Item ______ - REPORTS -______ 04/09/24



NORTH SYDNEY COUNCIL REPORTS

NSLPP MEETING HELD ON 04/09/2024

Attachments: 1. Site Plan 2. Architectural Plans

ADDRESS/WARD: 71 Pine Street, Cammeray

APPLICATION NO: DA 348/2023

PROPOSAL:Additions, alterations to first and ground floor levels,
refurbishment of existing terrace, and installation of new vergola
awning above ground level terrace

PLANS REF:

Plan	Rev	Description	Prepared by	Dated	
No.					
A1.01	Е	Site Plan	NV	16 November 2023	
A1.02	А	Site Calculation Plan			
A1.03	А	Existing Lower Ground Floor Plan			
A1.04	А	Existing Ground Floor Plan			
A1.05	Α	Existing Level 1 Plan			
A1.06	А	Existing Roof Plan			
A1.07	Е	Lower Ground Floor Demolishing Plan			
A1.08	Е	Ground Floor Demolishing Plan			
A1.09	Е	Level 1 Demolishing Plan			
A1.10	Е	Lower Ground Floor Plan			
A1.11	Е	Ground Floor Plan			
A1.12	Е	Level 1 Floor Plan			
A1.13	С	Roof Plan	NV	28 September 2023	
A2.01	D	South and North Elevations	NV	16 November 2023	
A2.02	D	East Elevation			
A2.03	D	West Elevation			
A3.01	D	Section			
A5.01	Α	Exterior Colours and Finishes			

OWNER:

Kym Ashton and Bevan Rashford

APPLICANT:	Joumana Moore
AUTHOR:	Report of Jack Varka, Assessment Officer
DATE OF REPORT:	16/08/2024
DATE LODGED:	19 December 2023
RECOMMENDATION:	Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to the detached dwelling at 71 Pine Street East, Cammeray.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%. In accordance with the Minister's Directions the application must be determined by the Local Planning Panel.

The subject site, described as Lot 18, DP 8680 is a three-storey detached dwelling, however, it presents to Pine Street East as two storeys. The site is rectangular in shape and has an area of 445.9m². The topography of the site slopes steeply to the north towards Long Bay. The dwelling is constructed from brick cladding with terracotta tiling along a gable roof. The southern primary frontage is located along Pine Street East, while the rear northern boundary adjoins with the rear of 9 Vernon Street located below the subject site.

The application was referred to Council's Engineering and Landscape Officers, both of which provided no objection to the proposed development. Appropriate conditions have been recommended by both referral officers and are reflected in the determination of the application.

The application does not propose the removal or pruning of any trees or vegetation and seeks to retain the existing landscape context of the site.

Notification of the proposal has attracted no submissions.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 11.3m at the top of the ridgeline at northern most extent of the proposed roof extension.

Whilst the proposal does not technically increase the height of the dwelling, the proposed works extend the existing primary roof ridgeline towards the north which effectively increases the degree of non-compliance as a result of the sloping topography of the site. It should be noted that the enclosure of the First Floor level bedroom balcony and roof extension works all take place above the maximum building height plane.

The proposal results in an exceedance of the height standard of 2.8m which represents a 33% variation.

On assessment of the view and privacy impacts and bulk and scale, the development is considered to be acceptable and not readily visible from the streetscape. The proposal is also generally compliant with Council's other controls in Part B of NSDCP 2013 and will not result in any other significant adverse impact upon the amenity of adjoining properties or the character of the adjoining area.

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



🔯 Property/Applicant 🛛 Submitters 🔲 Properties Notified

DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for the following works:

- Additions to the Ground and First Floor levels within the existing dwelling footprint including enclosure of north facing First Floor balcony;
- Extension of the existing roof towards the northern elevation, maintaining existing roof pitch and form;
- Construction of new rear terrace vergola roof and minor alterations including new side boundary privacy screens and BBQ/outdoor kitchen; and
- Minor internal and external alterations including new replacement skylight at the Ground Floor Level, external side access staircase, new garage door, and Lower Ground level replacement sliding door.

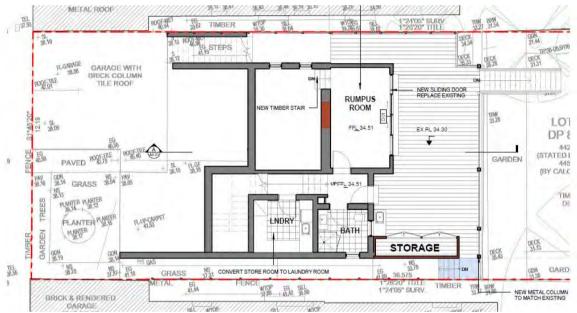


Figure 1: Proposed Lower Ground Floor Level



Figure 2: Proposed Ground Floor Level

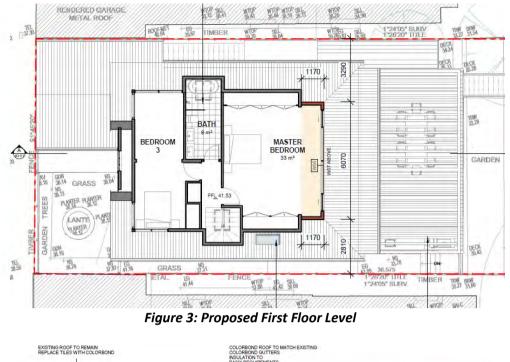




Figure 4: Proposed Roof Level

Referral to NSLPP:

The application is reported to NSLPP for determination because the proposed alterations and additions includes works conducted that breach the building height standard of 8.5m for the site. The proposal includes the enclosure of First Floor Level balcony and extension of existing roof line above the building height standard at a variation that exceeds more than 10% of the standard, being a 33% variation or 2.8m above the 8.5m maximum.

STATUTORY CONTROLS

North Sydney Local Environmental Plan (NSLEP) 2013

- Zoning C4 Environmental Living
- Item of Heritage No
- In Vicinity of Item of Heritage No
- Conservation Area No
- Foreshore Building Line No

Environmental Planning & Assessment Act 1979 SEPP (Biodiversity and Conservation) 2021

- Chapter 6 Water Catchments
- SEPP (Resilience and Hazards) 2021
- Chapter 4 Remediation of Land
- SEPP (Sustainable Buildings) 2022

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

- Bushland Buffer Buffer Area A (100m)
- North Sydney Local Infrastructure Contributions Plan

DESCRIPTION OF LOCALITY

The subject site, described as Lot 18, DP 8680 is a three-storey detached dwelling, though it presents to Pine Street East as two storeys. The site is rectangular in shape and has an area of 445.9m². The topography of the site slopes steeply to the north towards Long Bay. The dwelling is constructed from brick cladding with terracotta tiling along a gable roof. The southern primary frontage is located along Pine Street East, while the rear northern boundary is adjoined with the rear of 9 Vernon Street located below the subject site.

The locality is dominated by an eclectic mix of residential dwellings, such as low-density detached and semi-detached dwellings with multi-dwelling housing and residential flat buildings interspersed, however these are generally located along the northern side of Pine Street and along Arkland Street. The northern areas of Cammeray are characterised by steep topography, and dwellings are generally responsive this by integrated stepped built forms, similar to that of the subject dwelling.

RELEVANT HISTORY

Previous Applications

DA 335/2008

- Lodged to Council on 31 July 2008.
- Proposed works included repair works and minor extension to existing two level rear timber terrace.
- Application was approved by Council on 14 October 2008.

Current Application

Date	Action
19 December 2023	Application lodged to Council
2 January 2024	Internal referral received from Council's engineering team
12 January 2024	Commencement of notification period
26 January 2024	Conclusion of notification period
7 February 2024	Commencement of extended notification period, at the request from strata
	manager of 9 Vernon Street

21 February 2024	Conclusion of extended notification period
	Internal referral received from Council's landscaping team
13 May 2024	Application was reassigned to current Assessment Officer
3 June 2024	Site Inspection undertaken by Assessment Officer

INTERNAL REFERRALS

ENGINEERING

The application has been referred to Council's Development Engineers Team who provided the following comments:

In reference to the proposed development, the following matters have been considered:

<u>Traffic Management:</u> Internal works only. No conditions applied.

Stormwater:

To be discharged into existing stormwater disposal system. Appropriate conditions shall be imposed in this regard.

Parking and Access:

No works have been proposed in this regard. The existing driveway is in satisfactory condition. No conditions applied.

<u>Sediment and Erosion controls</u> Appropriate conditions shall be imposed in this regard.

<u>Excavation and Retaining Walls</u> Appropriate conditions shall be imposed in this regard.

Recommendation

The application has been assessed and it is recommended that conditions be included in the Development Consent.

Planner's Comments:

Noted and accepted. Suitable conditions recommended.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer who raised any objections. Site specific conditions have been recommended.

Planner's Comments:

Noted and accepted. Recommended conditions imposed.

SUBMISSIONS

In accordance with Section 3.5.3 of the Council's Community Engagement Protocol, local developments are to have a 14-day period whereby neighbouring residents can submit a response that can highlight any concerns that they have about the proposal. The first notification period for the proposed development took place between 12-26 January 2024. Between that time period, no submissions were received. Another notification period was opened at the request of the strata manager of 9 Vernon Street between 7-21 February 2024. Between that time period, no submissions were received.

CONSIDERATION

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

SEPP (Biodiversity & Conservation) 2021

• Chapter 6 – Water Catchments

Having regard to Chapter 6 of the *SEPP* (*Biodiversity and Conservation*) 2021, the subject site is located within the Sydney Harbour Catchment Area. However, due to the inland location of the subject site, it can be deemed that the proposal will have no detrimental impacts on the surrounding waterways and its quality and quantity, what could occur during the events of a flood, aquatic ecology, recreational areas, public access and the characteristic of the foreshore. The application satisfies the requirements of this Policy.

SEPP (Resilience and Hazards) 2021

• Chapter 4 – Remediation of Land

The Cammeray Neighbourhood is primarily used for residential accommodation and no Council records indicate that any potentially contaminating activities took place on or near the subject site. As a result, remediation works are not necessary for this proposal and the application satisfies the requirements of this Policy.

SEPP (Sustainable Buildings) 2022

As the proposed costs for the development are approximately \$1,100,000, it is above the \$50,000 threshold meaning that a valid BASIX certificate must be completed and submitted. A BASIX Certificate (No. A1730155) was issued on 13 December 2023 for the proposed development. As DA 348/2023 was lodged to Council on 19 December 2023, the BASIX certificate is valid thus satisfying the requirements of the Policy.

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 (NSLEP) 2013.* Development for the purposes of additions and alterations to a dwelling house is permitted with consent from the 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 development does not seek to alter the existing use and density of the dwelling and would maintain its role in providing for the housing needs of the occupants. The proposed works would have no detrimental impact on the surrounding special ecological, scientific and/or aesthetic values and would ensure that a high level of amenity is being achieved within the subject site while maintaining the existing amenity levels of neighbouring dwellings.

3. Height of Building

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 10.85m. Whilst the proposal does not technically increase the height of the dwelling, the proposed works extend the existing primary roof ridgeline towards the north which effectively increases the degree of non-compliance as a result of the sloping topography of the site. It should be noted that the enclosure of the First-Floor level bedroom balcony and roof extension works all take place above the maximum building height plane.

The proposal results in an exceedance of the height standard of 2.8m which represents a 33% variation as demonstrated in Figure 5 below.

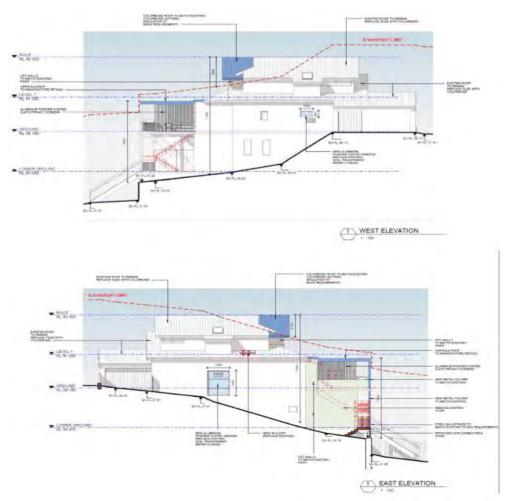


Figure 5: East and West Elevation (Source: Architectural Plans).

To justify the installation of the non-complying elements, a written request to vary the development standard made pursuant to Clause 4.6 in *NSLEP 2013* has been submitted and is assessed below.

4. Clause 4.6 - Contravention of a Development Standard

A written request to contravene the development standard for height has been submitted and has been considered below.

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

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In respect of the building height standard, the first method is invoked below.

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

The proposed development has had regard to its site context and topography. The proposed alterations and additions sought do not alter the existing finished floor levels, with minor additions proposed at the Lower Ground Floor, Ground Floor, and First Floor. The existing height of the roof is to be retained with only the northern portion of the roof to be extended to enclose the existing First Floor balcony. The proposed works are contained within the existing footprint of the dwelling and, therefore, the built form, with regard to the existing building height, is already established with no topographical change.

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

The proposed extension at First Floor level and roof is not expected to compromise existing view corridors from neighbouring properties. The proposed first floor addition will maintain the existing roof ridge height and is contained within the existing building footprint. Development surrounding the subject site is generally 2-3 storeys in form and the proposal is consistent with the existing built form. The proposal will not impact upon public views or vistas from Pine Street East.

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

Due to the north-south orientation of the site, the additional shadows cast will be generally limited to the roof of the existing dwelling and neighbouring dwellings and will not have a significant effect on solar access.

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

The privacy of the adjoining properties will not be impacted by the proposed alterations and additions. Privacy louvers/screening will be installed on the eastern and western side of the proposed rear terrace at ground floor level to minimise overlooking to adjoining properties. New windows are proposed at the rear, which are likely to overlook roof of the residential flat building to the north as the building siting below the subject site due to the sloping topography.

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

The proposed alterations and additions seek to retain the existing ridge height of the dwelling in an attempt to maintain the relationship between the site and adjoining properties. The proposed development does not seek to alter the existing use and density of the dwelling and would maintain its role in providing for the housing needs of the occupants in a low-impact residential development.

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

The scale and density of the existing dwelling will remain unaltered by the proposed alterations and additions. The proposed alterations and additions retain the existing roof ridge height and are considered reasonable in this instance.

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

The existing built form and scale will be maintained as a part 2, part 3 storey dwelling, which is aligned and consistent with the pattern of development along the northern side of Pine Street East.

Clause 4.6(3)(b) Are there sufficient environmental planning grounds to justify the variation

The written request has provided various environmental planning grounds to justify the variation of the written request which are briefly summarised below.

- The proposed development does not alter the existing number of storeys or finished floor levels of the dwelling.
- The proposed variation to the building height relates to an existing non-compliance. The proposed alterations and additions seek to retain the existing roof ridge height.
- No significant impacts to solar access, views or privacy will be generated by the variation to building height sought.
- The proposed alterations and additions are modest, and will integrate into the desired future character of the area as they have been designed to integrate into the existing architectural form and presentation of the building with no resulting environmental impact.

The 8.5m height limit for this site is variable in levels given the existing natural fall and topography of the site. As a result, the non-compliance with the height limit largely relates to the proposed enclosure of the First Floor level balcony and roof extension and does not comprise the entirety of the proposed works, which do not in any case result in significant additional bulk or height to the existing building.

