

**NSLPP MEETING HELD ON 02/10/2024****Attachments:**

1. Site Plan
2. Architectural Plans
3. Clause 4.6 Statement

ADDRESS: 85 Cremorne Road, Cremorne Point**APPLICATION NO:** DA 354/23

PROPOSAL: Alterations and additions to an attached dual occupancy including demolition of existing garage structure, and the construction of new garage structure with studio above, landscape works and installation of lift.

PLANS REF:

Plan No.	Description	Prepared by	Dated
DA002 Rev J	Site Plan	Test Before You Invest	28 March 2024
DA050 Rev J	Existing Garage Plan	Test Before You Invest	28 March 2024
DA051 Rev J	Existing Roof Plan	Test Before You Invest	28 March 2024
DA100 Rev J	Proposed Garage Level	Test Before You Invest	28 March 2024
DA101 Rev J	Proposed Ground Level	Test Before You Invest	28 March 2024
DA102 Rev J	Proposed Roof Plan	Test Before You Invest	28 March 2024
DA200 Rev J	Elevation - Streetscape	Test Before You Invest	28 March 2024
DA201 Rev J	Section - Streetscape	Test Before You Invest	28 March 2024
DA202 Rev J	Elevation - North	Test Before You Invest	28 March 2024
DA203 Rev J	Elevation - East	Test Before You Invest	28 March 2024
DA204 Rev J	Elevation - West	Test Before You Invest	28 March 2024
DA205 Rev J	Elevation - South	Test Before You Invest	28 March 2024
DA300 Rev J	Section A	Test Before You Invest	28 March 2024
DA301 Rev J	Section B	Test Before You Invest	28 March 2024
DA600 Rev J	Schedule of Finishes	Test Before You Invest	28 March 2024

OWNER: Graham Costello & Diane Quittner**APPLICANT:** Test Before You Invest**AUTHOR:** Report of Robin Tse, Senior Assessment Office**DATE OF REPORT:** 20 September 2024**DATE LODGED:** 20 December 2023**AMENDED:** 6 April 2024**RECOMMENDATION:** Refusal

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing dual occupancy including demolition of existing garage structure, and the construction of new garage structure with studio above, tree removal/landscape works and installation of lift at Unit 1, 85 Cremorne Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application received more than ten (10) unique submissions in accordance with the direction of the Minister of Planning and Public Spaces.

The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the original and amended proposal. In total, forty-three (43) submissions have been received in response, including numerous submissions from a single household. Concerns raised include excessive built form, bulk and scale, inadequate setbacks, heritage/ character impacts, tree removal/landscaping, amenity impacts (views/overshadowing/privacy) and site coverage.

The development application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and was found to be unsatisfactory.

The proposal involves removal of a significant tree within the rear building setback. Tree 9 is identified for removal on the basis that it is *“within the footprint of the proposed garage/studio building”*. The tree is otherwise healthy and provides high landscape amenity and character. Removal of Tree 9 and change of levels within the rear garden are considered unacceptable on the basis that the loss of a substantial tree would impact on the streetscape along Kareela Lane and landscape character of the locality generally. The proposed changes to site topography and fill to the rear garden is also not supported.

The proposed development is contrary to the objective of the R2 (Low Density Residential) zone because the proposal for a new garage and studio building replacing the existing garage of a contributory item would detract from the significance of the subject contributory item and that of the conservation area because of the uncharacteristic built form fronting Kareela Lane.

The proposal fails to comply with Clause 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013 because the proposed demolition of the existing garage and would not be able to meet the requirement for maintaining the existing appearance of the building and the conservation of the building fabric within the existing building.

The bulk and scale of the proposed garage/studio is considered to be excessive. The proposal does not comply with DCP's site coverage, unbuilt upon area and landscape area requirements.

The application was referred to Council's Conservation Planner and Landscape Development Officer who considered the proposal unsatisfactory because of the adverse impacts on the significance of subject contributory item, the conservation area and the loss of significant vegetation.

The issues raised in the submissions received have been addressed in this report.

Accordingly, the proposed development is recommended for **refusal**.

DESCRIPTION OF PROPOSAL

The applicant seeks NSLPP approval for alterations and additions to an existing dual occupancy including demolition of existing garage structure, and the construction of new garage structure with studio above, landscape works and installation of lift.

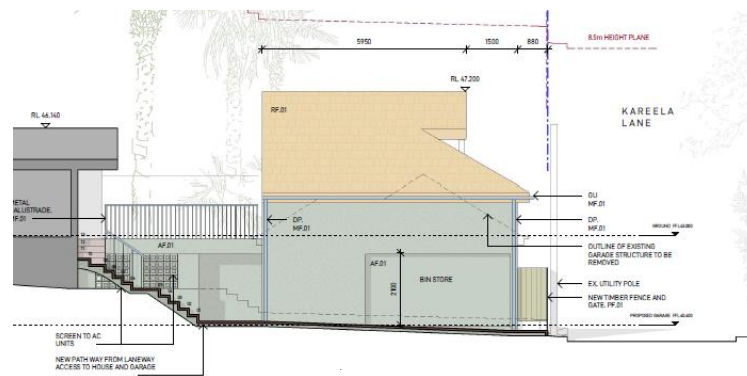
The proposed works are summarised as follows:

Garage Level:

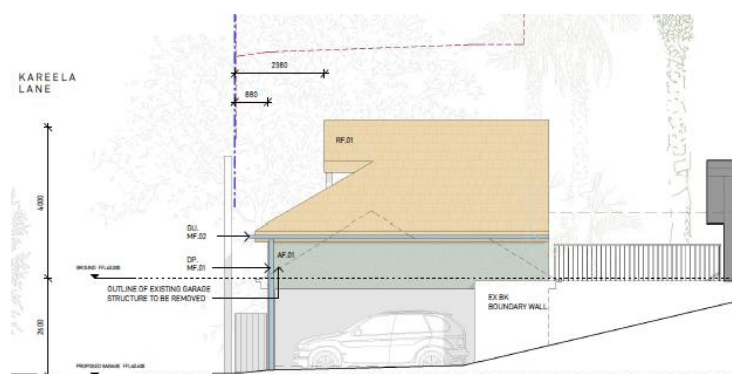
- (a) Demolition the existing double garage/carport at the rear of the main dwelling;
- (b) Removal of an existing cheese tree ;
- (c) Lowering of the floor level of the garage by 300mm to RL40.400,
- (d) Construction of a new building at the rear containing a double garage, a carport, a lift shaft, bin storage area, A/C unit room on the garage level;
- (e) Construction of a new external staircase to provide access between the garage level and remainder of the building; and
- (f) Infilling of the rear courtyard between the existing garage and the main dwelling to provide an elevated courtyard.

Ground floor:

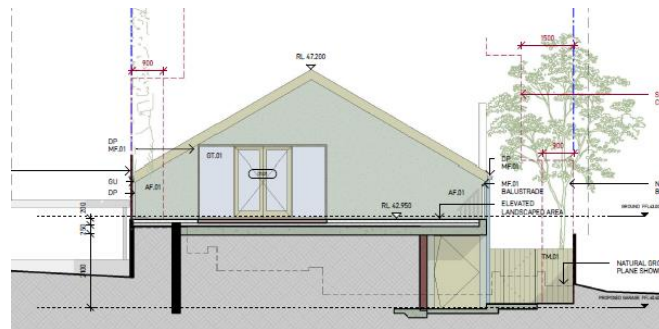
- (a) Construction of an attic addition above the double garage/carport to provide a studio, a powder room and a lift shaft connecting the garage and the studio;
- (b) Soft landscaping on the elevated courtyard.



Southern Elevation



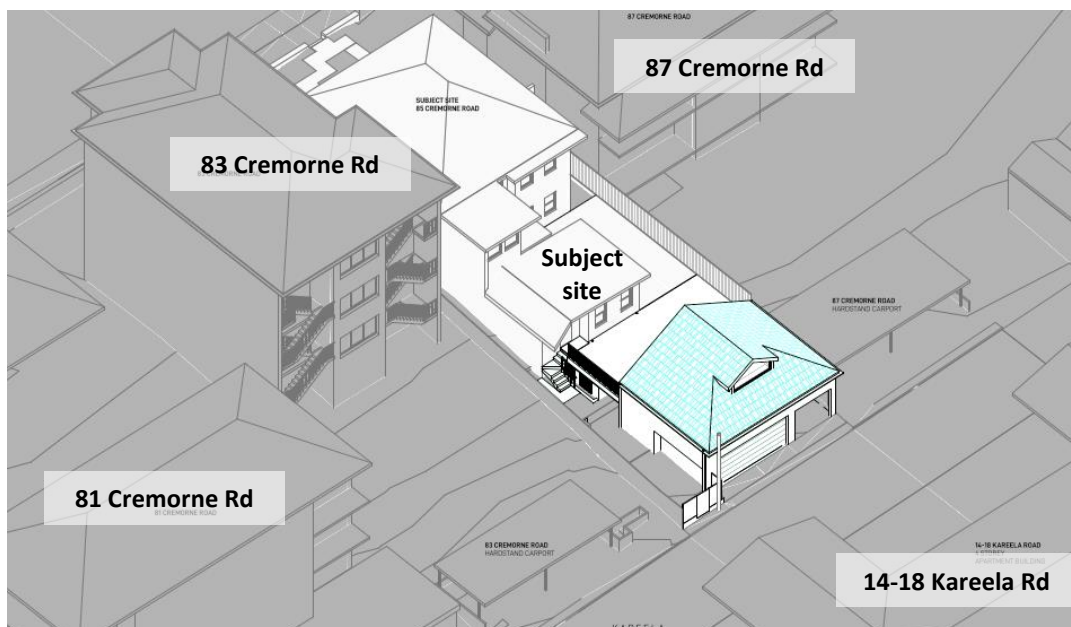
Northern Elevation



Western Elevation



Eastern (Kareela Lane) Elevation



Figures 1 – 5: Proposed development

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 (Low Density Residential)
- Item of Heritage – No (Contributory Item)
- In Vicinity of Item of Heritage – Yes (Nos. 56, 58, 62 & 83 Cremorne Road)

- Conservation Area – Yes (Cremorne Point Conservation Area)
- FSBL - No

Environmental Planning & Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
SEPP (Biodiversity and Conservation) 2021
SEPP (Resilience and Hazards) 2021
SEPP (Sustainable Buildings) 2022
Local Development

POLICY CONTROLS

NORTH SYDNEY DCP 2013
North Sydney Local Infrastructure Contributions Plan 2020
Sydney Harbour Foreshores & Waterways Area DCP 2005



Figure 6: Zoning



Figure 7: Building Height

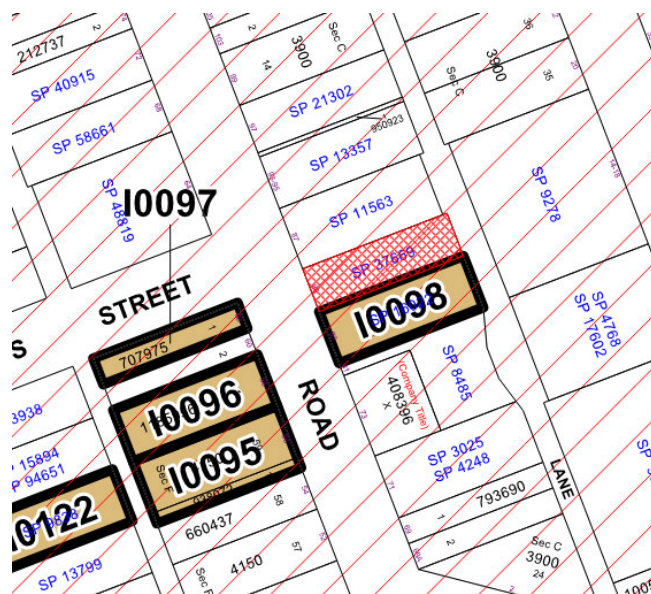


Figure 8: Heritage

DESCRIPTION OF LOCALITY

The subject site is legally described SP 37669, and is known as No. 85 Cremorne Road, Cremorne Point. The subject site has two street frontages, being Cremorne Road to the front and Kareela Lane to the rear. Vehicular access to the existing garage/carport at the rear of the site is provided via Kareela Lane. The site generally flat on the eastern side with a fall of approximately 1.9m towards the eastern end of the site. The site has a total area of 539.8 sqm.

Currently the subject site contains a dual occupancy with Unit 1 (subject of this DA) on the ground level and Unit 2 on the first floor. A 1.2m wide right of footway is located at the rear of the site to provide pedestrian access between the entrance staircase for the first floor unit and Kareela Lane.

The subject site is a contributory item located within Cremorne Point Conservation Area.

The surrounding locality contains a range of dwelling types including detached dwellings, dual occupancies and residential flat buildings. To the south of the subject site is a three (3) storey apartment building at No. 83 Cremorne Road. This adjoining property is a heritage item.

A two (2) storey residential flat building is located to the north of the subject site at No. 87 Cremorne Road. This adjoining property has a large flat roof carport at the rear of the site. The property is a contributory item as identified in NSDCP 2013.

Across Kareela Lane to the east is the rear boundary of a residential flat building development at Nos 12-14 Kareela Road.

The subject site is a contributory item located within Cremorne Point Conservation Area. In addition to the heritage item at No. 83 Cremorne Road, there are three (3) heritage items located at Nos. 56, 58 and 62 Cremorne Road.



Figure 9: Subject site – As seen from Kareela Lane showing the existing two car garage and the single carport



Figure 10: The locality

RELEVANT HISTORY

Previous applications

- **11 May 1937** – Approval was granted for a development application (**37/153**) for alterations and additions to the two storey dual occupancy. The approved works included various internal alterations, a new external staircase to the first floor unit and a double garage to the rear laneway (Kareela Lane) with a modification requiring a change from a skillion roof to a pitched tile roof design.

Current application

- **20 December 2023** – The subject Development Application (**D354/23**) seeking approval for alterations and additions to an attached dual occupancy including a new garage /studio building at the rear of the property was lodged with Council via the Planning Portal.
- **12 to 26 January 2024** – The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the application. A total of twenty-six (26) submissions were received.
- **24 January 2024**– A site inspection was carried out by the assessing officers.
- **21 February 2024** – Preliminary assessment letter sent to the applicant raising concerns including heritage, site coverage, appropriateness of a triple garage on a rear laneway and the proposed removal of an established tree within the rear garden. The applicant was requested to withdraw the application.
- **23 February 2024** – Inspection of adjoining property by the assessing officer.

