade must stay unchanged;

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- i) the kerb gutter, and 600mm road shoulder wide-strip, adjacent to all new layback and gutter works, on Street must be reconstructed, to ensure uniformity in the road reserve;
- j) any twisting of driveway access to ensure vehicles do not scrape must occur entirely within the subject property;
- k) all inspection openings, utility services must be adjusted to match the proposed driveway levels and location;
- l) the design detail has to be provided with **vehicular access application** and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, **both** existing and proposed;
- m) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed;
- n) a longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed;
- o) pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres and;
- p) any footpath panel on Ryries Parade that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

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 Principal Certifier 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

- C10. Prior to issue of any Construction Certificate, a site drainage management plan must be prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

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- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, including the Plumbing Code of Australia (PCA);
- b) Stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to Council's kerb in Ryries Parade;
- c) All redundant stormwater pipelines within the footpath area shall be removed and footpath and kerb shall be reinstated.
- d) 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.
- e) any footpath panel on Ryries Parade disturbed for the purposes of stormwater connection shall be reconstructed as a whole panel;
- f) the design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.

A site drainage management plan which complies with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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)

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

- C11. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.

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- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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 Development Engineers or Manager of Development Services.

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 Principal Certifier 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

- C12. Prior to the issue of any construction certificate, security in the sum of \$7,500.00 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.

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

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

SCHEDULE

Tree	Location	Height (m)	Tree Bond
1 x Camellia sasanqua	Located on the verge opposite 7 Ryries Parade	5m	\$7,500.00

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

Tree Protection Measures to be shown on Construction Drawings

C13. The tree protection measures contained in the arborist report prepared by Arbor Logix, dated 24 February 2023, and received by Council on 10 March 2023, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier 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

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

Tree	Location	Height (m)
Tree 1 – Camellia sasanqua	Council verge in front of 7 Ryries Parade	5m
Tree 2 - Plumeria	Tree within front setback of neighbouring property 5 Ryries Parade	5m
Tree 4 - Plumeria	Tree within front setback adjacent to northern side boundary	5m
Plumeria (not shown)	Tree within north western corner of 7 Ryries Parade	4m
Tree 6 – Chamaecyparis obtusa	Tree within southern setback of adjoining property 9 Ryries Parade	7m
Tree 7 – X Cupressocyparis leylandii	Tree within rear garden of 9 Ryries Parade	10m
Tree 8 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	9m

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Tree 9 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	7m
Tree 10 – Elaeocarpus reticulatus	Tree within rear garden of 42 Ellalong Road	5m
Tree 11 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	9m

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

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

- C15. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height (m)
Tree 3 – Lagerstroemia indica	Tree within side setback adjacent to south western boundary.	9m
Tree 5 – Ceratopetalum gummiferum	Tree within front setback adjacent to northern side boundary.	7m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013.

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)

Asbestos & Hazardous Material Survey

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

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

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

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

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

Noise from Plant and Equipment

C17. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.
- (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

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

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

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

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Vibration from Plant and Equipment

- C18. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifier, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

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

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

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

"contemporaneously" means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

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

Air Conditioners in Residential Premises

- C19. 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 2017 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 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (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 Noise Policy for Industry 2017 will be applied.

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“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 Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

Screen Planting

C20. To maintain acceptable levels of privacy, screen planting must be installed and maintained adjacent to the north east and south west boundaries of the site in locations shown clouded red on the stamped approved plans. The required screen planting must consist of suitable screening species capable of attaining a mature height of 2.0 – 3.0 metres above finished ground levels. Details of the screen planting required by this condition must be provided to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To preserve the privacy of adjoining properties)

Section 7.12 Development Contributions C80A

C21. 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 \$7,083.00.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid 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

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

Security Deposit/Guarantee Schedule

C22. 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)	\$7,500.00
Footpath Damage Bond	\$5,00.00
TOTAL BONDS	\$12,500.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$7,083.00
TOTAL FEES	\$7,083.00

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

(Reason: Compliance with the development consent)

BASIX Certificate

C23. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 13724855 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Amendments to the Landscape Plan C88

C24. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- Screening plants must be provided within the rear garden along the north east and south west boundary. Nominated screen plant specimens must be capable of attaining a mature height of 2.0 – 3.0 metres above finished ground levels.

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- The landscape plan must provide for the additional planting of 1 x Camelia sasanqua 'Plantation Pink' (75l) within the council verge in front of 7 Ryries Parade.
- Ground levels within the TPZ of all protected trees shall be retained apart where necessary to construct the dwelling and driveway. The existing ground level of the rear setback/garden shall also be maintained.
- The driveway shall be modified removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive or grasses and/or groundcovers.

An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)

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

Protection of Trees D2

- 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).

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

Temporary Fences and Tree Protection D3

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

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Principal Certifier 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 D7

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

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

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

Sydney Water Approvals D9

- D4. 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 Principal Certifier 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)

Commencement of Works' Notice D11

- D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Parking Restrictions E3

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- 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 E5

- 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 Principal Certifier.

(Reason: Stormwater control during construction)

Service Adjustments E37

- E4. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council.

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It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

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: -

a) Vehicular access; and associated road civil works

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

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

Removal of Extra Fabric E11

E6. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality E12

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.

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- (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 E13

- 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)

No Work on Public Open Space E15

- 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 E16

- E10. The applicant or the person, company or other entity that is acting upon this consent, 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 E17

- 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 E18

- 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 Arborlogix dated 24

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February 2023 and received by Council 10 March 2023 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.
- 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 E19

- E13. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree	Location	Height (m)
Tree 3 – Lagerstroemia indica	Tree within side setback adjacent to south western boundary.	9m
Tree 5 – Ceratopetalum gummiferum	Tree within front setback adjacent to northern side boundary.	7m

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

Construction Hours

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

Location	Standard Construction Hours	
	Day	Hours
C4 Environmental Living	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

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enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Installation and Maintenance of Sediment Control E25

E15. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

Sediment and Erosion Control Signage E26

E16. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities E28

E17. 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 work-place 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 E29

E18. 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

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public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

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

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

Prohibition on Use of Pavements E32

E19. 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 E33

E20. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal E35

E21. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal E36

E22. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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requirements)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier 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 condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

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(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

- F3. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier 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 Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works' Notice

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

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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.

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 Certifier for the work.
- 2) Any such sign must be maintained while 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. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Certification – Civil Works

- G2. An appropriately qualified and practising Civil Engineer must certify to the Principal Certifier that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier) upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

Damage to Adjoining Properties

- G3. All precautions must be taken to prevent any damage likely to be sustained to adjoining

**7 RYRIES PARADE, CREMORNE
DEVELOPMENT APPLICATION NO. 81/23**

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properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

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

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

Regulated Systems- Air Handling

G5. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed installed and tested in accordance with the provisions of:

- 1) The National Construction Code;
- 2) The applicable Australian Standards;
- 3) The Public Health Act;
- 4) Public Health Regulation 2012;
- 5) Work Cover Authority.

The regulated system must be certified by an appropriately qualified engineer as compliant with the above provisions and registered with Council prior to commissioning the system and prior to issue of the Occupation Certificate.

(Reason: To ensure public health is maintained; Statutory)

Asbestos Clearance Certificate

G6. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from

**7 RYRIES PARADE, CREMORNE
DEVELOPMENT APPLICATION NO. 81/23**

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www.epa.nsw.gov.au

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

Certification of Tree Condition

G7. 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 Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height (m)
Tree 1 – Camellia sansanqua	Council verge in front of 7 Ryries Parade	5m
Tree 2 - Plumeria	Tree within front setback of neighbouring property 5 Ryries Parade	5m
Tree 4 - Plumeria	Tree within front setback adjacent to northern side boundary	5m
Plumeria (not shown)	Tree within north western corner of 7 Ryries Parade	4m
Tree 6 – Chamaecyparis obtusa	Tree within southern setback of adjoining property 9 Ryries Parade	7m
Tree 7 – X Cupressocyparis leylandii	Tree within rear garden of 42 Ellalong Road	10m
Tree 8 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	9m
Tree 9 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	7m
Tree 10 – Elaeocarpus reticulatus	Tree within rear garden of 42 Ellalong Road	5m
Tree 11 – Waterhousea floribunda	Tree within rear garden of 42 Ellalong Road	9m

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)

BASIX Completion Receipt

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

(Reason: To ensure compliance with the Regulations)

Landscaping

G9. The landscaping shown in the approved landscape plan numbered L/01 Rev A prepared by A Total Concept dated 22 August 2023 and received by Council on 22 August 2023 as amended by Condition C24 Amendments to the Landscape Plan must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**7 RYRIES PARADE, CREMORNE
DEVELOPMENT APPLICATION NO. 81/23**

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Required Tree Planting

G10. On completion of works and prior to the issue of the Occupation Certificate for the whole of the building, trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath: -

Schedule

Tree Species	Location	Pot Size
1 x Camellia sasanqua 'Plantation Pink'	Council verge in front of 7 Ryries Parade – north of existing street tree	75l

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

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

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

Required Screen Plantings

G11. The screen planting required by this consent must be completed prior to the issue of any Occupation Certificate. The specified landscape elements must be provided and maintained in accordance with the requirements of this consent at all times.

(Reason: To ensure privacy is maintained)

Unpaved Verge

G12. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

Compliance with Certain conditions

G13. Prior to the issue of any Occupation Certificate, Condition C20 Screen Planting and Condition C24 Amendments to the Landscape Plan must be certified as having been implemented on site and complied with.

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

I. On-Going / Operational Conditions

Single Occupancy 15

**7 RYRIES PARADE, CREMORNE
DEVELOPMENT APPLICATION NO. 81/23**Page 31 of 31

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

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

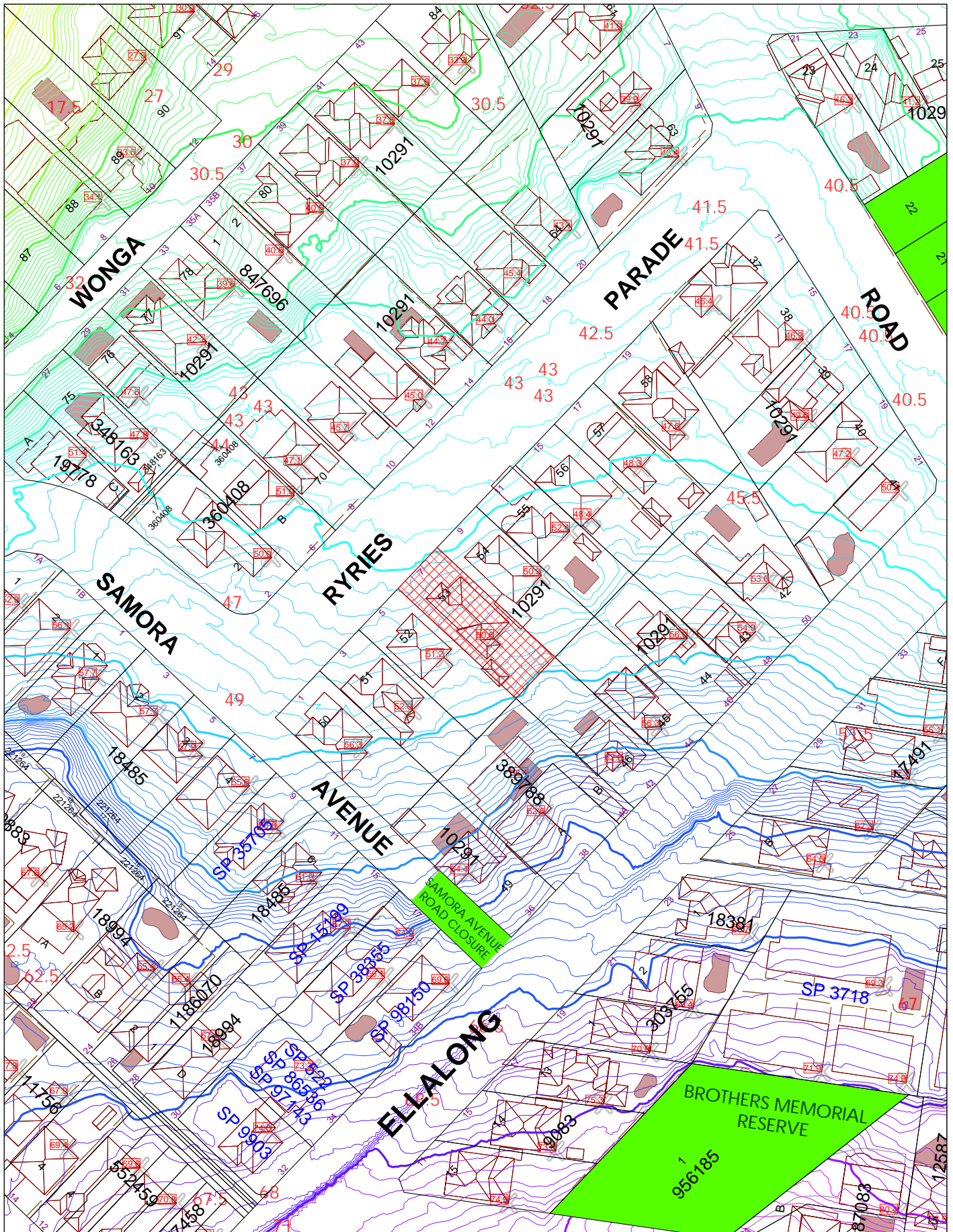
Maintenance of Structures on Public Land I41

12. The owner of the premises at 7 Ryries Parade is to maintain the landscaping approved by this consent generally in accordance with drawing number/s L/01 Rev A, dated 22 August 2023 as modified by Conditions C20 Screen Planting & C24 Amendments to the Landscape Plan.

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

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

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



North Sydney Council

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

Scale: 1:1200 approx.



COUNCIL PLANS
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Date:
Signed by owners
.....

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SITE PLAN LEGEND

MARK	DESCRIPTION
	SURVEY SETOUT PEG
	METER BOX
	TOWNWATER TAP
	RECYCLED / RAINWATER TAP
	ALL RETAINING WALLS BY OWNER U.N.O.
	APPROXIMATE SEWER LOCATION
	PROPOSED FINISHED GROUND LEVELS BY OWNER PRIOR TO OCCUPATION CERTIFICATE

NOTE: EXACT POSITION OF TAP TO BE DETERMINED ON SITE

SOIL CLASSIFICATION: H1
WIND CLASSIFICATION: N2
GAS TYPE: NATURAL GAS

SITE AREA TABLE		FLOOR AREA TABLE	
AREA	m ²	AREA	m ²
SITE	505.9	UPPER FLOOR	82.74
LANDSCAPED (SOFT)	267.59	LOWER FLOOR	124.98
DRIVEWAY	40.32	GARAGE	48.60
FOOTPRINT	191.01	DECK	5.69
PRIVATE OPEN SPACE	50.00	PORCH	1.59
TOTAL FLOOR AREA:	256.32	ROOF AREA	258.91
FLOOR SPACE RATIO:	0.5:1		

NOTE: PROPOSED DRIVEWAY BY OWNER
- WATER TANK -1 x 5,000 LITRE (2.6m LONG x 1.1m WIDE x 1.8m HIGH)
- SEPARATE WATER LINES / PIPING TO ALL TOILETS, WASHING MACHINE & 2 YARD TAPS

CERTIFYING AUTHORITY: NORTH SYDNEY COUNCIL

Issue:	Description:	Date:
2d	RE-ISSUE TO COUNCIL	28/06/2023
2c	RE-ISSUE TO COUNCIL & ENGINEER	22/06/2023
2b	RE-ISSUE TO COUNCIL	22/03/2023
2a	RE-ISSUE TO BASIX	22/03/2023
2	ISSUE TO BASIX & ENGINEER	06/02/2023
1	ISSUE TO SALES	21/12/2022

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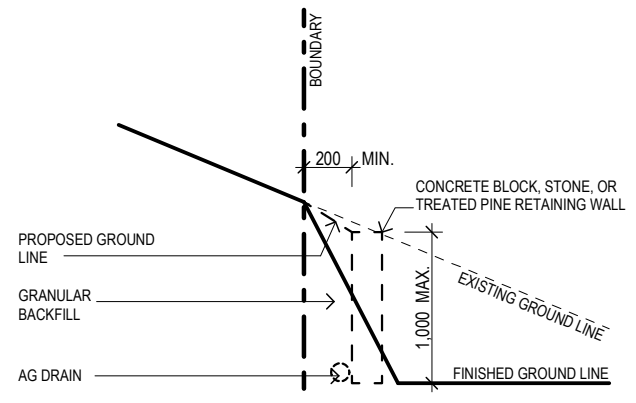
Client Name:
LAI-KWON, D

PROPOSED RESIDENCE
Lot 53, No.7 Ryries Parade
CREMORNE

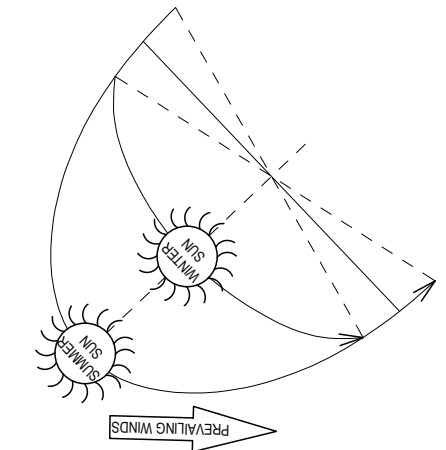
Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn:	C.L.O.:	Plot Date:	
PEH	AR	28/06/2023	
Job No:	Tender No:	Drng No:	Revision:
3481	24	A1 of 1	2d

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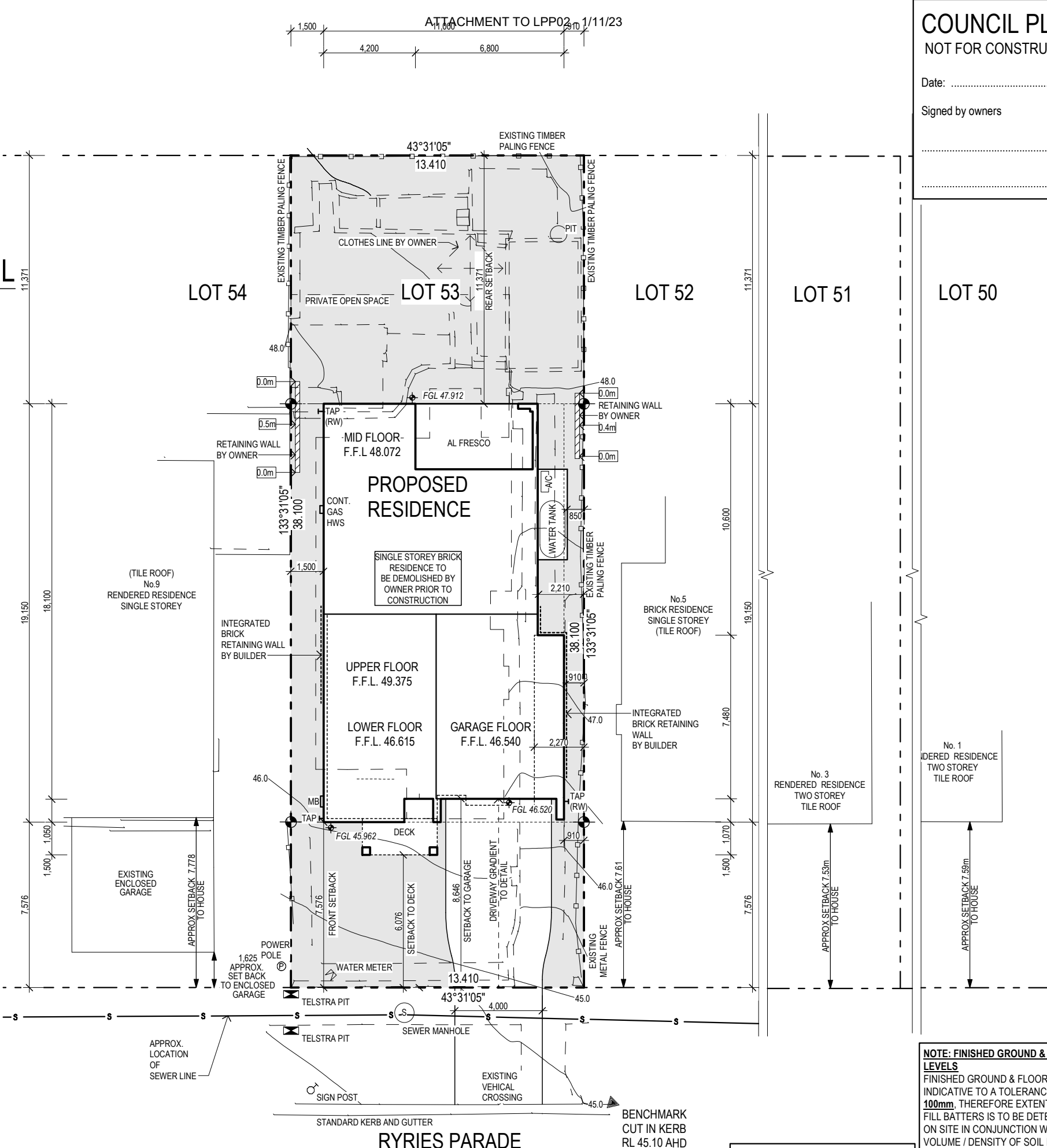


RETAINING WALL DETAIL
SCALE 1:50



SITE ANALYSIS

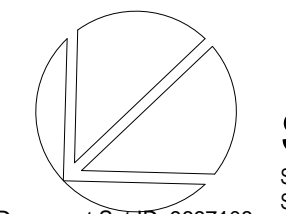
LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) USING SSM 39033 WITH RL 48.58 (AHD)



NOTE: FINISHED GROUND & FLOOR LEVELS
FINISHED GROUND & FLOOR LEVELS INDICATIVE TO A TOLERANCE OF ± 100 mm. THEREFORE EXTENT OF CUT / FILL BATTERS IS TO BE DETERMINED ON SITE IN CONJUNCTION WITH VOLUME / DENSITY OF SOIL MATERIALS.