Furthermore, on assessment of the view impacts, bulk and scale, and privacy impacts, the development is considered to be acceptable and not readily visible from the streetscape. The proposal is also generally compliant with Council's other controls in Part B of NSDCP 2013 and will not result in any other significant adverse impact upon the amenity of adjoining properties or the character of the adjoining area. The proposal is therefore considered to be acceptable on merit within the site circumstances, with no significant adverse impacts to the amenity and privacy of neighbouring properties and is considered a reasonable improvement to the existing building.

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

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

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

Part B Section 1 – Residential Development						
complies Comments						
1.2 Social Amenity	1.2 Social Amenity					
Maintaining Residential Accommodation	YES	The proposed development seeks to maintain the existing use of the site, which is for residential accommodation.				
1.3 Environmental Criteria						
Topography	YES	The proposed development seeks to maintain the existing topography of the site, which steeply slopes towards the north. There will be no excavation and no natural sandstone outcrops or features affected by the proposed works.				
Bushland	YES	The site does not adjoin bushland but is located within the Bushland Buffer Zone A (100m). No bushland areas will be affected by the proposed works, and the landscaped context of the site will be enhanced through the conditioned additional landscaping within the front setback.				
Views	YES	No views or vistas are being impacted by the proposal as the new works are of a reasonable scale and location.				
Solar Access	YES	Minor impacts are created to neighbouring properties to the east and west as a result of the First Floor level extension and rear balcony, however these impacts are minor and generally cast to the roofs of neighbouring dwellings.				
Acoustic and Visual Privacy	YES	Standard construction methods and design resolutions will be imposed to ensure adequate levels of acoustic privacy for occupants of the subject site and neighbouring dwellings during construction. The proposal largely maintains existing levels of visual privacy.				
		The rear balcony has incorporated privacy screening to the eastern and western side boundaries, and no windows are proposed to the side boundaries.				

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

Part B Section 1 – Residential Development				
	complies	Comments		
1.4 Quality Built Form				
Context	YES	The dwelling will maintain its visual relationship with the streetscape as the proposed works are relatively low in scale, will be composed of high-quality materials and are located either internally or at the northern elevation of the dwelling, and will not be readily visible from the streetscape. The change in the garage door materiality will not compromise the context of the dwelling. The slope of the land is also maintained by the proposal with no excavation proposed.		
Streetscape	YES	No footpaths, kerb, guttering or street trees will be impacted by these works.		
Siting	YES	The proposed works are located within the existing footprint of the dwelling and will not affect the siting of the building.		
Setbacks	YES	The existing setbacks of the dwelling are to be maintained as existing. The footprint of the dwelling is not changing as part of the proposal.		
Form, Massing and Scale	YES	The proposed works are consistent with the built form, massing, and scale within the area, and will not significantly alter the current footprint and scale of the dwelling. The enclosure of the First Floor level balcony will not be highly visible from the streetscape.		
Built Form Character	YES	The proposed Ground and First Floor alterations are of modest size and scale in order to complement the physical form of the existing dwelling and maintains its relationship with neighbouring properties. The proposal is in keeping with the existing streetscape and the proposed alterations will be subservient to the existing dwelling.		
Roofs	YES	The proposed pitched roof extension is relatively modest in size and scale in order which complements the physical form of the existing building. The form, pitch, and materiality of the roof extension to the north will be consistent with the existing roof.		
Materials	YES	The external works are to match or complement the existing colours and finishes of the dwelling. The proposed new garage door will be Colourbond and in keeping with the existing context.		

Part B Section 1 – Residential Development					
	complies Comments				
1.5 Quality Urban Environm	ient				
Vehicle Access and Parking	YES	The existing parking is to be retained in the proposal.			
		There is no impact or change to the current traffic and pedestrian access provisions.			
Site Coverage YES		The proposal will minorly increase the site coverage at the expensive of unbuilt upon area as a result of the 'squaring off' of the rear Ground Floor level balcony/terrace.			
		Site coverage was calculated to be 198.7m ² or 45% of the total site area, which is compliant with the control.			
Landscape Area (min)	YES	The landscaped area of the site is to be maintained as existing at 157.8m ² or 35% of the total site area which is in exceedance of the control.			
Un-built upon area (max)	YES	Unbuilt upon area will minor decrease due to the 'squaring off' of the Ground Floor level rear balcony at the north eastern corner. The proposed unbuilt upon area is 88.9m ² which represents 20% of the total site area.			
Landscaping	YES	There are no proposed changes to the existing landscaping of the site or impacts upon existing trees. Council's Landscape Officer has recommended conditions be imposed to ensure the protection of existing trees.			

Cammeray Planning Area (Cammeray Neighbourhood)

Consideration has been given to the Character Statement for the Cammeray Planning Area in Part C of NSDCP 2013, particularly Section 4.2 (Cammeray Neighbourhood) where this site is located. The proposal is acceptable as the proposed works are sympathetic in form, massing and scale and built form character of the existing building on site and as visible from the street. The proposed garage will have no impact upon public domain views to Middle Harbour to the north east from Pine Street and will not impact upon view sharing for adjoining properties. The development is compatible with existing development in the neighbourhood, and therefore conforms to the relevant provisions in Part B in NSDCP 2013.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$1,100,000
(payment amount subject to indexing at time of payment)	Contribution:	\$10,100.00

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIR	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 Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Bay Precinct between 12-26 January 2024. Between that time period, no submissions were received. Another notification period was opened at the request of the strata manager of 9 Vernon Street between 7-21 February 2024. Between that time period, no submissions were received.

PUBLIC INTEREST

The proposal would not result in any unreasonable impacts to the streetscape and Cammeray Neighbourhood area. The proposal maintains the existing low-density character of the locality by restricting the majority of the works internally to the primary dwelling and along the northern elevations of the dwelling where it will not be readily visible from the public domain. The proposal is acceptable in its impacts to neighbouring properties and therefore, would not be contrary to the public interest.

SUITABILITY OF THE SITE

The proposal involves residential development in an environmental living zone. The proposed works are wholly contained within the rear of the site, with the exception of the garage door, and will not be readily visible from the public domain. The proposal does not pose any significant impacts to neighbouring dwellings and the streetscape. The proposal is considered to be suitable for the subject site.

CONCLUSION

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

The proposal maintains the existing low-density character of the site, with works largely conducted internally and at the rear of the dwelling and remains sympathetic to the context of the locality and will not be readily visible from the streetscape.

The proposed variation to the building height standard is acceptable and strict compliance with the standard is unreasonable and unnecessary in this instance. The enclosure of the first floor level balcony and roof extension do not propose any significant impact that would compromise neighbouring amenity by way of view, privacy, and solar access impacts. It should be noted that no submissions were received during the notification period of the application.

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 assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 – maximum building height and grant consent to Development Application No. 348/2023 for alterations and additions to the existing dwelling on land at 71 Pine Street East, Cammeray subject to the following standard conditions:

JACK VARKA ASSESSMENT OFFICER

ISOBELLA LUCIC TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE MANAGER OF DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL CONDITIONS OF DEVELOPMENT APPROVAL 71 PINE STREET, CAMMERAY DEVELOPMENT APPLICATION NO. 348/23

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	
A1.01	E	Site Plan	NV	16/11/2023	
A1.02	А	Site Calculation Plan			
A1.03	А	Existing Lower Ground Floor Plan			
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A3.01	D	Section			
A5.01	А	Exterior Colours and Finishes			

(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.

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)

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 predeveloped 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)

Structural Adequacy of Existing Building

C2. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Skylight(s)

C3. 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)

External Colours and Finishes

- C4. 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)

External Finishes and Materials

- C5. The external colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 quality built form of development)

Reflectivity Index of Glazing

C6. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity 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.

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- Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
- (Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

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.

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

C9. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the 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 interface between property and public land remains uniform)

Stormwater Disposal

- C10. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. 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 appropriate provision for disposal and stormwater management arising from the development)

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

- C11. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$7,000.00 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)

Footpath, Entries and Fire Exit Details (Mixed-use/Commercial/Apartments)

- C12. Footpaths, entries and exits and fire exits for the development must be designed by an appropriately qualified and practising Civil Engineer and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The design must include (but is not limited to) the following:
 - a) cross section along the centre-line of each access point to the building including fire exits at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed;
 - b) the sections must show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels;
 - c) the sections must show the calculated clearance to the underside of any overhead structure;

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- d) a longitudinal section along the boundary line showing how it is intended to match the internal levels of the building with the boundary footpath levels. The footpath must be designed (at a single straight grade of 3% falling to top of kerb) so that it is smooth without showing signs of dipping or rising particularly at entrances; and
- e) a longitudinal section along the gutter and kerb line extending 5 metres past property lines showing transitions.

Details, plans and specifications complying with this condition are to be certified as complying with the National Construction Code (NCC) and Council's standard footpath specifications, and the certification, details, plans and specifications must be provided to the Principal Certifier for approval prior to the issue of any Construction Certificate. Written concurrence confirming there will be no change to existing boundary and footpath levels is to be provided to the Certifier and North Sydney Council, prior to issue of any Construction Certificate.

(Reason: To facilitate suitable pedestrian and disabled access to private sites, and to ensure that internal levels reflect footpath boundary levels)

Protection of Trees

C13. 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	Size
Unspecified (?Syzigium sp.)	Within decking-western boundary –	6x4m
	71 Pine St East – rear setback	
All trees & vegetation	71 Pine St East – rear setback	To 10m
Unspecified tree	73 Pine St East – rear setback	20x15m

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

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C14. The Statement of Environmental Effects, prepared by CVMA Architects, states that no pruning is required. No canopy pruning shall be permitted to any protected tree. All scaffolding an associated works shall be designed so that no such pruning is required.

A report detailing the measures to be employed during construction shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. All measures required by the said report must be complied with at all times in the carrying out of the development.

(Reason: To ensure the protection and longevity of existing significant trees)

Provision of Accessible Paths of Travel

C15. The building must be designed and constructed to provide access and facilities in accordance with the National Construction Code and Disability (Access to Premises - Buildings) Standards 2010. 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.

Notes:

- 1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
- 2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
- 3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found on the website of the NSW Building Professional Boards at http://www.bpb.nsw.gov.au/page/premises-standards.
- (Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Section 7.12 Development Contributions

C16. 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 \$10,100.00.

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 <u>www.northsydney.nsw.gov.au</u>.

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

Security Deposit/Guarantee Schedule

C17. 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 (\$)
Stormwater, Kerb/Gutter, Footpaths, Vehicular Crossing and	\$7,000.00
Road Pavements	
TOTAL BONDS	\$7,000.00

Note: The following fees applicable

Fees	
Section 7.12 Development Contributions:	\$10,100.00
TOTAL FEES	\$10,100.00

(Reason: Compliance with the development consent)

BASIX Certificate

- C18. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1730155 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)

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

Photographic Survey (Heritage Items)

- D1. Prior to any works commencing a photographic survey recording, in accordance with the NSW Heritage Office Guidelines "Photographic recording of Heritage Items using file or digital capture", is to be prepared to the satisfaction of Council's Historian and Conservation Planner. Two (2) copies of the photographic survey must be provided to Council.
 - (Reason: To provide a historical record of heritage significant fabric on site for archival purposes)

Protection of Trees

D2. 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 AS4970-200 (Protection of trees on development sites). A report containing recommendations and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

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

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

Temporary Fences and Tree Protection

D3. All protected trees that are specifically nominated as per condition C46 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 Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works:

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

Commencement of Works' Notice

- D4. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.
 - (Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Parking Restrictions

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.
 - (Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

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

Developer's Cost of Work on Council Property

- E4. The Developer 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

- E5. 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

E6. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009.

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

Notes:

- 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)

Special Permits

E7. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

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4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

E8. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

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

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

Out-of-hours' Work Permits

E9. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of *the Environmental Planning and Assessment Act 1979*.

Notes:

1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at <u>www.</u> <u>northsydney.nsw.gov.au</u>.
- (Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

E10. 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

- E11. 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)

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Prohibition on Use of Pavements

E12. 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

E13. 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 <u>www.northsydney.nsw.gov.au</u>.

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

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.

(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)

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.

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- 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 to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
 - a. in the road reserve must be fully completed; and
 - 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)

Damage to Adjoining Properties

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

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

Utility Services

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

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

Certification of Tree Condition

G4. 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	Size
Unspecified (Syzigium sp.)	Within decking-western boundary –	6x4m
	71 Pine St East – rear setback	
All trees & vegetation	71 Pine St East – rear setback	To 10m
Unspecified tree	73 Pine St East – rear setback	20x15m

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 Certificate

G5. 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 Certificate.

(Reason: To ensure compliance with the Regulations)

71 PINE STREET, CAMMERAY DEVELOPMENT APPLICATION NO. 348/23

Page 37

Unpaved Verge

- G6. 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)

I. Ongoing/Operational Conditions

Loading within Site

- 11. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.
 - (Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

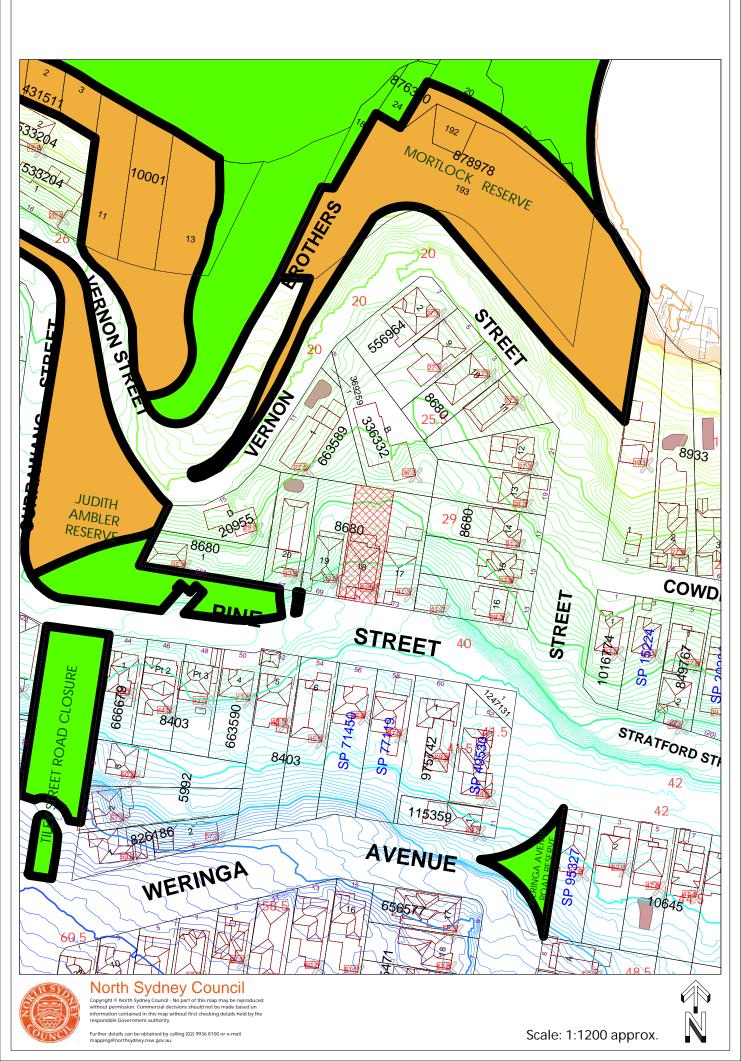
Maintenance of Approved Landscaping

12. The owner of the premises at 71 Pine Street is to maintain the landscaping approved by this consent generally in accordance with the approved plans.