- **11 March 2024** – Teleconference between the applicant and assessing officer to discuss the issues raised in the earlier letter from Council to the applicant. Applicant requested an opportunity to respond to the issues raised.
- **3 April 2024** – The applicant submitted amended plans (Rev J Drawings).
- **18 April to 3 May 2024** – The adjoining properties and the Cremorne Point Precinct were notified about the amended plans. Council received a total of fifteen (15) submissions.
- **29 May 2024** – The applicant requested the application be considered by the NSLPP when the property owners and the applicant’s architect are available to attend a Panel meeting after July.
- **4 September 2024** – Further comments were provided to the applicant in relation to the applicant’s earlier submission in response to Council’s concerns.

REFERRALS

BUILDING

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate should consent be granted for the proposed development.

ENGINEERING

The application was referred to Council’s Senior Development Engineer Team who raised no in-principle objection to the proposed development subject to the imposition of appropriate engineering conditions should approval be granted for the original DA proposal.

HERITAGE

The application, including the amended proposal, was referred to Council’s Conservation Planner who provided the following comments:

1. *Heritage status and significance*

85 Cremorne Road is not identified as a scheduled heritage item but is identified as a contributory item, as is the neighbouring dwelling at No. 87 Cremorne Road. They are located within the Cremorne Point conservation area. As per NDCP 2013 Part C: s6.4, the conservation area is significant as follows:

- (a) Consistent early 20th Century residential area with a mix of Federation and 1920s one and two storey housing mixed with inter-war residential flat buildings of two to three storeys, all built on large allotments with a strong orientation to the water.*
- (b) Unique foreshore reserve that predates the residential subdivision, which demonstrates the concern for recreation, public access and suburban amenity, and the importance of headlands in the visual character of Sydney Harbour.*
- (c) The visual unity derived from its subdivision history that is still apparent.*

The subject site is directly adjacent to the heritage item [I 0098] to its south at No. 83 Cremorne Road. It is significant as an imposing Free Classical flat building of the early

twentieth century. Its regular form and colonnades of arches exude an air of dignity and comfort and these qualities mark it as a characteristic building for its period and location.

There are also heritage items on the opposite side of the street at Nos. 56, 58 and 62 Cremorne Road. Since the proposed works are set to the rear of the site where there are implications for the heritage item at No. 83 Cremorne Road, there will be no adverse impacts on the setting or significance of the heritage items on the opposite side of the site on Cremorne Road as the proposed works would not be visible from Cremorne Road.

2. Heritage Impact Assessment and Recommendations:

An assessment of the revised proposal to demolish the existing two car garage and adjoining carport to the rear of the site and construct a new three car garage with a studio above has been undertaken in relation to NSLEP 2013 cl 5.10 Heritage conservation and NSDCP 2013 Part B: s13

Heritage and Conservation

13.4 Development in the vicinity of heritage items O1 / P1/ P3

The bulk and scale of the proposed garage plus studio above, as amended by the applicant, is a form that is uncharacteristic to Kareela Lane which predominantly depicts a low-to- single-storey scale. The amended proposal, with a building design that integrates a double garage, a carport and a studio above, has an over-scaled form and massing within its site context that will affect the setting of the heritage item directly to the south of the site as well as the character of the conservation area.

13.6.1 General objectives – O2/ P5

13.6.2 Form, massing and scale O1/ O2/ P1

13.8 Demolition O1

The subject property has been used as an attached dual occupancy for some time as indicated in the 1937 development approval. The existing garage is built in the same style/ period as the primary dwelling and has a hipped, terracotta tiled roof and depicts the early 20th Century character of the Kareela Lane and the conservation area generally.

The existing two car garage with tilt door openings is centrally positioned at the rear of the site facing Kareela Lane from which it has an approximate setback of 0.5m. It is set in from its side boundaries, but the northern end has been infilled with a later carport which has a subservient visual impact on the existing built form of the garage.

The setting of the garage element is balanced within a landscaped context that positively contributes to the low-to-single-storey scale and character of Kareela Lane. The off-street car parking arrangement at the rear of No. 87 Cremorne Road (also a contributory item) to the north of the subject site, reinforces the low-scale character of the lane as it has a car port arrangement that is open on all sides.

The car parking to the rear of the heritage listed residential flat building at No. 83 Cremorne Road is also in a carport arrangement contained by a retaining wall that minimises its visual appearance as viewed from the heritage item.

Whilst no in-principle objection is raised to the terraced link to the garage on heritage grounds, however, the impact from the proposed new garage and studio is uncharacteristic within the low-to-single-storey scale of Kareela Lane and is not supported.

Therefore, demolition of the original garage is not supported.

13.9.4 Materials, colours and finishes O1

13.9.5 Garges and Carports O1/ O2/ P2/ P5 :

- O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.*
- O2 To ensure that off-street car parking does not dominate the streetscape.*
- P2 Rooms/studios located above garages or where increased floor to ceiling heights are sought to accommodate vertical car stackers and that garage fronts a laneway will not be supported.*
- P5 Retain original garages for heritage items and contributory items*

Following a meeting relating to the original proposal, it is noted that the revised works still seek to demolish and build a new structure for garaging and studio above, rather than adapt the existing garage building which is contemporaneous with the dwelling and contributes to the character and significance of the conservation area and the setting of the neighbouring heritage item. The proposal, as amended by the applicant, will introduce an over-scaled element within Kareela Lane which predominately retains a low-to-single-storey scale. The bulk and scale of the new built form will dominate the rear lane. The new work will affect the setting of the adjacent heritage item and will be out of character within its site context and with the conservation area.

With reference to the identified DCP provisions identified above, and in particular, those contained in s13.9.5, the proposal will significantly alter the contribution of the earlier garage to Kareela Lane and will be out of character for its location and therefore is not supported on heritage grounds.

3. Conclusion and Recommendations

With reference to the above, the proposal will result in a development that is out of character with the heritage significance of the Cremorne Point heritage conservation area and is NOT SUPPORTED on heritage grounds. The proposal is assessed to be contrary to the following provisions contained in NDCP 2013: s13.6.1 General objectives; s13.6.2 Form, massing and scale; s13.4 Development in the vicinity of heritage items; s13.8 Demolition; s13.9.4 Materials, colours and finishes; s13.9.5 Garges and Carports.

Comment:

Council Conservation Planner's comments are noted and concurred with.

In addition, consideration has been given to the further information contained in the applicant's submission in the amended plans package and comments are provided below in consultation with Council's Conservation Planner.

Curtilage of a Contributory Item:

The status of a contributory item applies to the entire property including the main dwelling as well as the garage at the rear. Whilst it is noted that the garage was not constructed as part of the original building, the existing garage building was added in the late 1930's and features a built form that is sympathetic to the original building with characteristic features of buildings constructed during the characteristic period of the conservation area. Therefore, it is considered that the garage building is complimentary and contemporaneous to the character of the main building and contributes to the significance of the conservation area.

Therefore, the applicant's opinion regarding contributory status only applies to the main building, this is also contrary to how the status being applied to other sites within the North Sydney LGA.

Demolition of the Existing Garage:

It is considered that the applicant's Heritage Impact Statement (HIS) has only considered the objectives of demolition of buildings under Section 13.8 in Part B of North Sydney DCP 2013.

Given that the garage building forms part of the contributory item, consideration should be given to P3 and P4 (a) to (c) under Section 13.8 in Part B of the DCP are satisfactory addressed. It is considered that there are insufficient reasons to justify the proposal for the demolition of the existing garage as any replacement building must demonstrate that the existing building contribution to the streetscape or character of the conversation area does not warrant its retention and the new building would enhance and contribute positively to the streetscape and character of the conservation area. Evidence must also be provided that alternatives to demolition have been considered with reasons so as to why these alternatives are unacceptable.

As indicated in Council Conservation Planner comments, the proposal is contrary to the relevant DCP heritage provisions, particularly *O1/O2/P2/P5* Section 13.9.5 in Part B of North Sydney DCP 2013. The DCP contains specific provision in relation to room/studio above garages and the retention of original garages for heritage items and contributory items.

With reference to the identified DCP provisions identified above, and in particular, those contained in s13.9.5, the proposal will significantly alter the contribution of the earlier garage to Kareela Lane and will be out of character for its location with an unsympathetic and visual dominant built form along the Kareela Lane. Council Conservation Planner's comments are supported.

LANDSCAPING

The application, including the submitted arborist reports, has been referred to Council's Landscape Development Officer with the following observations:

Arborist Report dated 3 October 2023:

- (a) *The arborist report identified a total of nine (9) significant trees on site. All trees received A1 grading with no significant defects and could be suitable for retention for more than 10 years;*
- (b) *The arborist report identified two (2) trees (Trees 8 and 9) for removal;*
- (c) *Tree 8 *Archontophoenix cunninghamiana* (Bangalow Palm) is the eastern most palm tree in a group of four (4) palms trees located along the northern property boundary of the rear garden;*
- (d) *Tree 9 is a *Glochidion ferdinandi* (Cheese Tree) currently located within the rear garden between the existing garage and the main dwelling with a significant canopy over the rear garden highly visible from Kareela Lane;*
- (e) *The arborist report considered that Tree 8 (Bangalow Palm) is to be removed given that the proposed works would encroach onto the root initiation root zone that would impact on the viability of the tree;*
- (f) *Tree 9 (Cheese Tree) is not retainable due to the location of the tree within the footprint of the proposed garage/studio building.*

Arborist Report dated 19 January 2024:

- (a) *The arborist report identified a total of nine (9) significant trees on site. All trees received A1 grading with no significant defects and could be suitable for retention for more than 10 years;*
- (b) *The arborist report identified only one (1) tree (Tree 9) for removal and retention of Tree 8 that was previously identified for removal;*
- (c) *The arborist report maintained the recommendation of the removal of Tree 9 (Cheese Tree) due to the location of the tree within the footprint of the proposed garage/studio building.*

The following comments were provided in response to the letter prepared by the Applicant's Arborist dated 29 March 2024:

- (a) *The proposed amendments to the design are of minimal significance in terms of a reduction in tree impacts;*
- (b) *The reason is that the proposed finished landscaping levels are still significantly higher than the existing in both versions;*
- (c) *The existing structures retaining significant trees on site are still proposed to be demolished;*
- (d) *Therefore, the findings of the current arborist report (dated 19 January 2024) are still applicable to the revised set of plans.*

Council's Landscape Development Officer considered that there are insufficient arboricultural grounds to support the removal of Tree 9 *Glochidion ferdinandi* (Cheese Tree).

Comment:

Council Landscape Development Officer's comments are noted and concurred with.

Consideration has been given to the applicant's submission/further justifications for the removal of Cheese Tree because of the location of the tree within the rear garden would prevent the proposed development to provide complying car parking and/or any development that would disrupt the root system of tree. The proposed replacement trees should be able to compensate the loss of tree canopy and should benefit the adjoining properties.

Council's Landscape Development Officer has raised significant concerns about the proposed removal of an established native tree in good condition and with high retention value. A review of the further comments in the applicant's submission has not provided compelling justifications for the tree removal on landscaping grounds. The proposed works involve a garage building with a studio on top and the works involve excavation and installation of new building services such as a lift and plant rooms. Such works would lead to detrimental impacts on the existing cheese tree. Consideration should be given to how the existing garage building can be substantially retained with minimal changes to the ground levels in order to retain the existing cheese tree.

The proposed new planting will be located along the southern boundary and may not provide an ideal condition for new planting due to its southerly aspect with significant shading from the structures and the potential impacts for multiple underground drains under the planting area.

Therefore, the proposal has not satisfied P2 Section 1.5.7 in Part B of North Sydney DCP 2013 requiring existing trees to be retained whenever practical and the proposal should not be supported.

SUBMISSIONS

Original Proposal

The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the application between 12 and 26 January 2024. A total of twenty-six (26) submissions were received at the close of the notification period.

Amended Proposal

The amended proposal was notified to the owners of the adjoining properties and the Cremorne Point Precinct between 18 April and 3 May 2024. A total of fifteen (15) submissions received. The majority of submissions were from submitters of the original proposal.

A review of the submissions received from the original and amended proposals has indicated that there are a number of recurrent issues/concerns raised from a number of adjoining properties as summarised below:

Immediate adjoining property to the North (Apartment Building - No. 87 Cremorne Road)

- Adverse impacts on the amenity of the adjoining property due to the loss of the cheese tree.
- The existing cheese tree within the rear garden of the subject site provides amenity to the subject site and the adjoining properties.
- Adverse visual impact as seen from Kareela Lane.
- Adverse heritage impacts due to demolition of the existing garage.
- Uncharacteristic built form within conservation area.

- No other building has a studio above garage along Kareela Lane.
- Non-complying laneway frontage
- Unsightly design/appearance.
- Obstruction of views as seen from the adjoining property.
- Adverse visual impacts of the proposed garage/studio structure as seen from the adjoining property to the north.
- Excessive bulk and scale and height
- Excessive and non-complying built form of the proposed garage/studio structure Inadequate side setbacks
- Shadowing impacts.
- Uncharacteristic materials and colour for the proposed garage/studio structure.
- Adverse impacts on property values.
- Amended proposal further increase the height of the studio/garage building.

Immediate adjoining property to the South (Apartment Building - No. 83 Cremorne Road)

- Significant adverse amenity and visual impact due to excessive building height, bulk and scale of the proposed development.
- Adverse visual privacy impacts due to additional windows and the lack of screening due to the removal of the cheese tree.
- Overlooking on the rear communal garden of the adjoining property to the site.
- Overdevelopment of the site.
- Non-compliance with various Council's planning controls, including topography, laneways, privacy, setbacks, site coverage, landscaped area and landscaping controls.
- The proposed removal of an established cheese tree (T9) in good condition cannot be justified would have adverse impact on the landscape setting of the subject site.
- Amended arborist report does not provide additional reasons for the removal of the cheese tree.
- Proposed tree removal would have adverse impacts on local wildlife and the loss of habitat.
- Adverse visual impacts along Kareela Lane due to the loss of an established cheese tree.
- Absence of any consideration for retaining the cheese tree.
- Consideration should be given to a design that retains the cheese tree.
- Submitter's arborist report supporting the retention of the cheese tree as it is the only canopy tree within the subject site.
- Insufficient space to support the proposed replacement trees.
- The architectural design of the amended proposal has not considered the relevant DCP heritage provisions.
- Amended HIS has not considered the garage as part of the contributory item and did not provide an assessment of the proposed demolition of the garage on the conservation area.
- Inconsistencies in the amended HIS as earlier alterations within the main building did not affect the contributory item status but minor alterations within the garage warrants its demolition.
- The amended proposal should be described as a triple garage given that all car spaces are accommodated under one roof form.
- Adverse heritage impacts due to the uncharacteristic nature of the design of the proposed garage/studio structure with excessive bulk and scale.
- Adverse impacts on the character of Kareela Lane with prevailing single storey garage/carports along the laneway.