NOTE: DEMOLITION BY OWNER
THE OWNER IS RESPONSIBLE FOR DEMOLITION OF EXISTING HOUSE, INCLUDING REMOVAL OF ALL BUILDING DEBRIS & DISCONNECTION OF SERVICES (IE. POWER, WATER, SEWER, STORMWATER & GAS)

NOTE: SURPLUS SOIL
ANY SURPLUS SOILS FROM FOOTING TRENCHES, PIER HOLES AND/OR SERVICE TRENCHES ARE TO BE **REMOVED FROM SITE** DUE TO SITE LIMITATIONS



SITE PLAN
SCALE 1:200 LOT 53 DP 10291 AREA 505.9m²
SURVEY INFORMATION OBTAINED FROM TATTERSALL SURVEYORS. REF # 32653

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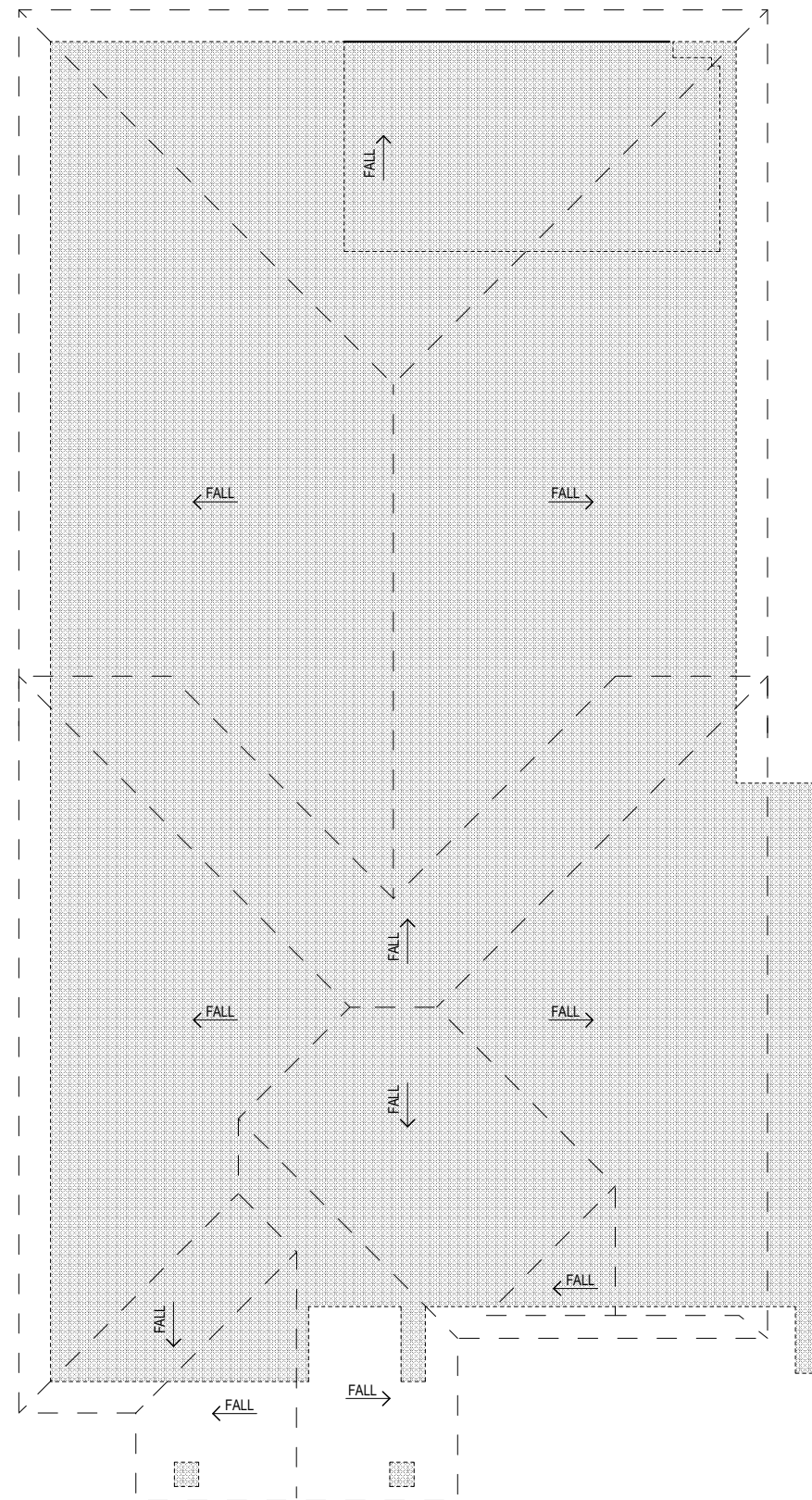
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0008410987-01 24 Mar 2023

Assessor Gavin Chambers
Accreditation No. DMV13/1491
Address
7 Ryries Parade, Cremorne,
NSW, 2090

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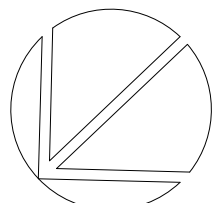
Client Name:
LAI-KWON, D

Job Address:
**PROPOSED RESIDENCE
Lot 53, No.7 Ryries Parade
CREMORNE**

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drg No: A2 of 1
		Revision: 2d

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ROOF PLAN

SCALE 1:100

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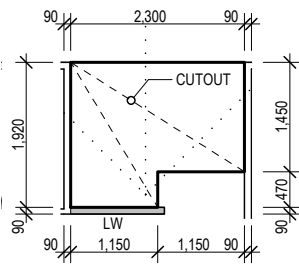
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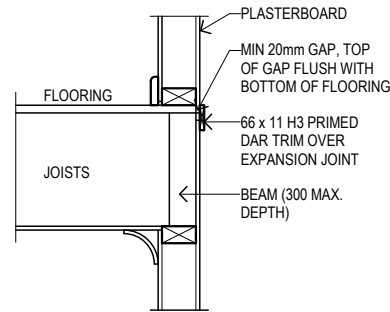
FLOOR / FOUNDATION PLAN LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION
GENERAL			
A/C	AIR-CONDITIONING UNIT	SV	SERVICE VOID
BB	BREAKFAST BAR	UBO	UNDER BENCH OVEN
CJ	CONTROL JOINT	VFS	VENTILATED FRIDGE SPACE
CU	CONTROL UNIT	WH	WALL-HUNG
C/O	CUTOUT	WM	WASHING MACHINE
DW	DISHWASHER	WO	WALL OVEN
DP	DOWNPIPE	WINDOWS & DOORS	
DPS	DOWNPIPE WITH SPREADER	AA	AWNING WINDOW
D.E.B.	DROPPED EDGE BEAM	ABF	BI-FOLD DOORS
EV	EAVE VENT	AD	DOUBLE HUNG WINDOW
FM	FLICKMIXER	AF	FIXED WINDOW
FCO	FOOT-CUT OUTLET	AK	SERVERY SLIDING WINDOW
FSO	FREE STANDING OVEN	ALV	LOUVRE WINDOW
FW	FLOOR WASTE	AS	SLIDING WINDOW
HR	HANDRAIL	ASD	SLIDING DOOR
HWS	HOT WATER SYSTEM	ASSD	STACKING SLIDING DOOR
LP	LOAD POINT	OBS	OBSCURE GLASS
LW	LOW WALL	SAL	SASH LOCK
MB	METER BOX	VEL	VENT LOCK
MRD	MANUAL ROLLER DOOR	ROOM NAMES	
MW	MICROWAVE CUPBOARD	BR	BROOM CUPBOARD
PLD	PANEL LIFT DOOR	ENS	ENSUITE
PD	PIVOT DOOR (SHOWER)	LDRY	LAUNDRY
RD	ROLLER DOOR	PAN	PANTRY
REC	SQUARE SET RECESS	POW	POWDER ROOM
REF	REFRIGERATOR	WC	WATER CLOSET
RH	RAIN HEAD	WIL	WALK IN LINEN
RLW	RAKING LOW WALL	WIP	WALK IN PANTRY
SA	SMOKE ALARM (LOCATIONS TO BE DETERMINED ON SITE)	WIR	WALK IN ROBE
SL	SLIDING DOOR (SHOWER)		
SS	SPACE SAVER (SHOWER)		

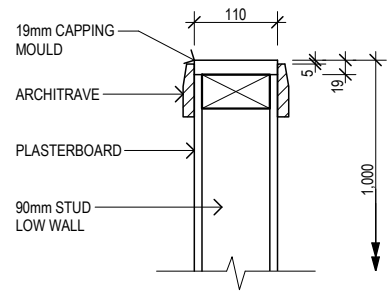
5.4 Assessor Gavin Chambers
Accreditation No. DMV13/1491
Address 7 Ryries Parade, Cremorne, NSW, 2090
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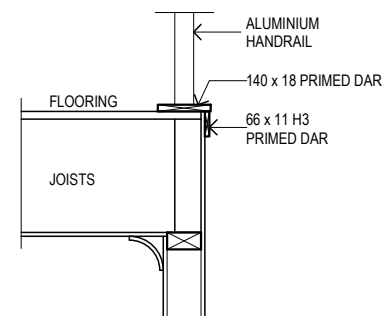
UPPER FLOOR STAIR VOID CUTOUT



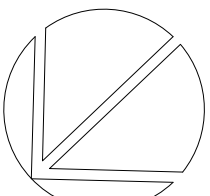
WALL EXPANSION JOINT DETAIL
SCALE 1:20



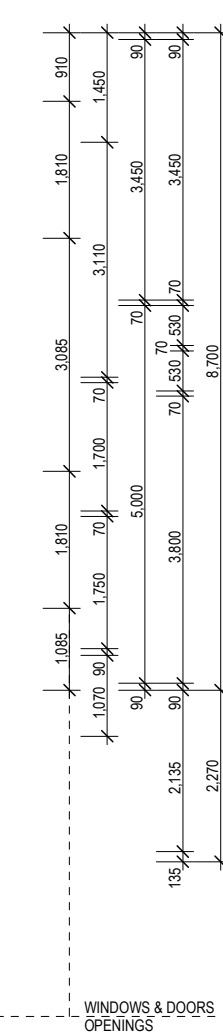
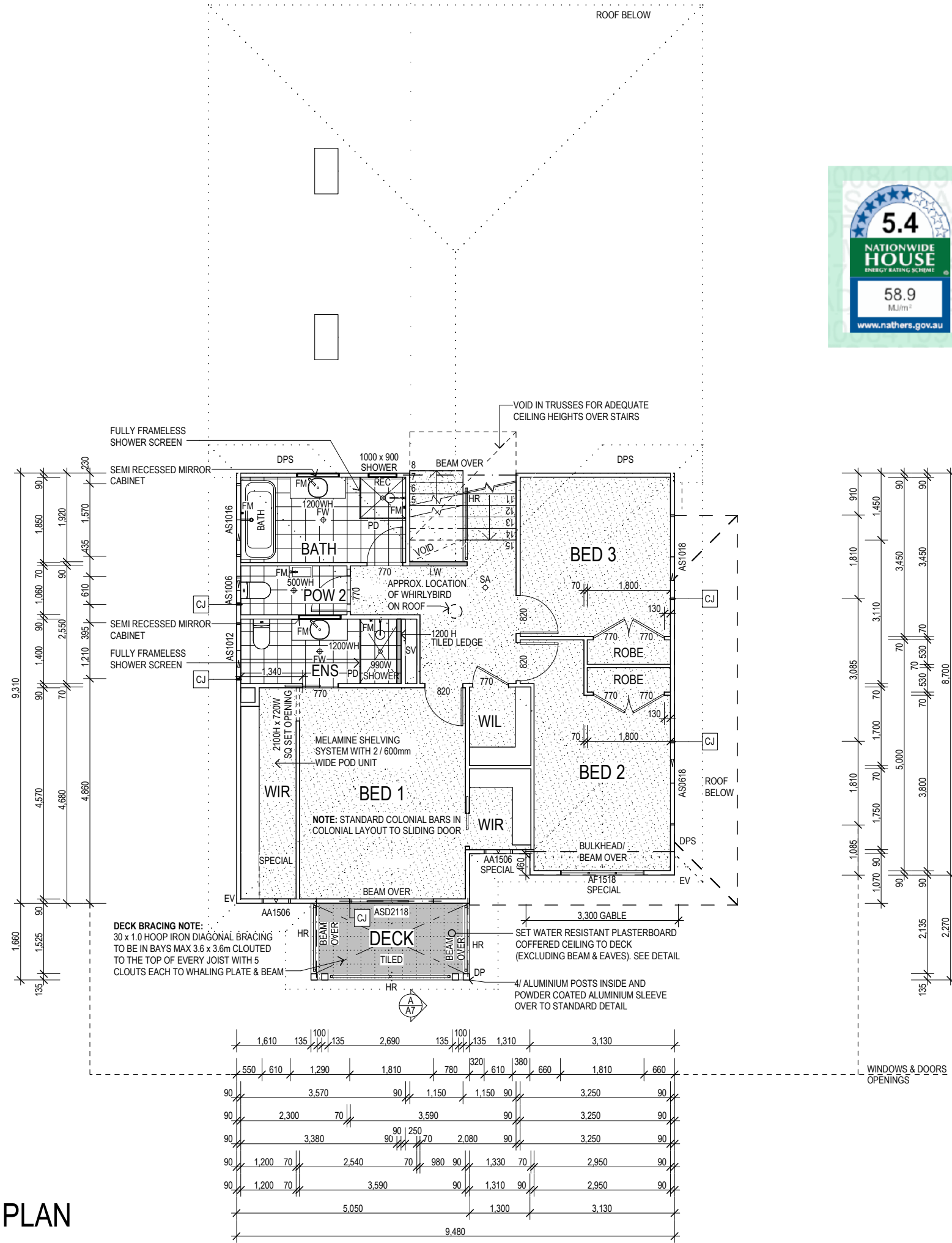
LOW WALL
SCALE 1:10



ALUMINIUM INTERNAL HANDRAIL DETAIL
SCALE 1:20



UPPER FLOOR PLAN
SCALE 1:100



DECK BRACING NOTE:
30 x 1.0 HOOP IRON DIAGONAL BRACING TO BE IN BAYS MAX 3.6 x 3.6m CLOUTED TO THE TOP OF EVERY JOIST WITH 5 CLOUTS EACH TO WHALING PLATE & BEAM

NOTE: STANDARD COLONIAL BARS IN COLONIAL LAYOUT TO SLIDING DOOR

NOTE: DEMOLITION BY OWNER
THE OWNER IS RESPONSIBLE FOR DEMOLITION OF EXISTING HOUSE, INCLUDING REMOVAL OF ALL BUILDING DEBRIS & DISCONNECTION OF SERVICES (IE. POWER, WATER, SEWER, STORMWATER & GAS)

NOTE:
SQUARE SET CEILING / WALL JUNCTION TO FAMILY, MEALS & KITCHEN EXCLUDING WALK-IN PANTRY, MAIN BATHROOM, ENSUITE & POWDER ROOMS 1 & 2 ONLY.

NOTE:
PROVIDE 92mm FINISH SKIRTING BOARDS TO ENTIRE HOUSE

NOTE:
PROVIDE MELAMINE SHELVING TO BEDROOMS 2,3,4 & 5 ROBES, WALK-IN LINEN, & BROOM CUPBOARD

NOTE: ALARM SYSTEM
PROVIDE STANDARD SECURITY SYSTEM

[Pattern]	DENOTES 200 HEBEL VENEER WALL (REFER TO DETAIL)
[Pattern]	DENOTES 250 BRICK VENEER/WEATHERBOARD WALL (REFER TO DETAIL)
[Pattern]	SHOWS EXTENT OF WET AREA FLOOR TILES
[Pattern]	SHOWS EXTENT OF FLOOR TILES
[Pattern]	SHOWS EXTENT OF FLOATING FLOOR
[Pattern]	SHOWS EXTENT OF T & G FLOORING

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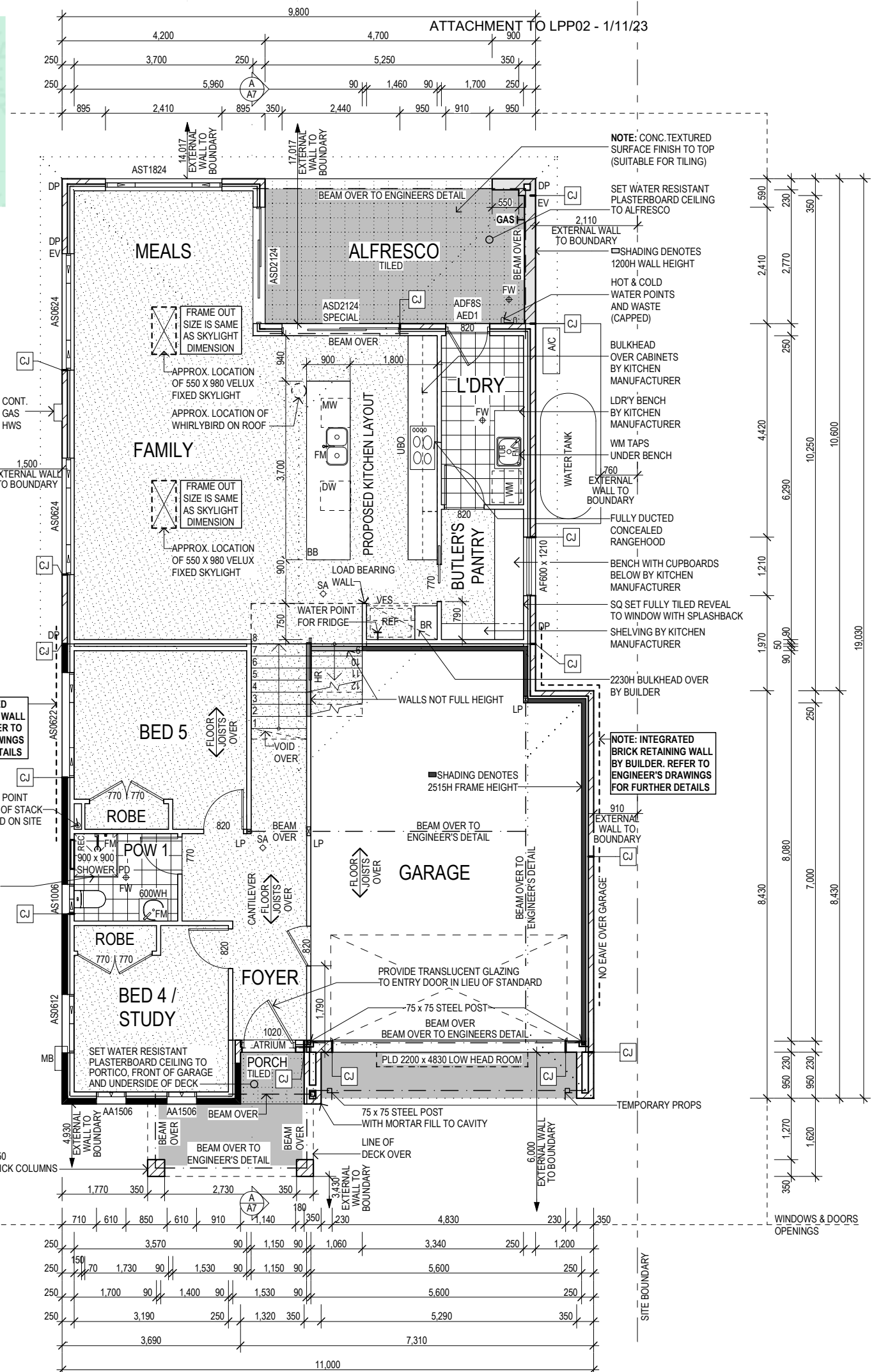
Client Name: **LAI-KWON, D**
Job Address: **PROPOSED RESIDENCE Lot 53, No.7 Ryries Parade CREMORNE**
Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drg No: A3 of 1
		Revision: 2d

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5.4
NATIONWIDE HOUSE ENERGY RATING SCHEME
58.9 MJ/m²
www.nathers.gov.au

0008410987-01 24 Mar 2023
Assessor Gavin Chambers
Accreditation No. DMV13/1491
Address 7 Ryries Parade, Cremorne, NSW, 2090
hstar.com.au



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Date:

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FLOOR / FOUNDATION PLAN LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION
GENERAL			
A/C	AIR-CONDITIONING UNIT	SV	SERVICE VOID
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CJ	CONTROL JOINT	VFS	VENTILATED FRIDGE SPACE
CU	CONTROL UNIT	WH	WALL-HUNG WASHING MACHINE
C/O	CUTOUT	WM	WALL OVEN
DW	DISHWASHER	WO	WALL OVEN
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DPS	DOWNPIPE WITH SPREADER	AA	AWNING WINDOW
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SL	SLIDING DOOR (SHOWER)		
SS	SPACE SAVER (SHOWER)		
		DENOTES 200 HEBEL VENEER WALL (REFER TO DETAIL)	
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		SHOWS EXTENT OF WET AREA FLOOR TILES	
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NOTE: DEMOLITION BY OWNER
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PROVIDE STANDARD SECURITY SYSTEM

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Client Name: **LAI-KWON, D**

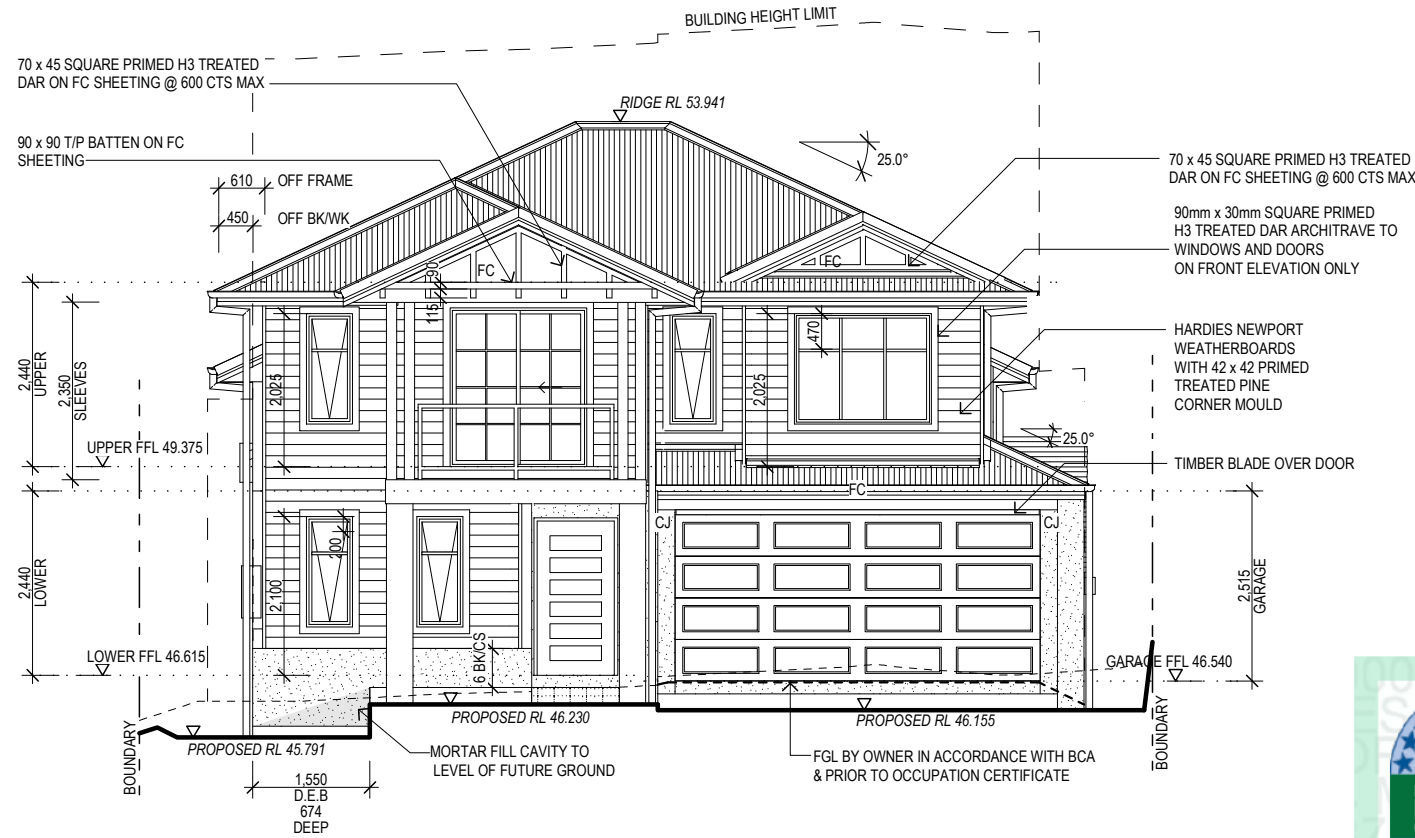
Job Address: **PROPOSED RESIDENCE Lot 53, No.7 Ryries Parade CREMORNE**

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drng No: A4 of 1
		Revision: 2d

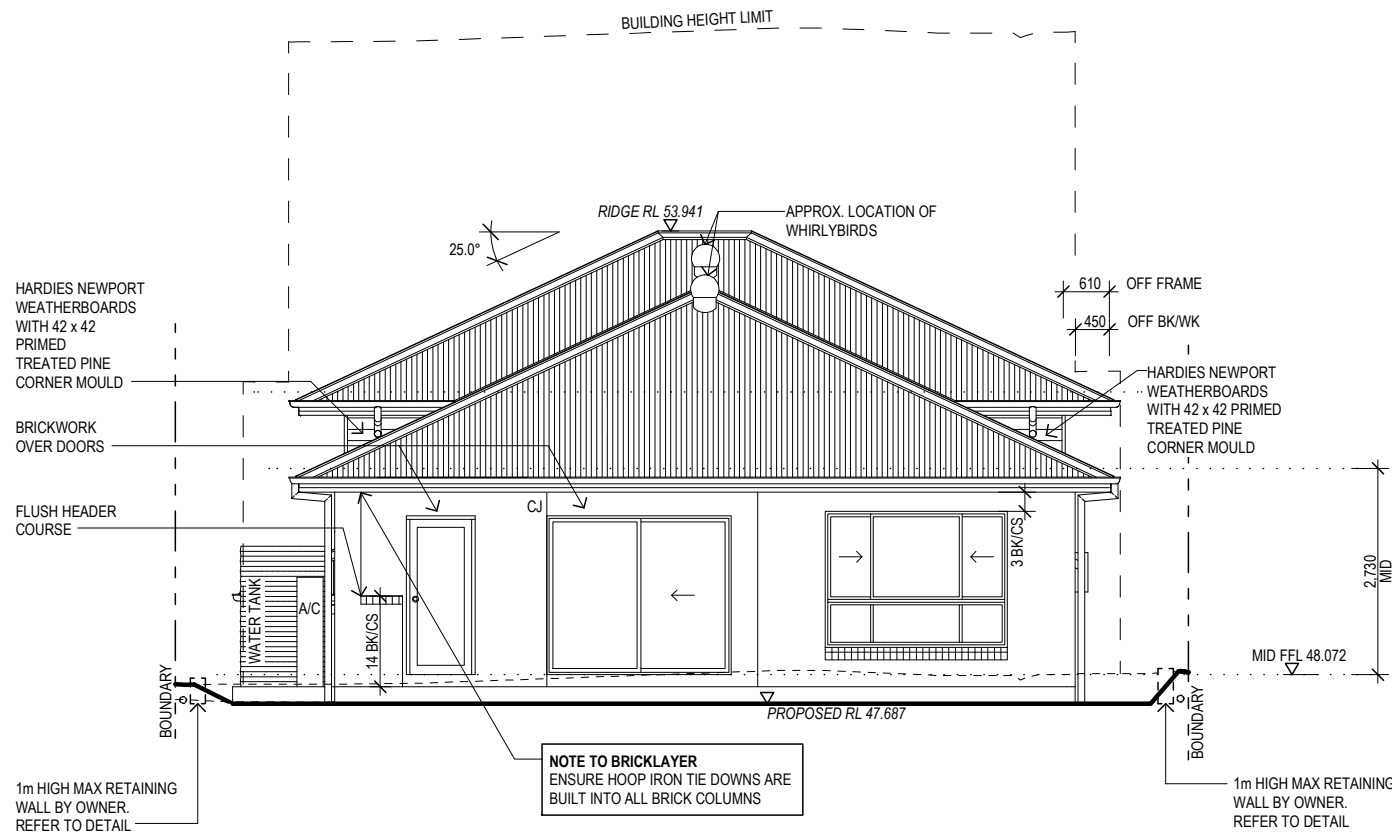
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LOWER / MID FLOOR PLAN
SCALE 1:100