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

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





ALTERATIONS AND ADDITIONS 71 PINE STREET EAST, CAMMERAY NSW

PROJECT NUMBER:

DATE:

H2H2302 16/11/2023

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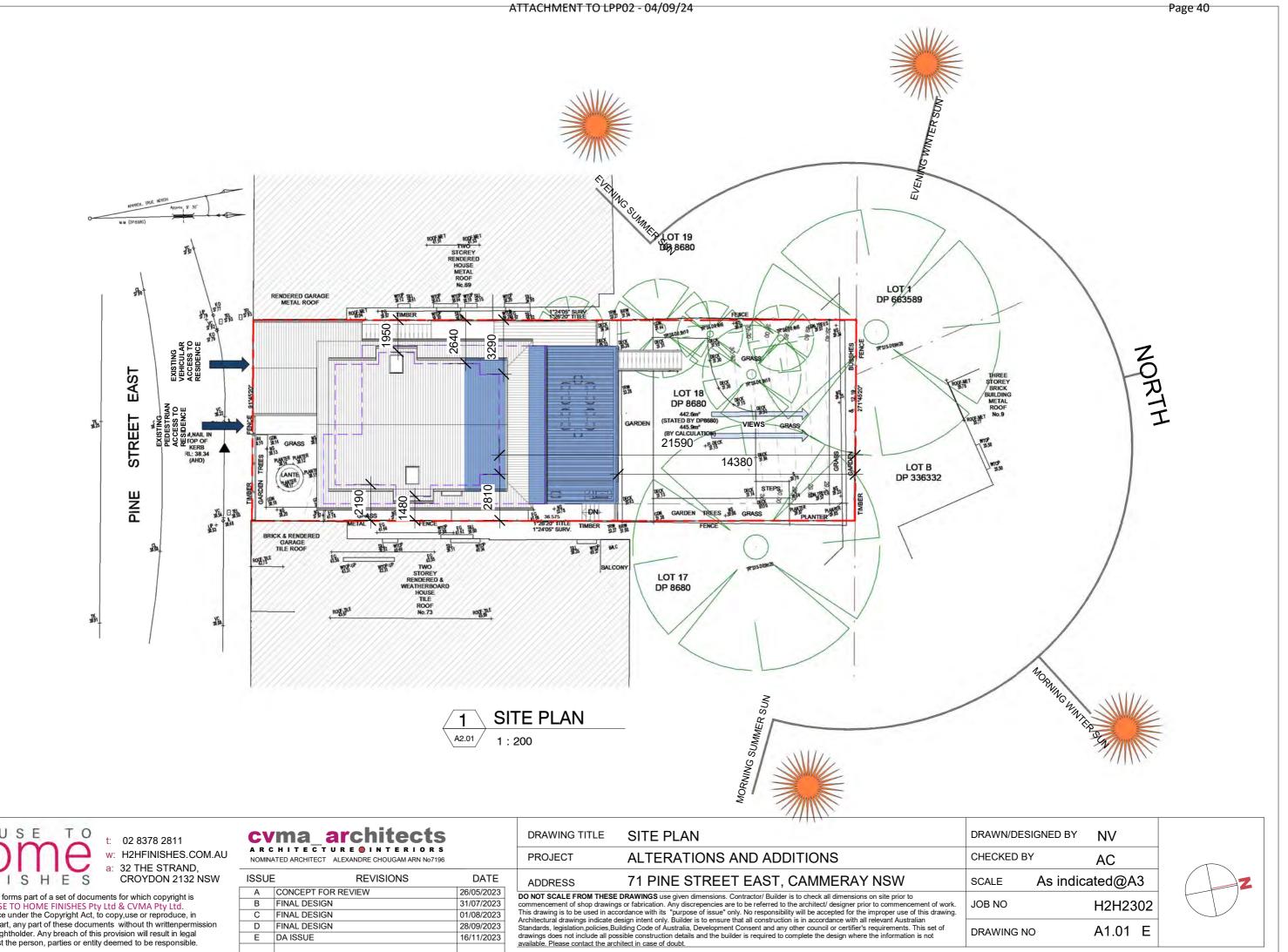


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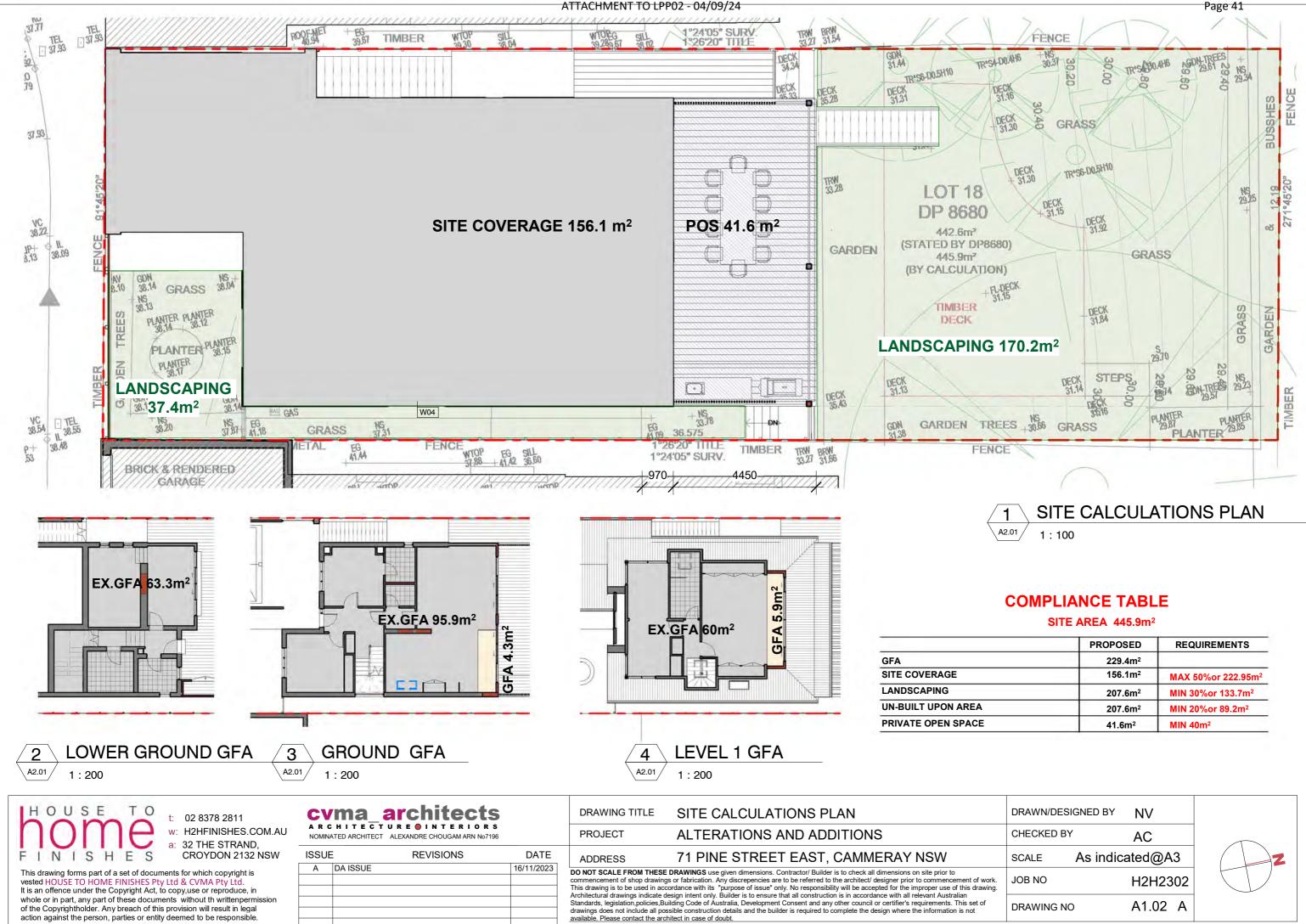
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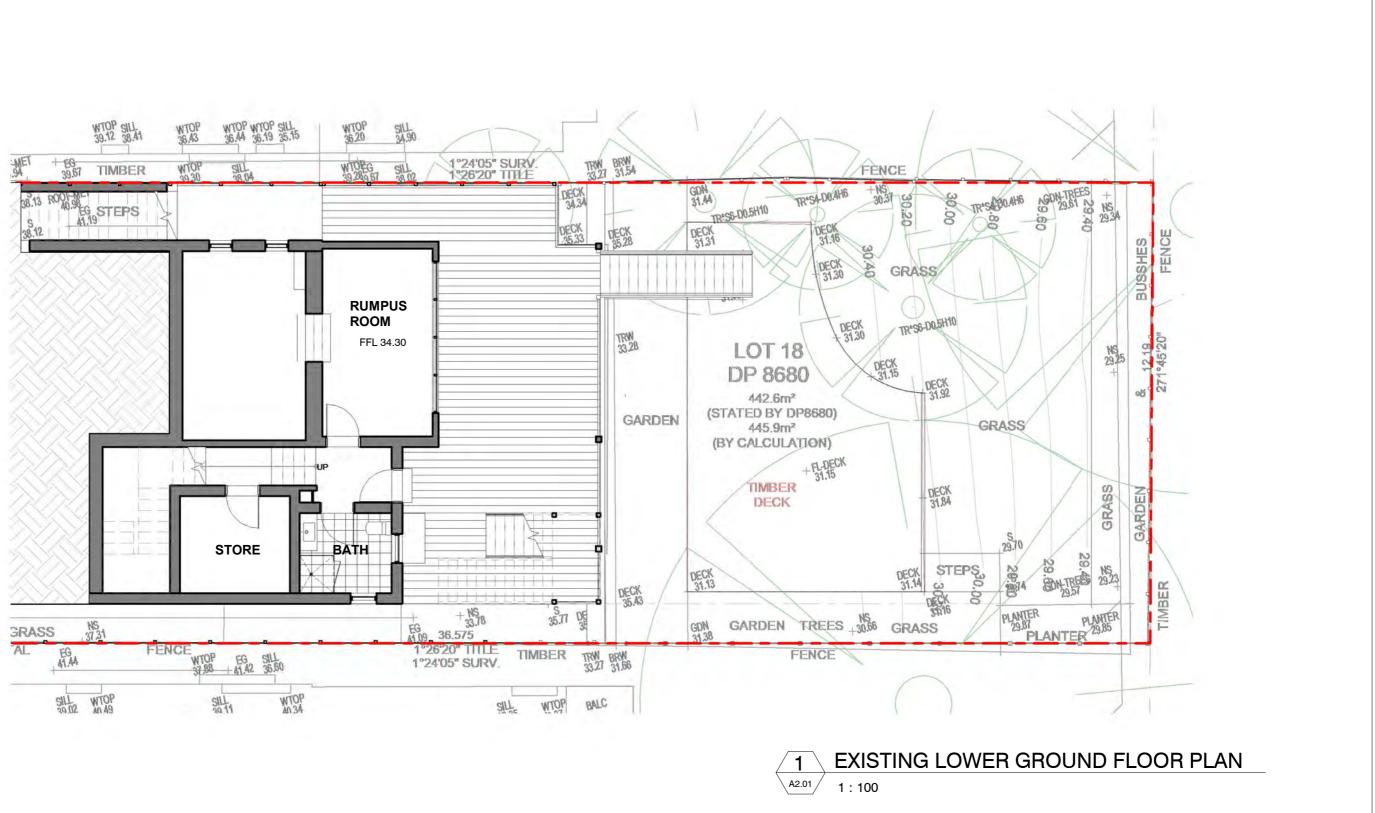
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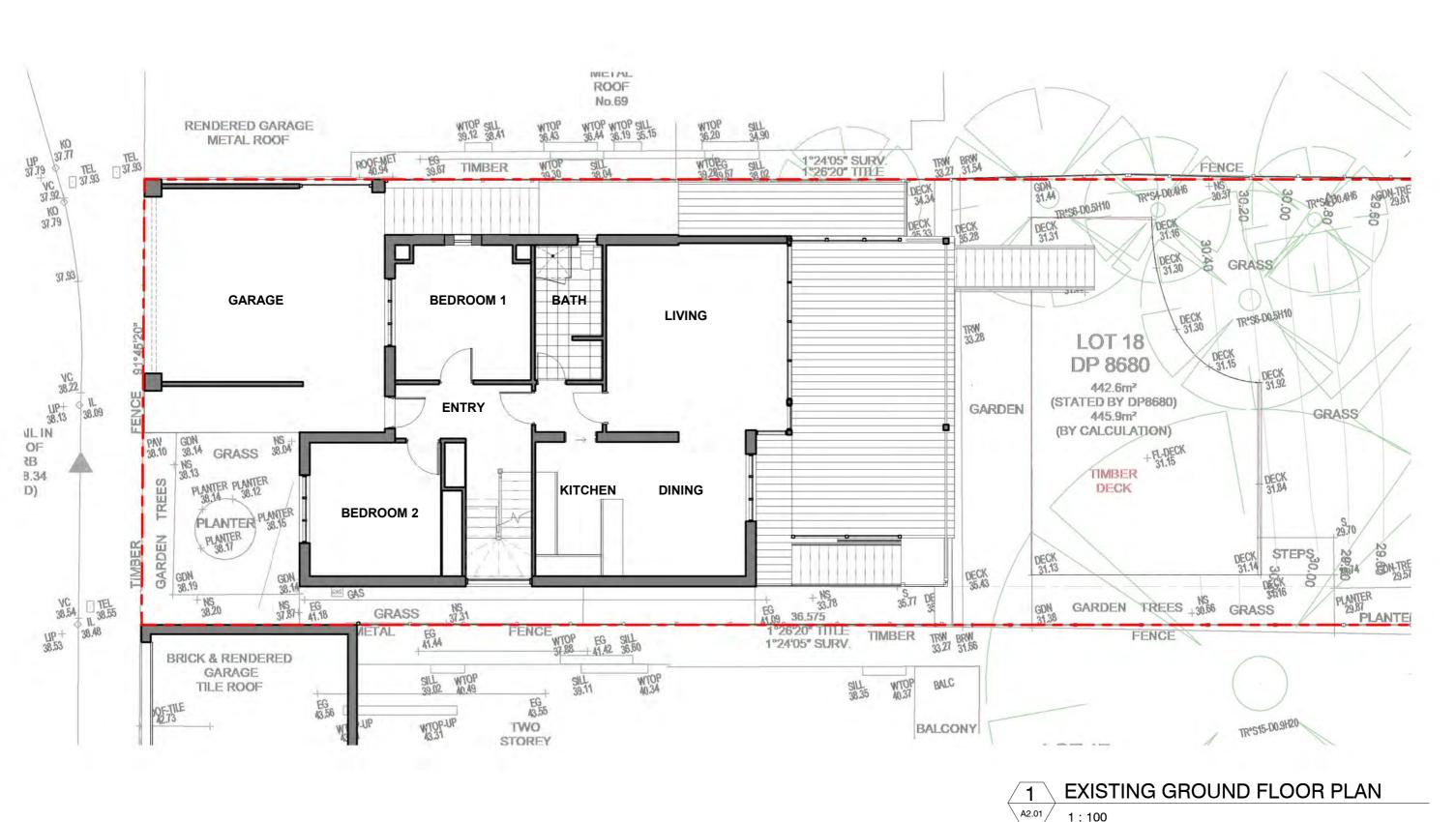
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156.1m ²	MAX 50%or 222.95m ²
207.6m ²	MIN 30%or 133.7m ²
207.6m ²	MIN 20%or 89.2m ²
41.6m ²	MIN 40m ²