- Concerns raised about the proposed excavation works on the structural integrity of the neighbouring buildings
- Concerns raised about the likely impacts on stormwater drainage due to the increase building footprint and the reduction in deep soil planting and permeable surfaces.
- The proposal has set an undesirable precedence for similar development within the locality due to the excessive bulk and scale of the proposed structure.
- Inadequate statement of environmental effects in addressing impacts such as views and heritage.
- The submitted statement of environmental effects is deficient or misleading.

Adjoining property to the east (Immediate across Kareela Lane – Apartment Building Nos. 14-18 Kareela Road)

- Excessive size of the proposed garage building.
- Imposing bulk of the proposed structure in close proximity to the boundary with the Lane, is inconsistent with other garages along Kareela Lane.
- Concerns raised about the loss of visual privacy for the adjoining property to the east of the subject site.
- Adverse impacts on the landscape value and the loss of habitat for local birds/animals.
- Removal of a large tree that significantly contribute to the overall visual outlook and leafy canopy on Kareela Lane.
- Adverse heritage impacts.
- The contemporary architectural style is inconsistent with the character of the area.
- Non-compliance with site coverage.
- The applicant should explore alternate access solutions.
- The likelihood of an additional occupancy within the new studio.
- Concerns raised about construction activities along the laneway, impacts on traffic and parking and construction management along a narrow laneway.
- Potential conflict between construction activities and the use of other essential vehicles along Kareela Lane.
- A no standing zone should be established to facilitate access by waste collection and emergency vehicles.

Nearby properties to the east (across Kareela Lane incl. Apartment building at No. 12 Kareela Road)

- Objection to the proposed removal of the cheese tree that has been identified in good condition.
- Adverse environmental impact cause by the proposed tree removal.
- Overdevelopment and non-compliance with DCP's site coverage and landscape area
- Adverse impacts to heritage, conservation and character controls as contained in the DCP.
- Significant and adverse privacy impact associated with building mass, scale, and form
- Uncharacteristic roof typology and materials.
- Insufficient laneway setbacks and uncharacteristic building height for the garage/studio structure at the rear.
- Non-complying side boundary setbacks.
- The proposed dimensions and the lack of setbacks compromise the streetscape, building form, and heritage significance of the Cremorne Point Conservation Area.

- Adverse visual privacy and overshadowing.
- The existing narrow laneway would not be able to handle additional traffic and parking demands associated with the construction activities.
- The existing narrow laneway would not be able to handle additional traffic and parking demands associated with the construction activities.
- The concerns raised in the original proposal not addressed by the amended proposal.
- Amended proposal and arborist report have not addressed the concerns previously raised.

Submitters from the locality/Neighbourhood

- Objection to the removal of the only large tree in the area due to significant environmental, ecological and aesthetic impacts.
- Proposed garage is excessive for Kareela Lane.
- The existing narrow laneway would not be able to handle additional traffic and parking demands associated with the construction activities.
- Adverse impacts on pedestrian safety.

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

CONSIDERATION

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

Environmental Planning and Assessment Act 1979 (as amended) Environmental Planning and Assessment Regulation 2000

SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposal does not meet the objectives of the *SEPP* because the current application proposes clearance of native vegetation, in particular the Cheese Tree at the rear of the subject site.

As indicated earlier in this report, the applicant has not provided sufficient justification for the proposed removal of the Cheese Tree.

Therefore, the proposed development is inconsistent with the following aims of this Chapter as contained under Clause 2.1 of the *SEPP*:

The aims of this Chapter are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Chapter 6 - Water Catchments

Having regard to the provisions of Chapter 6 of the *SEPP* and the *Sydney Harbour Foreshores and Waterways Area DCP 2005*, the proposed development would not be highly visible from the Harbour, it is not considered to be detrimental to general scenic quality and the ecology of the Harbour and will not unduly impose upon the overall character of the foreshore given that the scale and the localised nature of the proposed development. Furthermore, the proposal would not adversely affect the environmental processes, including in relation to water quality and biodiversity.

As such, the development is generally acceptable having regard to the provisions contained within Chapter 6 of the above *SEPP* and the *Sydney Harbour Foreshores and Waterways DCP 2005*.

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of the *SEPP* requires the consent authority to consider whether the land is contaminated, and if so whether the land is suitable for the intended use or any remediations measures required. Council's records indicate that the site has historically been used for residential development and as such is unlikely to contain any contamination. The subject site is therefore considered suitable for the proposed use given that contamination is unlikely.

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant has submitted a valid BASIX Certificate to demonstrate compliance with the requirements of the *SEPP*.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as alterations and additions to an existing attached dual occupancy and are permissible on land within R2 (Low Density Residential) zone with consent from Council.

2. Aims of the LEP

In addition to the objectives of the R2 (Low Density Residential) zone, consideration has been given Clause 1.2 (2)(a) of North Sydney LEP 2013 relating to the following:

(2)(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment

The proposal is inconsistent with the character and context of Cremorne Point Conservation Area because the proposed works would result in the loss of the character of the conservation area, the introduction of uncharacteristic building elements and the loss of a significant tree. Therefore, the proposed development does not enhance the amenity of the North Sydney community and the environment.

2(b)(i) to ensure the new development is compatible with the desired future character of an area in terms of bulk, scale and appearance,

The design of the proposed garage/studio structure is incompatible with the character of the conservation area due to its form, bulk, scale and the changes to the roof form of the original dwelling and its design and treatments.

2(e)(i) to maintain and protect natural landscapes, topographic features and existing ground levels

The proposed removal of an existing Cheese Tree is contrary to this aim in terms of maintaining and protecting landscape within the locality.

2(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance

As detailed in the heritage discussion above, the proposed works would detract from the significance of Cremorne Point Conservation Area.

In summary, the proposal is inconsistent with the above aims of the LEP.

2. Objectives of the zone

The objective of the R2 (Low Density Residential) zone relevant to the proposed development is as follows:

- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development does not promote or reinforce the character of the subject dwelling and the character of the conservation area. The proposed development would result in an uncharacteristic building within Cremorne Point Conservation Area as detailed in the comments from Council's Conservation Planner.

Furthermore, the proposal would have adverse impacts on the residential amenity of the locality due to the non-compliance with DCP's site coverage, unbuilt upon area and landscaped area requirements as detailed later in this report.

Furthermore, the proposed tree removal would have adverse impacts on the amenity of the locality due to the loss of a native tree in good condition and high retention value.

The proposal is therefore contrary to the above zone objectives.

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013				
Site Area –539.8m ²	Existing	Proposed	Control	Complies
Clause 4.3 – Heights of Building	9.5m	6.5m (proposed garage/studio)	8.5m	Yes

3. Height of Building

The proposed garage/studio building would have a maximum height of 6.5m that complies with the permissible height limit of 8.5m in accordance with clause 4.3 in NSLEP 2013.

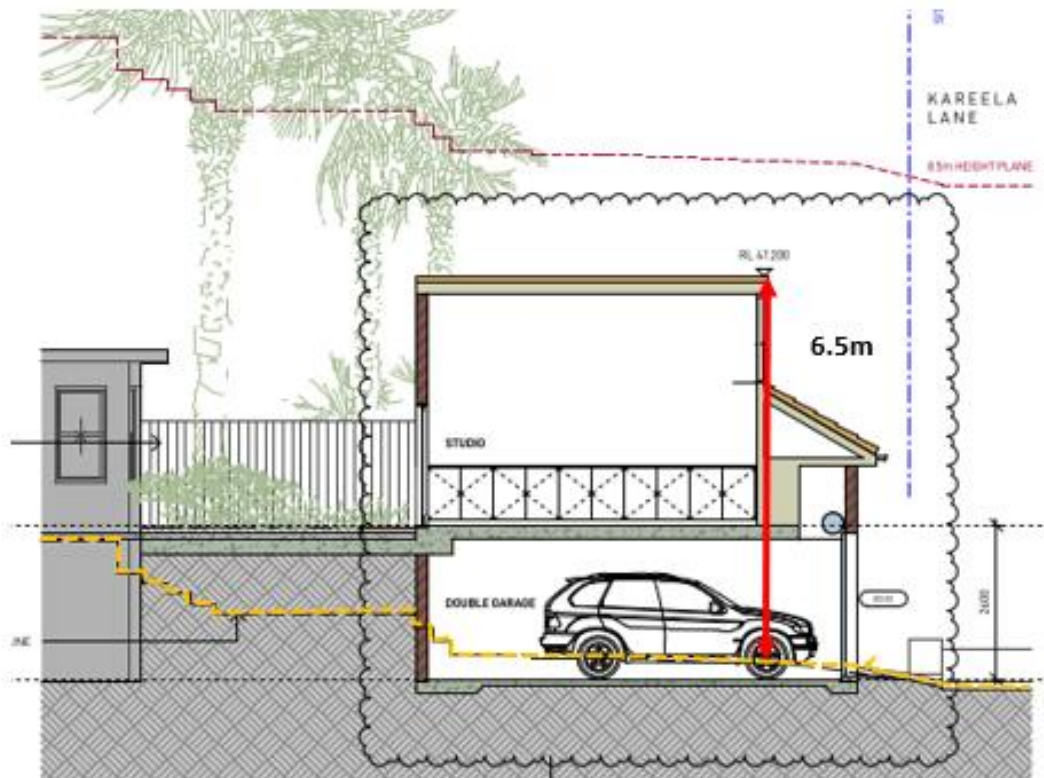


Figure 11: Maximum Building Height

4. Dual Occupancies

The proposal generally complies with the requirements of Clause 6.6(1)(b) and (c) because of the following:

- The proposal does not involve changes to the common wall/floor/ceiling; and
- The proposal would not change the site area at 539.8sqm.

Consideration has been given to Clause 6.6(2) of North Sydney LEP 2013:

(2) A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—

(a) there is no existing building erected on the land, or
(b) the dual occupancy—

- (i) will be situated substantially within the fabric of an existing building, and
- (ii) will conserve the appearance of the existing building, as visible from a public place, and
- (iii) will conserve the majority of the significant fabric of the existing building.

Comment:

The proposal is inconsistent with Clause 6.6(2)(b)(i), (ii) and (iii) because the applicant has proposed the demolition of an existing garage that form part of an existing dual occupancy (attached). The proposal, being development for the purposes of a dual occupancy does not comply with the following:

- Clause 6.6(2)(b)(i) requiring works to be situated substantially within the fabric of the existing building as all existing building fabric for the existing garage building would have been removed as the result of the proposed demolition of this structure;
- The appearance of the existing garage as seen from the public domain would not be retained in accordance with Clause 6.6(2)(b)(ii) due to the demolition of the existing garage building; and
- Conservation of the majority of the existing building fabric would not be possible as required by Clause 6.6(2)(b) (iii) due to the demolition of the existing garage building.

The underlying purpose of Clause 6.6 of NSLEP 2013 is to limit the extent to which dual occupancy development can be carried out within a Conservation Area. Failure to comply with the requirements of Clause 6.6(2) prevents consent from being granted for the current proposal due to the requirement for demolition of existing fabric (existing garage) and due to the extension of the proposed garage and studio substantially outside of the fabric of the existing dual occupancy itself. The therefore fails to comply with Clauses 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013.

5. Heritage Conservation

Consideration has been given to Clause 5.10 of the North Sydney LEP 2013 as the subject site is a Contributory item located in Cremorne Point Conservation Area.

As indicated in the comments provided by Council's Conservation Planner earlier in this report, the proposal will result in a development that is out of character with the heritage significance of the Cremorne Point heritage conservation area and is not supported on heritage grounds. The proposal does not achieve the requirements of Clause 5.10 of NSLEP 2024 and is not supported.

6. Earthworks

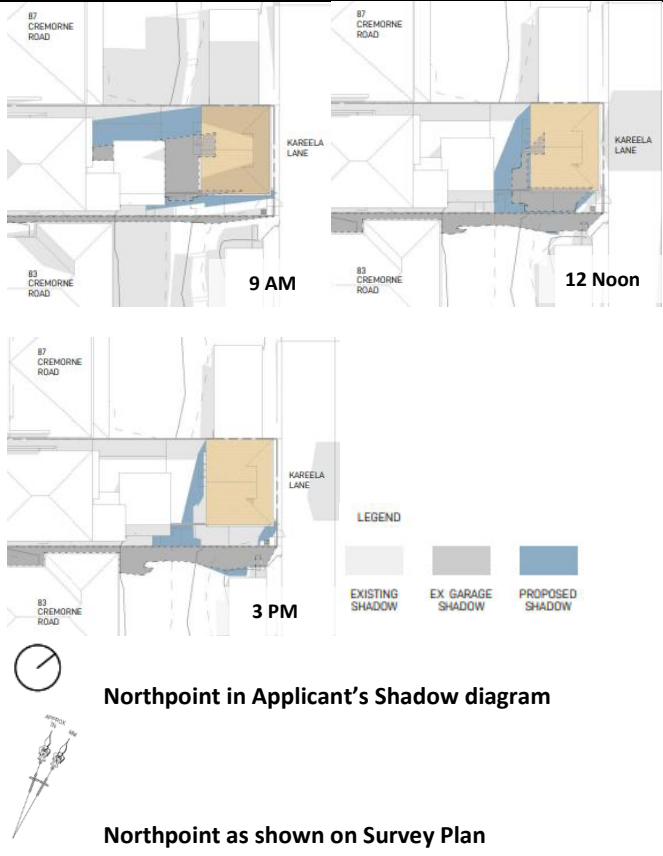
The proposal would involve some excavation and levelling within the rear setback and under the building footprint of the existing garage to facilitate the construction of the proposed garage/studio building.