NORTH WEST ELEVATION

SCALE 1:100



SOUTH EAST ELEVATION

SCALE 1:100

COUNCIL PLANS

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Date:

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ELEVATION / SECTION LEGEND

MARK	DESCRIPTION
GENERAL	
A/C	AIR-CONDITIONING UNIT
C	COMMUNICATIONS BOX
CJ	CONTROL JOINT
CU	CONTROL UNIT
D.E.B.	DROPPED EDGE BEAM
E	EARTHSTAKE
FC	FIBRE CEMENT
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FGL	FINISHED GROUND LEVEL
HWS	HOT WATER SYSTEM
HP HWS	HEAT PUMP HOT WATER SYSTEM
MB	METER BOX

LEVEL OF EXTERNAL FINISH

EXTERNAL WALLS
 (NOTE: SEE ELEVATIONS FOR APPLICABLE FINISH)

- FACE BRICKWORK
- MOROKA BAG & PAINT
- RENDER OVER HEBEL
- RENDER

TILES

- PORCH/DECK TILES

PLEASE NOTE:
 SILL ANGLE WILL VARY. ANGLE OF SILL IS SUBJECT TO WINDOW HEIGHT AND GAUGE OF BRICKWORK

ROOF CLADDING

- TILES
- COLORBOND

Lot 53 7 Ryries Parade Cremorne			
SUMMARY OF BASIX COMMITMENTS			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the current BASIX Certificate for complete details. For definitions refer to basix.nsw.gov.au			
WATER COMMITMENTS			
Fixtures			
3 star (> 7.5 but <= 9 L/min) Shower Heads	Yes	3 Star Toilet	Yes
Alternative Water			
Minimum Tank Size (L)	3000	Collected from Roof Area (m²)	100
Tank Connected to:			
All Toilets	Yes	Laundry W/M Cold Tap	Yes
One outdoor tap	Yes		
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water	Gas instantaneous 6 Star		
Cooling System	Living	1 Phase A/C Zoned	EER 3.0 - 3.5
	Bedrooms	1 Phase A/C Zoned	EER 3.0 - 3.5
Heating System	Living	1 Phase A/C Zoned	EER 3.0 - 3.5
	Bedrooms	1 Phase A/C Zoned	EER 3.0 - 3.5
Ventilation	1 x Bathroom	Individual fan, ducted to façade or roof	Manual switch on/off
	Kitchen	Individual fan, ducted to façade or roof	Manual switch on/off
	Laundry	No mechanical ventilation (ie. Natural)	
Natural Lighting	Window/Skylight in Kitchen	Yes	No
	Window/Skylight in Bathrooms/Toilets	Yes	to 4
Artificial Lighting (rooms to be primarily lit by fluorescent or LED lights)	Number of bedrooms	5	Dedicated No
	Number of Living/Dining rooms	0	Dedicated No
	Kitchen	No	Dedicated No
	All Bathrooms/toilets	Yes	Dedicated No
	Laundry	Yes	Dedicated No
	All Hallways	Yes	Dedicated No
OTHER COMMITMENTS			
Outdoor clothes line	Yes	Ventilated refrigerator space	Yes
Stove/Oven	Gas cooktop & electric oven		

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2a	RE-ISSUE TO BASIX	22/03/2023
2	ISSUE TO BASIX & ENGINEER	06/02/2023
1	ISSUE TO SALES	21/12/2022
Issue:	Description:	Date:

Client Name: **LAI-KWON, D**

Job Address: **PROPOSED RESIDENCE Lot 53, No.7 Ryries Parade CREMORNE**

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drg No: A5 of 1
		Revision: 2d

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LEVEL OF EXTERNAL FINISH

EXTERNAL WALLS
(NOTE: SEE ELEVATIONS FOR APPLICABLE FINISH)

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- MOROKA BAG & PAINT
- RENDER OVER HEBEL
- RENDER

TILES

- PORCH/DECK TILES

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ROOF CLADDING

- TILES
- COLORBOND

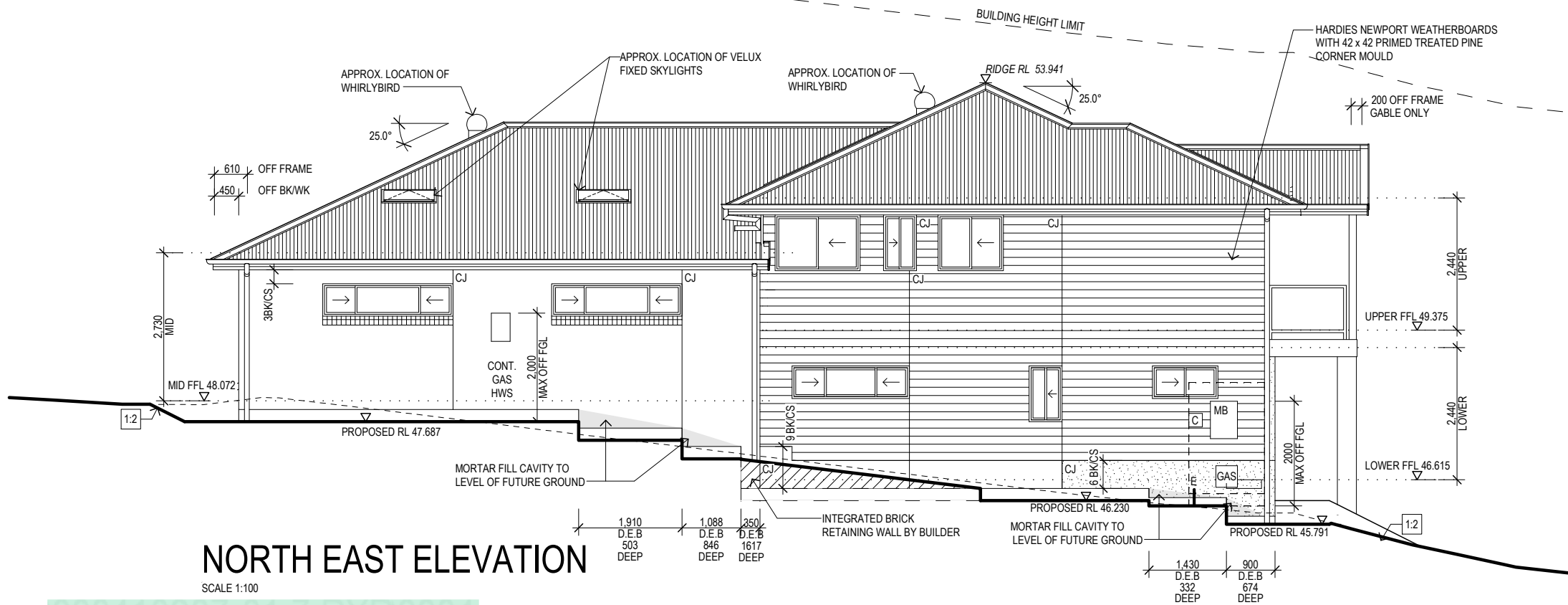
2d	RE-ISSUE TO COUNCIL	28/06/2023
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Issue:	Description:	Date:

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NORTH EAST ELEVATION

SCALE 1:100

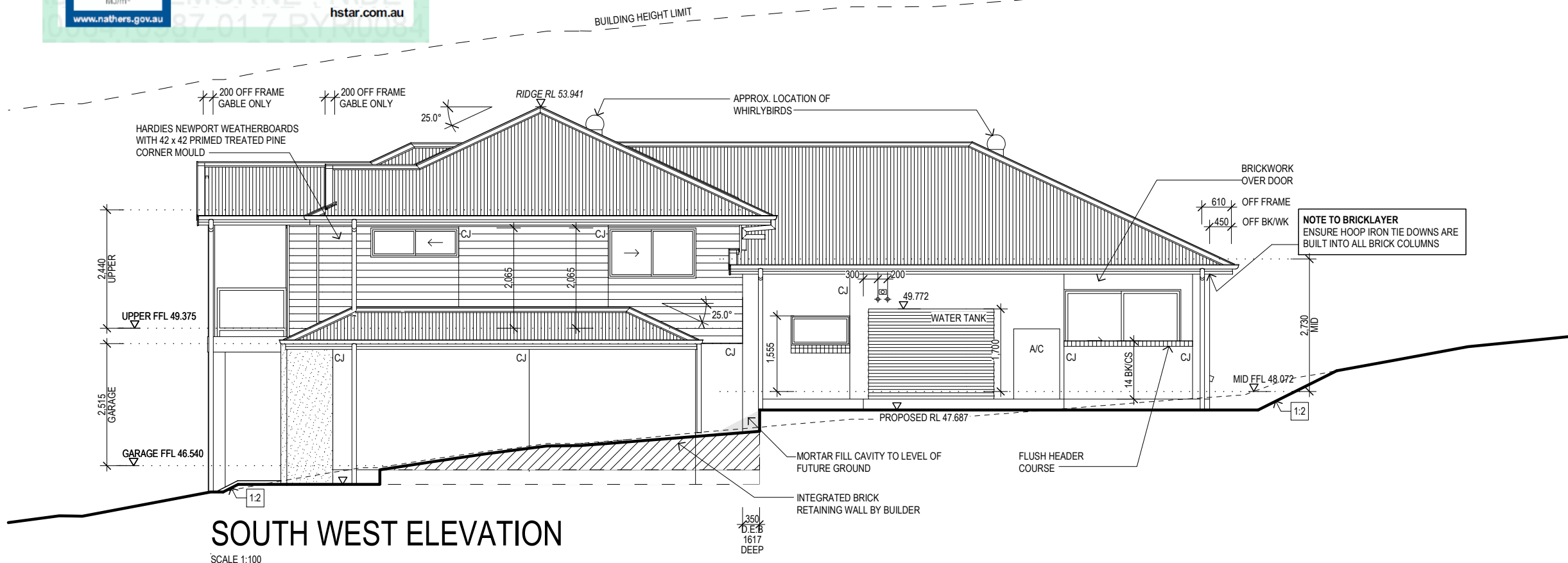
0008410987-01 24 Mar 2023

5.4
NATIONWIDE HOUSE ENERGY RATING SCHEME

Assessor Gavin Chambers
Accreditation No. DMV13/1491
Address 7 Ryries Parade, Cremorne, NSW, 2090

58.9
MJ/m²

www.nathers.gov.au hstar.com.au



SOUTH WEST ELEVATION

SCALE 1:100

Client Name:
LAI-KWON, D

Job Address:
**PROPOSED RESIDENCE
Lot 53, No.7 Ryries Parade
CREMORNE**

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drp No: A6 of 1
		Revision: 2d

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Date:

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LEVEL OF EXTERNAL FINISH

- EXTERNAL WALLS**
 (NOTE: SEE ELEVATIONS FOR APPLICABLE FINISH)
- FACE BRICKWORK
 - MOROKA BAG & PAINT
 - RENDER OVER HEBEL
 - RENDER
- TILES**
- PORCH/DECK TILES
- PLEASE NOTE:**
 SILL ANGLE WILL VARY. ANGLE OF SILL IS SUBJECT TO WINDOW HEIGHT AND GAUGE OF BRICKWORK
- ROOF CLADDING**
- TILES
 - COLORBOND

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Issue:	Description:	Date:

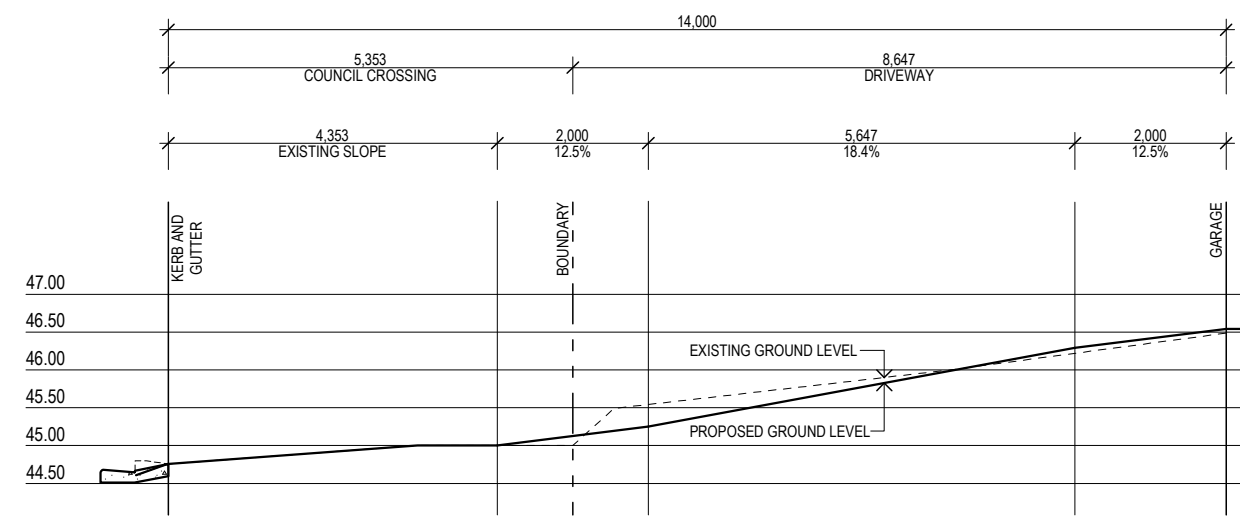
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Job Address:
PROPOSED RESIDENCE
Lot 53, No.7 Ryries Parade
CREMORNE

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn:	C.L.O.:	Plot Date:	
PEH	AR	28/06/2023	
Job No:	Tender No:	Drq No:	Revision:
3481	24	A7 of 1	2d

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DRIVEWAY LONG SECTION
 SCALE 1:100

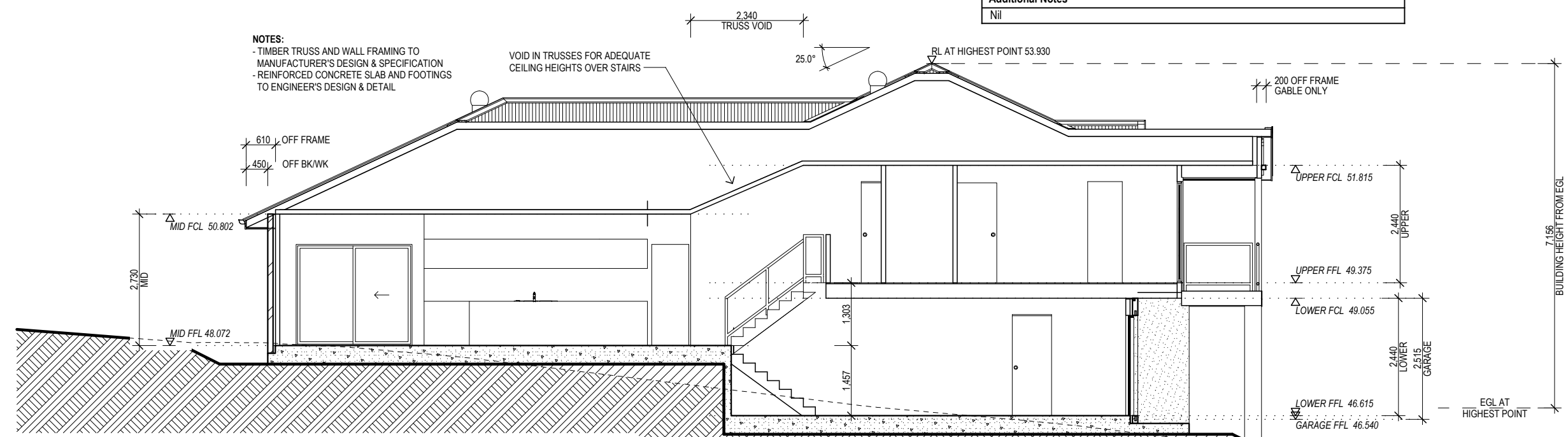
0008410987-01 24 Mar 2023
 Assessor Gavin Chambers
 Accreditation No. DMV13/1491
 Address 7 Ryries Parade, Cremorne, NSW, 2090
 hstar.com.au

Important Note
 The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If the proposed construction varies to those detailed below then the Assessor and NatHERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with at construction.
 In NSW both BASIX & the BCA variations must be complied with, in particular the following:
 - Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1
 - Thermal breaks for Class 1 dwellings in accordance with Part 3.12.1.2(c) & 3.12.1.4(d)
 - Floor insulation for Class 1 dwellings as per Part 3.12.1.5(a)(ii), (iii) & (e) or (c), (d) & (e)
 - Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction	Added Insulation				
Brick Veneer & Lightweight	R2.0				
Internal Wall Construction	Added Insulation				
Plasterboard on studs	R2.0 to walls adjacent to roofspace and garage				
Ceiling Construction	Added Insulation				
Plasterboard	R3.5 to ceilings adjacent to roof space				
Roof Construction	Colour (Solar Absorptance)	Added Insulation			
Metal	Wallaby SA 0.64	Foil + R1.0 blanket			
Floor Construction	Covering (if not noted default values used)	Added Insulation			
Concrete (175mm waffle pod)	As drawn	None			
Timber	As drawn	None			
Windows	Glass and frame type	U value	SHGC Range	Area sq m	
ALM-001-01 A	Aluminium Type A Single clear	6.70	0.51 - 0.63	As drawn	
ALM-002-01 A	Aluminium Type B Single clear	6.70	0.63 - 0.77	As drawn	
Skylights	Glass and frame type	U	SHGC	Area sq m	Detail
Single clear in aluminium frames				As drawn	
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is within the range specified					
Shade elements	(eaves, verandahs, awnings etc)				
All shade elements modelled as drawn					
Ceiling Penetrations	(downlights, exhaust fans, flues etc)				
Modelled as drawn and/or to comply with the ventilation and sealing requirements of the BCA					
Ducting is modelled at 150mm. No insulation losses from downlighting have been modelled.					
Additional Notes	Nil				

NOTES:
 - TIMBER TRUSS AND WALL FRAMING TO MANUFACTURER'S DESIGN & SPECIFICATION
 - REINFORCED CONCRETE SLAB AND FOOTINGS TO ENGINEER'S DESIGN & DETAIL



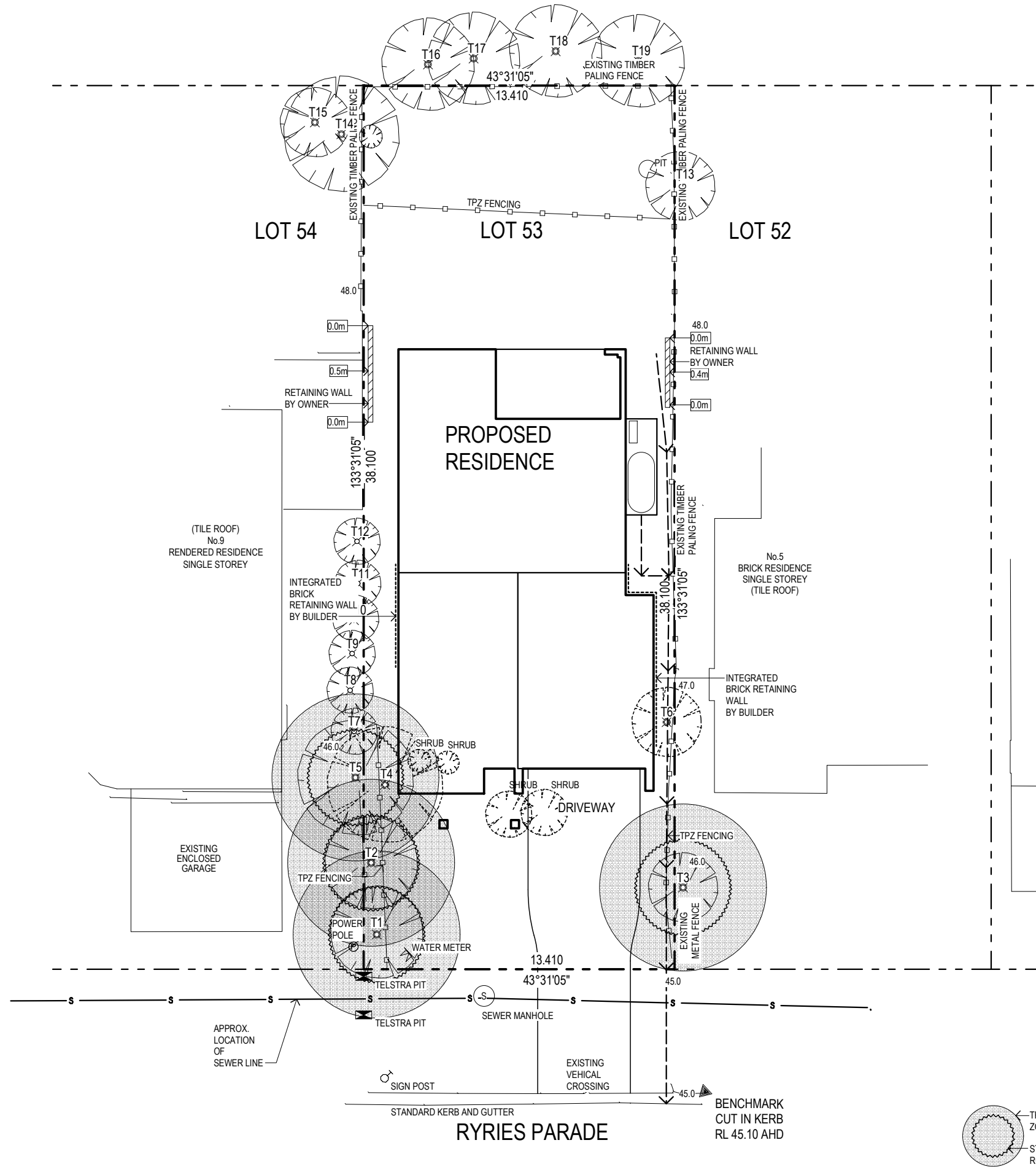
SECTION
 SCALE 1:100

DROP OFF TO U/S OF EAVE

OVERHANG OFF FRAME	610mm
PITCH OF ROOF	25°
TILE ROOF	COLORBOND ROOF
240mm	265mm
NOTE: SUPERVISOR / CARPENTER CHECK ELEVATIONS FOR ROOF TYPE	

COUNCIL PLANS
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TREE LEGEND

#	RET.	REM.	SPECIES	HEIGHT	DIAMETER
T1	X				
T2	X			5m	0.3m
T3	X				
T4		X		8m	0.3m
T5	X				
T6		X		8m	0.3m
T7	X				
T8	X				
T9	X				
T10	X				
T11	X				
T12	X				
T13	X				
T14	X				
T15	X				
T16	X				
T17	X				
T18	X				
T19	X				

	OVERFLOW PIPE / STORMWATER LINE
	TREES TO BE REMOVED (BY SEPARATE APPLICATION)
	TREES TO REMAIN
	SEWER LINE
	RETAINING WALLS (BY OWNER)

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Client Name:
LAI-KWON, D

Job Address:
**PROPOSED RESIDENCE
Lot 53, No.7 Ryries Parade
CREMORNE**

Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drng No: A8 of 1
		Revision: 2d