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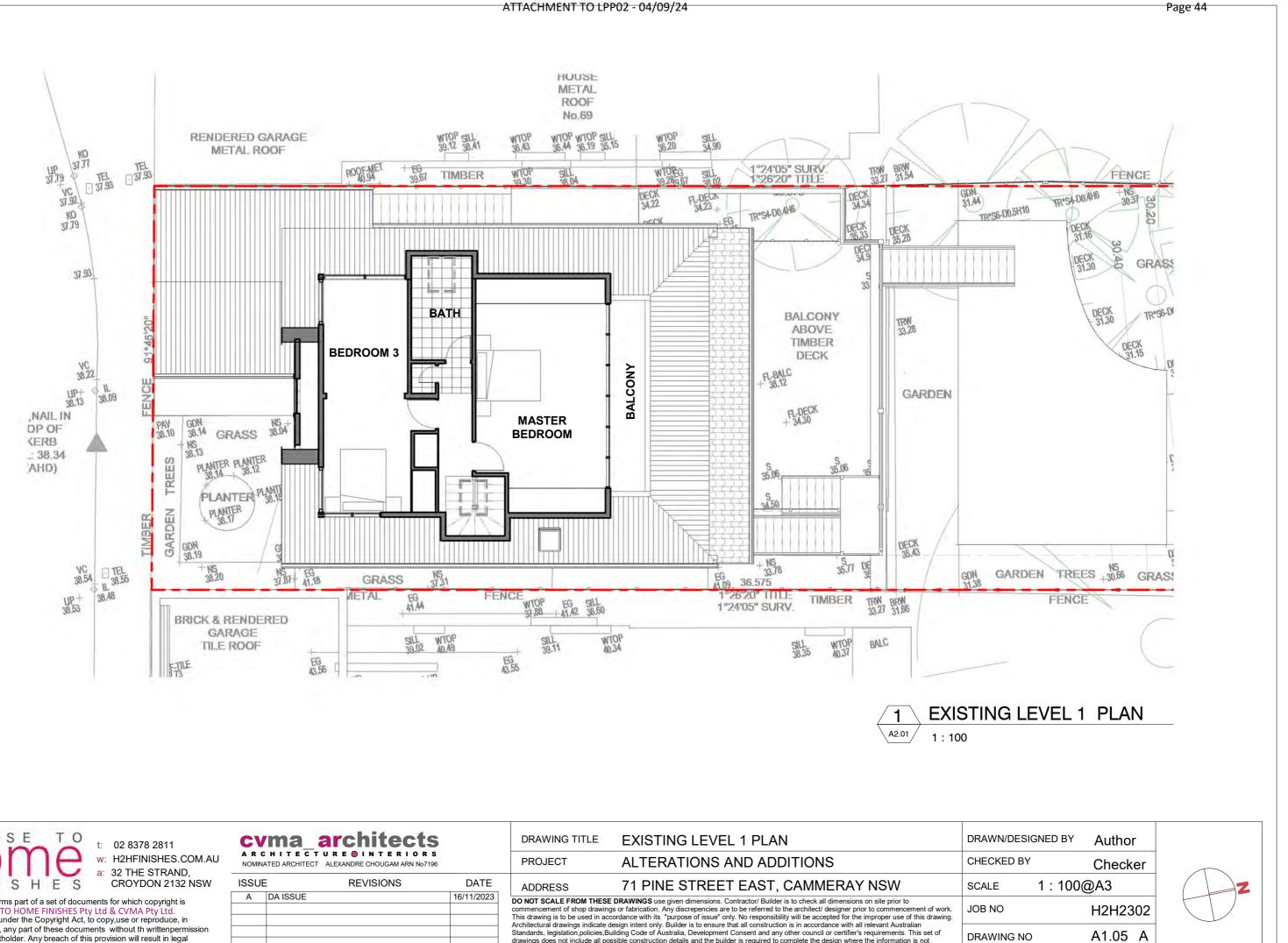
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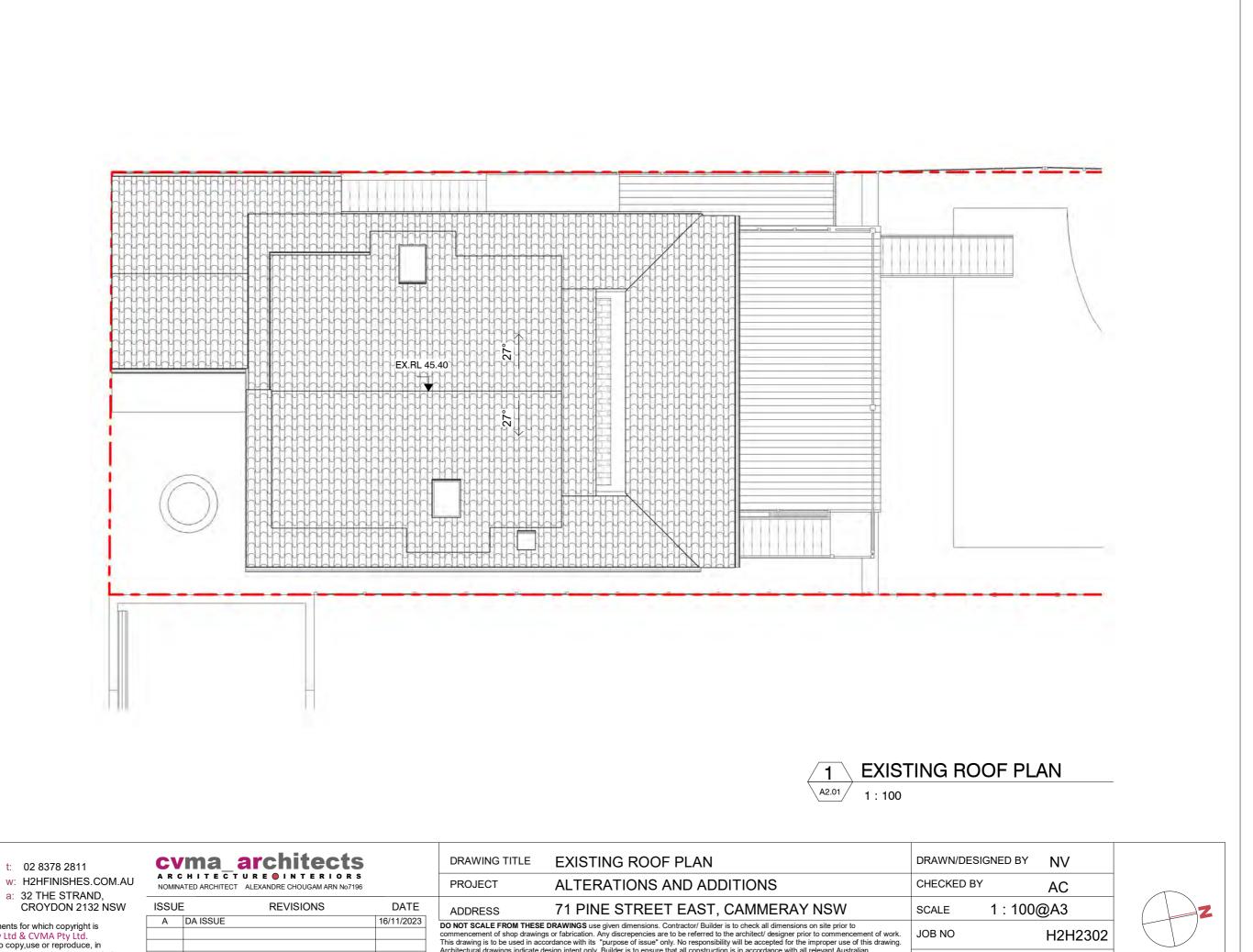
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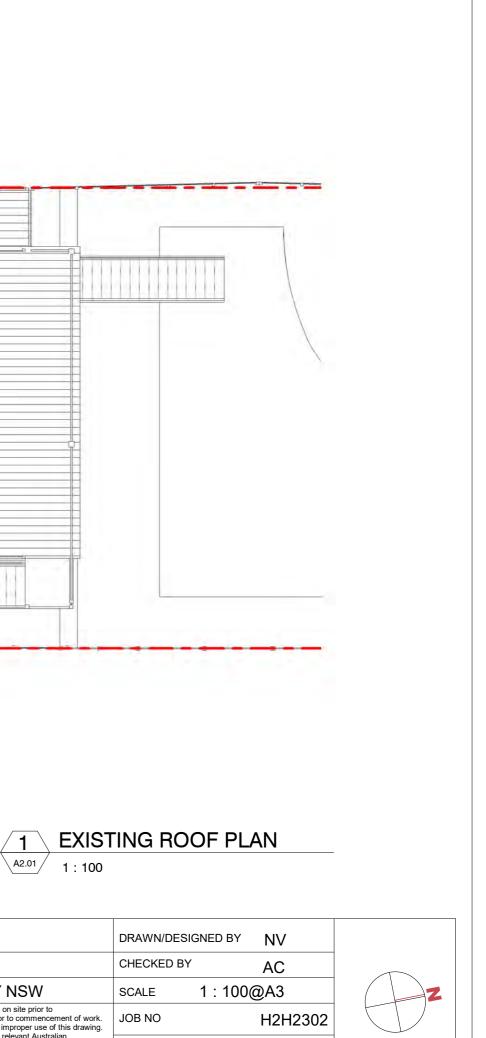
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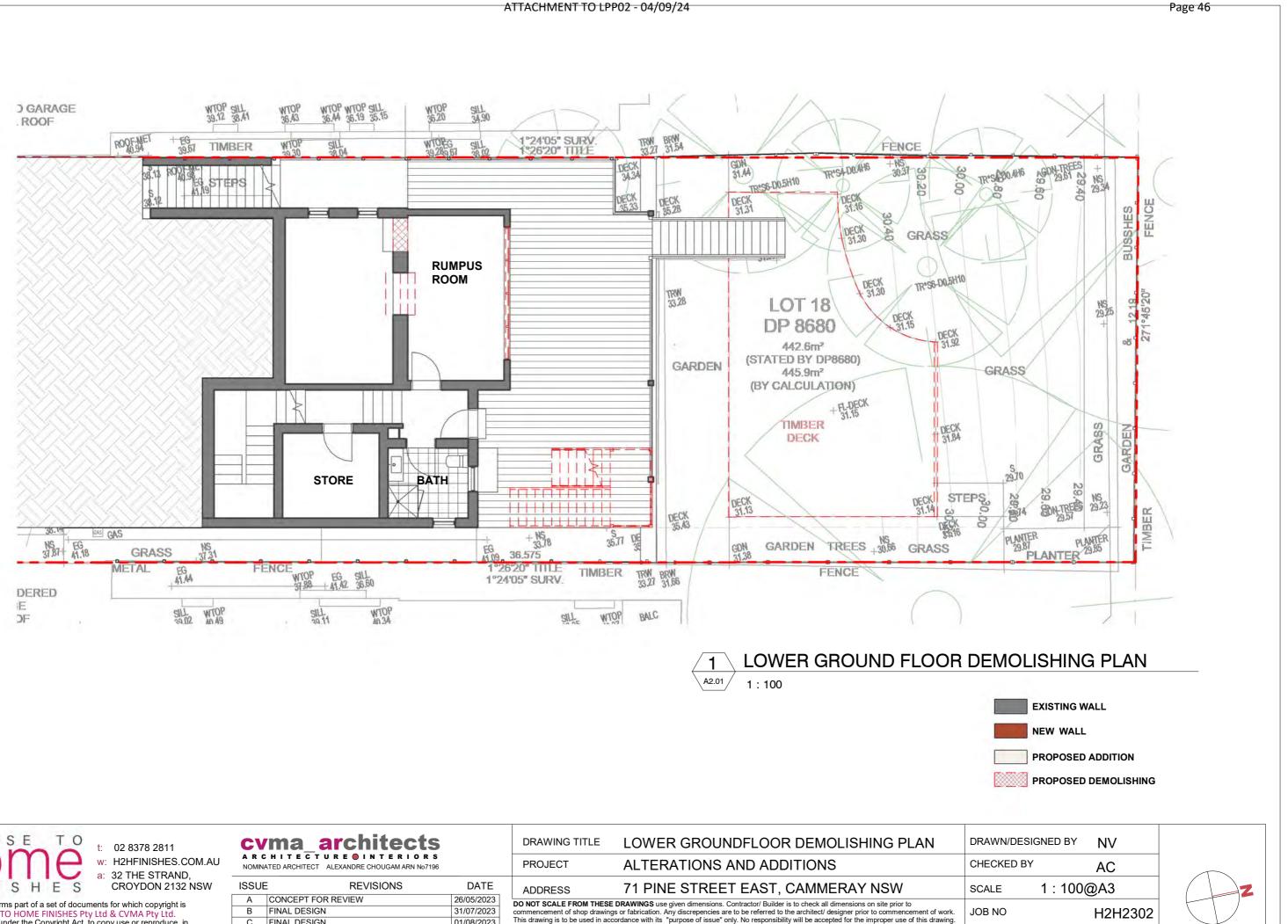
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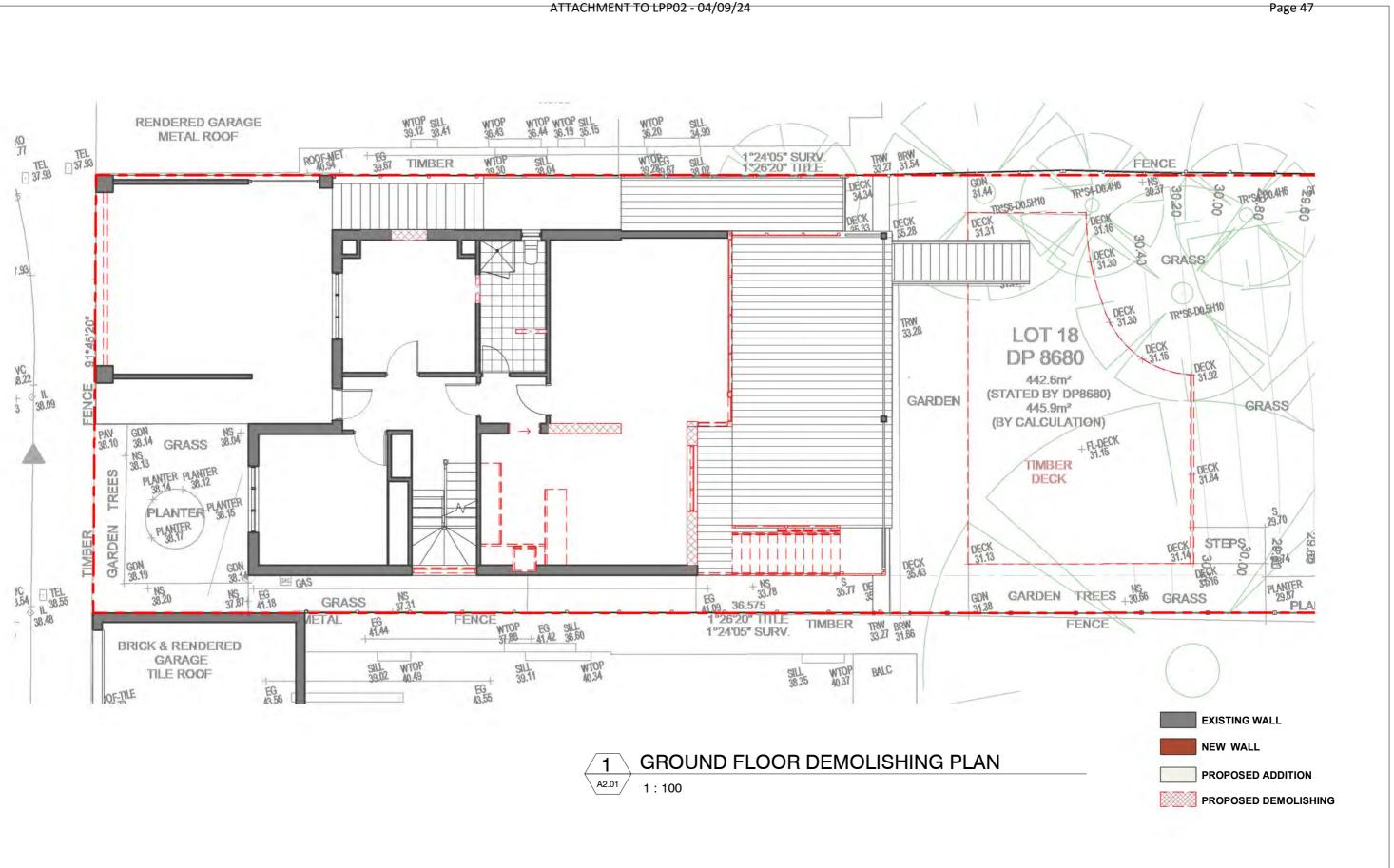
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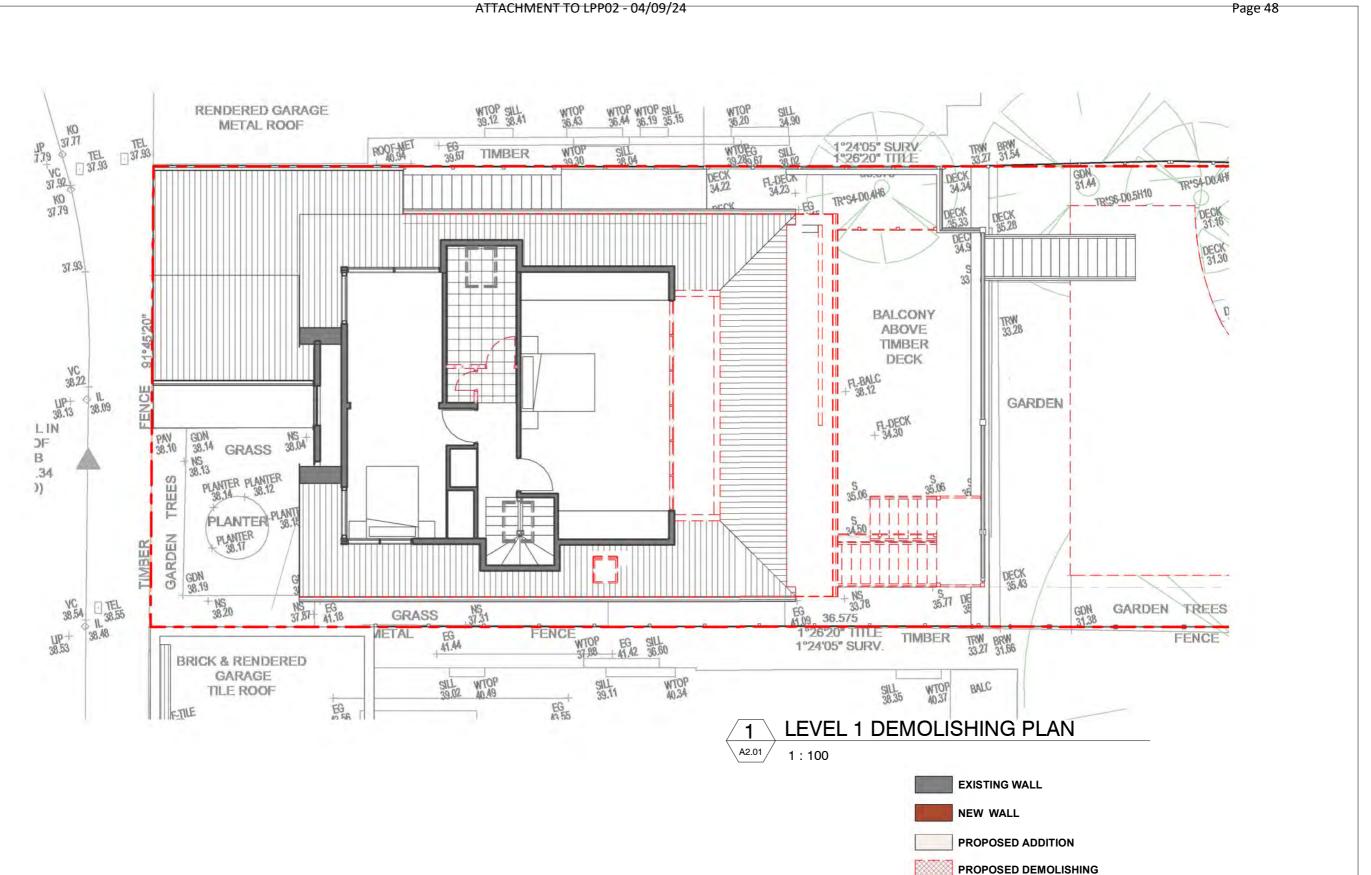
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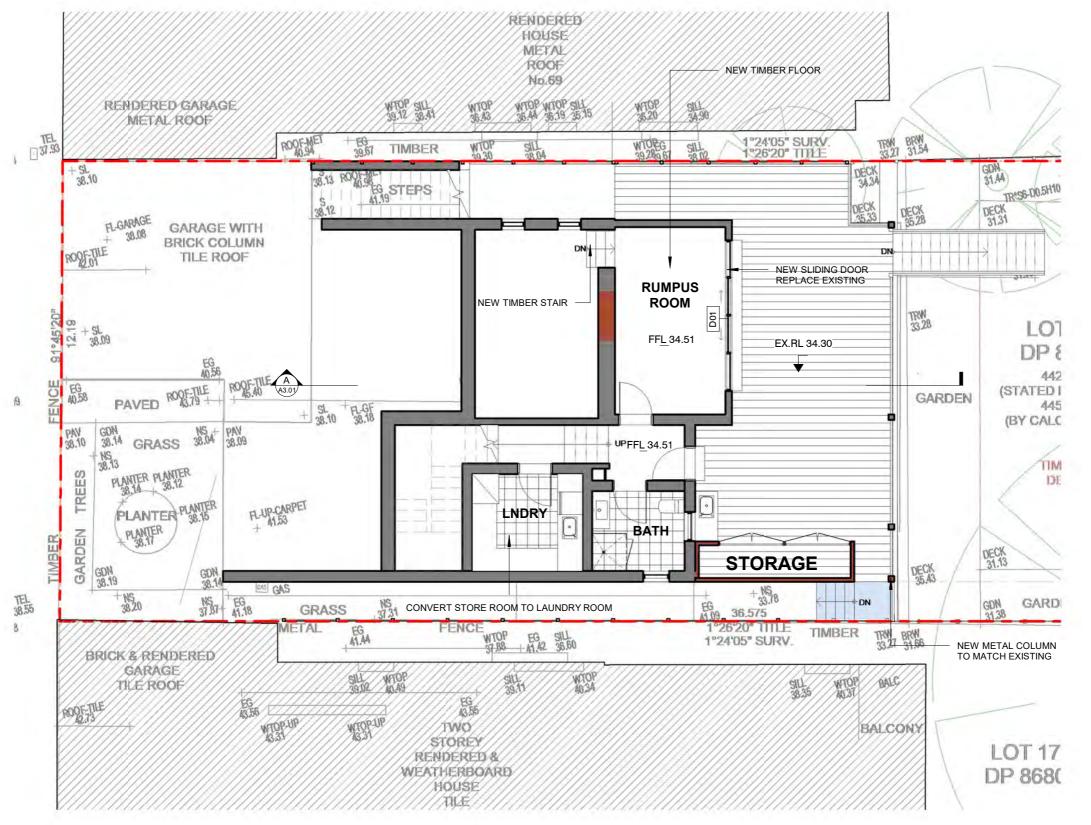
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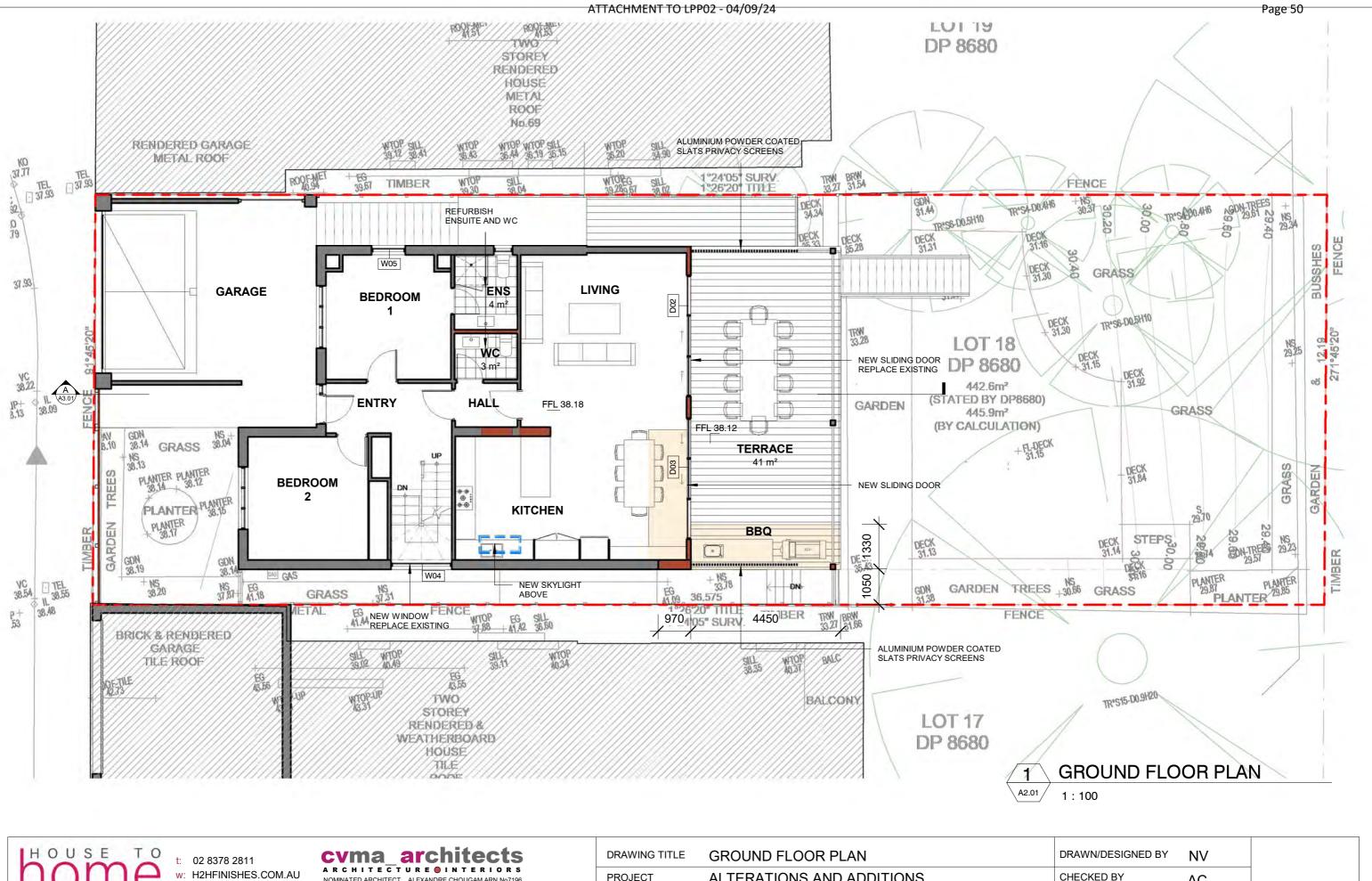
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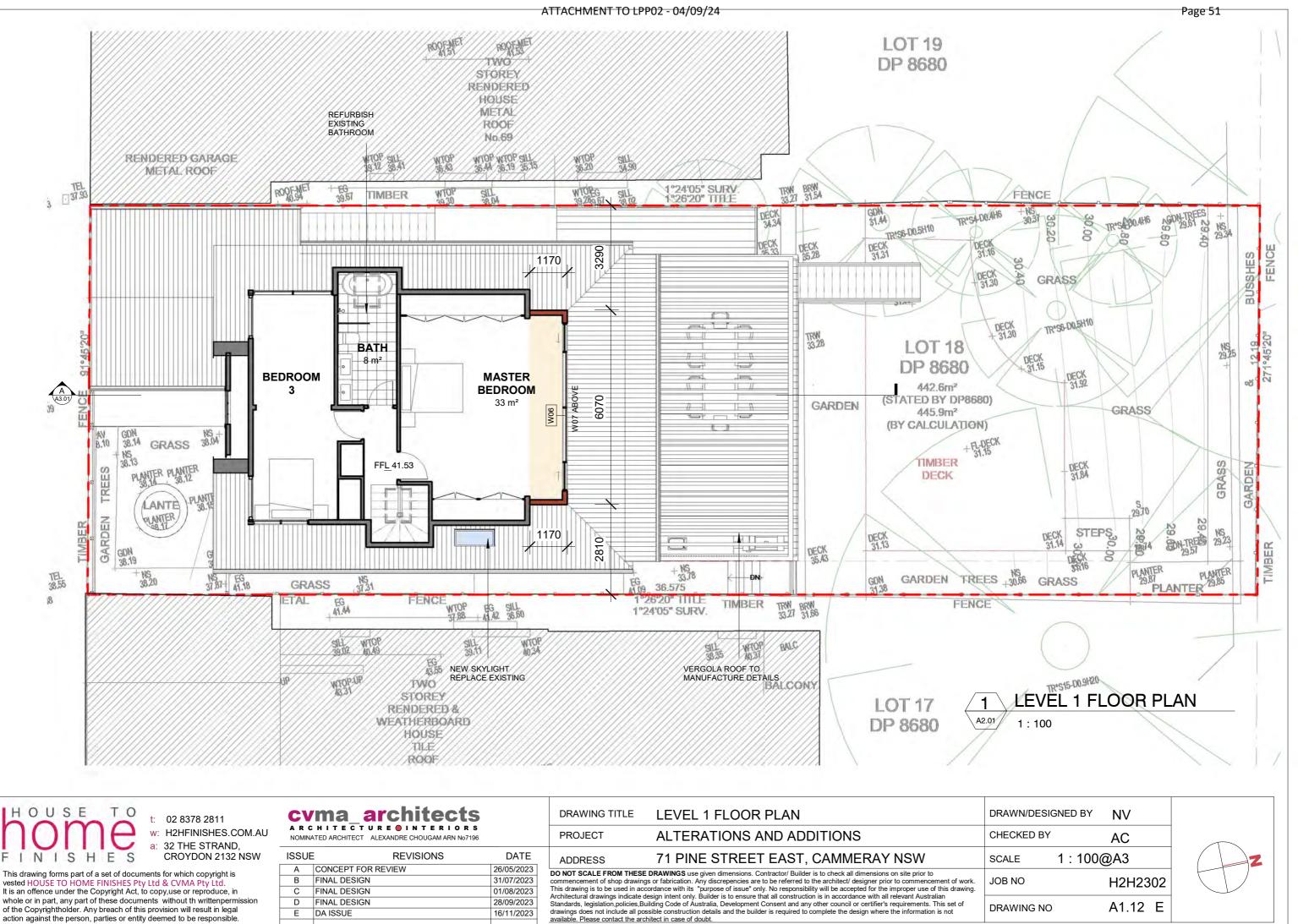
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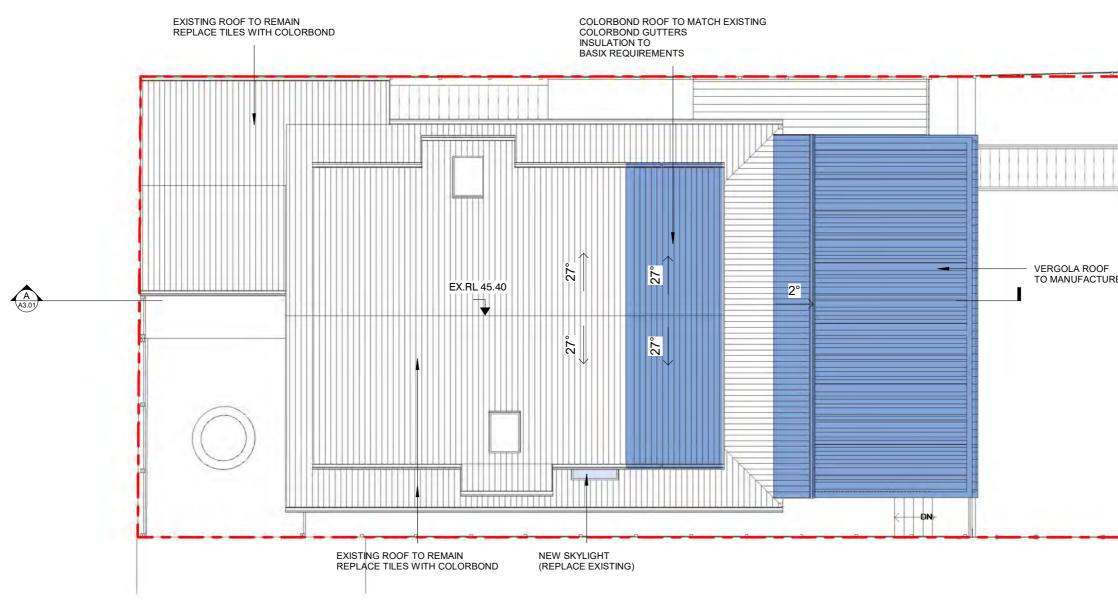