The proposal is contrary to Clause 6.10(3)(ii) of the North Sydney LEP 2013 because the proposed excavation works would have detrimental effects on vegetation on the subject site due to the need for the removal of an established and healthy native tree. Therefore, consent must not be granted for the proposed excavation works in accordance with this Clause.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix 1.2.2 Maintaining Residential Accommodation 1.2.3 Affordable Housing 1.2.4 Housing for Seniors/ Persons with disability	No change	The proposal would result in the addition of a studio, however, there would be no significant change in terms of the population mix, the supply of residential accommodation, affordable housing and housing for senior/persons with disabilities within the locality given that the studio would be ancillary to the ground floor unit of an existing dual occupancy.
1.3 Environmental Criteria		
1.3.1 Topography	No	The proposal, involving excavation works and the removal of an existing cheese tree, is contrary to Objective O2 Section 1.3.1 in Part B of North Sydney DCP 2013 for the retention of existing vegetation. The proposed earthworks would reduce the soil depth around the buildings that would be required to sustain the existing cheese tree and is contrary to P6 Section 1.3.1 in Part B of North Sydney DCP 2013.
1.3.6 Views	Yes	The proposal is unlikely to result in a loss of significant views as seen from the adjoining properties and the public domain given that the building height of the proposed garage/studio building would be lower than those of nearby dwellings/apartment buildings. It is noted that the proposed garage/studio may cause some obstruction to outlook to the sky and nearby vegetation/buildings for the immediate adjoining properties (Nos. 83 and 87 Cremorne Road), the impacts do not involve significant views and therefore it is considered to be acceptable.
1.3.7 Solar Access	No	The proposed garage/studio building is likely to cause some additional shadowing of the rear communal area of the apartment development at No. 83 Cremorne Road. An assessment of the shadow diagrams submitted by the applicant has revealed that there would be additional shadowing on the communal area of No. 83 Cremorne Road during mid winter because the submitted diagrams appear to have been drawn based on an erroneous north point. The rear communal area of No. 83 Cremorne Road is unlikely to receive the required 3 hours of sunlight to the entire area between 9am and 3pm during mid winter due to height, bulk and scale of the proposed garage/studio building and the southerly aspect of No. 83 Cremorne Road.

		 <p>Northpoint in Applicant's Shadow diagram</p> <p>Northpoint as shown on Survey Plan</p> <p>Figure 12: Submitted Mid winter shadow diagrams</p>
<p>1.3.8 Acoustic Privacy 1.3.10 Visual Privacy</p>	<p>Acceptable on merit/via condition</p>	<p>The existing settings of the subject site and the adjoining properties, with rear gardens/terrace and existing windows on the rear elevations of apartment buildings, have resulted a degree of mutual overlooking and noise affecting these properties.</p> <p>The proposed garage/studio building is unlikely to cause significant privacy impacts because there would be no large openings facing the adjoining properties.</p> <p>The proposed elevated terrace between the main building and the studio would result in some overlooking of the neighbouring properties, these localised impacts can be dealt with by privacy screens or other appropriate privacy protection devices.</p> <p>There would be additional noise from the use of the elevated terrace and planting equipment. These impacts are considered to be acceptable given that the property would remain as a residential use and appropriate conditions can be imposed to manage noise from the use of plant equipment should approval be granted for the application.</p>

1.4 Quality built form																																							
1.4.1 Context	No	<p>The proposal for a garage building with a studio above, would introduce an over-scaled element within Kareela Lane that predominately retains a low-to-single-storey scale that is typical of laneway development.</p> <p>The bulk and scale of the new built form would unreasonably dominate Kareela Lane, would adversely impact on the landscape presentation of the site and as a consequence would also affect the setting of the adjacent heritage item. The resulting development is out of character within its site context and within the conservation area.</p>																																					
1.4.2 Subdivision Pattern	No change	<p>The proposal would not change the subdivision pattern within the subject site and is locality.</p>																																					
1.4.3 Streetscape	No	<p>The proposal would have a negative impact on the streetscape due to the excessive built form of the proposed garage/studio building and the removal of the Cheese Tree that currently contributes positively to the streetscape.</p>																																					
<p>1.4.4 Laneway Objective:</p> <p>To ensure that laneways are functional, attractive, safe and comfortable places for use by residents as part of their public space and pedestrian network.</p> <p>Controls:</p> <ul style="list-style-type: none"> • 2 storey building – 10m setback • Carports/garages must not cover more than 50% of width to laneway • Fences/other structures – 1.2ms setback 	No	<p>The proposal does not comply with the DCP controls for development that adjoins a laneway as follows:</p> <p>(a) The proposal is contrary to P2(b) Section 1.4.4 in Part B of North Sydney DCP 2013 because of the adverse heritage impacts as detailed in Council’s Conservation Planner earlier in this report;</p> <p>(b) The width of the proposed garage would also be in excess of the 50% DCP limit on the width of garage fronting a laneway as contained in P6 Section 1.4.4 in Part B of North Sydney DCP 2013;</p> <p>(c) The removal of a healthy Cheese Tree that contributes positively to the streetscape is contrary to the DCP laneway objective in O1 Section 1.4.4 to ensure that laneways are functional, attractive, safe and comfortable place for use by residents.</p>																																					
1.4.5 Siting	No	<p>The proposed development would not change the orientation and siting of the existing dual occupancy.</p> <p>The proposal for a garage building with a studio above, would introduce an over-scaled element within the rear of the site, adjoining the Kareela Lane frontage, that would be inconsistent with the existing scale of buildings fronting the laneway, which is predominantly low-to-single-storey in scale.</p>																																					
1.4.6 Setback – Side	No	<p>A side boundary setback compliance table is provided below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Existing (min)</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td colspan="5"><i>Rear Terrace:</i></td> </tr> <tr> <td>- N Elevation</td> <td>0mm</td> <td>0mm</td> <td>900mm</td> <td>NO</td> </tr> <tr> <td>- S Elevation</td> <td>4.8m</td> <td>2.5m</td> <td>-1.5m*</td> <td>Yes</td> </tr> <tr> <td colspan="5"><i>Garage/studio:</i></td> </tr> <tr> <td>- N Elevation</td> <td>0mm</td> <td>0mm</td> <td>900mm</td> <td>NO</td> </tr> <tr> <td>- S Elevation</td> <td>3m</td> <td>2.5m</td> <td>900mm</td> <td>Yes</td> </tr> </tbody> </table>				Existing (min)	Proposed	Control	Complies	<i>Rear Terrace:</i>					- N Elevation	0mm	0mm	900mm	NO	- S Elevation	4.8m	2.5m	-1.5m*	Yes	<i>Garage/studio:</i>					- N Elevation	0mm	0mm	900mm	NO	- S Elevation	3m	2.5m	900mm	Yes
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		<p>The proposed garage/studio building and the elevated terrace provide zero setback from the northern property boundary and is non-compliance with the DCP requirements as shown in the above compliance table.</p> <p>Whilst the existing carport has nil side boundary setback, it is a light-weight steel frame structure with a corrugated iron roof added to the existing garage building.</p> <p>The proposed garage/studio building has a large roof that has a width of three car spaces with additional height in order to accommodate a studio above the garages. The proposed building is substantially larger and bulky than the existing garage and would be visually more dominant along Kareela Lane.</p> <p>The proposed nil side boundary setback would limit potential landscaping and exacerbate the bulk and scale of the proposed garage/studio building as seen from the adjoining property to the north.</p> <p>The proposal is not consistent with the DCP setback objectives for controlling bulk and scale of buildings and the provision of separation between buildings.</p>
P1 Front setback	No change	The proposal does not involve works that would change the front building setback from the Cremorne Road property boundary.
P5 Rear Setback – Rear	No	<p>The proposed garage/studio structure would maintain 880mm setback from the Kareela Lane boundary as per the existing garage.</p> <p>Given that the proposed garage/studio building would be significantly larger than the existing garage building in terms of building height, bulk and scale, a setback of a minimum 1.2m (as required by the DCP laneway setback controls), is considered to be appropriate.</p>
1.4.7 Form Massing Scale 1.4.8 Built Form Character	No	The proposed garage/studio building would not only increase the bulk and scale of the original dwelling, it would also have an uncharacteristic built form that is inconsistent with the buildings along Kareela Lane as they are predominantly low-to-single-storey in scale.
1.4.9 Dwelling Entry	No change	The proposal would not change the existing dwelling entry on Cremorne Road frontage.
1.4.10 Roofs	No	The proposal would result in the demolition of the original roof. The proposed use of slate as roofing materials will detrimentally alter the building's character. This could be resolved by condition should approval be granted for the application.
1.4.12 Materials	No	The applicant has proposed new roofing materials from terracotta tile to slate. The proposal indicates black and white colour scheme that is not characteristic to dwellings within the Conservation area. This could be conditioned to require neutral tones should consent be granted for the application.

1.5 Quality Urban Environment																							
1.5.4 Vehicle Access and Parking	Yes	<p>The proposal involves the construction of a building that contains two garages and carport off Kareela Lane.</p> <p>This aspect of the proposal generally complies with DCP's maximum car parking and engineering requirements.</p>																					
1.5.5 Site Coverage 1.5.6 Landscape Area	No	<p>A compliance table is provided below to demonstrate compliance with the relevant DCP requirements:</p> <table border="1" data-bbox="726 566 1404 943"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site area: 539.8sqm</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Site coverage (Max: 45%)</td> <td>273.8sqm (51%)</td> <td>293sqm (54%)</td> <td>No</td> </tr> <tr> <td>Landscaped area (Min: 40%)</td> <td>163sqm (30%)</td> <td>164sqm (30%)</td> <td>No</td> </tr> <tr> <td>Unbuilt-upon area (Max: 15%)</td> <td>103sqm (19%)</td> <td>82.8sqm (16%)</td> <td>No</td> </tr> </tbody> </table> <p>The proposal would result in an increase in site coverage (3%) and a decrease in unbuilt upon area by 3%. The existing development does not comply with the site coverage requirement and the proposed development would further increase the non-compliance with site coverage by 3% to 54%.</p> <p>Whilst the landscaped area remains generally unchanged numerically, the quality of landscaping within the rear building setback poorer due to the removal of the existing Cheese Tree and the lack of detailed information about the landscape treatments of the raised terrace between the main dwelling and the proposed studio.</p> <p>The decrease in unbuilt upon area is primarily the result of the use of paved area for the new garage/studio building (site coverage).</p> <p>In addition, the proposal is not consistent with the site coverage and landscaped area objectives in terms of the following:</p> <ul style="list-style-type: none"> (a) The proposed garage/studio building is uncharacteristic along Kareela Lane, therefore, it does not promote the existing or desired future character of the neighbourhood in O2 Section 1.5.5 in Part B of North Sydney DCP 2013; (b) The proposed removal of the existing Cheese Tree fails to promote the character of the neighbourhood and does not contribute to the streetscape and amenity of the locality (O1 in Section 1.5.6 in Part B of North Sydney DCP 2013. <p>Therefore, the proposed non-compliances are considered to be unacceptable.</p>		Control	Existing	Proposed	Complies	Site area: 539.8sqm				Site coverage (Max: 45%)	273.8sqm (51%)	293sqm (54%)	No	Landscaped area (Min: 40%)	163sqm (30%)	164sqm (30%)	No	Unbuilt-upon area (Max: 15%)	103sqm (19%)	82.8sqm (16%)	No
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1.5.8 Landscaping	No	<p>As indicated in Council's Landscape Officer comments earlier in this report, significant concerns have been raised about the proposed removal of the cheese tree located within the rear building setback and the existing garage building.</p>																					

		The proposed tree removal is not consistent with P2 in Section 1.5.7 in Part B of the North Sydney DCP regarding retention of existing trees wherever possible.
1.5.9 Front Gardens	No change	The proposal does not involve changes to the landscape treatments within the front building setback area.
1.5.13 Garbage Storage	Yes (via condition)	A standard condition specifying Council requirements for the storage of general waste or re-cyclable materials can be imposed should consent be granted to the application.
1.6 Efficient Use of Resources		
1.6.1 Energy Efficiency	Yes	A valid BASIX Certificate has been submitted with the application on the basis that the proposed development would involve a building that can be used for a habitable purpose and the cost of works exceed \$50,000.

South Cremorne Planning Area – Part C of NSDCP 2013

Cremorne Point Conservation Area

Consideration has been given to Part C of NSDCP 2013, in particular Section 6 of the Character Statement for the South Cremorne Planning Area and Section 6.4 for the Cremorne Point Conservation Area.

The proposal is considered to be contrary to the DCP Character statement because of the wide frontage of the proposed garage along Kareela Lane well in excess of maximum 1/3 street frontage as contained in Section 6.4.7 (Uncharacteristic Elements) in Part C of the DCP character statement for Cremorne Point.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows:

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$749,050.98
(payment amount subject to indexing at time of payment)	Contribution:	\$7,490.50.

Conditions requiring payment of contributions can be imposed should approval be granted for the proposed development.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

SUBMITTERS CONCERNS

Original Proposal

The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the application between 12 and 26 January 2024. A total of twenty-six (26) submissions were received at the close of the notification period.

Amended Proposal

The amended proposal was notified to the owners of the adjoining properties and the Cremorne Point Precinct between 18 April and 3 May 2024. A total of fifteen (15) submissions received. The majority of submissions were from submitters of the original proposal.

There are a number of recurrent issues/concerns raised from a number of adjoining properties. The issues raised in relation to bulk and scale, setbacks, heritage/character, tree removal/landscaping, amenity impacts (views/overshadowing/privacy) and site coverage have been addressed throughout this report.

Further comments are provided for the following matters raised in the submission received.

- ***No other building has a studio above garage along Kareela Lane.***
- ***Non-complying laneway frontage.***
- ***Uncharacteristic materials and colour for the proposed garage/studio structure.***

Comment:

It is agreed that the proposed garage/studio would introduce an over-scaled element within Kareela Lane which otherwise predominately retains a low-to-single-storey scale and character.

The bulk and scale of the new two storey built form would dominate the rear lane.

Whilst materials and colours could be addressed/modified by imposition of appropriate conditions should the proposal warrants approval, the built form of the current scheme is considered to be unacceptable and is recommended for refusal.