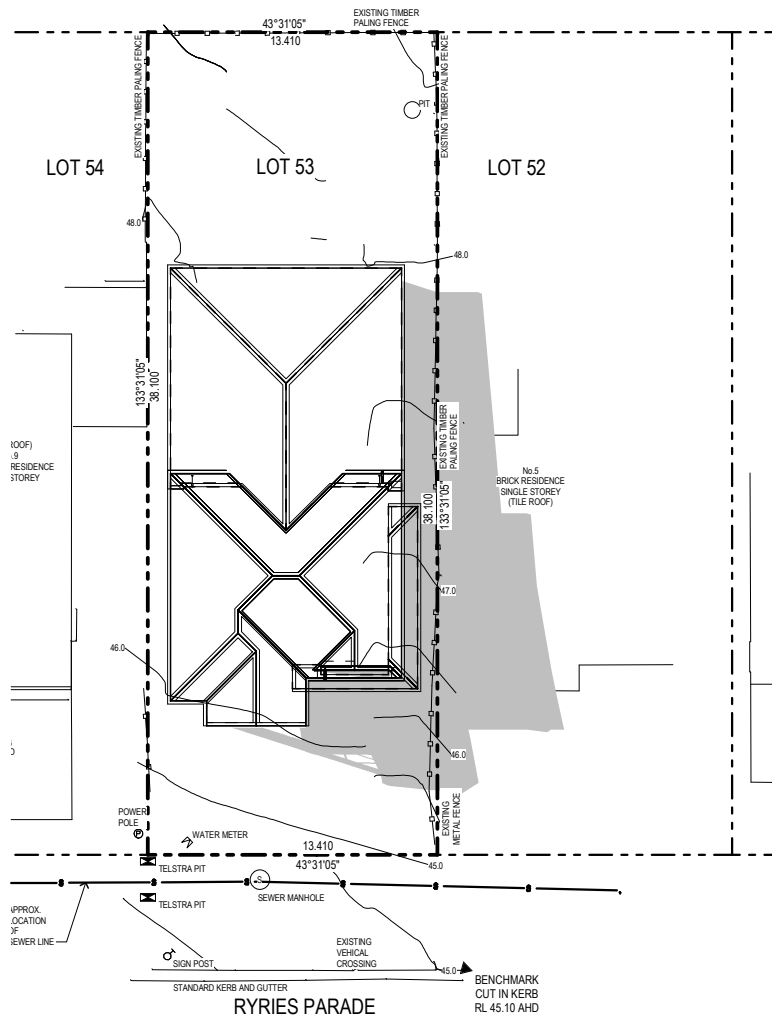
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TREE RETENTION AND REMOVAL PLAN
SCALE 1:200 LOT 53 DP 10291 AREA 505.9m²
SURVEY INFORMATION OBTAINED FROM TATTERSALL SURVEYORS. REF # 32653

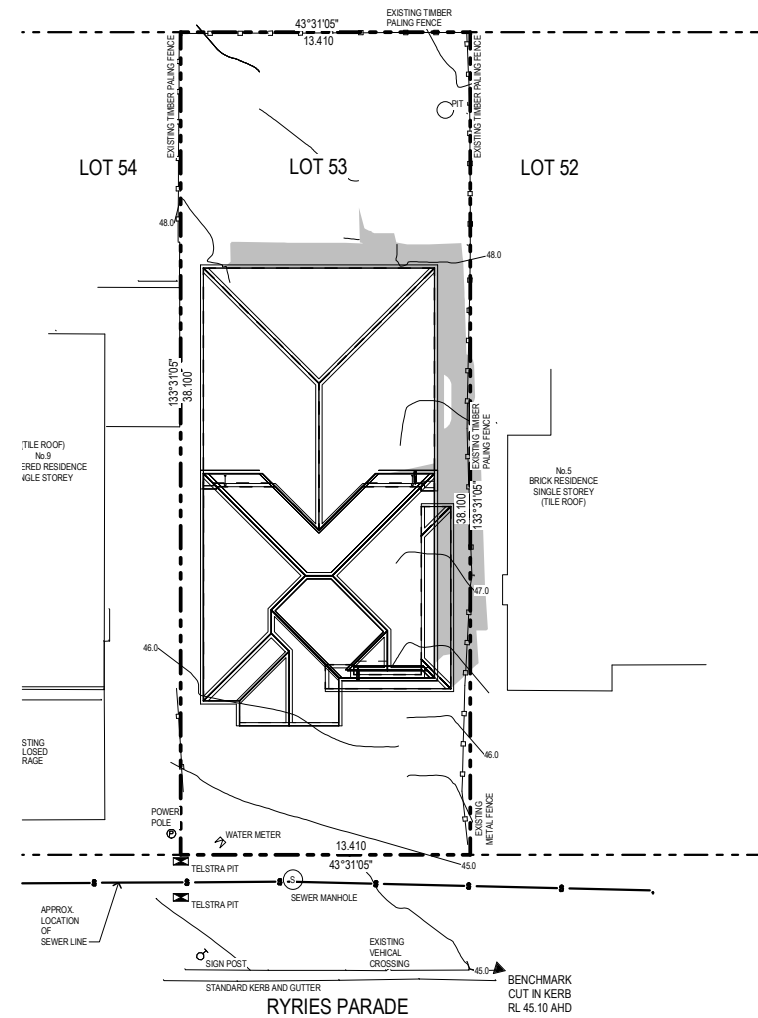
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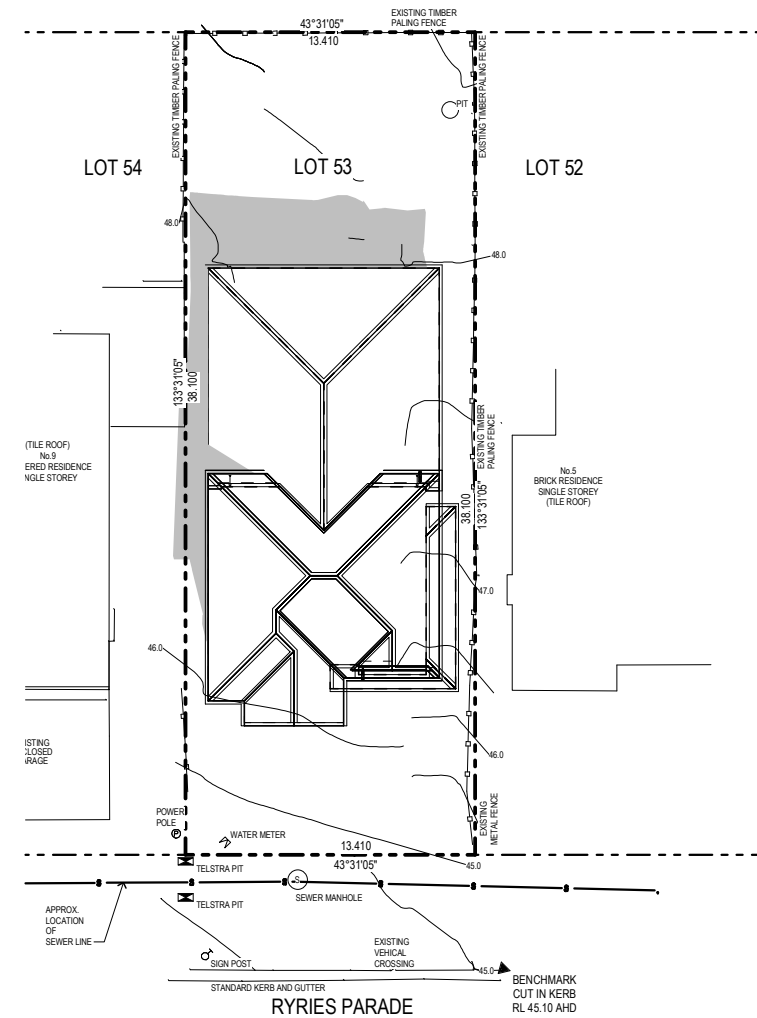
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MARCH 21 - 9:00am



MARCH 21 - 12:00pm



MARCH 21 - 3:00pm

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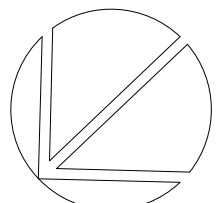
Client Name:
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Design: the WHITEHAVEN 238 - Hamptons - 2022

Drawn: PEH	C.L.O.: AR	Plot Date: 28/06/2023
Job No: 3481	Tender No: 24	Drng No: A10 of 1
		Revision: 2d

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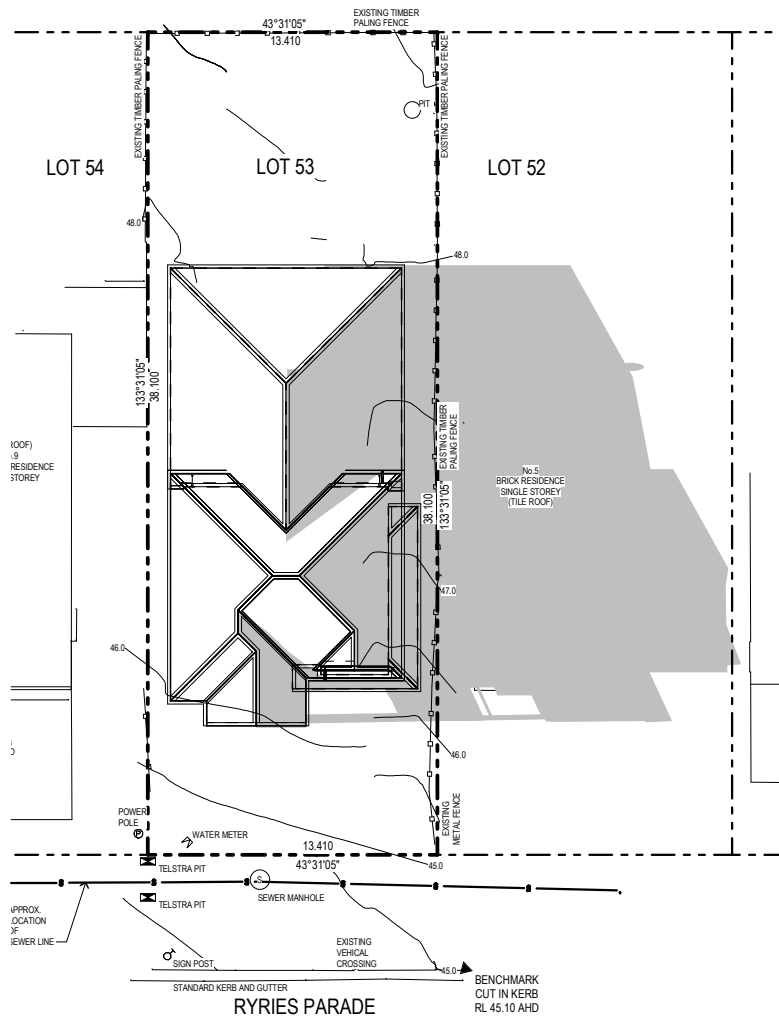
SUN STUDY

SCALE 1:350 LOT 53 DP 10291 AREA 505.9m²
SURVEY INFORMATION OBTAINED FROM TATTERSALL SURVEYORS. REF # 32653

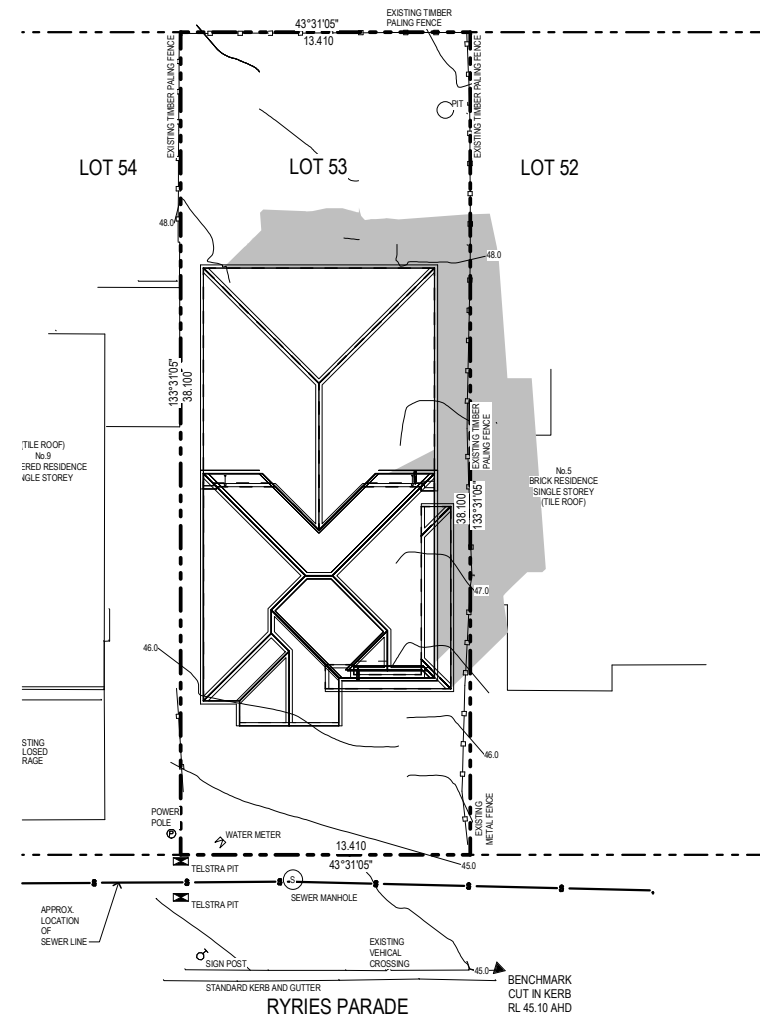
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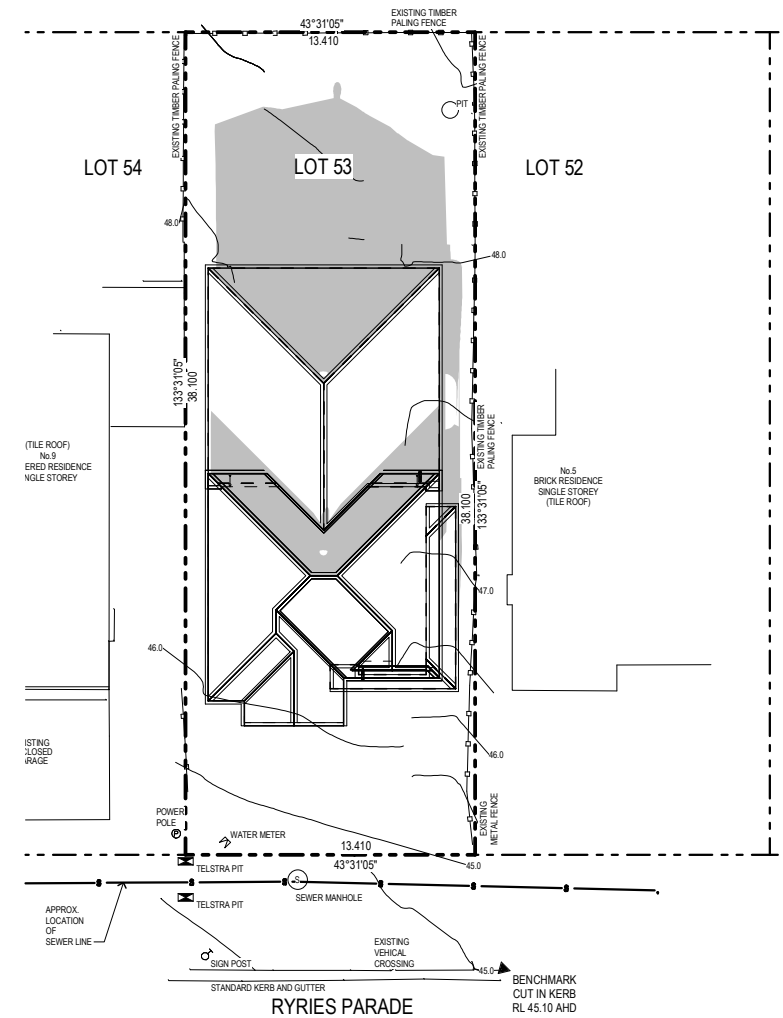
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JUNE 21 - 9:00am



JUNE 21 - 12:00pm



JUNE 21 - 3:00pm

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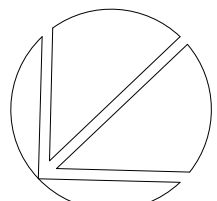
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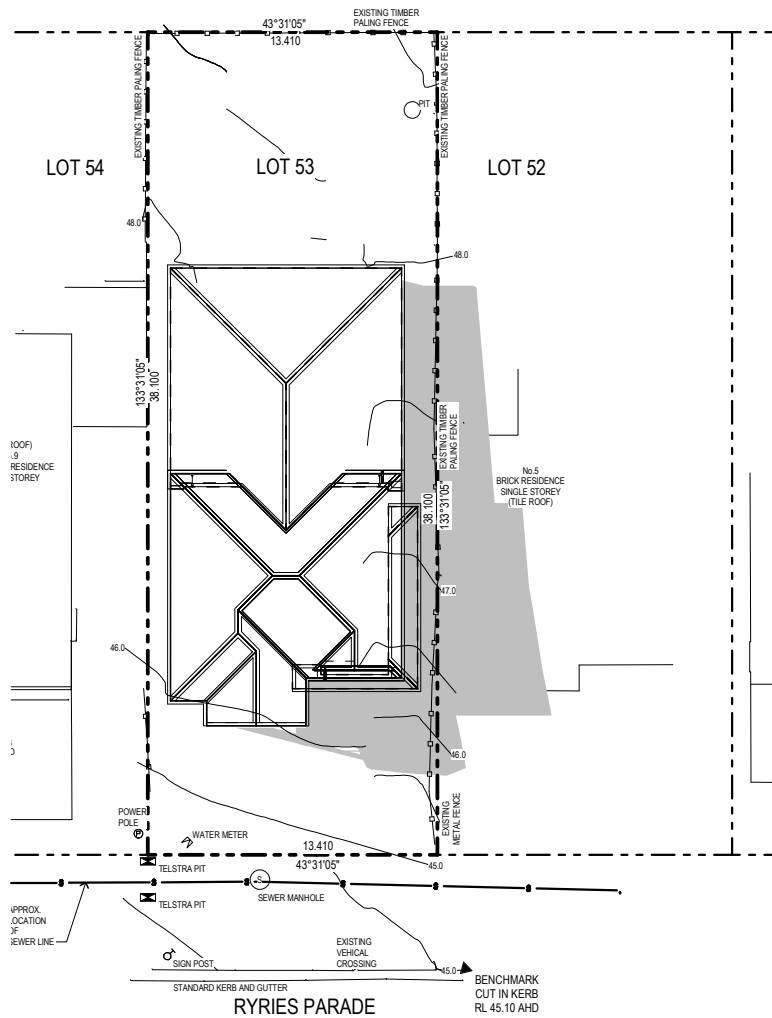
SUN STUDY

SCALE 1:350 LOT 53 DP 10291 AREA 505.9m²
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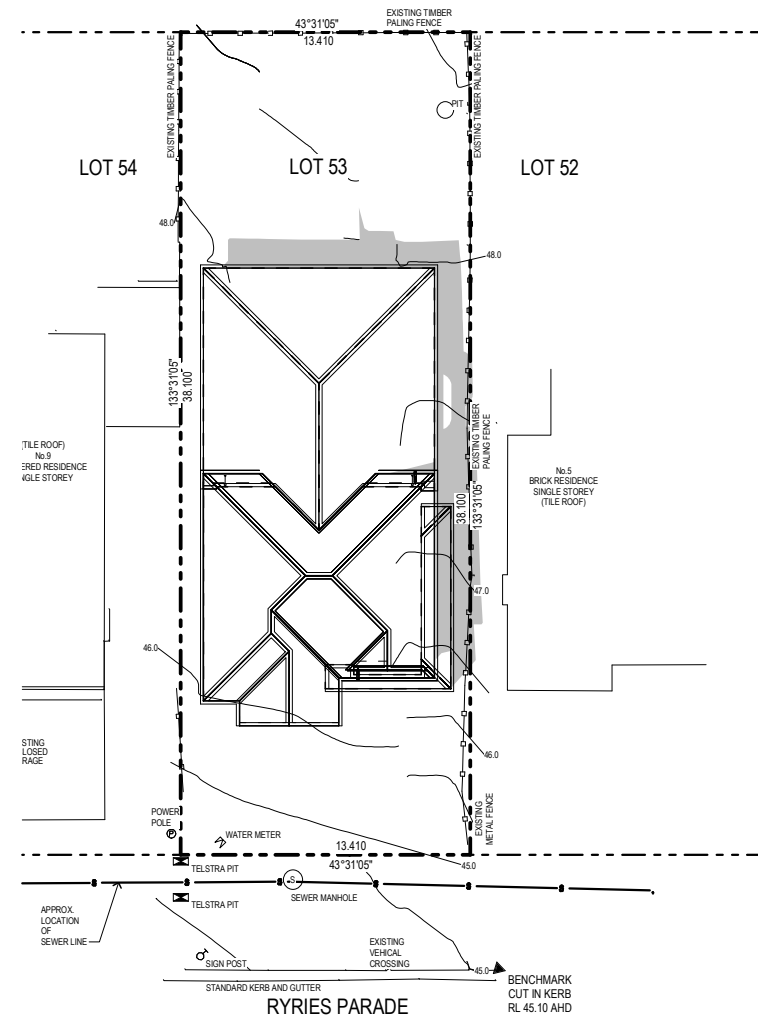
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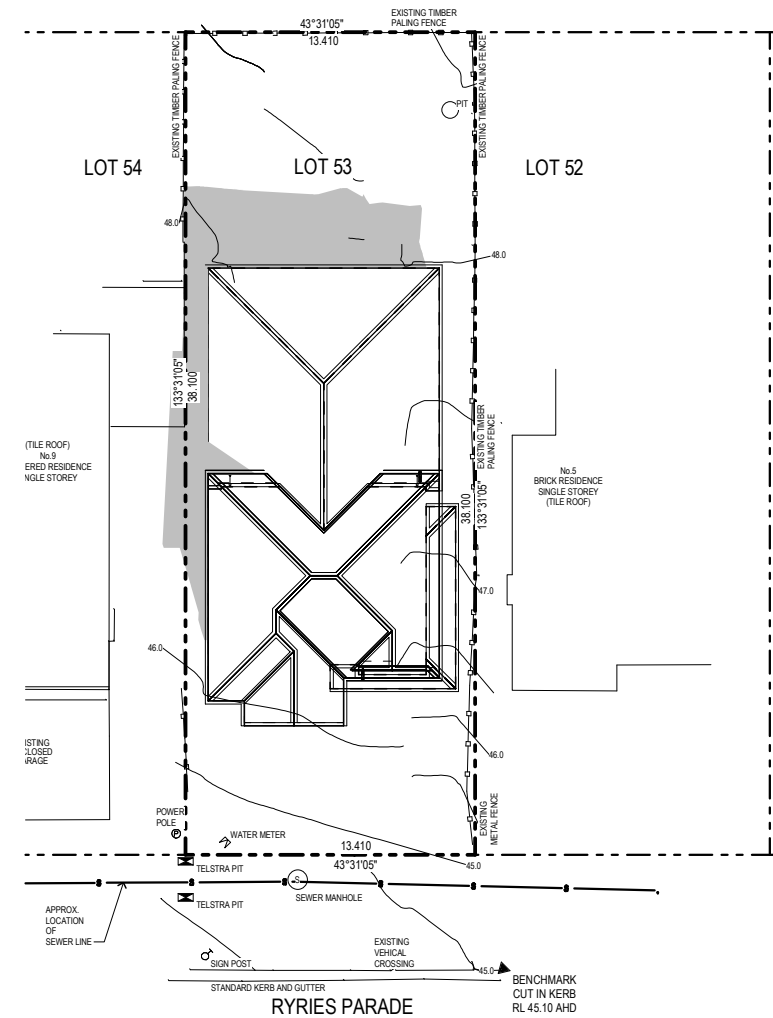
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SEPTEMBER 21 - 9:00am



SEPTEMBER 21 - 12:00pm



SEPTEMBER 21 - 3:00pm

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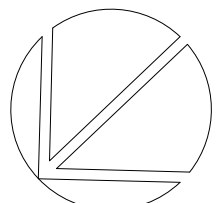
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Job No: 3481	Tender No: 24	Revision: 2d

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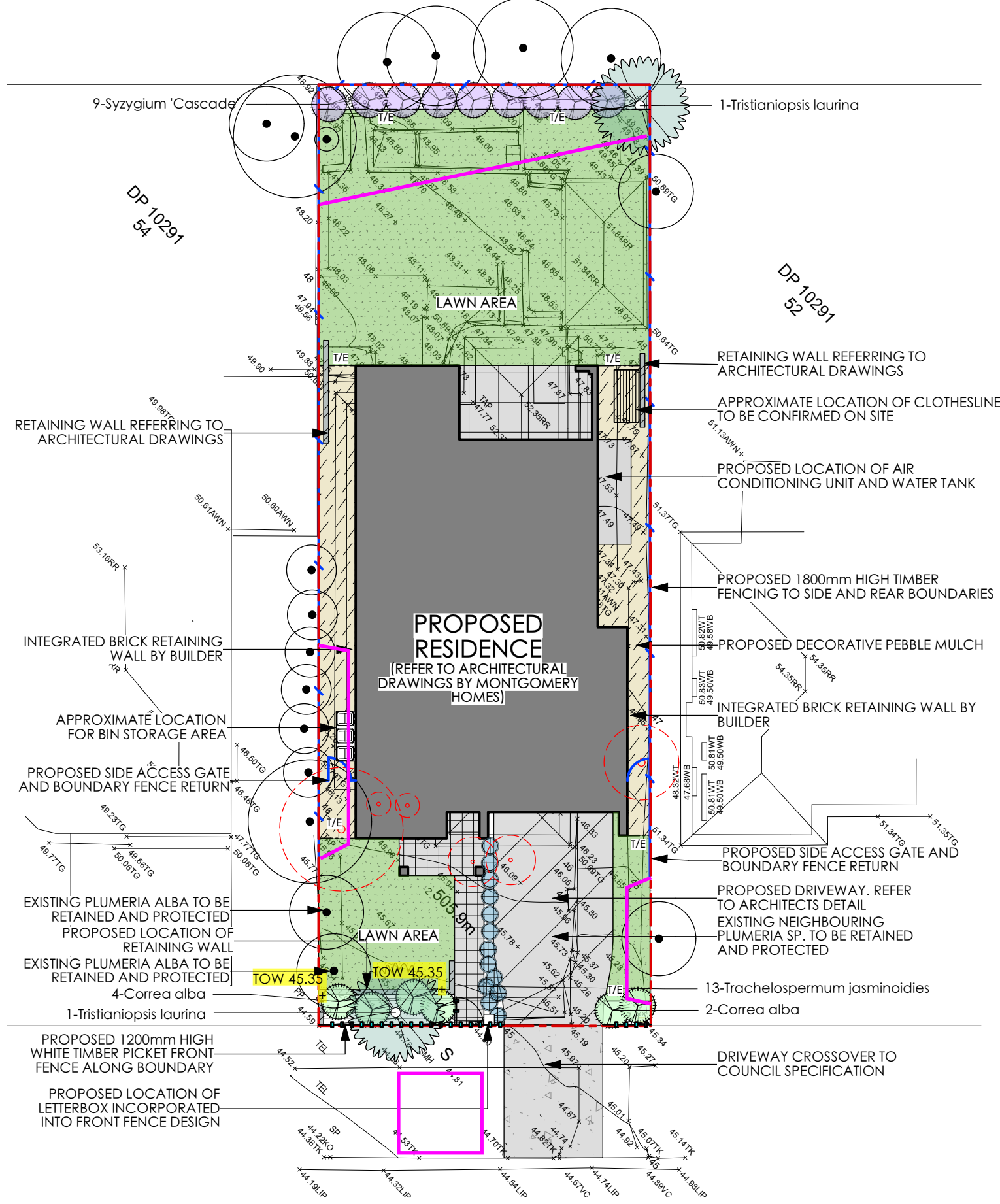
SUN STUDY

SCALE 1:350 LOT 53 DP 10291 AREA 505.9m²
SURVEY INFORMATION OBTAINED FROM TATTERSALL SURVEYORS. REF # 32653

LEGEND:

- +TOW 42.30 PROPOSED TOP OF WALL
- DRIVEWAY CROSSOVER TO COUNCIL SPECIFICATION
- PROPOSED DRIVEWAY. REFER TO ARCHITECTS DETAIL
- PROPOSED PAVED AREA
- PROPOSED DECORATIVE PEBBLE MULCH AREA
- PROPOSED TPZ FENCING FROM ARBORIST REPORT
- LAWN AREA
- PROPOSED DECKING AREA
- PROPOSED RETAINING WALL
- EXISTING 1800mm HIGH TIMBER FENCING TO SIDE AND REAR BOUNDARIES TO BE RETAINED
- PROPOSED 1200mm HIGH WHITE TIMBER PICKET FRONT FENCING
- T/E - TIMBER LAWN EDGE
- SITE BOUNDARY
- EXISTING TREE TO BE RETAINED. REFER TO ARBORISTS REPORT
- EXISTING TREE TO BE REMOVED. REFER TO ARCHITECTURAL DRAWINGS

Note:
Landscape Contractor shall undertake minor earthworks after handover by builder as required to achieve maximum gradient to all lawn and mulched areas of 1:50, and 1:4 to all garden areas. Should retaining walls be required to achieve these falls they shall be designed by an engineer and be a maximum height compliant with council and/or developer policies.