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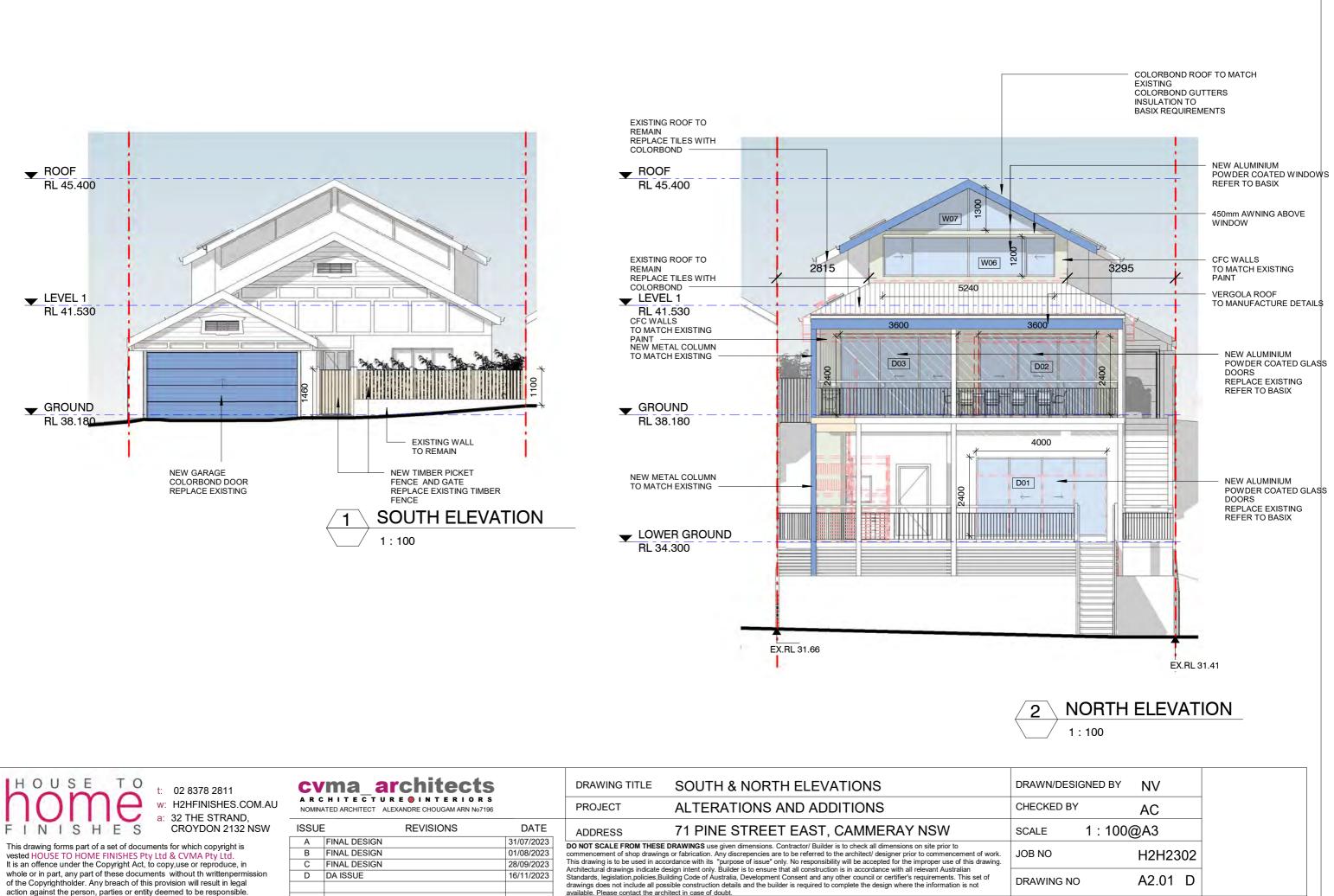
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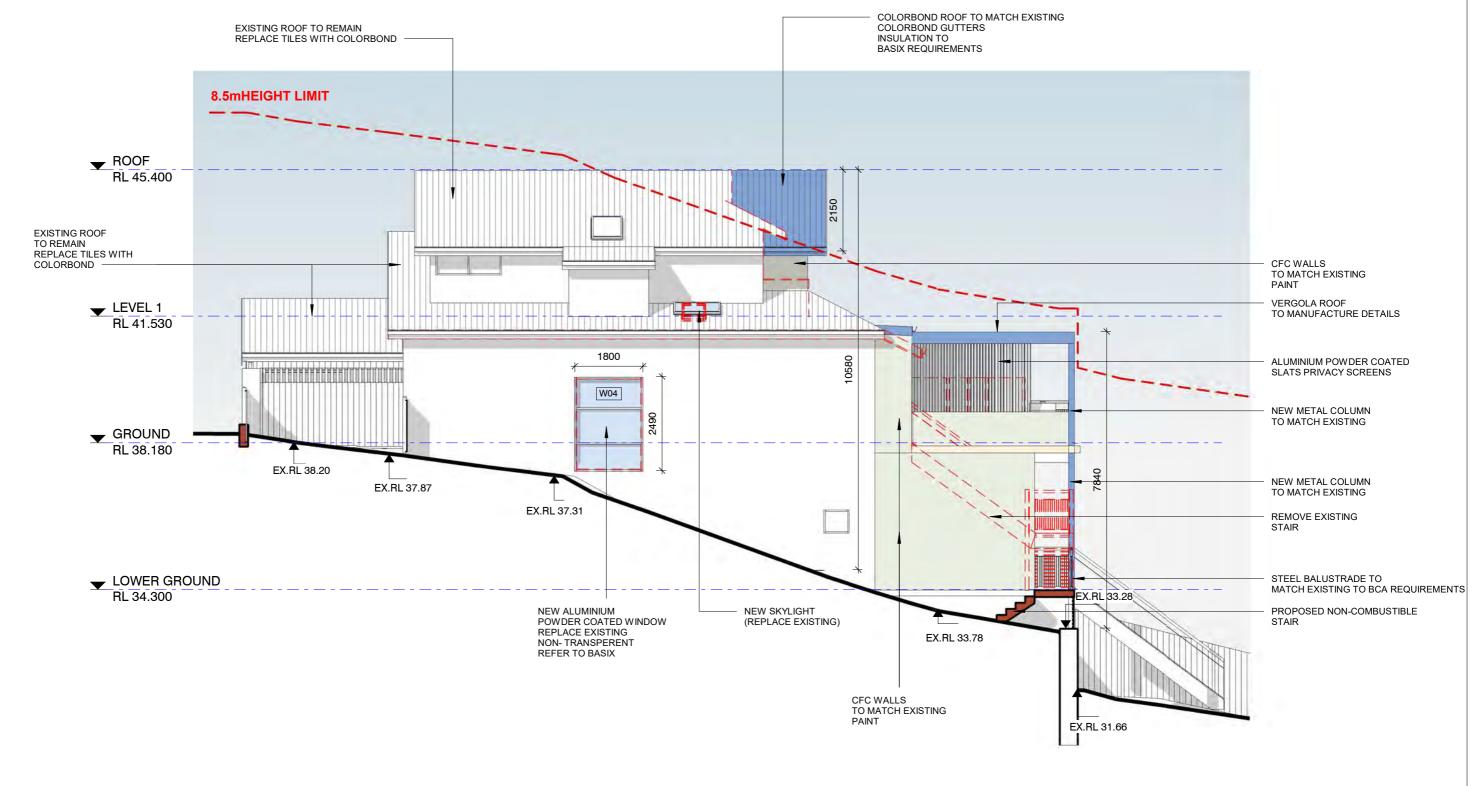
VERGOLA ROOF TO MANUFACTURE DETAILS