- ***Concerns raised about the proposed excavation works on the structural integrity of the neighbouring buildings.***
- ***Concerns raised about the likely impacts on stormwater drainage due to the increase building footprint and the reduction in deep soil planting and permeable surfaces.***

Comment:

Appropriate engineering conditions, including the requirement for the submission of geotechnical report, structural integrity report and stormwater management plans can be imposed should approval be granted for the proposal.

Furthermore, it is noted that the proposed replacement planting is likely to cause issues with stormwater drainage due to the location of the replacement trees in close proximity of stormwater drains.

- ***Concerns raised about construction activities along the laneway, impacts on traffic and parking, construction management and access of essential service or emergency vehicles along a narrow laneway.***
- ***Adverse impacts on pedestrian safety.***

Comment:

Traffic and parking management along the Kareela Lane can be addressed by the submission and approval of a construction traffic management plan should approval be granted for this application.

- ***Inadequate documentation such as the Statement of Environmental Impacts, Heritage Impact Statement and arborist report.***

Comment:

The submitted documents have been considered as part of the assessment of the application. However, there are insufficient justifications for the demolition of the existing garage and the proposed removal of the cheese tree.

PUBLIC INTEREST

The proposal is not considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal is considered to be unsuitable for the subject site because its design would detract from the character and the significance of the conservation area. Furthermore, the proposal does not promote the landscape quality of the subject with the proposed removal of an established and healthy native tree.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the application between 12 and 26 January 2024. Council received twenty-six (26) submissions. The amended proposal was notified to the owners of the adjoining properties and the Cremorne Point Precinct between 18 April and 3 May 2024. A further fifteen (15) submissions received, the majority of those submission (11) were from previous submitters.

The issues/concerns raised in the submission have been considered/addressed throughout this assessment report.

CONCLUSION + REASONS

The development application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and was found to be unsatisfactory.

The proposal involves removal of a significant tree within the rear building setback. Tree 9 (Cheese Tree) is identified for removal on the basis that it is *“within the footprint of the proposed garage/studio building”*. The tree is otherwise healthy and provides high landscape amenity and character. Removal of Tree 9 and change of levels within the rear garden are considered unacceptable on the basis that the loss of a substantial tree would impact on the streetscape along Kareela Lane and landscape character of the locality generally. The proposed changes to site topography and fill to the rear garden is also not supported.

The proposed development is contrary to the objective of the R2 (Low Density Residential) zone because the proposal for a new garage and studio building replacing the existing garage of a contributory item would detract from the significance of the subject contributory item and that of the conservation area because of the uncharacteristic built form fronting Kareela Lane.

The proposal fails to comply with Clause 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013 because the proposed demolition of the existing garage and would not be able to meet the requirement for maintaining the existing appearance of the building and the conservation of the building fabric within the existing building.

The bulk and scale of the proposed garage/studio is considered to be excessive. The proposal does not comply with DCP's site coverage, unbuilt upon area and landscape area requirements.

The application was referred to Council's Conservation Planner and Landscape Development Officer who considered the proposal unsatisfactory because of the adverse impacts on the significance of subject contributory item, the conservation area and the loss of significant vegetation.

The issues raised in the submissions received have been addressed in this report.

Accordingly, the proposed development is recommended for **refusal**.

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, resolve to refuse development consent to Development Application D354/23 for alterations and additions to an existing attached dual occupancy at No. 85 Cremorne Road, Cremorne Point for the following reasons:-

1. Unacceptable Heritage Impacts

The proposed development is unacceptable because of the adverse impacts on the subject dwelling and the conservation area.

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy Clause 5.10(1)(a), Clause 5.10(1)(b) and Clause 5.10(4) in Part 5 of NSLEP 2013 due to the detrimental impacts of the proposed development on the subject building and the conservation area, in particular the demolition of the existing garage building.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not satisfy the aims of North Sydney Local Environmental Plan 2013 (NSLEP 2013) as listed in Clauses 1.2 (2)(a), (2)(b)(i), and (2)(f) in Part 1 of NSLEP 2013.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the adverse impacts of the proposed development on the significance of the conservation area, particularly dot point 3.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal for demolition of the existing garage building fails to comply with the provisions as contained in Clause 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013 requiring the retention of the appearance of the existing building and the conservation of building fabric substantially within the existing building.
- (v) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the

proposed development does not satisfy the Area Character Statement for South Cremorne Planning Area in Section 6.0 in Part C of North Sydney DCP 2013 (NSDCP 2013) given that the proposal does not promote the character within the conservation area because the design of the proposal fails to reflect and reinforce the characteristic built form as identified in the Area Character Statement.

- (vi) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the application fails to satisfy the development controls for the following sections in Part B of the NSDCP 2013 and is therefore considered unacceptable:
- a. Section B – 13.4 – Development in the Vicinity of Heritage Items
 - b. Section B – 13.6.1 – General Objectives
 - c. Section B – 13.6.2 – Form Massing and Scale
 - d. Section B – 13.6.4 – Additional Storey and levels
 - e. Section B – 13.6.8 – Demolition
 - f. Section B – 13.9.4 – Materials
 - g. Section B – 13.9.5 – Garages and Carports
 - h. Section B – 13.9.7 – Gardens

2. Inappropriate context, height, bulk and scale and built form

The proposed development is unacceptable because of the proposed works will result in an inappropriate built form along Kareela Lane.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development is inappropriate to its context being a large and tall building along the laneway with uncharacteristic building elements which is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as section 1.4.1 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Sections 1.4.4 and 1.4.5 in Part B of NSDCP 2013 because the uncharacteristic design of the proposed development along Kareela Lane, the siting of a building that provides three (3) car accommodation under one building and the loss of a significant native tree within the rear building setback.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Sections 1.3.7 in Part B of NSDCP 2013 because the uncharacteristic design of the proposed development will increase overshadowing of the communal area of the adjoining property to the south.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.4.6 in Part B of NSDCP 2013 because the setbacks of the proposal do not comply with the side and rear building setback requirements.

- (v) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.4.7 and 1.4.8 in Part B of NSDCP 2013 because the proposed garage/studio building will increase the bulk and scale of the building with an uncharacteristic built form.
- (vi) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Sections 1.4.10 and 1.4.11 in Part B of NSDCP 2013 because of the inappropriate roof design and materials for the proposed garage/studio building.

3. Overdevelopment

The proposed development is an overdevelopment of the subject site because of the non-compliance with site coverage, unbuilt upon area and landscaped area requirements.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and s4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is an overdevelopment of the subject site and is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as sections 1.5.5 and 1.5.6 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and s4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the proposed development with a non-complying site coverage and the reduction in landscaped area does not promote a high level of residential amenity.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.5.5 in Part B of NSDCP 2013 because the proposal is not consistent with the objectives of site coverage and does not comply with the maximum site coverage requirements.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.5.6 in Part B of North Sydney DCP 2013 because the proposal is not consistent with the objectives of landscaped area and does not comply with the minimum landscaped area and maximum unbuilt upon area requirements.

4. Landscaping

The proposed development is unacceptable because the proposal is unsatisfactory due to the proposed removal of Tree 9 *Glochidion ferdinandi* (Cheese Tree) that has been identified with high retention value and in good health condition as well as its positive contribution to the amenity and streetscape along Kareela Lane.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and s.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to aim 1.2 (2)(e) in NSLEP 2013 as well as section 1.5.7 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the proposed tree removal and the lack of detail information on landscape treatments do not promote a high level of residential amenity.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development with the removal of an existing established native tree is contrary to Section 1.5.7 in Part B of NSDCP 2013 because the proposal does not achieve a landscaping outcome that will clearly satisfy the DCP objectives and provisions for landscaping particularly the retention of native plant species.

5. Public Interest

The approval of the proposed development is not in public interest because of the adverse impacts on the significance of the subject building and the conservation area, the landscaping quality of the subject site and the locality and the adverse impacts on the residential amenity of the locality.

ROBIN TSE
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

ABBREVIATION

AC	Air Conditioning	INS	Insulation
ADH	Adhesive	INT	Internal
ADJ	Adjustable	J	Joinery Item
AF	Applied Finish	JH	Joinery Handle
AFFL	Above Finished Floor Level	KBD	Kickboard
AL	Aluminium	KIT	Kitchen
AP	Access Panel	LAM	Laminate
APP	Appliance	LBG	Linear Bar Grille
AS	Australian Standard	LDY	Laundry
B-CO	Bin Container	LED	LED Light
B-GB	Bin Garbage	LS	Laundry Shute
B-PA	Bin Paper	LTH	Leather
BAL	Balustrade	M	Metal
BALC	Balcony	MC	Metal Cladding
BBQ	Barbeque	MDB	Main Distribution Board
BCA	Building Code of Australia	MDF	Medium Density Fibreboard
BED	Bedroom	MFL	Metal Flashing
BG	Box Gutter	MI	Mirror
BHD	Bulkhead	MII	Mitred Joint
BK	Brick	MIN	Minimum
BKR	Brick Rendered	MM	Melamine
BM	Bolection Mould	MP	Mantlepiece
B-PAN	Butlers Pantry	MR	Metal Roof
BR	Brass	MS	Mild Steel
BRC	Blind Recess	MSB	Main Switch Board
BSN	Basin	MSE	Motion Sensor
BT	Bench Top	MT	Mosaic Tile
BTT	Bottle Trap	NEW	New Item
BW	Between	N/A	Not Applicable
CAC	Cable Access Cover	NTS	Not To Scale
CB	Concrete Block	OF	Overflow
CD	Clothes Dryer	O/H	Overhead
CFC	Compressed Fibre Cement	OR	Outrigger
CHY	Chimney	O/R	Over Ride
CJ	Control Joint	PAV	Paver
CL	Centre Line	PB	Plasterboard
CN	Cornice	PF	Paint Finish
COL	Column		refer Finishes Schedule
CONC	Concrete	PL	Push Latch
COR	Corian	PLY	Plywood
CBD	Cupboard	PNB	Pneumatic Buttons
CPT	Carpet	POL	Polyurethane
CR	Cement Render	PAN	Pantry
C/S	Counter Sunk	R	Radius
CT	Ceramic Tile	RA	Return Air
CTP	Cooktop	RB	Retractable Blind
CTS	Centres	RD	Roller Door
D	Door	RF	Roofing
DEM	Demolish	RFD	Roof Dome
DIN	Dining Room	RH	Rangehood
DP	Downpipe	RHS	Rectangular Hollow Section
DPC	Damp Proof Course	RL	Relative Level
DSB	Distribution Switchboard	RWO	Rain Water Outlet
DW	Dishwasher	S-PAN	Solar Panel
DWG	Drawing	SA	Supply Air
DWR	Drawer	SB	Plasterboard Setting Bead
E/D	Engineers Details	SD	Soap Dish
EDB	Electrical Distribution Board	SE	Sensor
EAD	Exhaust Air Grille	SHR	Shower
EGL	Existing Ground Level	SHS	Square Hollow Section
ENG	Engineer	SIM	Similar
ENS	Ensuite	SK	Skirting
EQ	Equal	SKY	Skylight
EV	Electrical Vehicle Charging Point	SOP	Setout Point
EX	Existing Structure or Finish	SPL	Splashback
EXH	Exhaust	SS	Stainless Steel
EXT	External	ST	Stone
F	Fixed	STO	Storage
FAB	Fabric	STR	Stair
FC	Fibre Cement	TBH	Toilet Brush Holder
FCL	Finished Ceiling Level	TM	Timber
FCU	Fan Coil Unit	TMB	Timber Batten
FE	Fence	TMD	Timber Decking
FFL	Finished Floor Level	TMF	Timber Floor
FG	Fixed Glass	T-PAN	Toilet Pan
FGL	Finished Ground Level	TR	Towel Rail
FM	Flexible Mastic	TRF	Tile Roof
FP	Fire Place	TRH	Toilet Roll Holder
FR	Fire Resistant	TV	Television
FW	Floor Waste	UFH	Under Floor Heating
G	Glass / Glazing	UNO	Unless Noted Otherwise
GM	Gas Meter	V	Veneer
GO	Glass / Obscured	VP	Vent Pipe
GPO	Power Outlet	VS	Vent Shelf
GU	Gutter	W	Window
HC	Hose Cock	WB	Wardrobe
HK	Hook	WC	Water Closet
HMR	High Moisture Resistance	WM	Washing Machine
HR	Hanging Rail	WPM	Water Proof Membrane
HDR	Handrail	WTM	Water Meter
HTR	Heated Towel Rail		
HWU	Hot Water Unit		

DRAWING LIST

DA000	COVER SHEET	J
DA001	SITE ANALYSIS	J
DA002	SITE PLAN	J
DA050	EXISTING GARAGE PLAN	J
DA051	EXISTING ROOF PLAN	J
DA100	PROPOSED GARAGE LEVEL	J
DA101	PROPOSED GROUND LEVEL	J
DA102	PROPOSED ROOF PLAN	J
DA200	ELEVATION - STREETScape	J
DA201	SECTION - STREETScape	J
DA202	ELEVATION - NORTH	J
DA203	ELEVATION - EAST	J
DA204	ELEVATION - WEST	J
DA205	ELEVATION - SOUTH	J
DA300	SECTION A	J
DA301	SECTION B	J
DA400	AXONOMETRIC - DEMOLISH	J
DA401	AXONOMETRIC - PROPOSED	J
DA450	WINDOW SCHEDULE - SHEET 1	J
DA451	WINDOW SCHEDULE - SHEET 2	J
DA500	SHADOW DIAGRAM - WINTER SOLSTICE 22 JUNE	J
DA501	SHADOW DIAGRAM - SUMMER SOLSTICE 22 DECEMBER	J
DA600	SCHEDULE OF FINISHES	J
DA650	PERSPECTIVE - FROM KAREELA LANE	J
DA700	AREA CALCULATIONS - LANDSCAPE	J
DA701	AREA CALCULATION - SITE COVERAGE	J
DA800	NOTIFICATION PLAN	J

DRAWING NOTES

- Refer to architect when clarification is required or if any ambiguous details.
- All structure to engineer's details.
- Please note that the abbreviations list is a generic project list and some items may not be relevant to this project.
- All items/codes without an EX prefix are new.
- All dimensions to be verified on site. Report any discrepancies or omissions to Design by COCO prior to construction.
- All drawings to be read in conjunction with consultants' drawings.
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BASIX