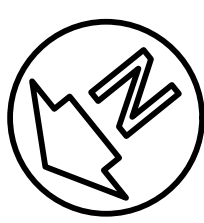
RYRIES PARADE

PLANTING SCHEDULE

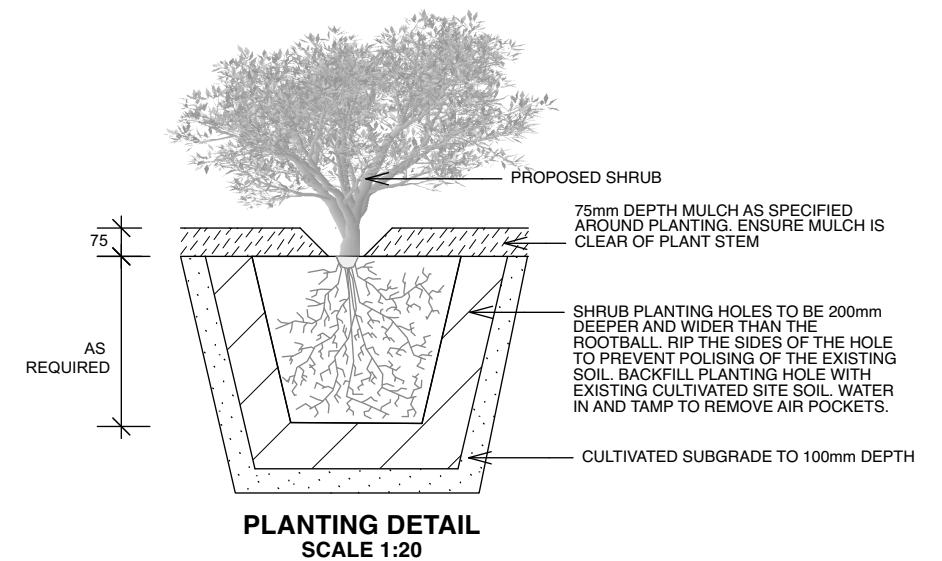
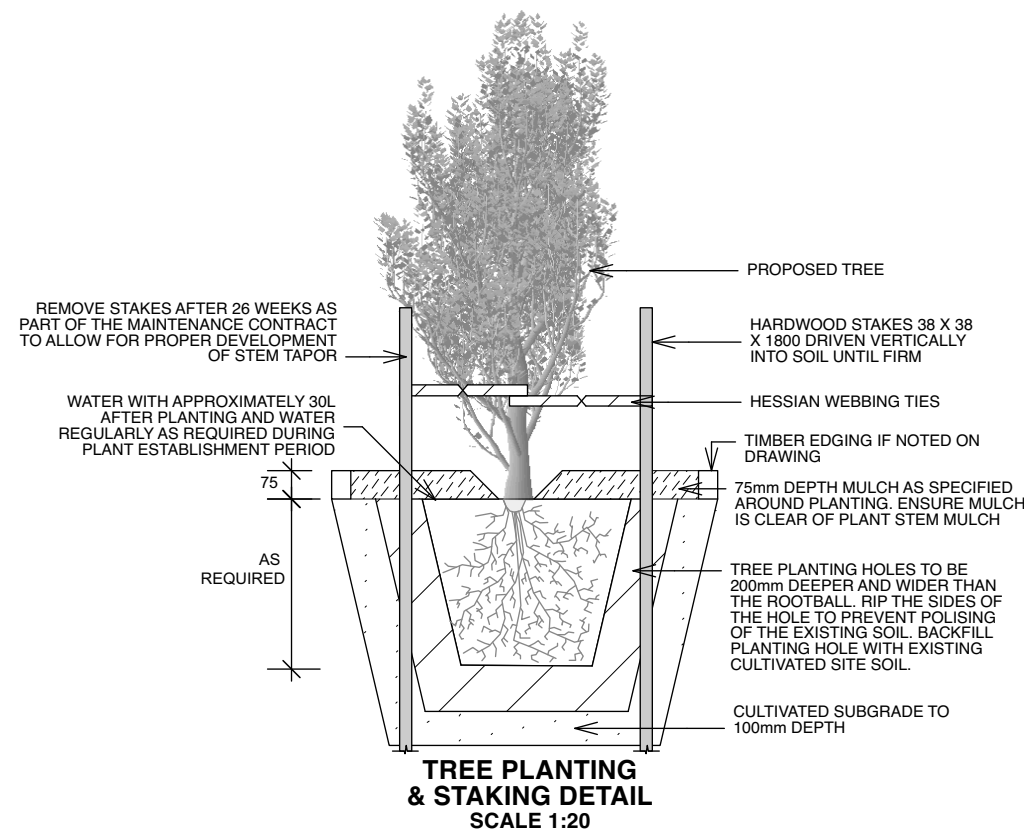
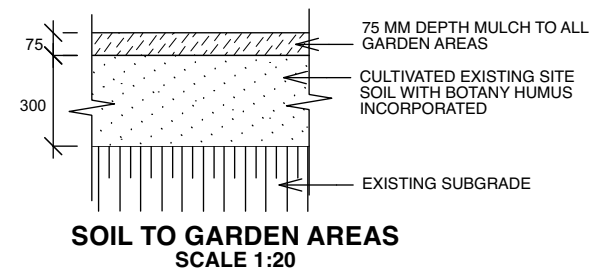
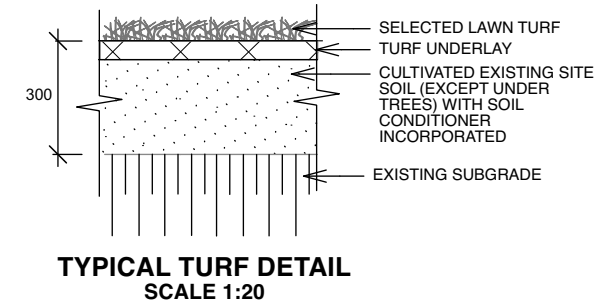
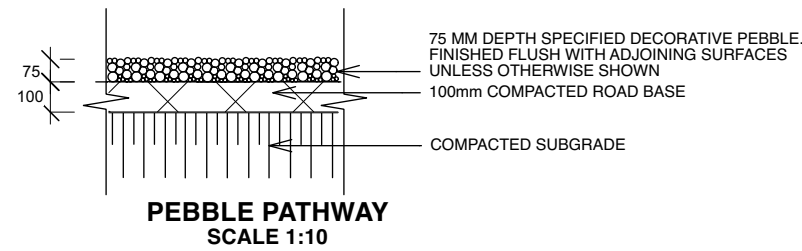
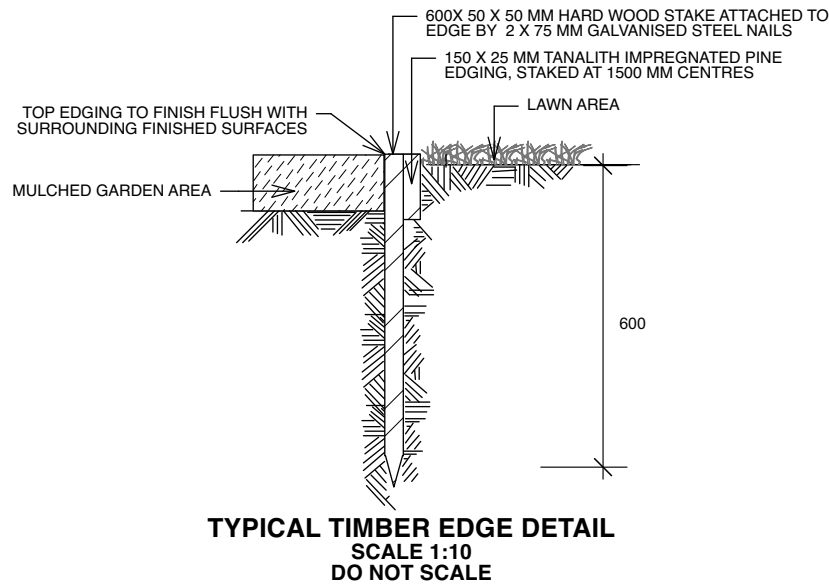
NOTE: ALL PROPOSED PLANT SPECIES ARE LOW WATER USE SPECIES

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Correa alba	Correa alba	6	200mm	1500	1500
Syzygium 'Cascade'	Dwarf Weeping Lillypilly	9	300mm	1500	3000
Trachelospermum jasminoides	Star Jasmine	13	150mm	700	700
Tristaniopsis laurina	Water Gum	2	75lt	4000	7000

- Notes:**
- All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
 - All detailing of drainage to paved areas shall be by others.
 - All levels shall be determined by others and approved on site by client.
 - Extent, height and position of all retaining walls shall be determined by others and approved on site by client.
 - Do not scale from drawings.
 - If in doubt contact the Landscape Architect.
 - All boundaries shall be surveyed prior to commencement of construction works.
 - This plan is for DA purposes only. It has not been detailed for construction.
 - All dimensions, levels and boundaries are nominal only.
 - This design shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.



DATE - 22/08/23		REVISION - 'A' UPDATED PLANS TO COUNCIL RFI	
DRAWING LANDSCAPE PLAN			
ADDRESS Lot 53, No.7 Ryries Parade, CREMORNE			PROJECT # MONTGOMERY HOMES
CLIENT LAI-KWON, D		DATE # 22.02.22	DWG # L/01
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fax: (02) 9957 5922		SCALE @ A3 AS NOTED	
DRAWN DYS		CHKD JC	REVISION



- Notes:
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
 2. All detailing of drainage to paved areas shall be by others.
 3. All levels shall be determined by others and approved on site by client.
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DATE - 22/08/23		REVISION - 'A' UPDATED PLANS TO COUNCIL RFI	
DRAWING LANDSCAPE DETAILS			
ADDRESS Lot 53, No.7 Ryries Parade, CREMORNE			PROJECT # MONTGOMERY HOMES
CLIENT LAI-KWON, D	DATE # 22.02.22	DWG # L/02	
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922		SCALE @ A3 AS NOTED	REVISION
CHKD JC		REVISION	

OUTLINE LANDSCAPE SPECIFICATION

Preparation by Builder: Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works.

Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.

Initial Preparation: Verify all dimensions & levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services & ensure no damage occurs to them throughout contract. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained & weeds from site. Levels indicated on Plan are nominal only and are derived from Architectural Plans & Drawings by others. Final structural integrity of all items shall be the sole responsibility of Landscape Contractor.

Tree Protection: Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.

Soil Preparation: Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.

Lawn Edging and Stepping Stones:(i) 125 x 25mm approved tanalith impregnated pine edging shall be installed, to lines as indicated on plan and staked with approved stakes at maximum 1500mm centres at ends and changes of direction; stakes shall be nailed to edging with approved galvanised steel nails. Top of edging shall finish flush with surrounding surfaces. Top of stakes shall finish 25mm below top of edging.(ii) Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.

Retaining Walls: Positions, detail and heights of retaining walls shall be by others.

Planting: Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.

Staking: All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.

Mulching: Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.

Turfing: Prepare for, level & lay cultivated Palmetto Buffalo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.

Fencing: Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.

Paving: Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.

Irrigation: Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.


Clotheslines: Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.

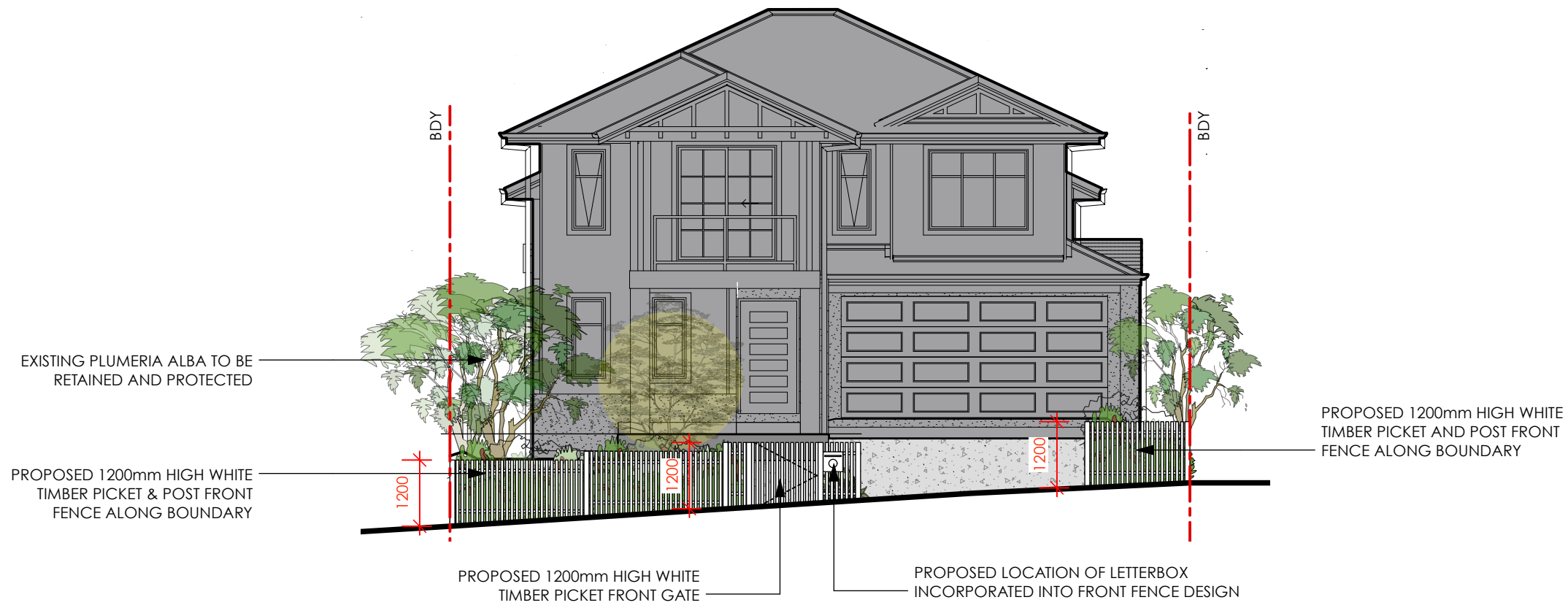
Completion: Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines.

Maintenance Period: A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.

- (a) **Recurrent works** Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.
- (b) **Watering** Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.
- (c) **Replacements** Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.
- (d) **Mulched surfaces** Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.
- (e) **Stakes & ties** Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.
- (f) **Lawn areas** Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.
- (g) **Weeding** Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.
- (h) **Pruning** Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.
- (i) **Spraying** Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.
- (j) **Tree Care** Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

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DATE - 22/08/23		REVISION - 'A' UPDATED PLANS TO COUNCIL RFI	
DRAWING SPECIFICATIONS			
ADDRESS Lot 53, No.7 Ryries Parade, CREMORNE			PROJECT # MONTGOMERY HOMES
CLIENT LAI-KWON, D	DATE # 22.02.22	DWG # L/03	
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922			
SCALE @ A3 AS NOTED	DRAWN DYS	REVISION	
CHKD JC			



NORTH ELEVATION
SCALE 1:100

CONCEPT IMAGES



- Notes:
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
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DATE - 22/08/23		REVISION - 'A' UPDATED PLANS TO COUNCIL RFI	
DRAWING LANDSCAPE ELEVATION			
ADDRESS Lot 53, No.7 Ryries Parade, CREMORNE			PROJECT # MONTGOMERY HOMES
CLIENT LAI-KWON, D	DATE # 22.08.23	DWG # L/04	
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922		SCALE @ A3 AS NOTED	DRAWN OC
CHKD JC	REVISION		

**Mona Building Designs**

ABN 12 629 636 240

Mona Vale, NSW 2103, Australia

M +61 449 180 383contact@monabd.com.auwww.monabuildingdesigns.com.au

View impact assessment

Property Information:

Address: 7 Ryries Parade, Cremorne

The view controls require that views from streets and public places not be obstructed, and that buildings be designed to minimize loss of views from surrounding buildings. The proposed development will not impact any views from streets or public places. In terms of impacts upon views from private properties, the properties that could potentially be impacted by the proposal would be the adjoining dwellings at 40 Ellalong Road, 42 Ellalong Road, 5 Ryries Parade and 3 Ryries Parade. The proposed new building has a height up to 11mm above the existing roof at the highest point and is fully compliant with the height control. Current front setback at 7 Ryries Parade is 7.7m. Proposed new front setback will be 6.076m to the front deck and 7.576m to the new enclosing walls. The following photographs were taken from various locations within the dwellings at 42 Ellalong Road, 5 Ryries Parade and 3 Ryries Parade showing the views available from those properties. Additionally, there are estimated 3D views showing potential view loss. Please refer to the separately prepared set of drawings showing 3D views for a comprehensive understanding. The titles of specific drawings have been included in this document for ease of reference, as well as consistent color coding to demonstrate the position of the proposed dwelling.

Impacted Properties:

The neighbouring properties that could potentially be impacted by the proposal are:

- 42 Ellalong Road
- 40 Ellalong Road
- 5 Ryries Parade
- 3 Ryries Parade

Assessment:**42 Ellalong Road**

View from the upper deck of 42 Ellalong Road towards proposed dwelling -
- at the time of site visit on 18/08/2023 - refer to '1 3D View_Existing_1.1 - 42 Ellalong Rd - UPPER DECK, page 2, of drawings'



View from the upper deck of 42 Ellalong Road towards proposed dwelling -
- after trees were trimmed 29/08/2023 (photo provided by the owner of 42 Ellalong Rd property)

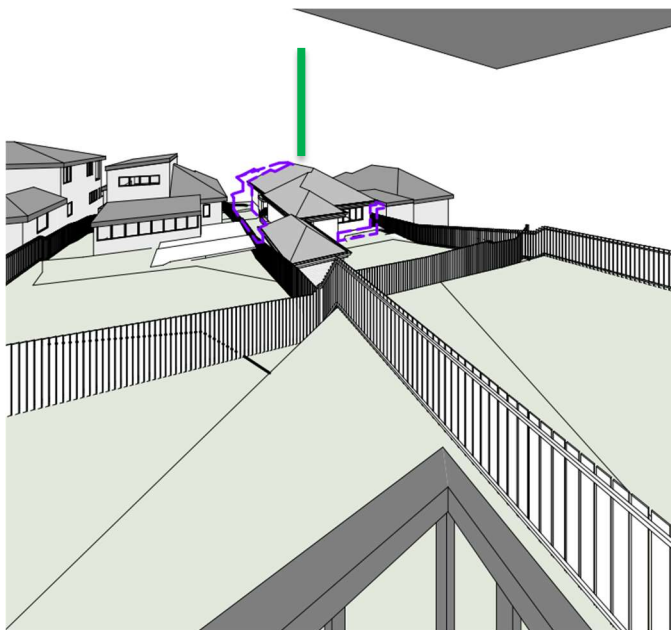
From the upper deck of 42 Ellalong Road, the proposed new dwelling will result in the negligible loss of existing views to vegetation on properties to the north and north-west of the subject site - approximately to the right and left of the vertical green line in the above photographs. The proposed building will not affect the water view as the proposed new dwelling will be only 11mm higher than existing building.



View from the lower deck of 42 Ellalong Road towards proposed dwelling – refer to '3 3D View_Existing_1.2 – 42 Ellalong Rd – LOWER DECK, page 2, of drawings'

View from the lower deck of 42 Ellalong Road, will remain unaffected as the new dwelling will be concealed by existing greenery.

40 Ellalong Road



Estimated view from the deck of 40 Ellalong Road towards proposed dwelling – refer to '1 3D View_Existing_2.1 – 40 Ellalong Rd – DECK, page 3, of drawings'

From the deck of 40 Ellalong Road, the proposed new dwelling will result in the negligible loss of existing views to vegetation on property to the north-east of the subject site - approximately to the left of the vertical green line in the above view. The proposed building will not affect the potential water view as the proposed new dwelling will be only 11mm higher than existing building.