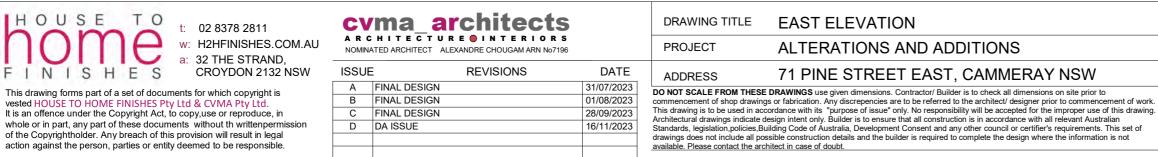
ROOF PLAN

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HOUSE TO t: 02 8378 2811		ma_architects		DRAWING TITLE SOUTH & NORTH ELEVATIONS
w: H2HFINISHES.COM.AU a: 32 THE STRAND.		CHITECTURE OINTERIORS NATED ARCHITECT ALEXANDRE CHOUGAM ARN No7196		PROJECT ALTERATIONS AND ADDITIONS
FINISHES CROYDON 2132 NSW	ISSU	-	DATE	ADDRESS 71 PINE STREET EAST, CAMMERAY NSW
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whole or in part, any part of these documents without th writtenpermission	D	DA ISSUE	16/11/2023	Standards, legislation, policies, Building Code of Australia, Development Consent and any other council or certifier's requirements. This set of
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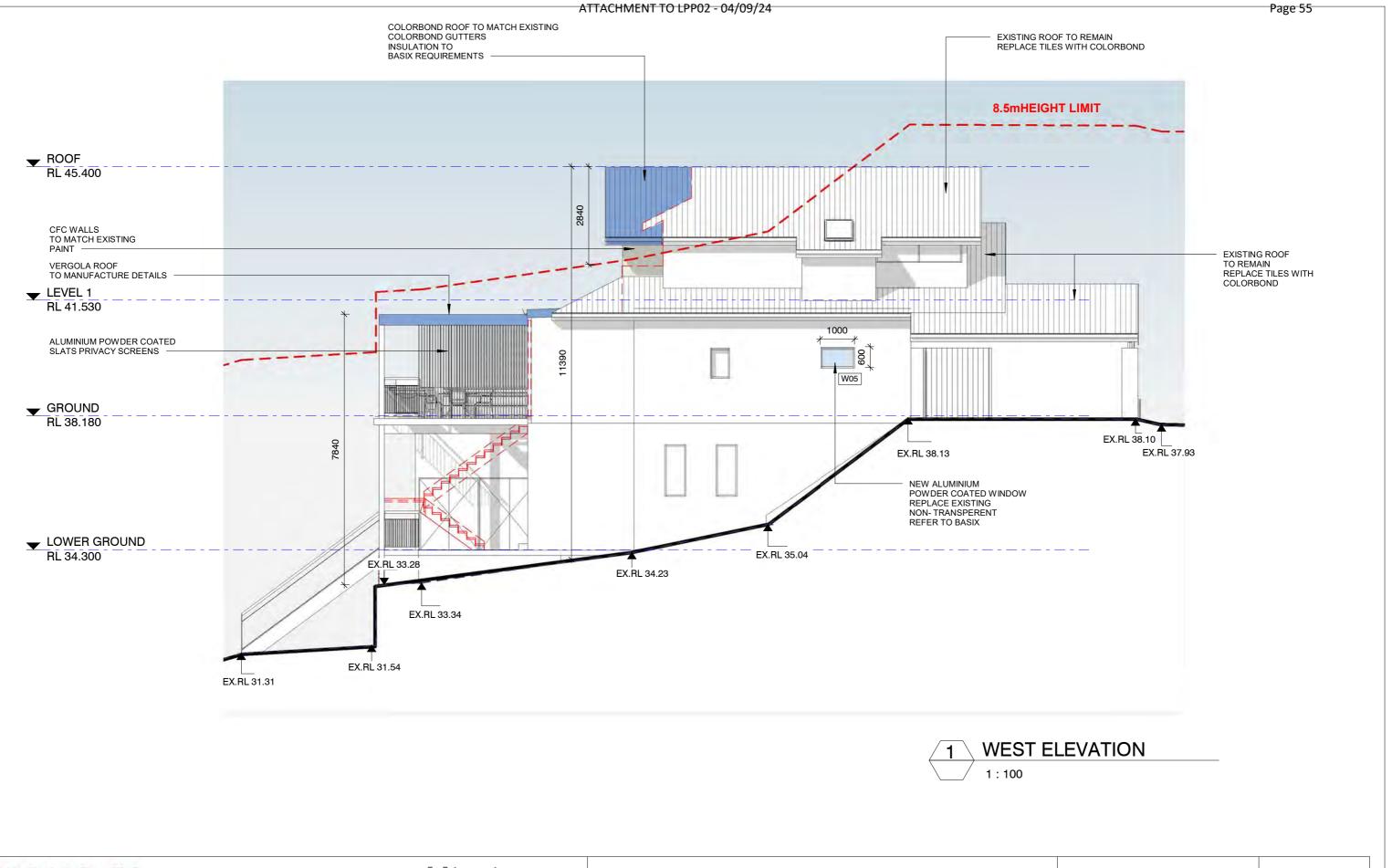