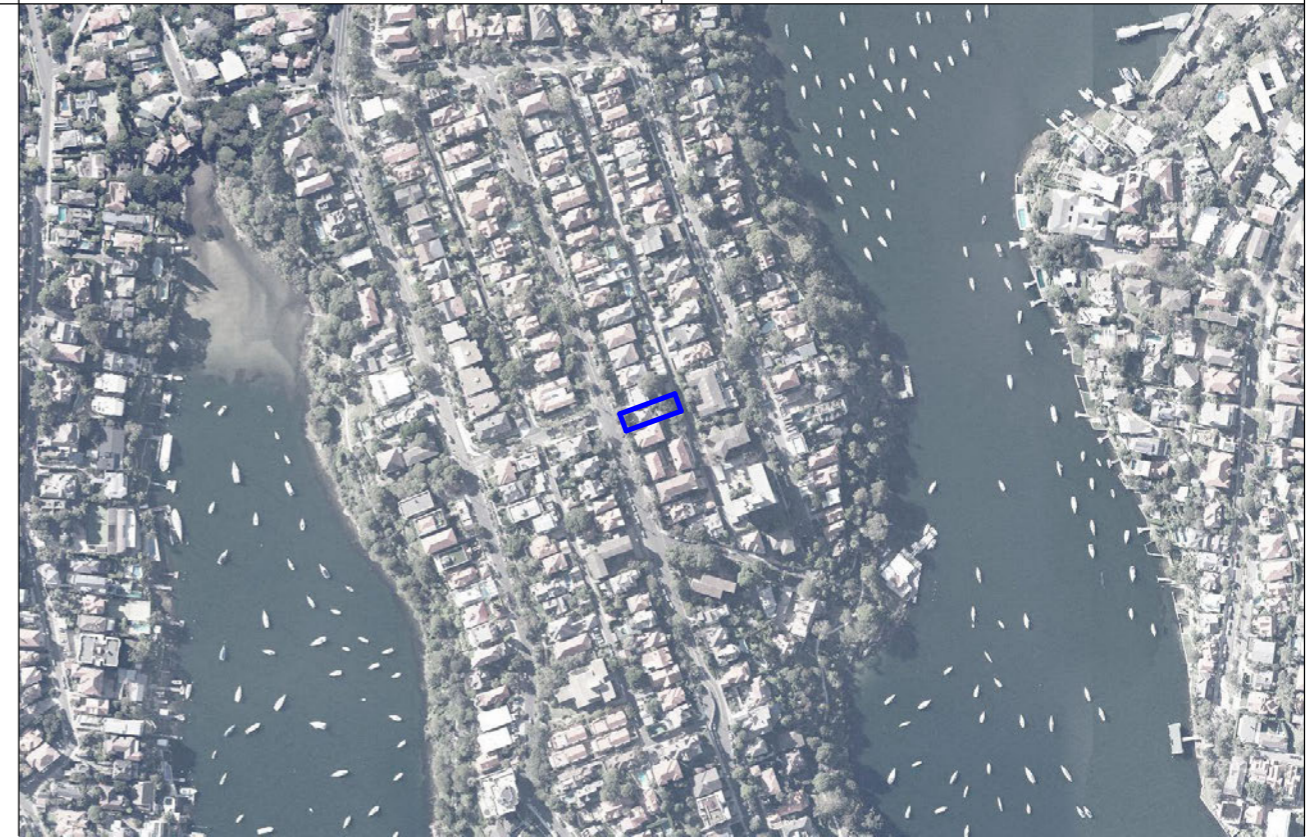
- Insulation requirements**
- R1.3 to new external walls excluding Garage
 - R2.5 to new ceiling excluding Garage
 - Sarking to roof if colour is medium or dark
 - 450mm eave over **W1.03, W1.04 & W1.05**
 - **W1.03, W1.04 & W1.05** u-value to be 3.64 or less & SHGC to be within 10% of 0.42

RFI AMENDMENTS

- GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- GROUND FLOOR SPACE AMENDED AND REDUCED.
- ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
- NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

PROJECT SUMMARY

North Sydney Council			
North Sydney DCP 2013 North Sydney LEP 2013			
Property Information	85 Cremorne Road, Cremorne Point SP 37669 Site Area: 539.8 sqm Heritage: Local Significance		
Compliance	<i>Control</i>	<i>Existing</i>	<i>Proposed</i>
Land Zoning	R2 Low Density Residential		No change
Building Height	8.5m	4.4m	6.6m
FSR	N/A		
Site Coverage	max 243 sqm	274sqm	284sqm
Landscaped Area	min 215 sqm	163sqm	173sqm
Unbuilt Area	max 108 sqm	172sqm	123sqm
Private Open Space	min 50 sqm	44sqm	90sqm



LEGEND

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PROJECT

23012 85 CREMORNE RD, CREMORNE POINT

DRAWN
BW

APPD
NQ

DWG TITLE

COVER SHEET

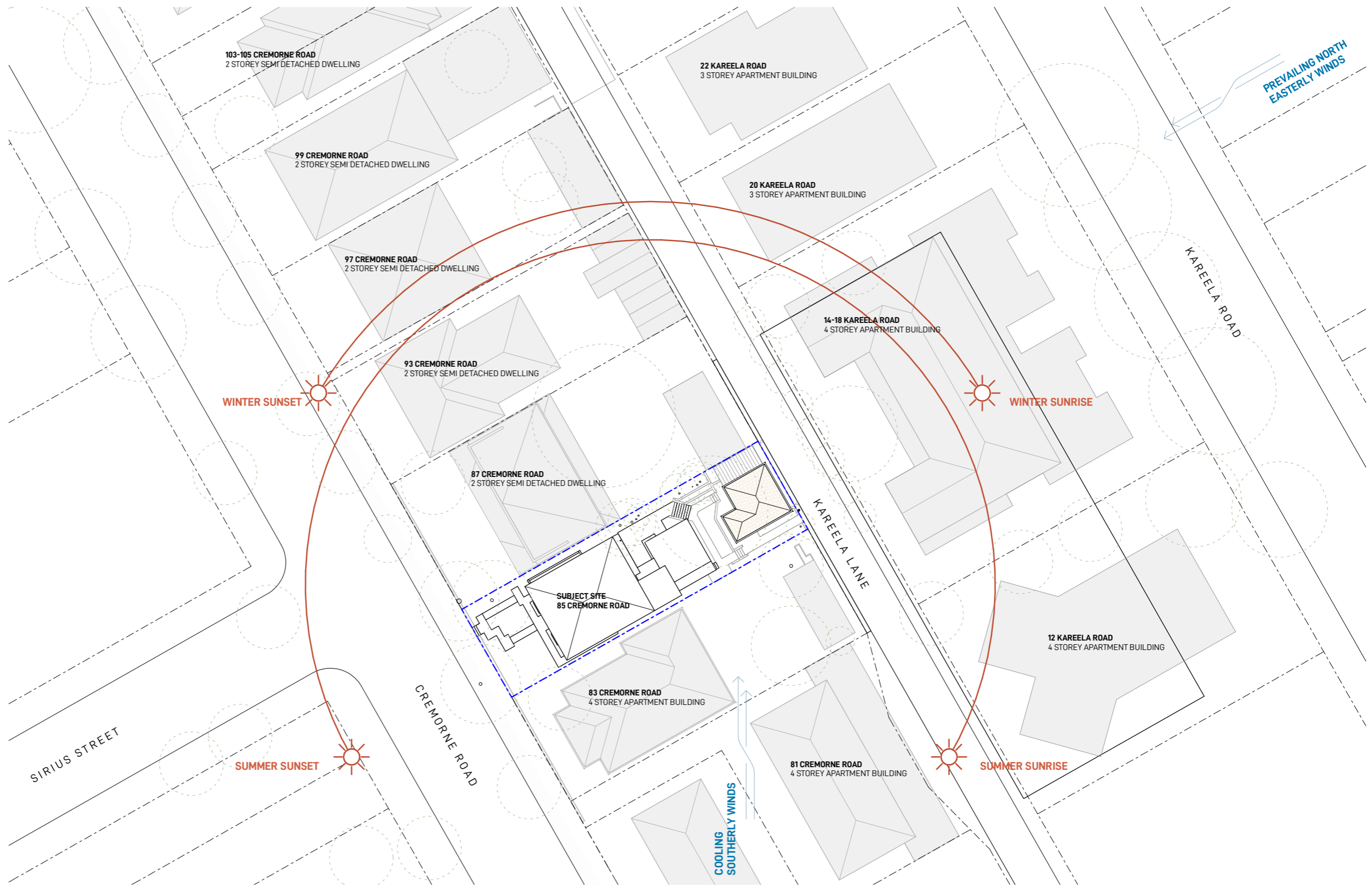
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DA000

REV
J

REV	REASON	DATE
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G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24



**PRELIMINARY
NOT FOR CONSTRUCTION**



LEGEND

- SUN PATH
- WIND DIRECTION
- FALL OF LAND

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

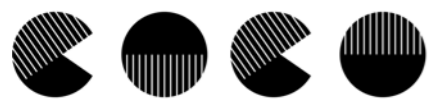
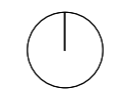
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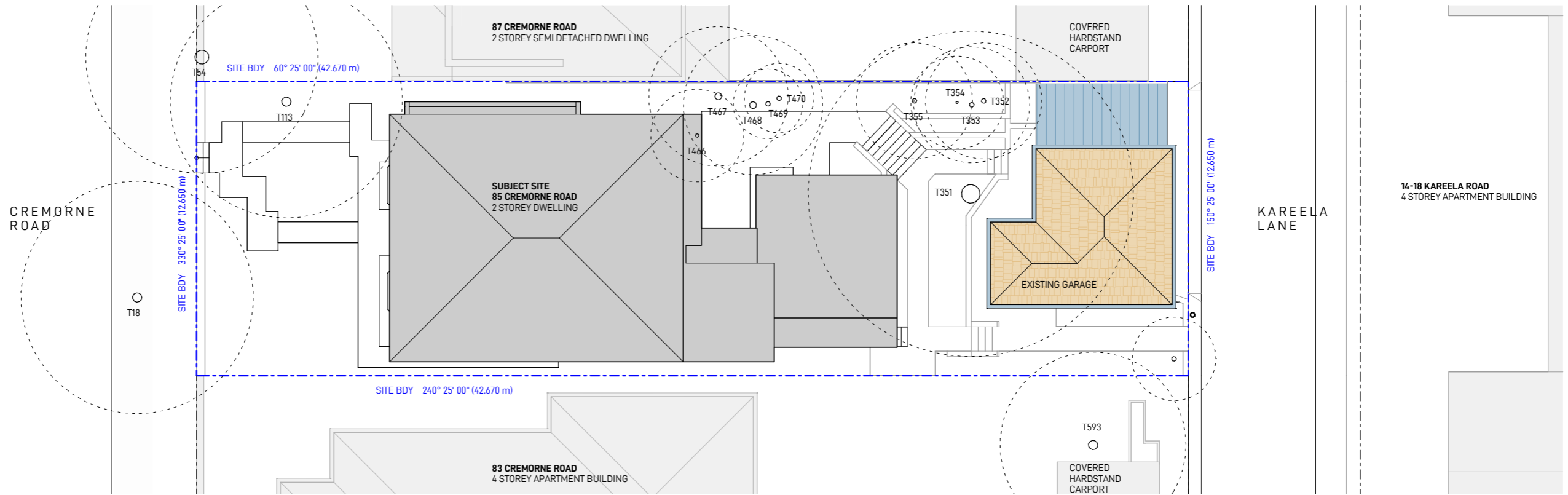
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BW	DA001
APPD	REV
NQ	J

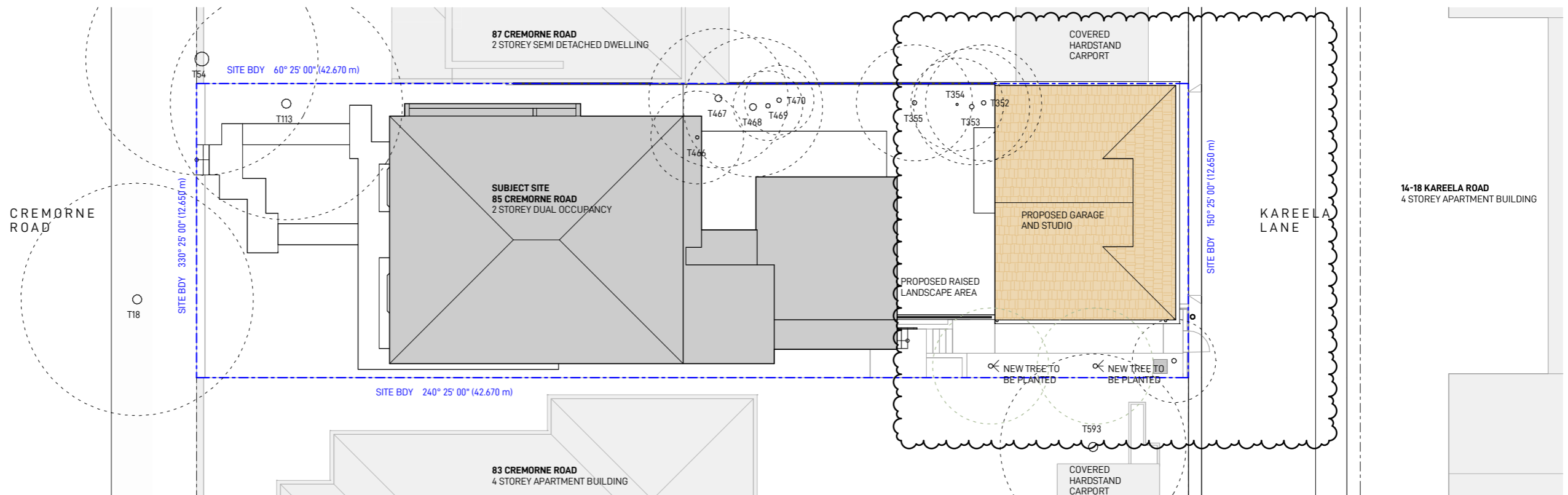
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SITE PLAN - EXISTING

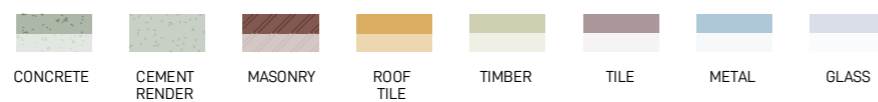


SITE PLAN - PROPOSED

RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
- 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
- 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

LEGEND



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PROJECT

23012 85 CREMORNE RD, CREMORNE POINT

DRAWN

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DWG TITLE

SITE PLAN

DWG NO.