5 Ryries Parade

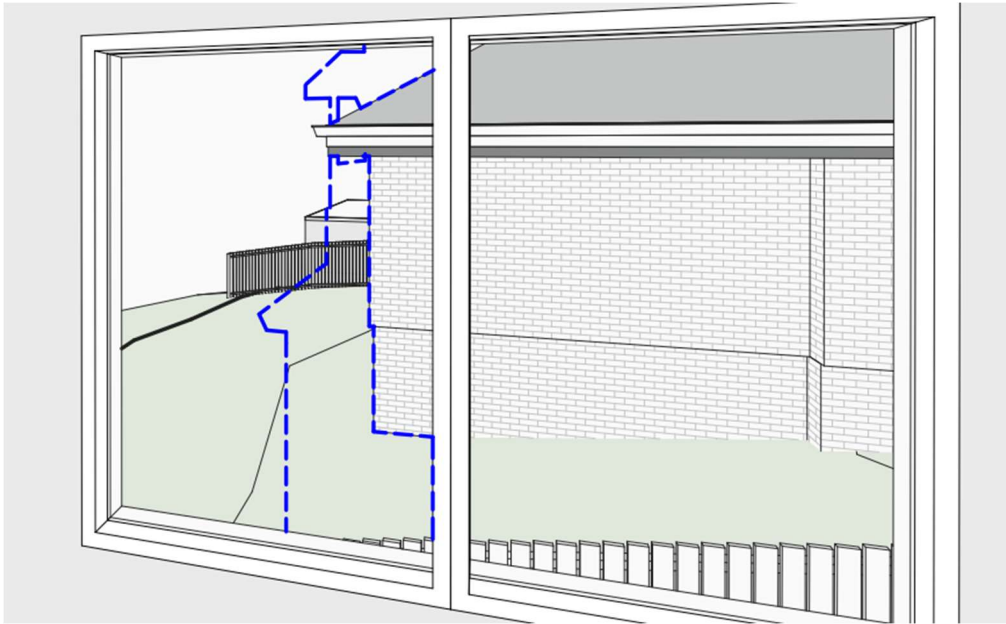


View from the upper deck of 5 Ryries Parade towards proposed dwelling -
– at the time of site visit on 04/08/2023 – refer to ‘1 3D View_Existing_3.1 – 5 Ryries Pde – UPPER DECK, page 4, of drawings’

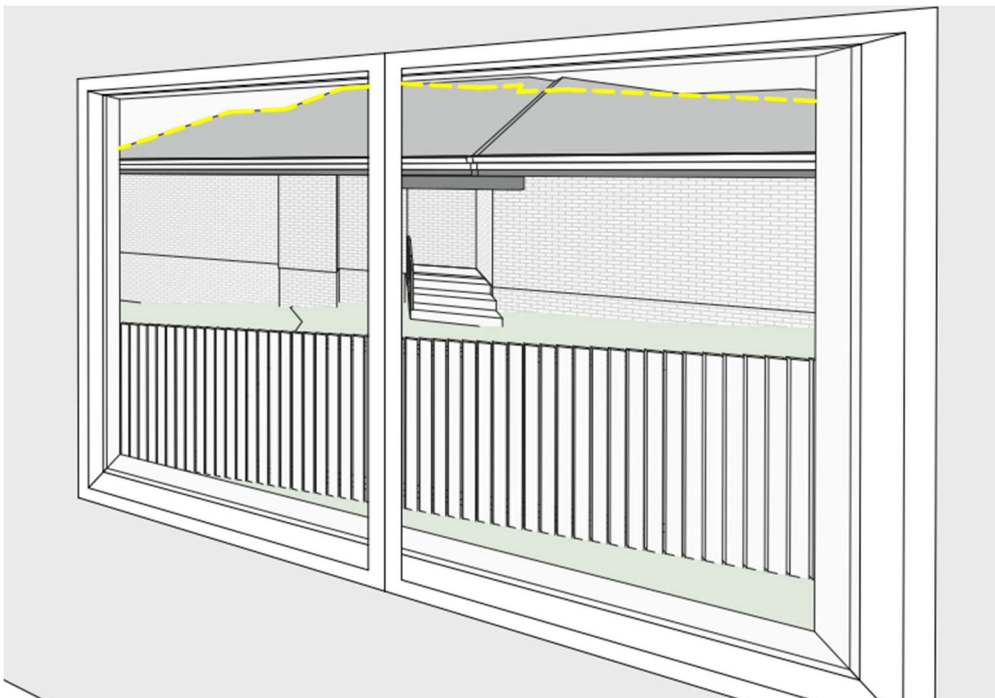


View from the lower deck of 5 Ryries Parade towards proposed dwelling -
– at the time of site visit on 04/08/2023 – refer to ‘3 3D View_Existing_3.2 – 5 Ryries Pde – LOWER DECK, page 4, of drawings’

From the upper and lower part of the deck of 5 Ryries Parade, the proposed new dwelling will result in the loss of existing views to vegetation and other building structure to the north-east of the subject site - approximately to the left of the vertical green line in the above photographs. As this is a side boundary view, it is more difficult to protect it, but still the view loss is moderate and the view impact is created by a compliant building element. Further, the north-east part of the building (garage) has been setback the same distance from the front boundary of the subject site compared to the existing dwelling to reduce the view impacts from 5 Ryries Parade. As such a more skillful design would not result in any further reduction of view impact from this property.



Estimated view through the window at 5 Ryries Parade towards proposed dwelling – refer to '1 3D View_Existing_3.3 – 5 Ryries Pde – INTERIOR 1, page 5, of drawings'



Estimated view through the window at 5 Ryries Parade towards proposed dwelling – refer to '3 3D View_Existing_3.4 – 5 Ryries Pde – INTERIOR 2, page 5, of drawings'

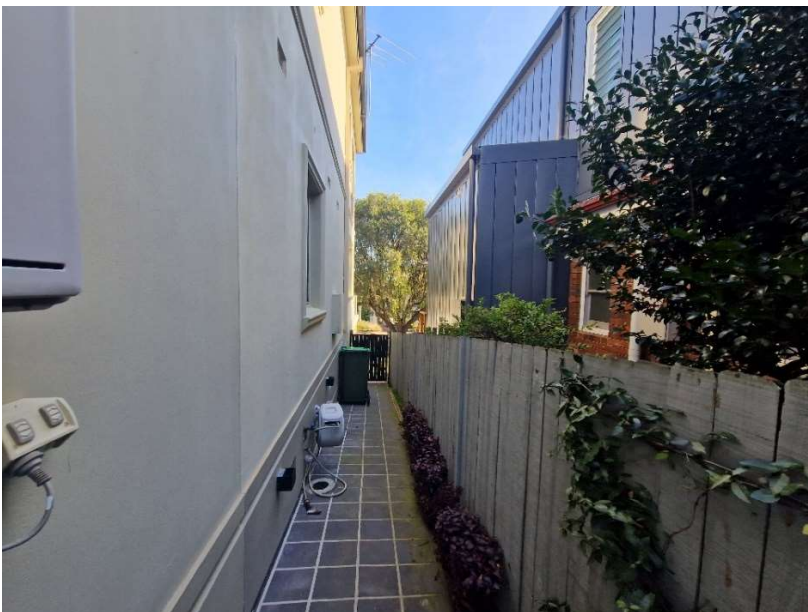
The new dwelling will contain an entrance/ decking structure which will be slightly closer to the front setback than the existing house. It will result in the loss of existing views to vegetation and other building structure to the north-west. The volume of the new building will be very close to the volume of the existing structures. The view impact from these viewing positions is negligible, using the scale of view impacts used in the View Analysis Planning Principle of the Land and Environment Court.

3 Ryries Parade



View from the deck of 3 Ryries Parade towards proposed dwelling -
- at the time of site visit on 04/08/2023 - refer to '1 3D View_Existing_4.1 - 3 Ryries Pde - DECK, page 6, of drawings'

From the deck of 3 Ryries Parade, the proposed new dwelling will not be affected, as the new dwelling will be fully covered with existing greenery.



View along the side boundary between 3 and 5 Ryries Parade - 04/08/2023

All windows on the north-east side of 3 Ryries Parade will not be affected as there is greenery and another dwelling (5 Ryries Parade) blocking the view to the proposed new dwelling at 7 Ryries Pde.

Summary:

The proposed development at 7 Ryries Parade will adhere to the view control regulations. It will not obstruct views from streets or public spaces. This report assesses the potential impact on views from neighboring properties and concludes that the impact is either negligible or moderate using the scale of view impacts used in the View Analysis Planning Principle of the Land and Environment Court. The views affected are primarily greenery views, not water views. The view impact is created by a compliant building elements.

As a whole the view impact upon 42 Ellalong Road is negligible. The view affected is over a rear boundary and since the new dwelling is only 11mm higher than existing, the view impact will be slightly affected to the sides and it will be a greenery view loss, not water view loss.

The view impact upon 40 Ellalong Road is negligible as well. It will be also affected over a rear boundary and considering that 40 Ellalong Road is situated a bit lower than 42 Ellalong Rd and taking into account angled view towards proposed new dwelling, the view impact will be slightly affected to the left side and it will be a greenery view loss.

As a whole the view impact upon 5 Ryries Parade is minor. The view affected is over a side boundary and as such is a view that is more difficult to maintain and the view impact is created by a compliant building element. Again, the view loss applies to the greenery and other building structures.

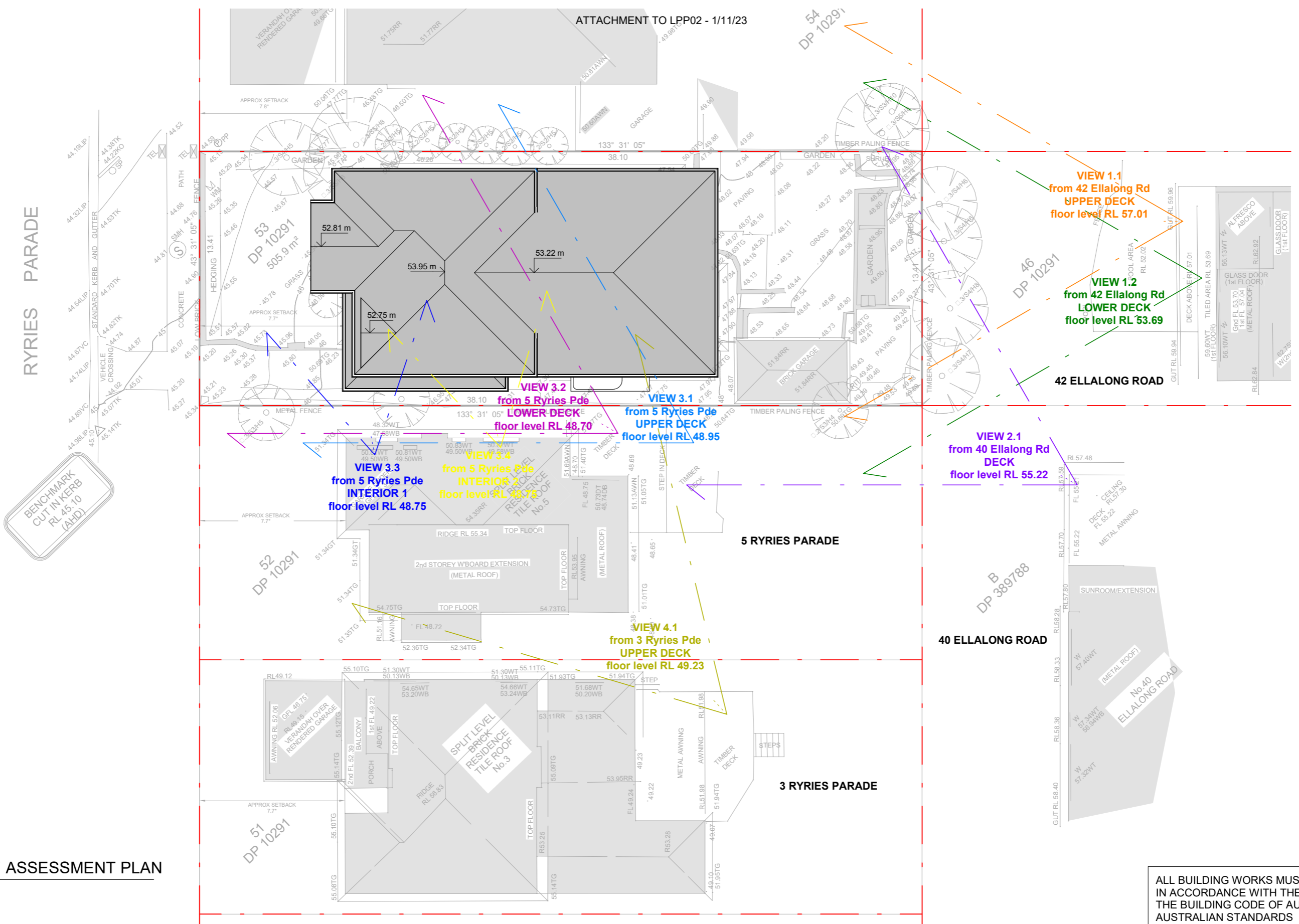
3 Ryries Parade will be the least affected and its view loss is negligible. The view affected is over a side boundary. The view loss applies to the vegetation.

Considering all of the above more skillful design would not result in any further reduction of view impact from this property. For these reasons, it is considered that the proposal is a good example of skillful design to achieve an appropriate level of view sharing with the dwellings at 42 Ellalong Road, 40 Ellalong Road, 5 Ryries Parade and 3 Ryries Parade.

Regards,

Monika Niemiec

Building Designer



BENCHMARK
CUT IN KERB
RL 45.10
(AHD)

1 VIEW ASSESSMENT PLAN
A101 1 : 200

ALL BUILDING WORKS MUST BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA) AND AUSTRALIAN STANDARDS

Do not scale from plans. All dimensions and levels shown on plan are subject to confirmation on site.

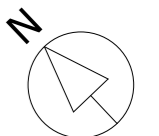
REV	DATE	DESCRIPTION
-	01.09.2023	DA - VIEW IMPACT ASSESSMENT

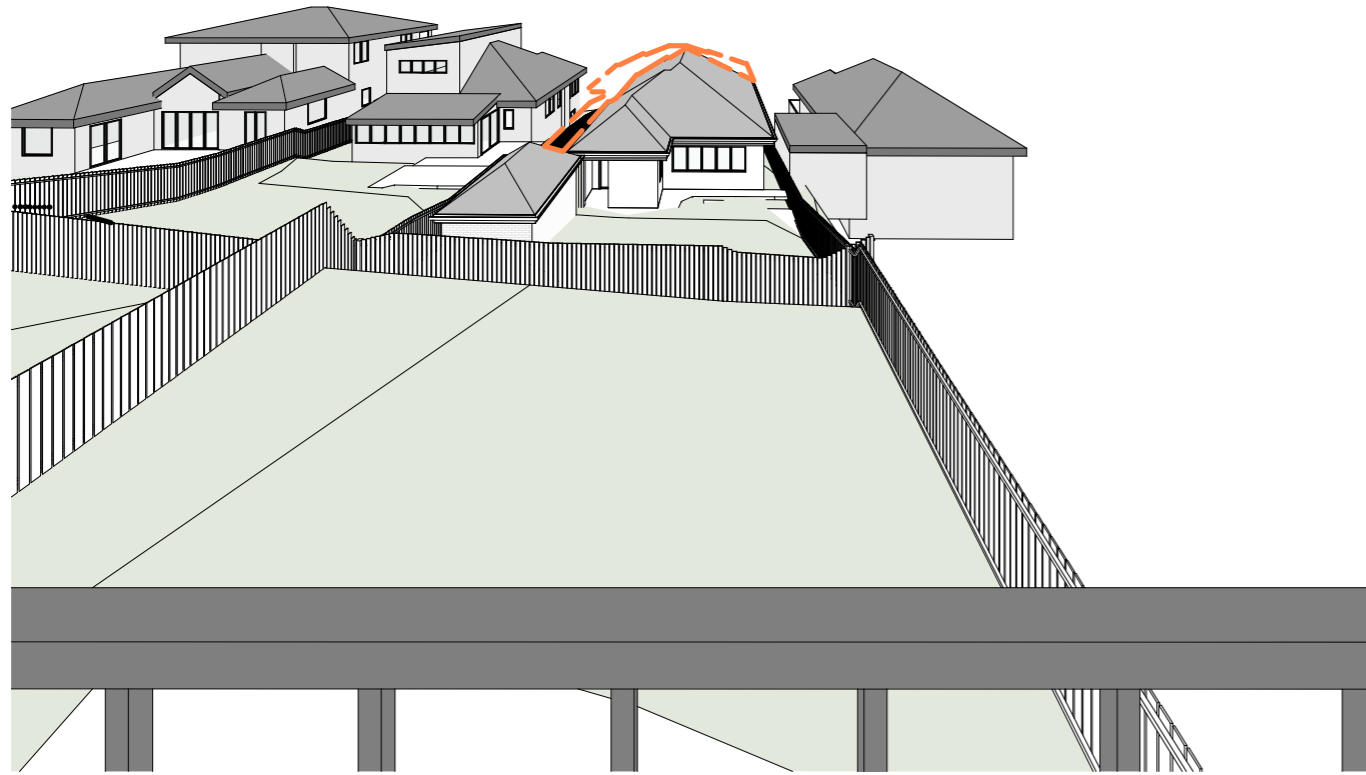


M: +61 449 180 383 E: contact@monabd.com.au
www.monabuildingdesigns.com.au

PROJECT TITLE: VIEW IMPACT ASSESSMENT
PROJECT NO: 20230601
ADDRESS: 7 Ryries Parade, Cremorne NSW 2090
CLIENT: David Lai Kwon

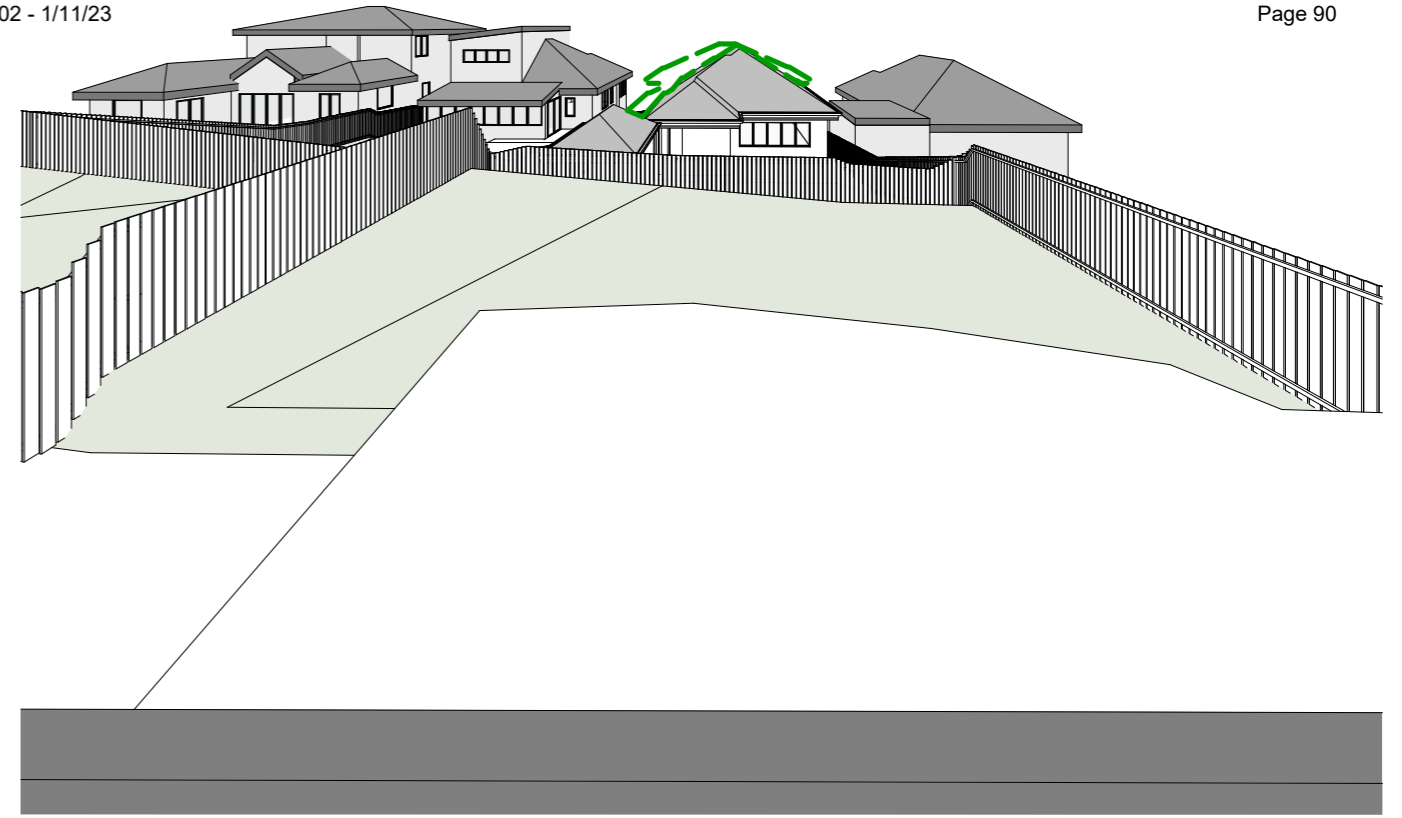
DRAWING TITLE: VIEW ASSESSMENT PLAN
DRAWING NO: A101
SCALE A3: 1 : 200
DRAWN BY: MN





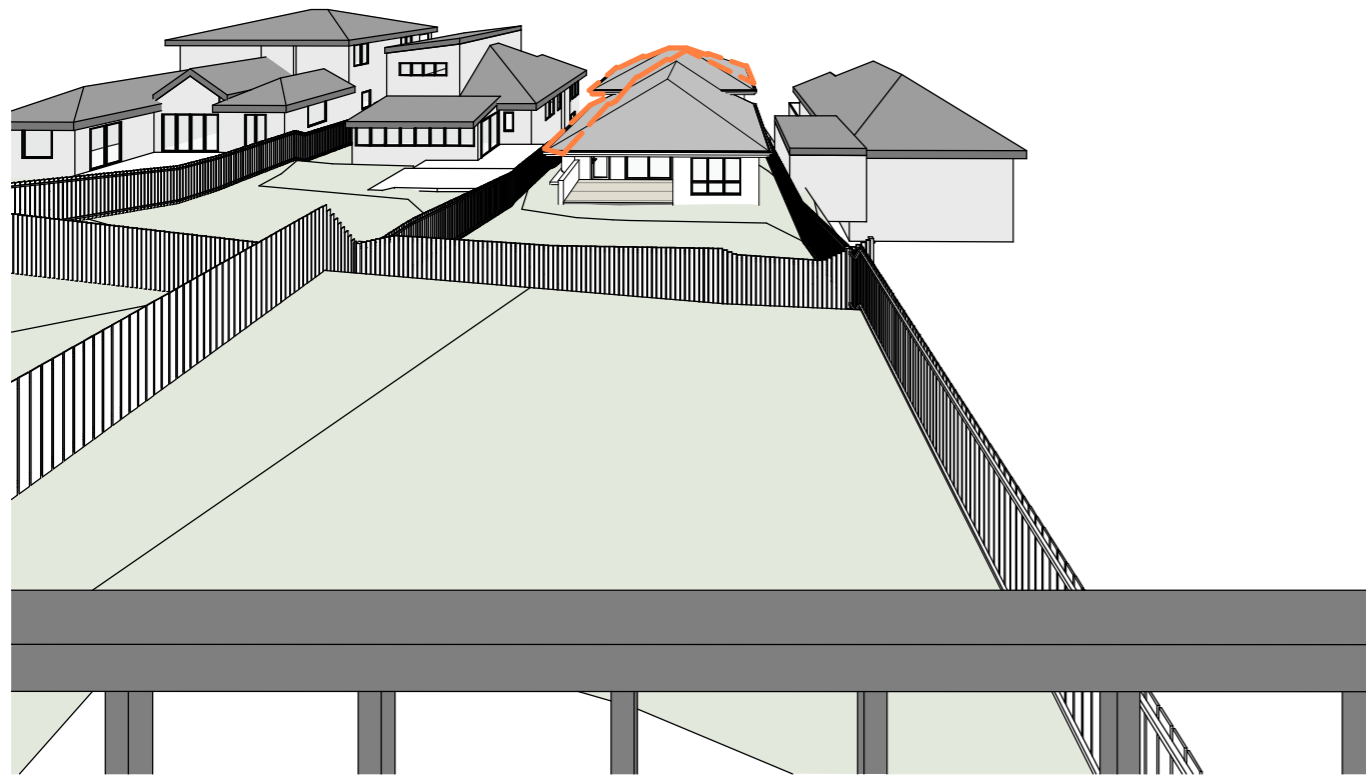
1 3D View_EXISTING_1.1 - 42 Ellalong Rd - UPPER DECK

A102



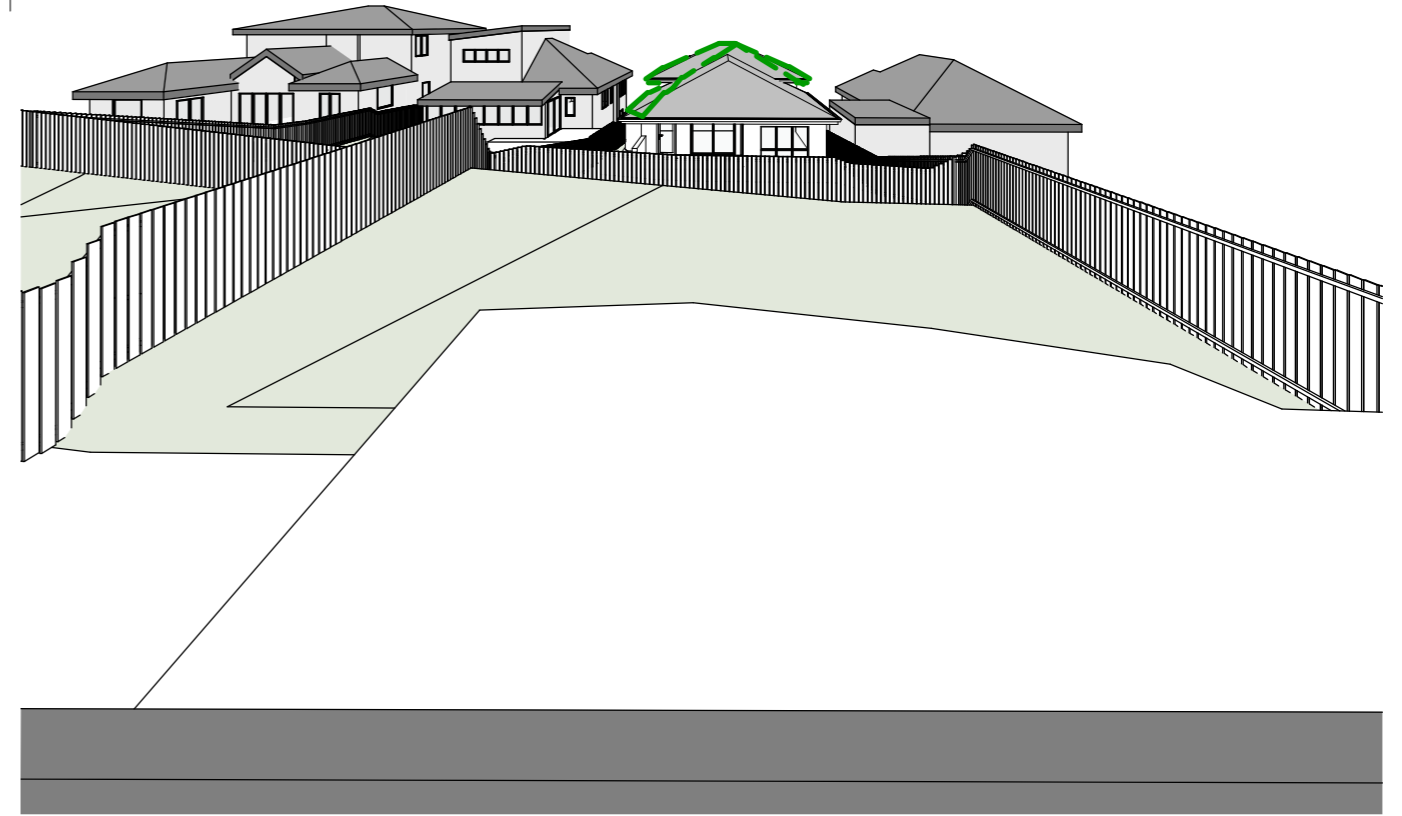
3 3D View_EXISTING_1.2 - 42 Ellalong Rd - LOWER DECK

A102



2 3D View_PROPOSED_1.1 - 42 Ellalong Rd - UPPER DECK

A102



4 3D View_PROPOSED_1.2 - 42 Ellalong Rd - LOWER DECK

A102

Do not scale from plans. All dimensions and levels shown on plan are subject to confirmation on site.