EAST ELEVATION

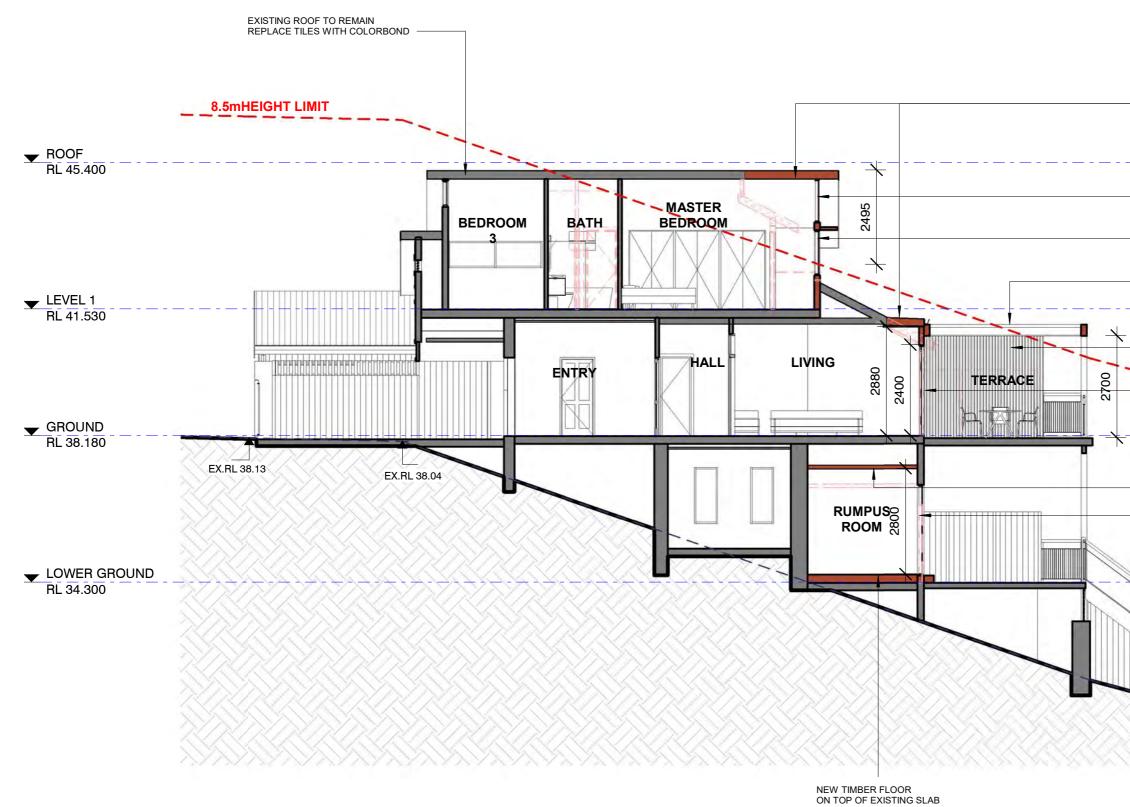
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HOUSE TO t: 02 8378 2811		DRAWING TITLE	WEST ELEVATION	DRAWN/DESI	GNED BY NV	
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FINISHES CROYDON 2132 NSW	ISSUE REVISION		ADDRESS	71 PINE STREET EAST, CAMMERAY NSW	SCALE	1 : 100@A3
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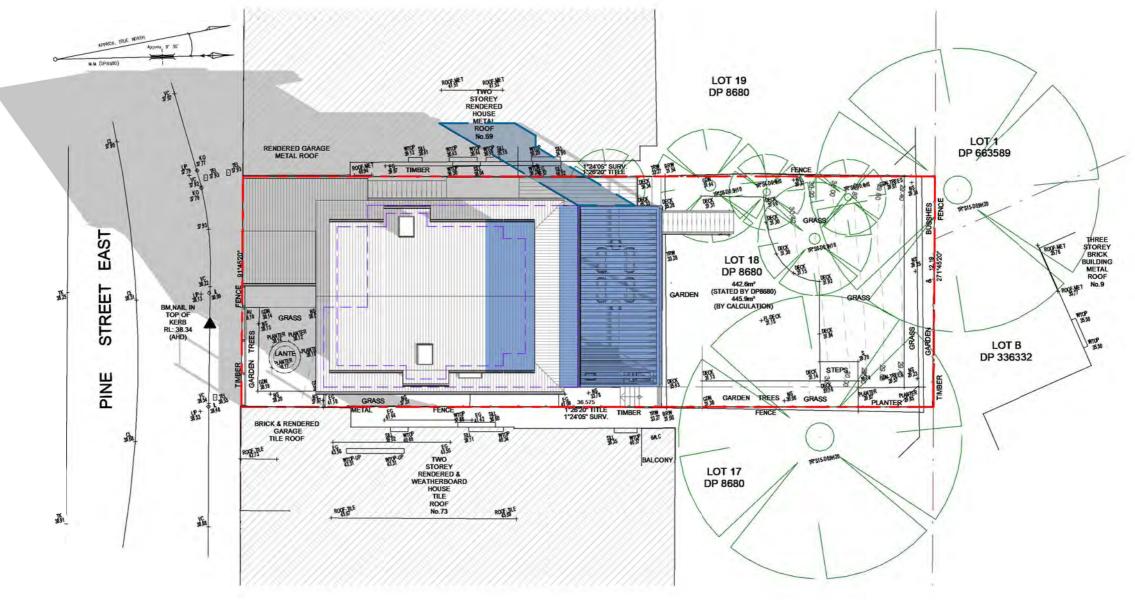


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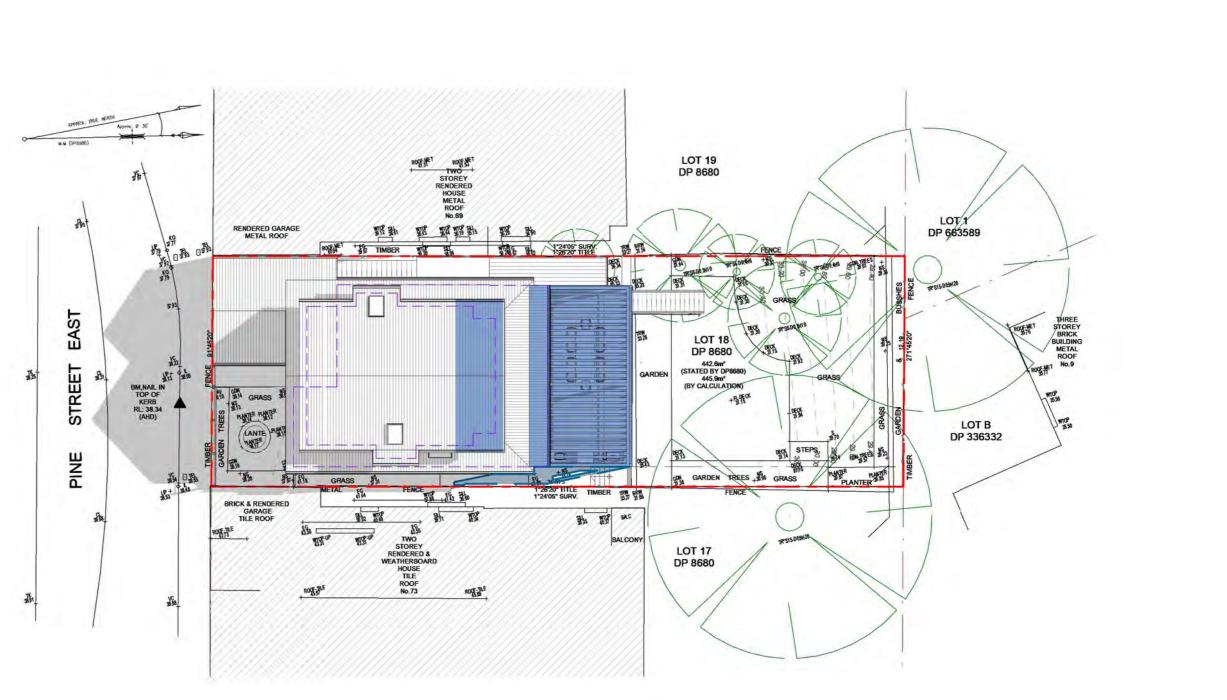


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w: H2HFINISHES.COM.AU a: 32 THE STRAND.		NATED ARCHITECT ALEXANDRE CHOUGAM ARN No7196		PROJECT	ALTERATIONS AND ADDITIONS	
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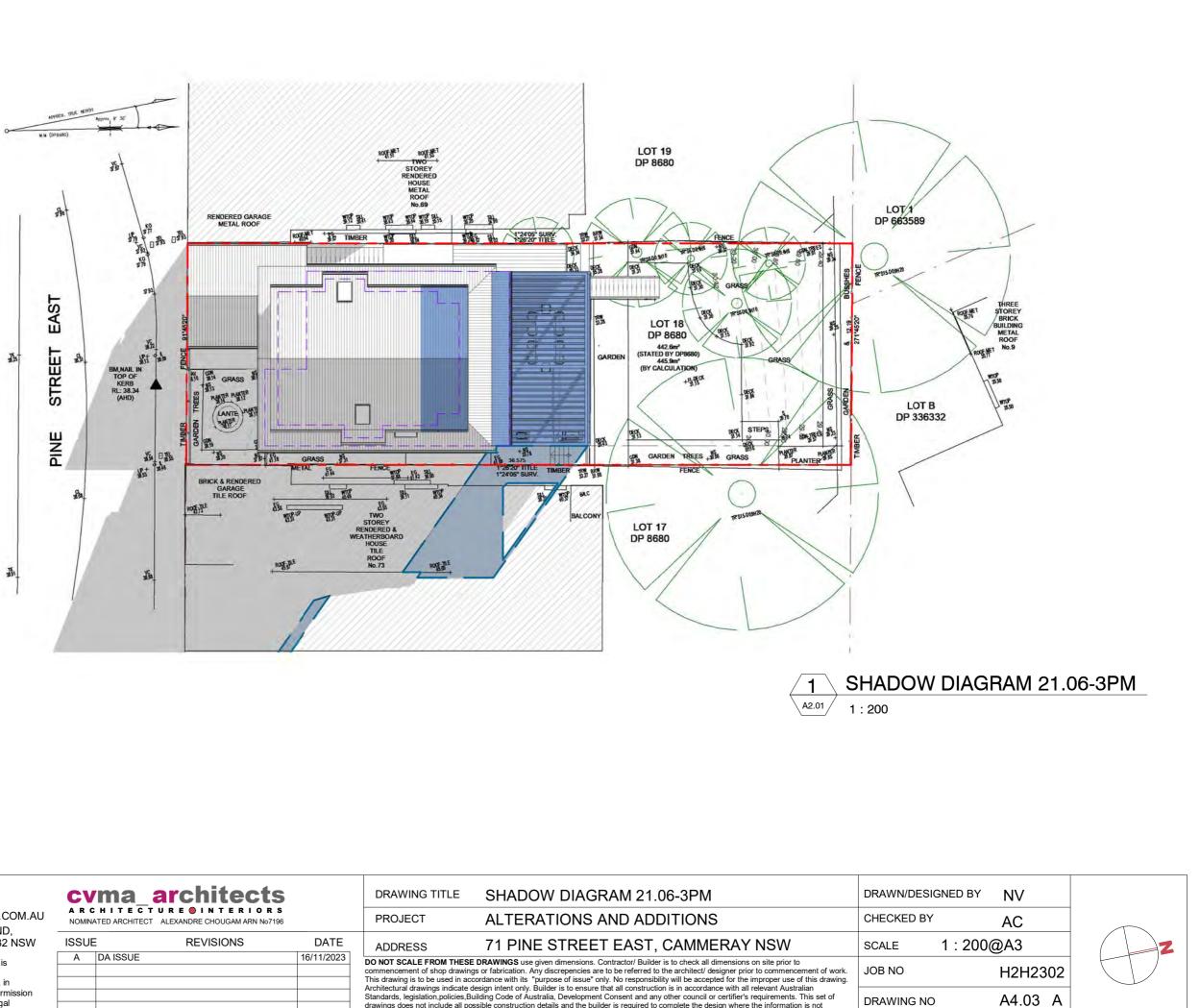