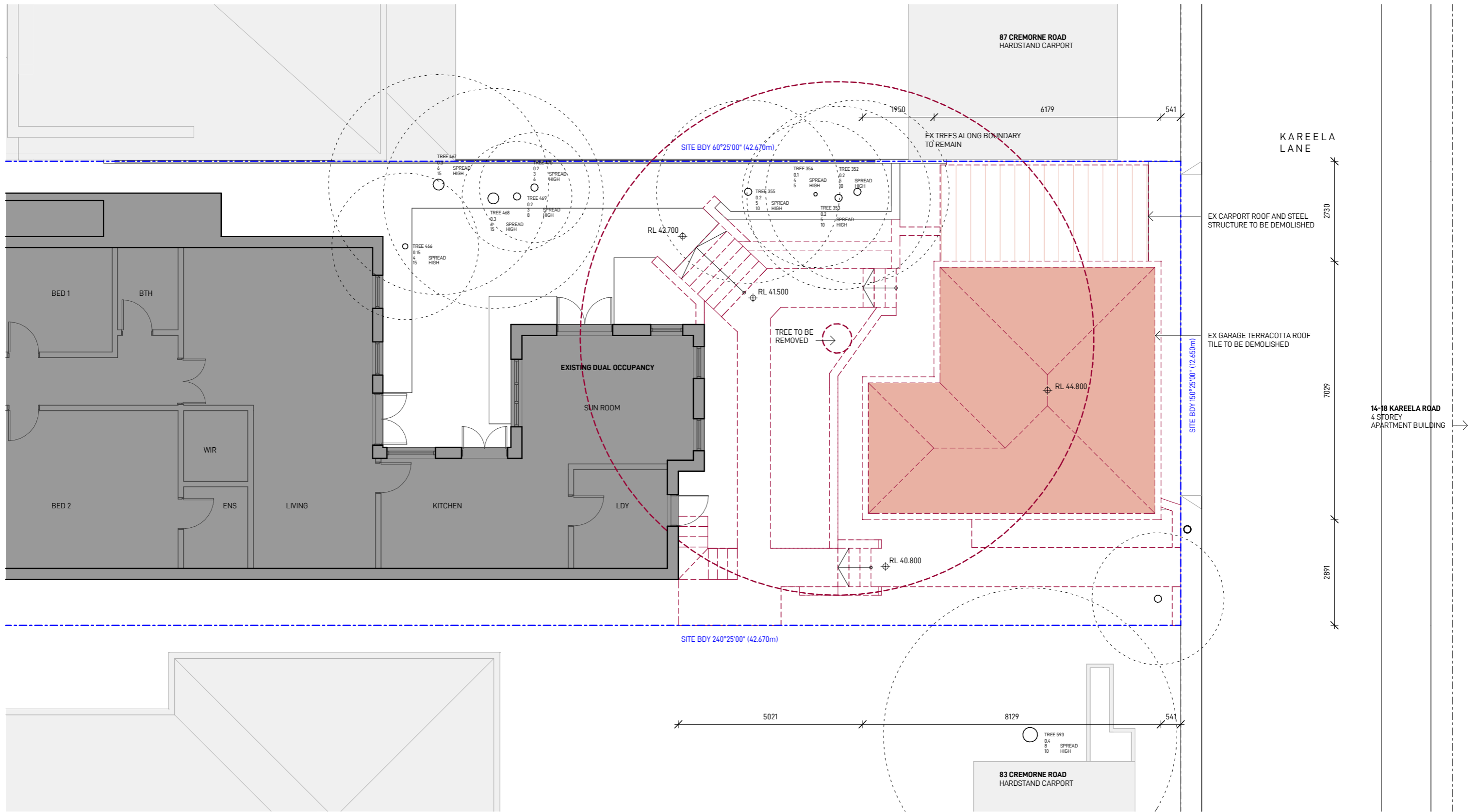
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LEGEND

EXISTING	PROPOSED	DEMOLISHED	LANDSCAPE	BOUNDARY

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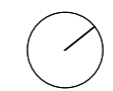
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J	RFI SUBMISSION	28.03.24

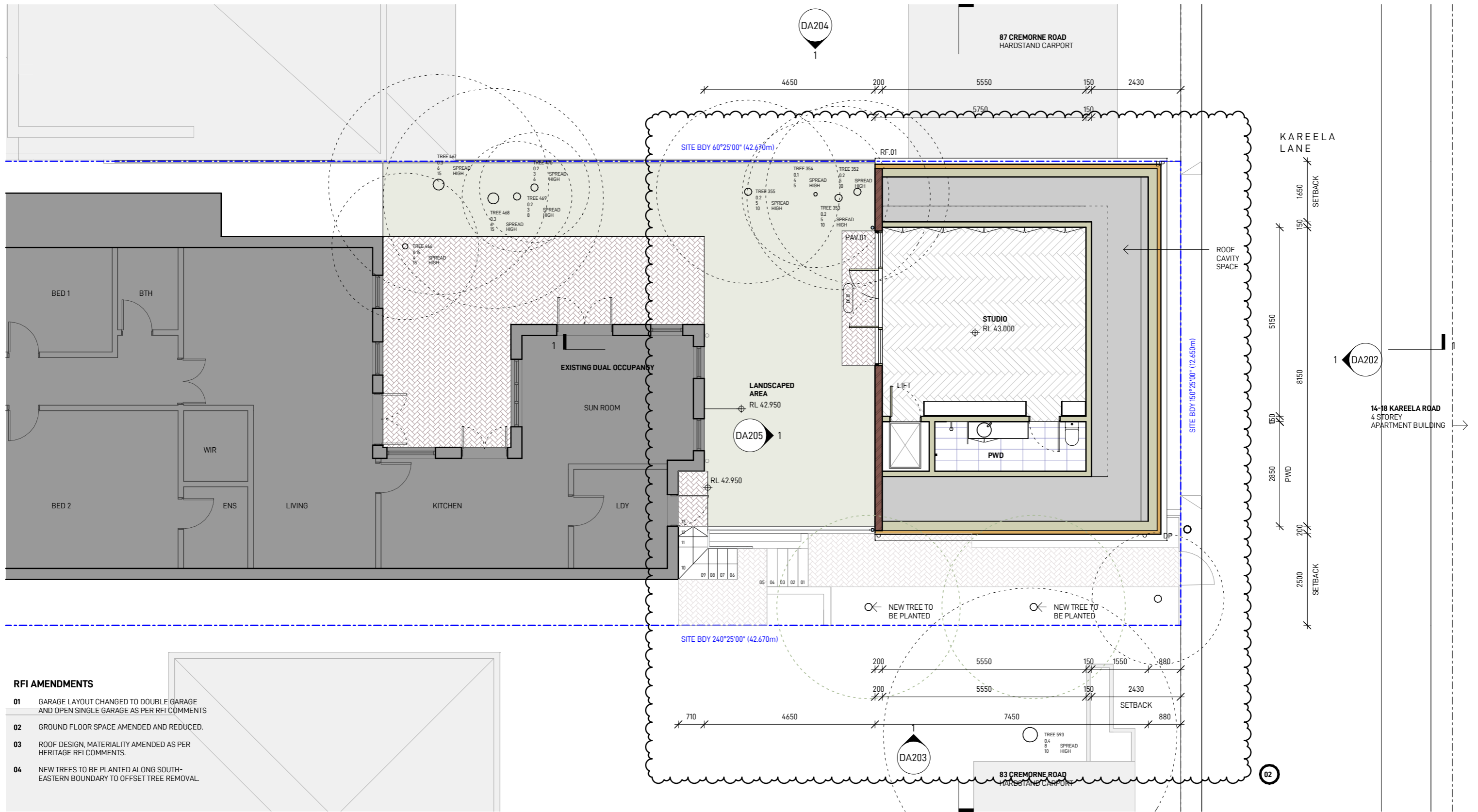
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PROJECT	DWG TITLE
23012	85 CREMORNE RD, CREMORNE POINT
BW	NQ

DWG TITLE	DWG NO.	REV
EXISTING ROOF PLAN	DA051	J



RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
- 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
- 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

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**PRELIMINARY
NOT FOR CONSTRUCTION**

PROJECT

23012 85 CREMORNE RD, CREMORNE POINT

DRAWN

BW

APPD

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REASON	DATE
FOR INFORMATION	13.11.23
FOR INFORMATION	04.12.23
FOR DA SUBMISSION	13.12.23
FOR INFORMATION	24.01.24
RFI SUBMISSION	28.03.24

DWG TITLE

PROPOSED GROUND LEVEL

DWG NO.

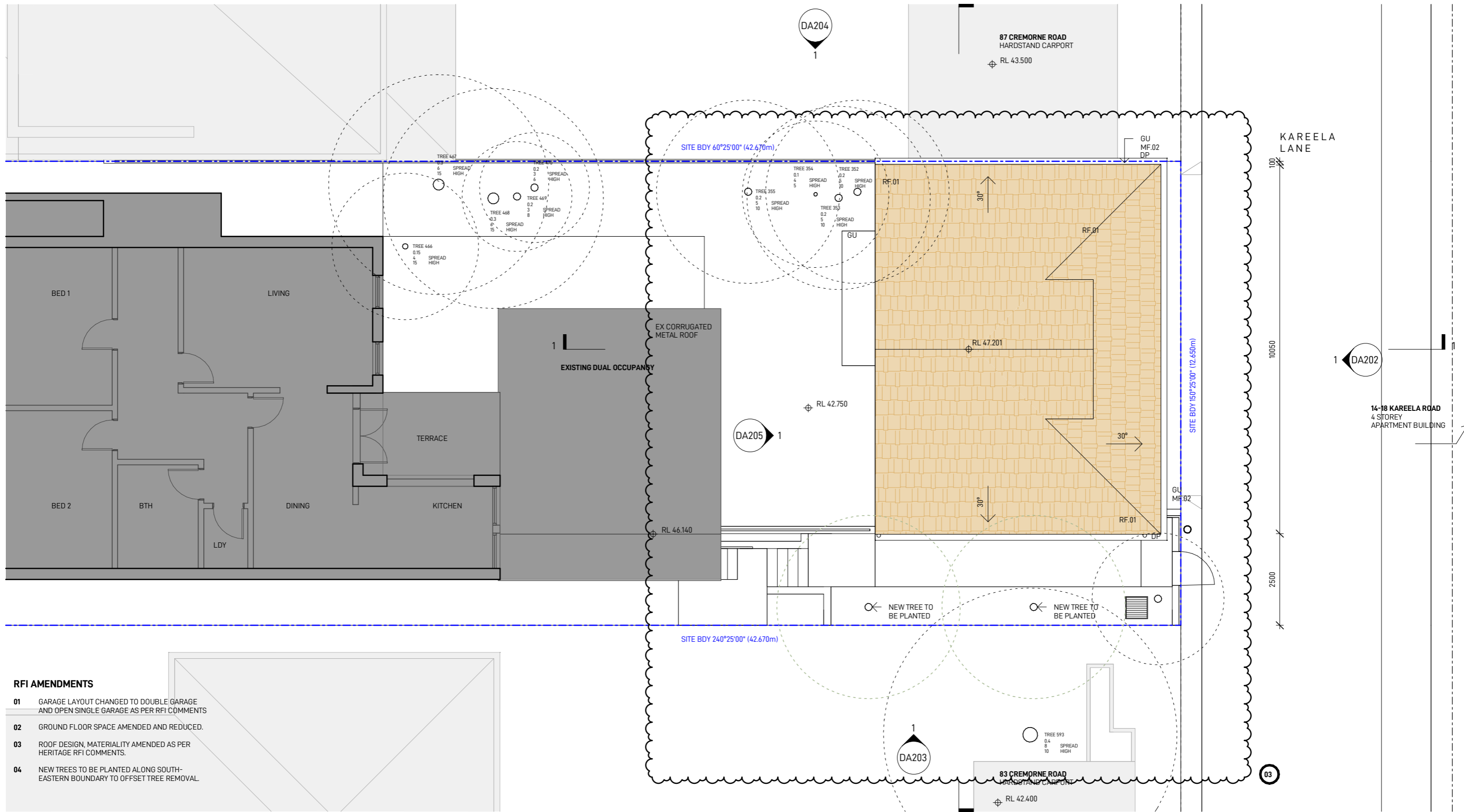
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RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
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LEGEND	
	CONCRETE
	CEMENT RENDER
	MASONRY
	ROOF TILE
	TIMBER
	TILE
	METAL
	GLASS

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PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

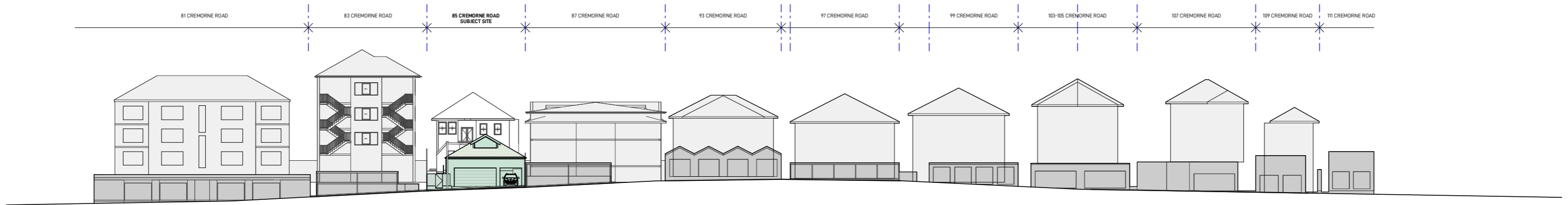
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REV	REASON	DATE
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DWG TITLE
PROPOSED ROOF PLAN

DWG NO.
DA102

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LEGEND

EXISTING	PROPOSED	DEMOLISHED	LANDSCAPE	BOUNDARY

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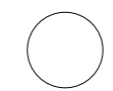
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**PRELIMINARY
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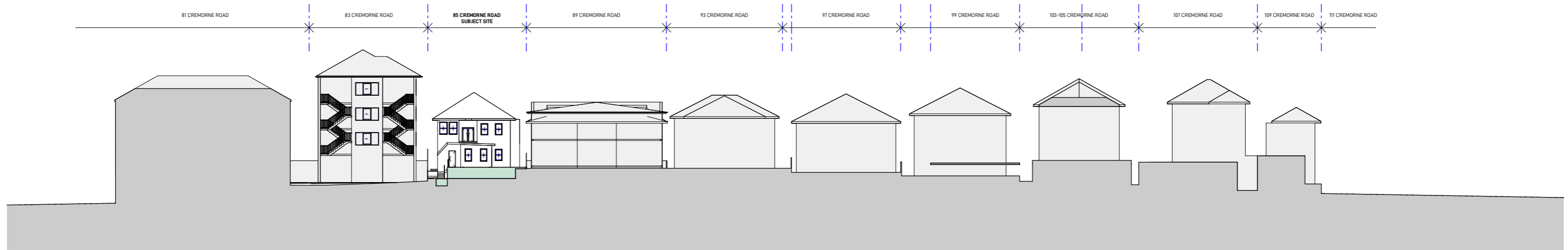
DO NOT SCALE DRAWINGS

SCALE
As indicated @A3



PROJECT	DWG TITLE
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BW	DA200

DWG NO.	REV
DA200	J



LEGEND

EXISTING	PROPOSED	DEMOLISHED	LANDSCAPE	BOUNDARY

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- All drawings to be read in conjunction with consultants' drawings.
- All structure to structural engineer's details.