REV	DATE	DESCRIPTION
-	01.09.2023	DA - VIEW IMPACT ASSESSMENT



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PROJECT TITLE: VIEW IMPACT ASSESSMENT

PROJECT NO: 20230601

ADDRESS: 7 Ryries Parade, Cremorne NSW 2090

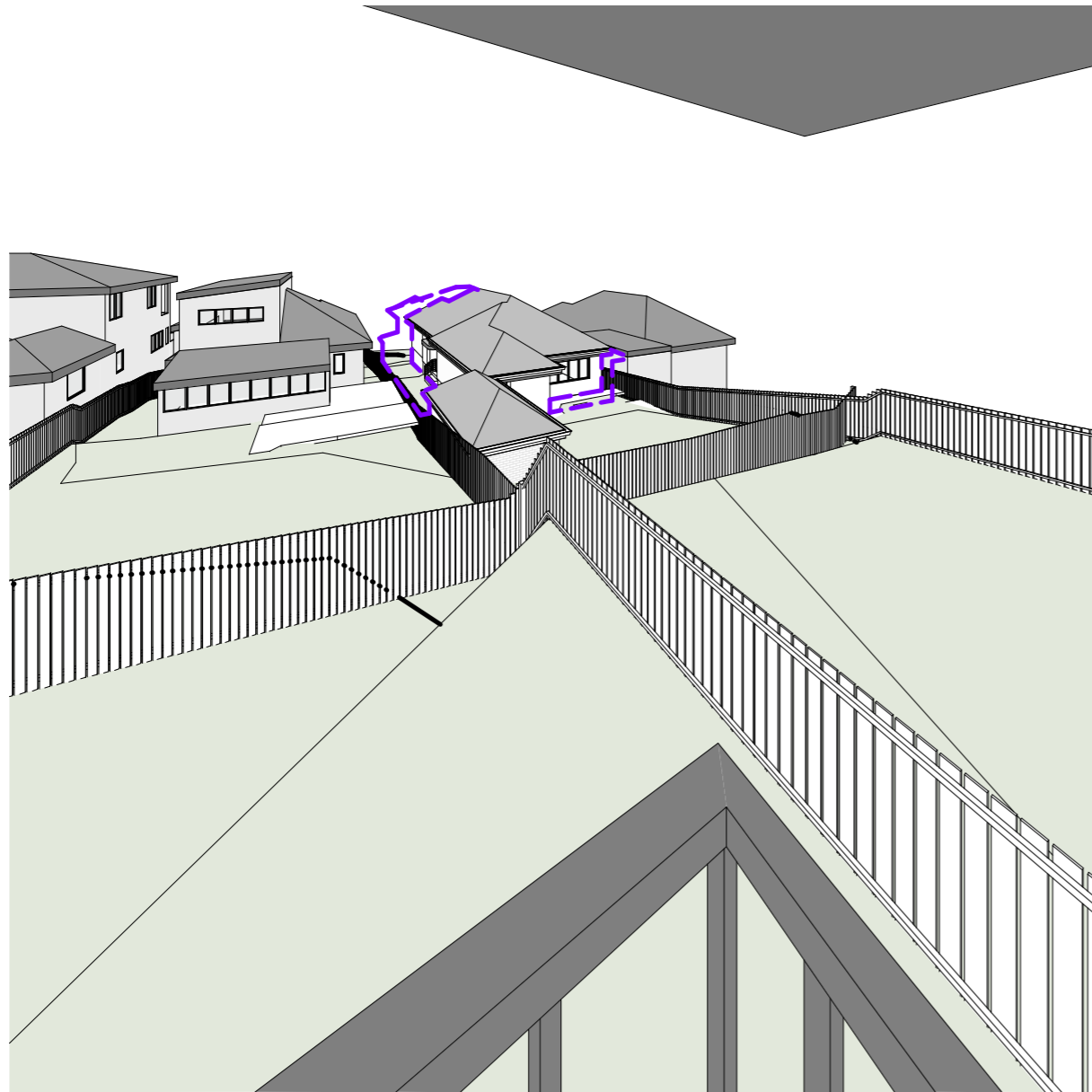
CLIENT: David Lai Kwon

DRAWING TITLE: 3D VIEWS - VIEW ASSESSMENT - 42 Ellalong Road

DRAWING NO: A102

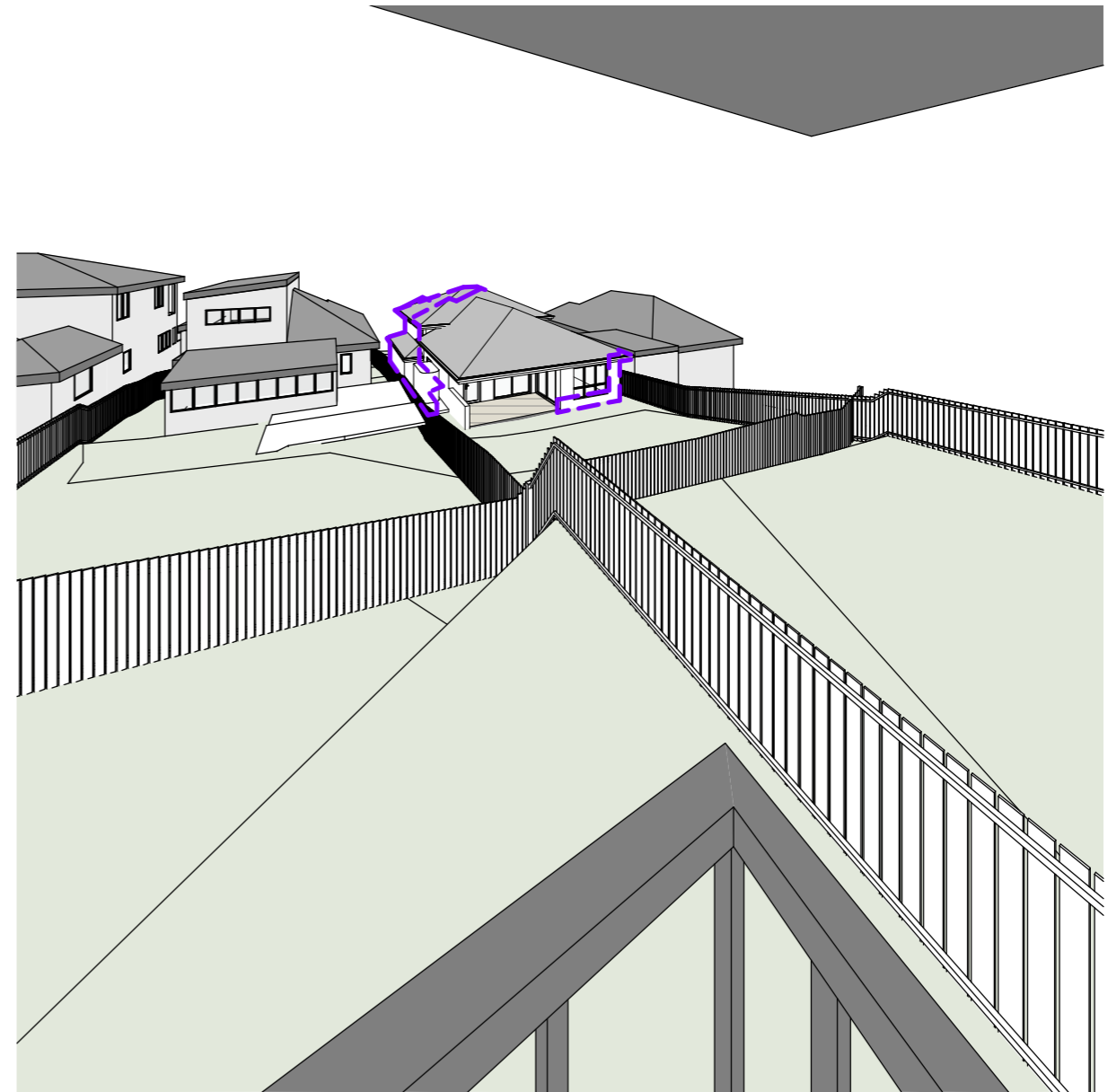
SCALE A3:

DRAWN BY: MN



1 | 3D View_EXISTING_2.1 - 40 Ellalong Rd - DECK

A103



2 | 3D View_PROPOSED_2.1 - 40 Ellalong Rd - DECK

A103

Do not scale from plans. All dimensions and levels shown on plan are subject to confirmation on site.

REV	DATE	DESCRIPTION
-	01.09.2023	DA - VIEW IMPACT ASSESSMENT



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PROJECT TITLE: VIEW IMPACT ASSESSMENT

PROJECT NO: 20230601

ADDRESS: 7 Ryries Parade, Cremorne NSW 2090

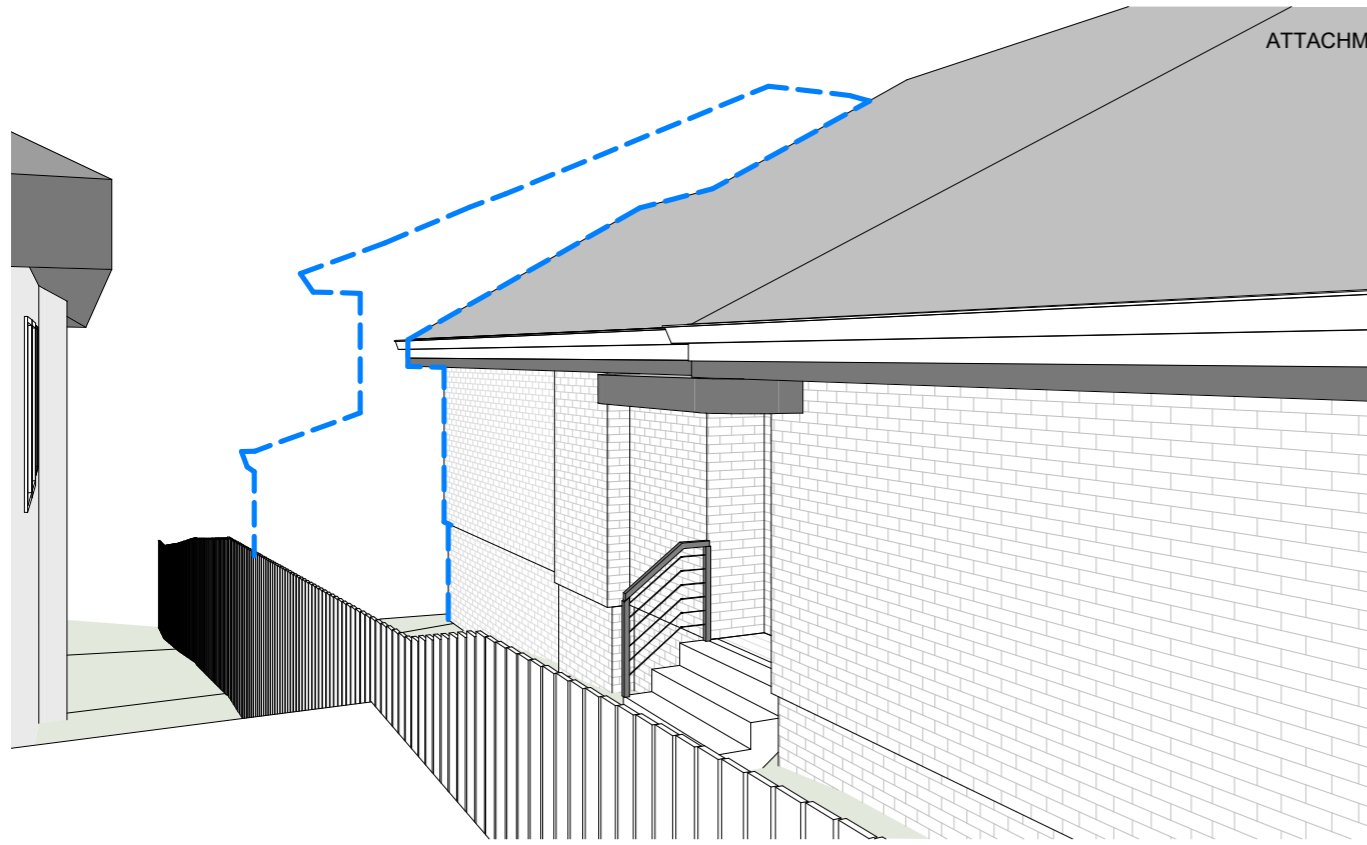
CLIENT: David Lai Kwon

DRAWING TITLE: 3D VIEWS - VIEW ASSESSMENT - 40 Ellalong Road

DRAWING NO: A103

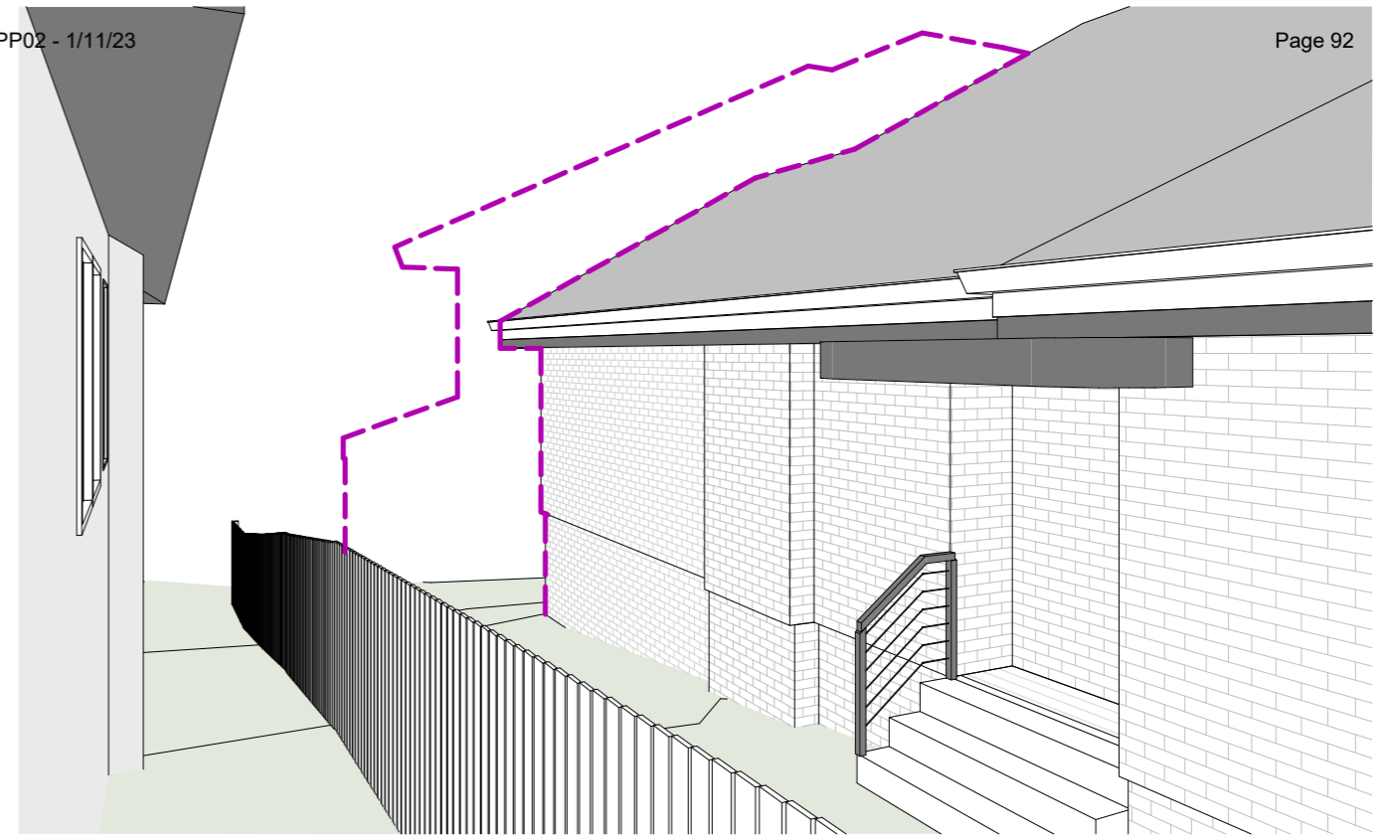
SCALE A3:

DRAWN BY: MN



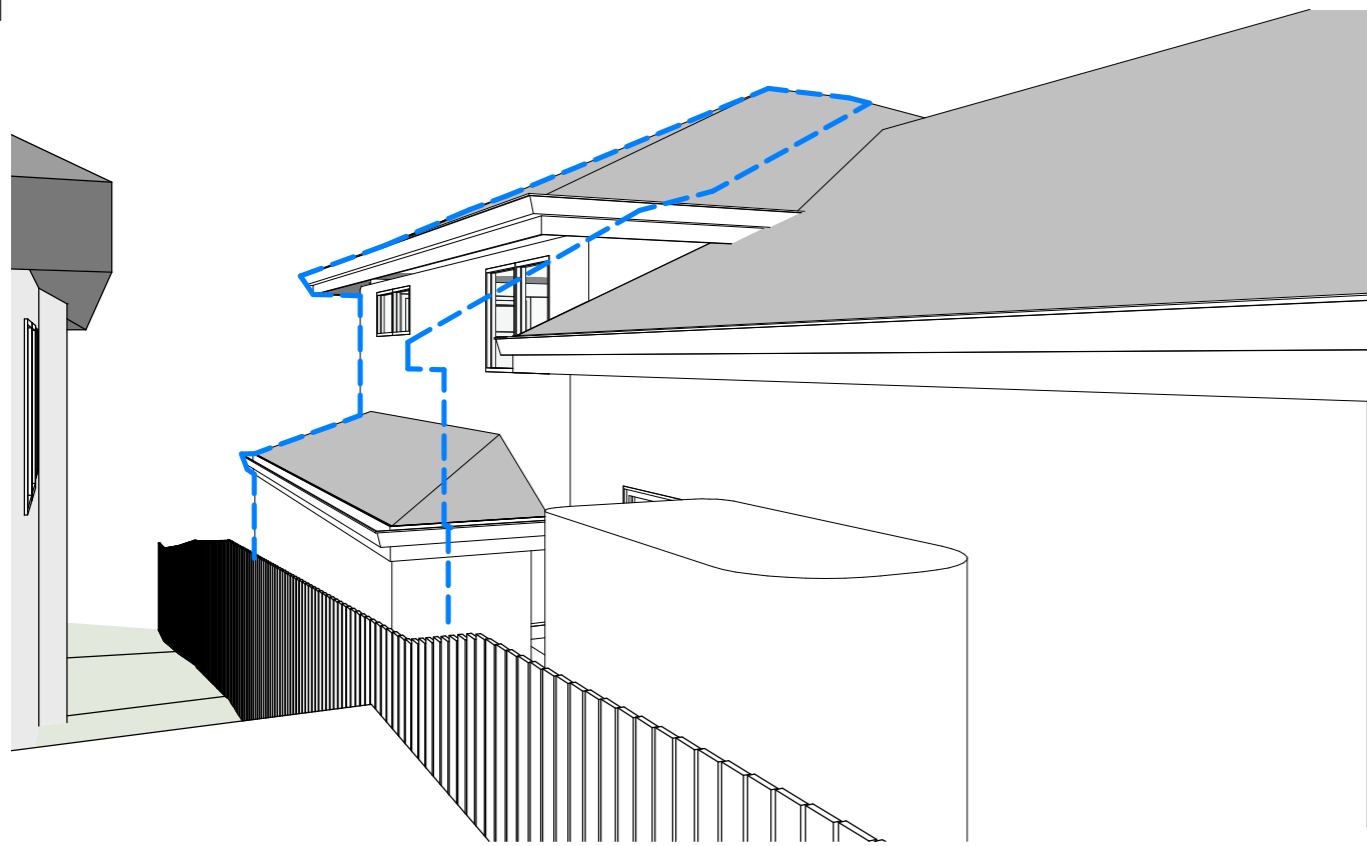
1 3D View_EXISTING_3.1 - 5 Ryries Pde - UPPER DECK

A104



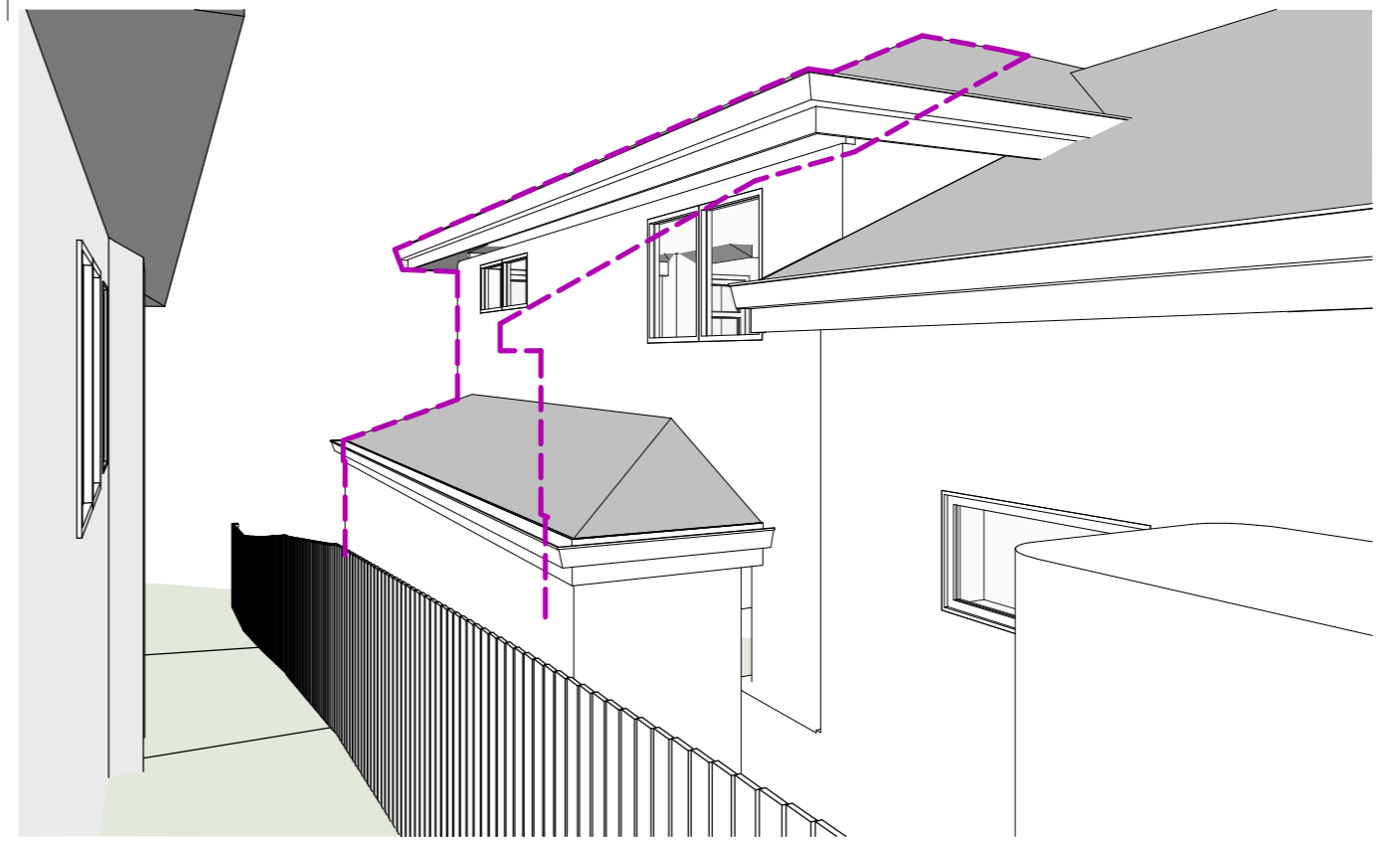
3 3D View_EXISTING_3.2 - 5 Ryries Pde - LOWER DECK

A104



2 3D View_PROPOSED_3.1 - 5 Ryries Pde - UPPER DECK

A104



4 3D View_PROPOSED_3.2 - 5 Ryries Pde - LOWER DECK

A104

Do not scale from plans. All dimensions and levels shown on plan are subject to confirmation on site.