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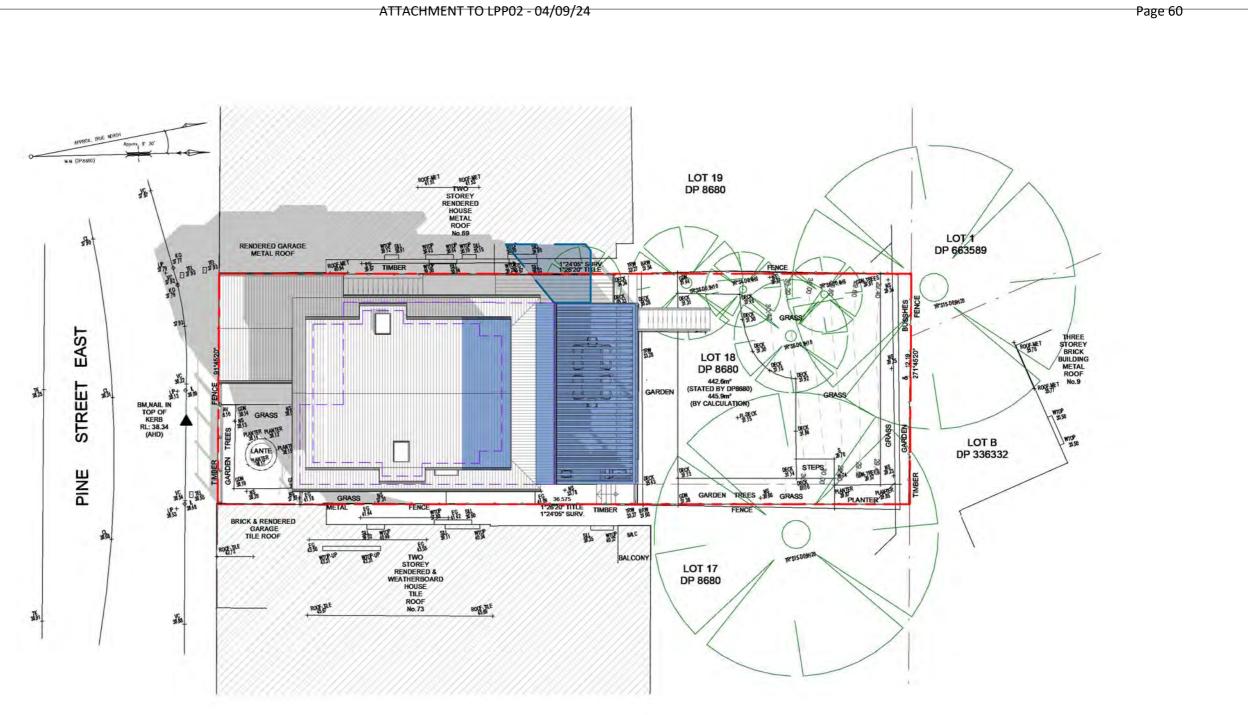
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HOUSE TO t: 02 8378 2811		DRAWING TITLE SHADOW DIAGRAM 21.06-3PM
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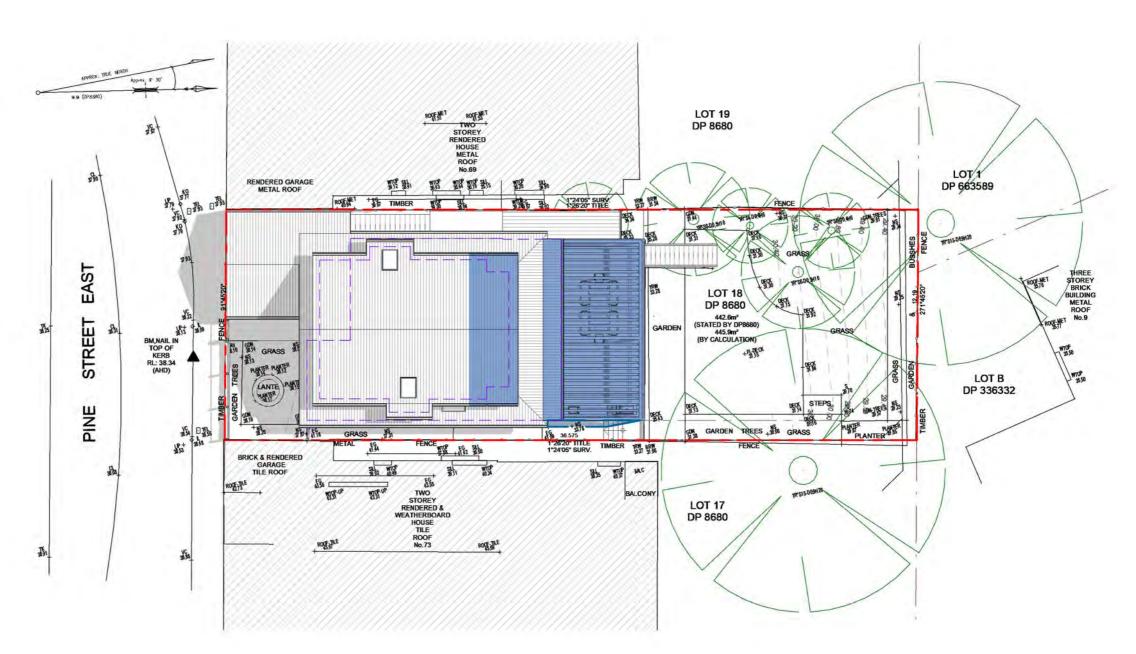
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SHADOW DIAGRAM 21.09-9AM SIMILAR

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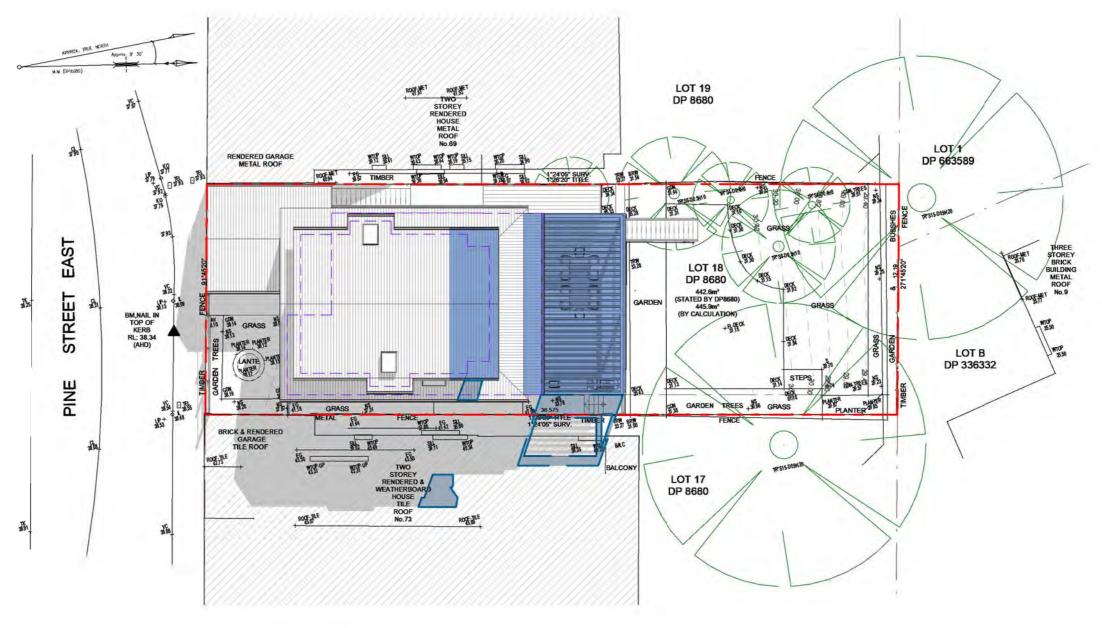
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SHADOW DIAGRAM 21.03-3PM

SHADOW DIAGRAM 21.09-3PM SIMILAR



No	BUILDING ELEMENT	FINISH
1	METAL ROOF	COLORBON
	GUTTERS AND DOWNPIPES	
2	GARAGE DOOR	COLORBON
	VERGOLA ROOF	
3	CFC WALLS	PAINT FINISI
	MASONRY FENCE WALLS	
4	ALUMINIUM FRAMED WINDOWS AND DOORS	POWDER COATING
	PRIVACY SCREENS	
5	TIMBER FRAMED WINDOWS, TIMBER WOODWORK AND TRIMS	PAINT FINISI
	TIMBER FENCE SLATS	
6	METAL COLUMNS	_
7	FRONT DOOR	PAINT FINISI

HOUSETO FINISHES.COM.AU a: 32 THE STRAND, CROYDON 2132 NSW

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PROJECT	ALTERATIONS AND ADDITIONS			
ADDRESS	71 PINE STREET EAST, CAMMERAY NSW			
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DRAWING NO	A5.01 A

BASI Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1730155

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary Date of issue: Wednesday, 13 December 2023 To be valid, this certificate must be lodged within 3 months of the date of issue.



BANK Contrate exemptiAV/SU/SP

Project name	Alterations & Additions at No71 Pine Street East Cammeray	
Street address	71 PINE Street CAMMERAY 2062	
Local Government Area	North Sydney Council	
Plan type and number	Deposited Plan DP8680	
Lot number	18	
Section number	N/A	
Project type		
Dwelling type	Separate dwelling house	
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).	
N/A	N/A	
Certificate Prepared by (p)	ease complete before submitting to Dou-L# of PICA!	
Name / Company Name: C.V.M.A. P	TY LTD	
ABN (if applicable): 36080668211		

are 14

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			_
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light- emitting-diode (LED) lamps.		~	~
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		~	-
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		~	-

BASIA Circlicate Nerther A1720155

ADDRESS

Construction			Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements		Contractor and the second second			
listed in the table below, except that a) add	red construction (floor(s), walls, and cealings/ tional insulation is not required where the are of altered construction where insulation alrea	a of new construction is less than 2m2, b)	~	~	*
Construction	Additional insulation required (R- value)	Other specifications			
floor above existing dwelling or building.	nit	N/A.			
external wall: brick veneer	R1.16 (or R1.70 including construction)				
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)				
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			
flat ceiling, flat roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			

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NOMINATED ARCHITECT ALEXANDRE CHOUGAM ARN No7196

ISSUE		REVISIONS	DATE	
A	DA ISSUE		13/12/2023	
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ATTACHMENT TO LPP02 Gloar/09/024ments

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications its below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or loned/a must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total and SHGCs must be calculated in accordance with National Finnestration Rating Council (NFRC) conditions. The d provided for information only. Alternative systems with complying U-value and SHGC may be substituted:

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Pergolas with polycarbonate roof or similar translucent material must have a shatting coefficient of less than 0.35.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the wind door, as specified in the 'overshadowing' column in the table below.

BASIS Commune minimucht ration

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
D1	N	3.0	0,1	0	eave/ verandaty/ pergola/baloony >=900.mm	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
D2	N	8.64	û.	0	eave/ verandah/ pergola/baloony ≥=900 mm	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
D3	N	8,64	0.	0	eave/ verandah/ pergola/baloony >=900 mm	standard aluminium, single pyrolytic low-e, (U- value: 5.7, SHGC: 0.47)			
W4	E	4.47	3.7	213	none	aluminium: thermally broken, double Lo-Tsot/air gap/clear, (U-value: 3.1, SHGC; 0.27)			
W5	w	0.6	0	0	none	standard aluminium, single pyrólytic low-e. (U-			

	-	-					
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Glazing requirements								Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check	
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shadin device	9	Frame and glass type				
W6	E	6.29	Q	0	eave/ veranda pergola/ >==450 i	balcony	standard aluminium, singe pyrolylic low-e, (U- value: 5,7, SHGC: 0.47)				
W7	w	3.02	0	9	eave/ veranda pergola/ >=450 (balcony	standard aluminium, singe pyrolytic. low-a, (U- value: 5.7, SHGC: 0.47)				
SIX NOTES						DRAW	/N/DESIGNE	D BY	AC		
TERATIC	ONS AND	ADDITIO	NS			CHEC	KED BY	l	٩C		
PINE STREET EAST, CAMMERAY NSW						SCAL	е @	A3			
INGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to rication. Any discrepencies are to be referred to the architect/ designer prior to commencement of work. a with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. tent only. Builder is to ensure that all construction is in accordance with all relevant Australian						JOB N	10	F	12H23)2	
ode of Áustralia, De	evelopment Conser	nt and any other cou	ncil or certifier's required the design where the	irements. This set	of	DRAW	VING NO	A	\$.03	A	

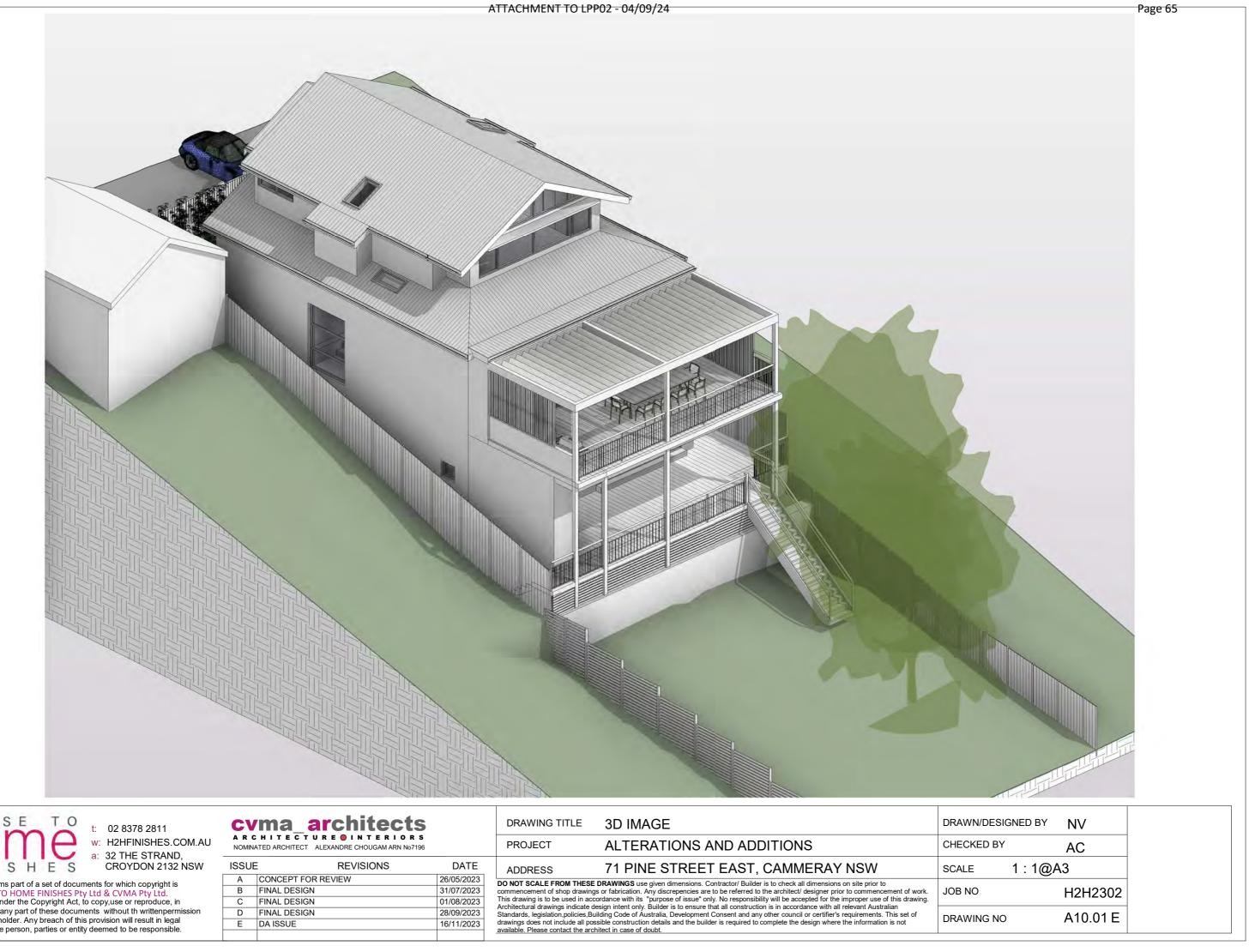
DRAWING TITLE	BASIX NOTES
PROJECT	ALTERATIONS AND ADDITIC

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DO NOT SCALE FROM THESE DRAW commencement of shop drawings or fat This drawing is to be used in accordance Architectural drawings indicate design Standards, legislation, policies, Building C drawings does not include all possible of available. Please contact the architect in

	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check	Page 64
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ISSU	ΙE	REVISIONS	DATE
Α	CONCEPT FO	RREVIEW	26/05/2023
В	FINAL DESIG	N	31/07/2023
С	FINAL DESIG	N	01/08/2023
D	FINAL DESIG	N	28/09/2023
E	DA ISSUE		16/11/2023





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AR	CHITECTURE INTERIORS IATED ARCHITECT ALEXANDRE CHOUGAM ARN No7196	
ISSU	E REVISIONS	DATE
A	CONCEPT FOR REVIEW	26/05/202
В	FINAL DESIGN	31/07/202
С	FINAL DESIGN	01/08/202
D	DA ISSUE	16/11/202

	DRAWING TITLE	3D IMAGE				
	PROJECT	ALTERATIONS AND ADDITIONS				
DATE	ADDRESS	71 PINE STREET EAST, CAMMERAY NSW				
26/05/2023	DO NOT SCALE FROM THESE	DRAWINGS use given dimensions. Contractor/ Builder is to check all dimensions on site prior to	ſ			
31/07/2023	 commencement of shop drawings or fabrication. Any discrepencies are to be referred to the architect/ designer prior to commencement of work. This drawing is to be used in accordance with its "purpose of issue" only. No responsibility will be accepted for the improper use of this drawing. Architectural drawings in intent only. Builder is to ensure that all constructions is in accordance with all relevant kustralian 					
01/08/2023						
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