REV	DATE	DESCRIPTION
-	01.09.2023	DA - VIEW IMPACT ASSESSMENT



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PROJECT TITLE: VIEW IMPACT ASSESSMENT

PROJECT NO: 20230601

ADDRESS: 7 Ryries Parade, Cremorne NSW 2090

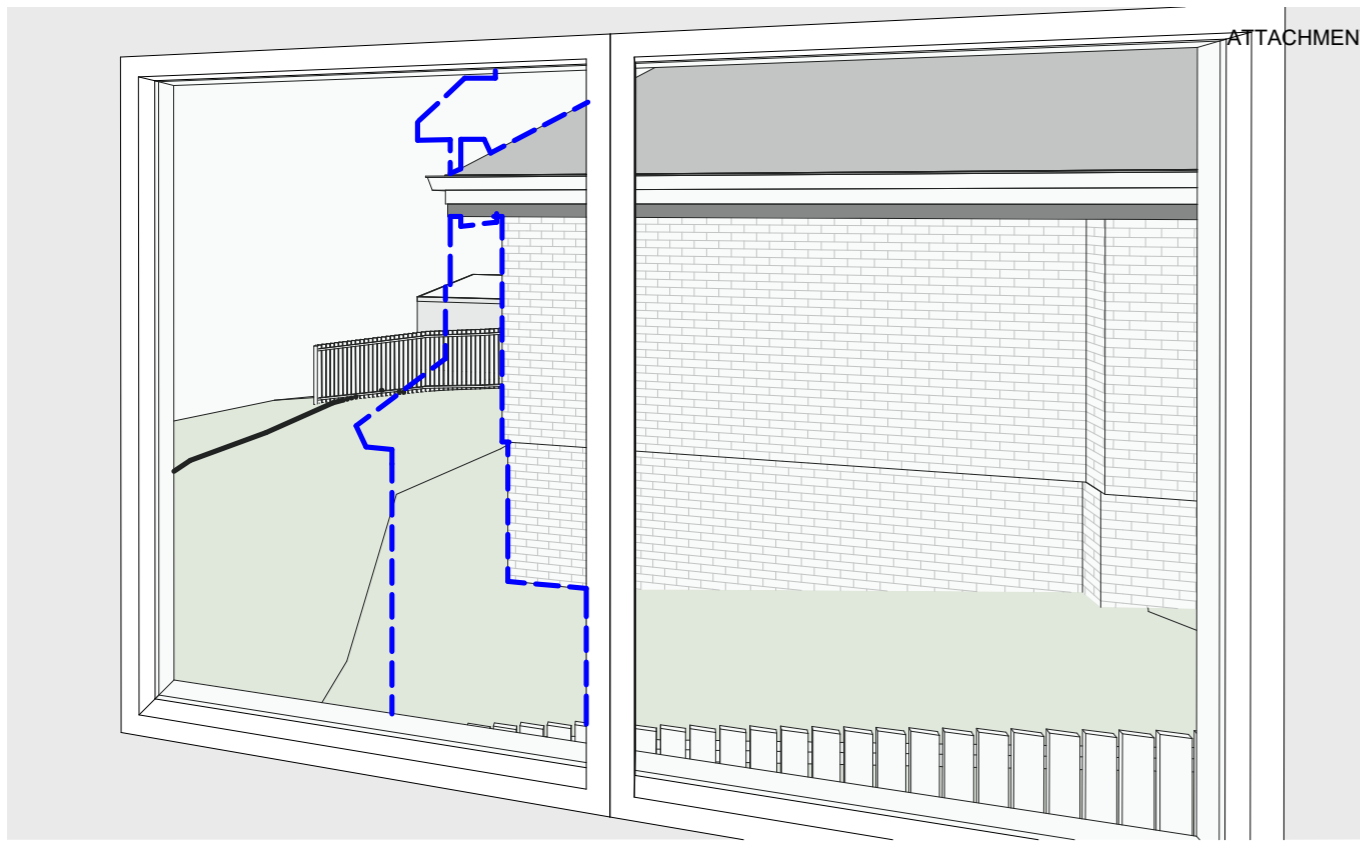
CLIENT: David Lai Kwon

DRAWING TITLE: 3D VIEWS - VIEW ASSESSMENT - 5 Ryries Parade

DRAWING NO: A104

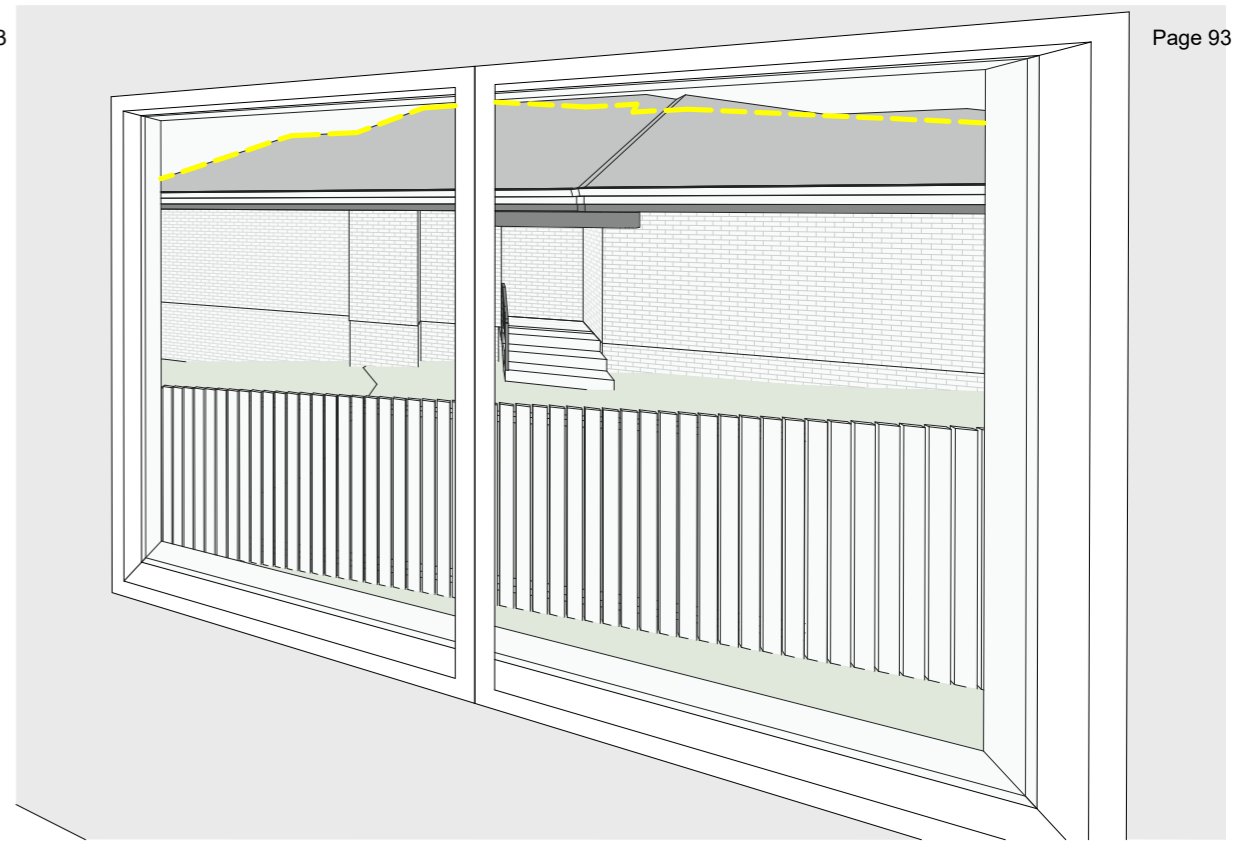
SCALE A3:

DRAWN BY: MN



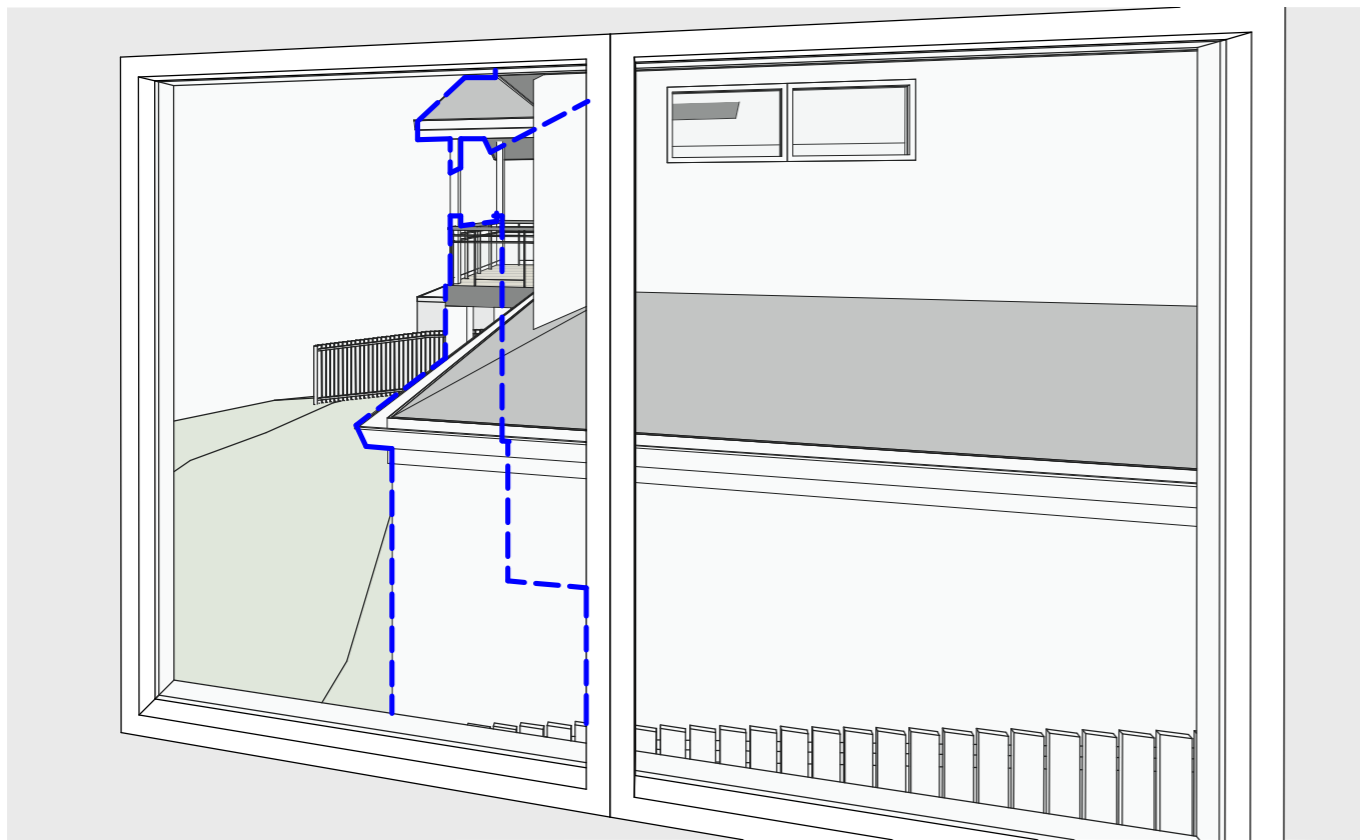
1 3D View_EXISTING_3.3 - 5 Ryries Pde - INTERIOR 1

A105



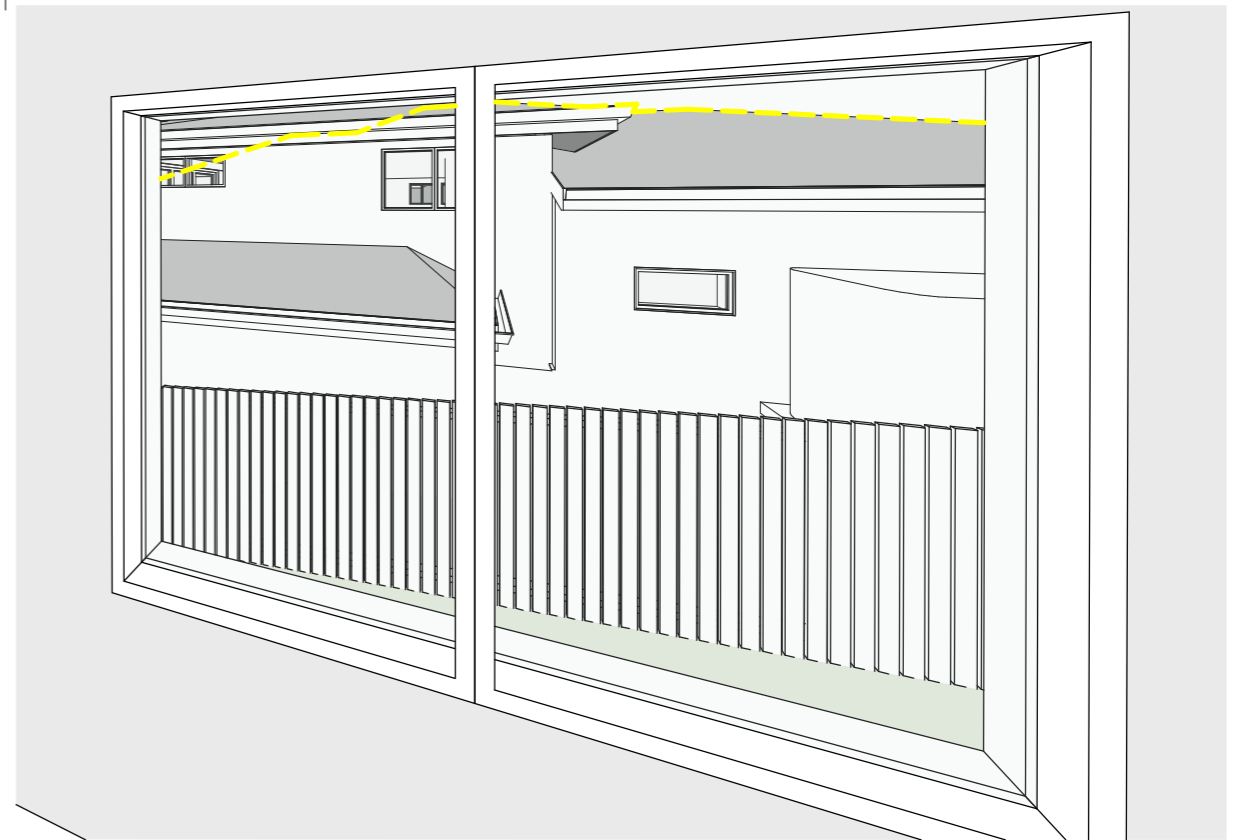
3 3D View_EXISTING_3.4 - 5 Ryries Pde - INTERIOR 2

A105



2 3D View_PROPOSED_3.3 - 5 Ryries Pde - INTERIOR 1

A105



4 3D View_PROPOSED_3.4 - 5 Ryries Pde - INTERIOR 2

A105

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-	01.09.2023	DA - VIEW IMPACT ASSESSMENT



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PROJECT TITLE: VIEW IMPACT ASSESSMENT

PROJECT NO: 20230601

ADDRESS: 7 Ryries Parade, Cremorne NSW 2090

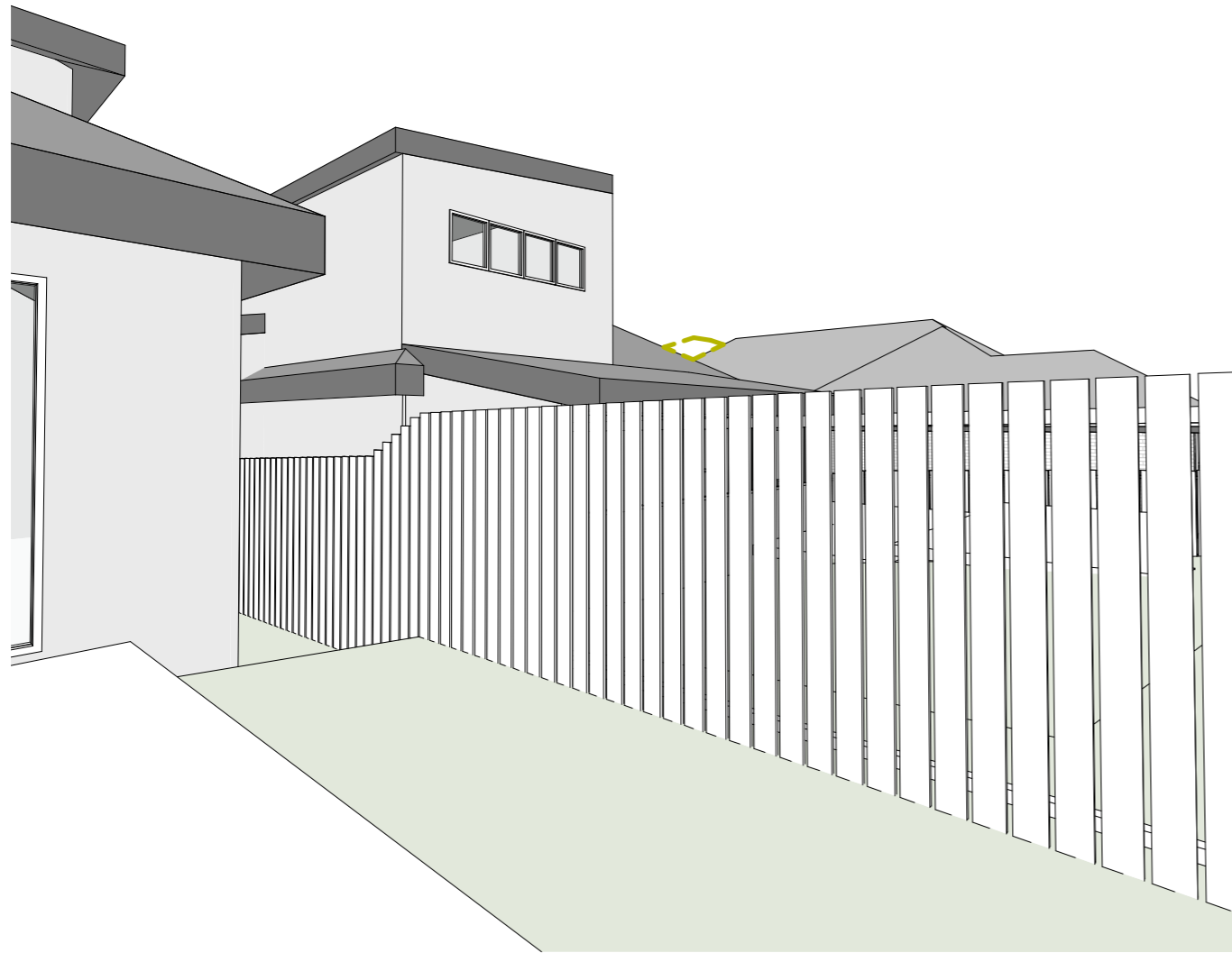
CLIENT: David Lai Kwon

DRAWING TITLE: 3D VIEWS - VIEW ASSESSMENT - 5 Ryries Parade

DRAWING NO: A105

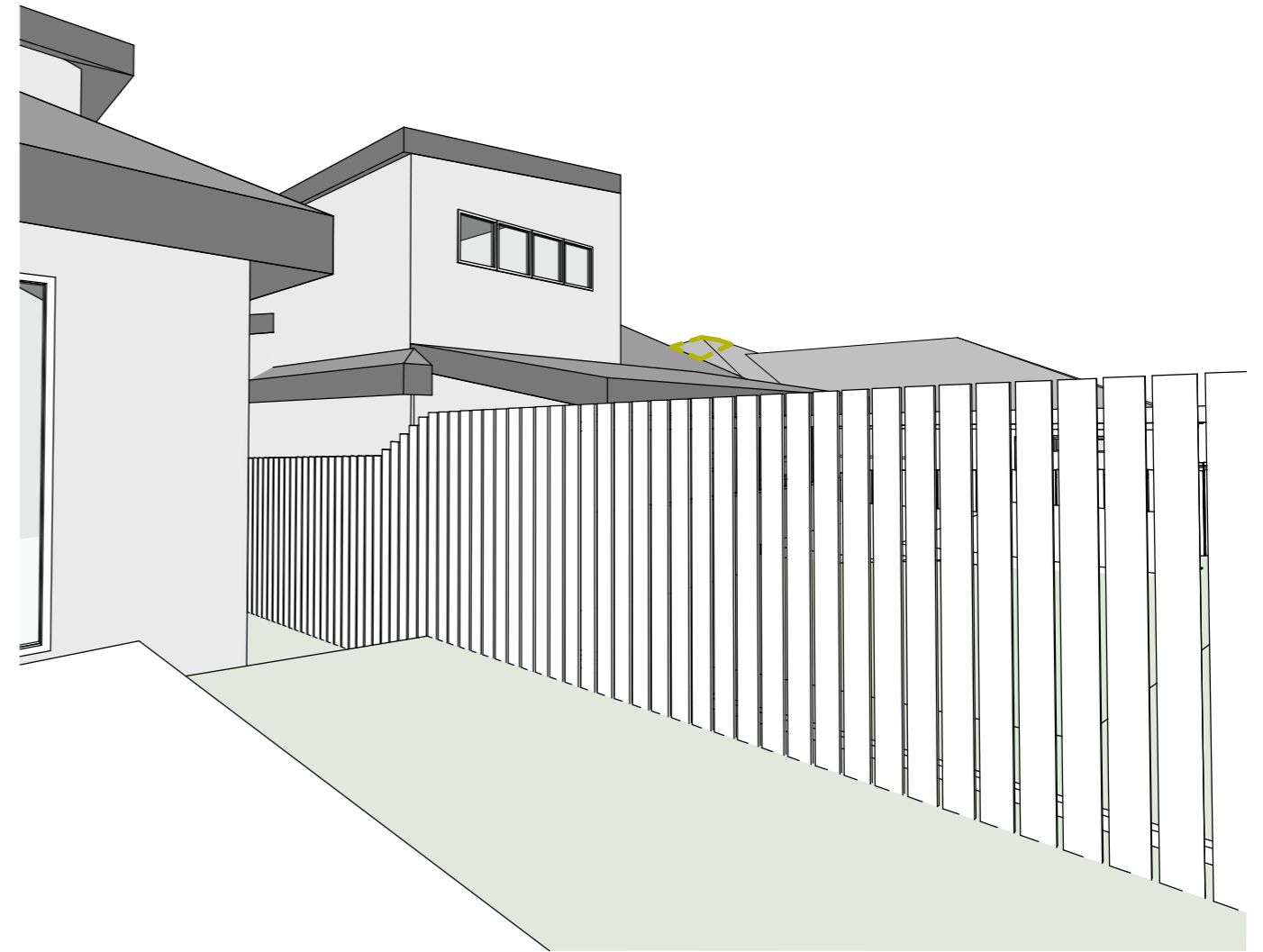
SCALE A3:

DRAWN BY: MN



1 | 3D View_EXISTING_4.1 - 3 Ryries Pde - DECK

A106



2 | 3D View_PROPOSED_4.1 - 3 Ryries Pde - DECK

A106

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-	01.09.2023	DA - VIEW IMPACT ASSESSMENT



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PROJECT TITLE: VIEW IMPACT ASSESSMENT

PROJECT NO: 20230601

ADDRESS: 7 Ryries Parade, Cremorne NSW 2090

CLIENT: David Lai Kwon

DRAWING TITLE: 3D VIEWS - VIEW ASSESSMENT - 3 Ryries Parade

DRAWING NO: A106

SCALE A3:

DRAWN BY: MN