PRELIMINARY
NOT FOR CONSTRUCTION

REV	REASON	DATE
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DO NOT SCALE DRAWINGS

SCALE
As indicated @A3



PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

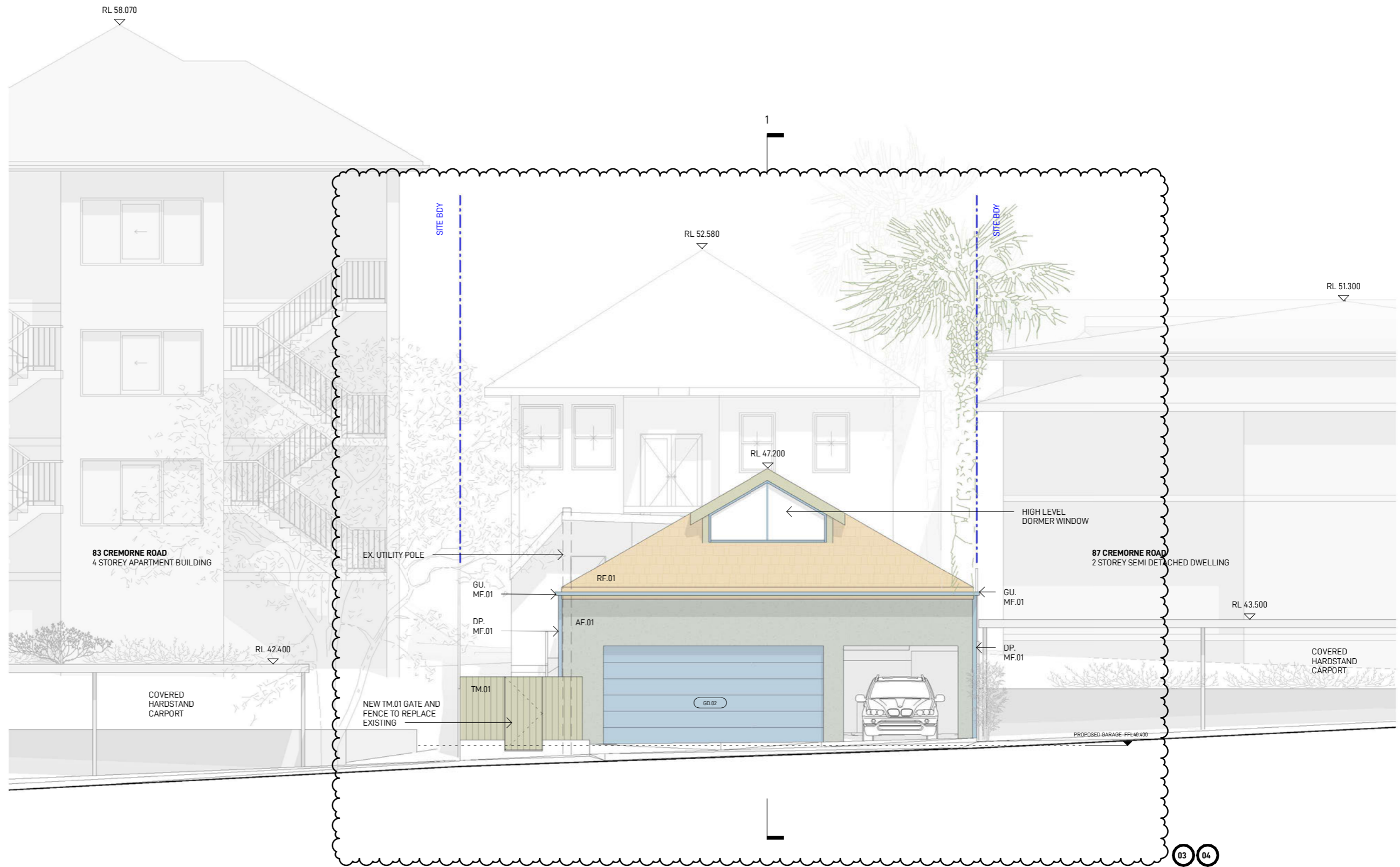
DRAWN
BW

APP'D
NQ

DWG TITLE
SECTION - STREETScape

DWG NO.
DA201

REV
J



- RFI AMENDMENTS**
- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
 - 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
 - 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
 - 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

ELEVATION - NORTH

LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

THIS DRAWING IS COPYRIGHT

DO NOT SCALE DRAWINGS

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

DWG TITLE
ELEVATION - NORTH

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4. All drawings to be read in conjunction with consultants' drawings.
5. All structure to structural engineer's details.

SCALE
1:100 @A3

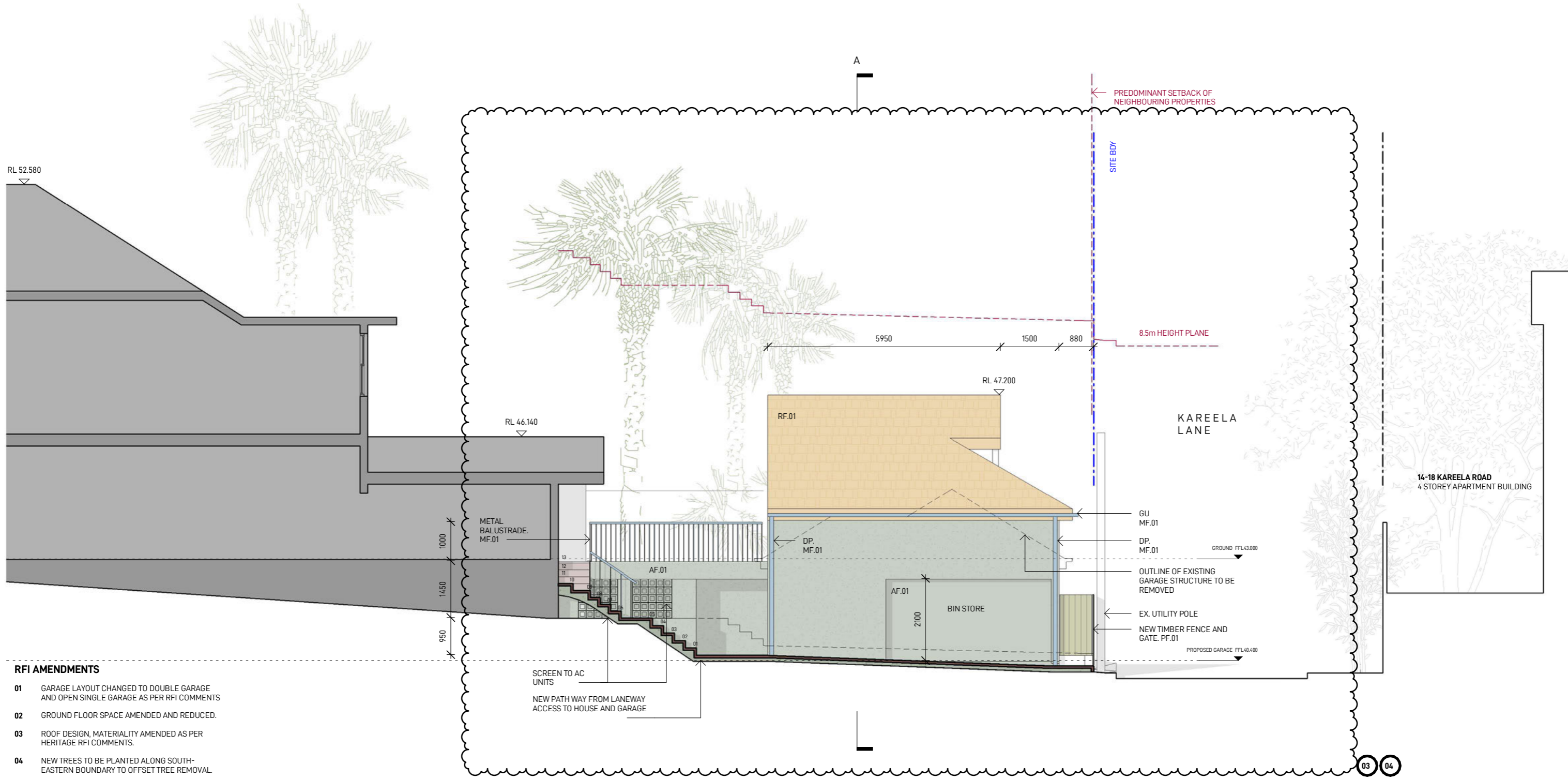
DRAWN
BW

APP'D
NQ

DWG NO.
DA202

REV
J





- RFI AMENDMENTS**
- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
 - 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
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LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

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DO NOT SCALE DRAWINGS

SCALE
1:100 @A3

**PRELIMINARY
NOT FOR CONSTRUCTION**

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

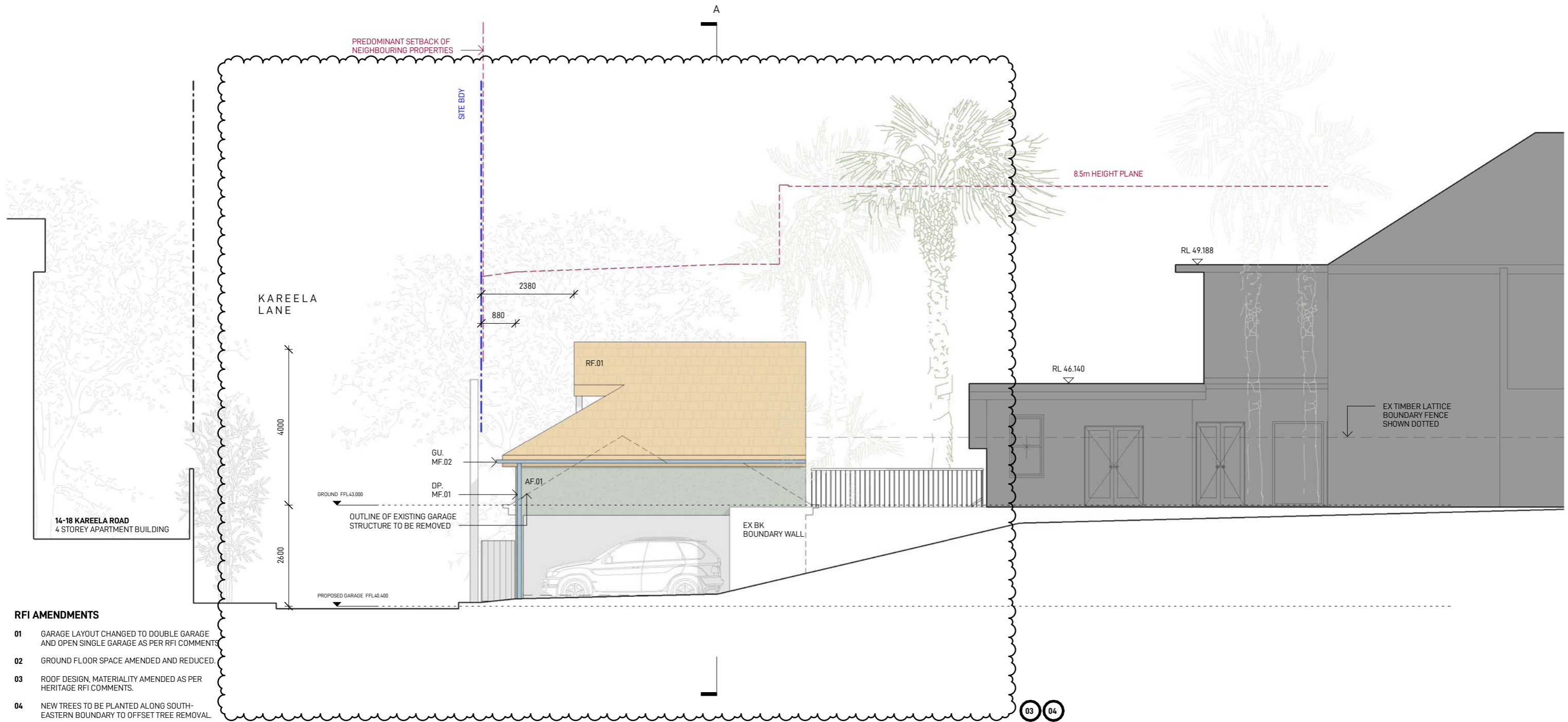
DRAWN
BW APPD NQ

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DWG TITLE
ELEVATION - EAST

DWG NO.
DA203

REV
J



RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
- 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
- 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.



LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

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5. All structure to structural engineer's details.

DO NOT SCALE DRAWINGS

SCALE
1: 100 @A3

**PRELIMINARY
NOT FOR CONSTRUCTION**

PROJECT

23012

DRAWN

BW

85 CREMORNE RD, CREMORNE POINT

APP'D

NQ

REV

F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DATE

DWG TITLE

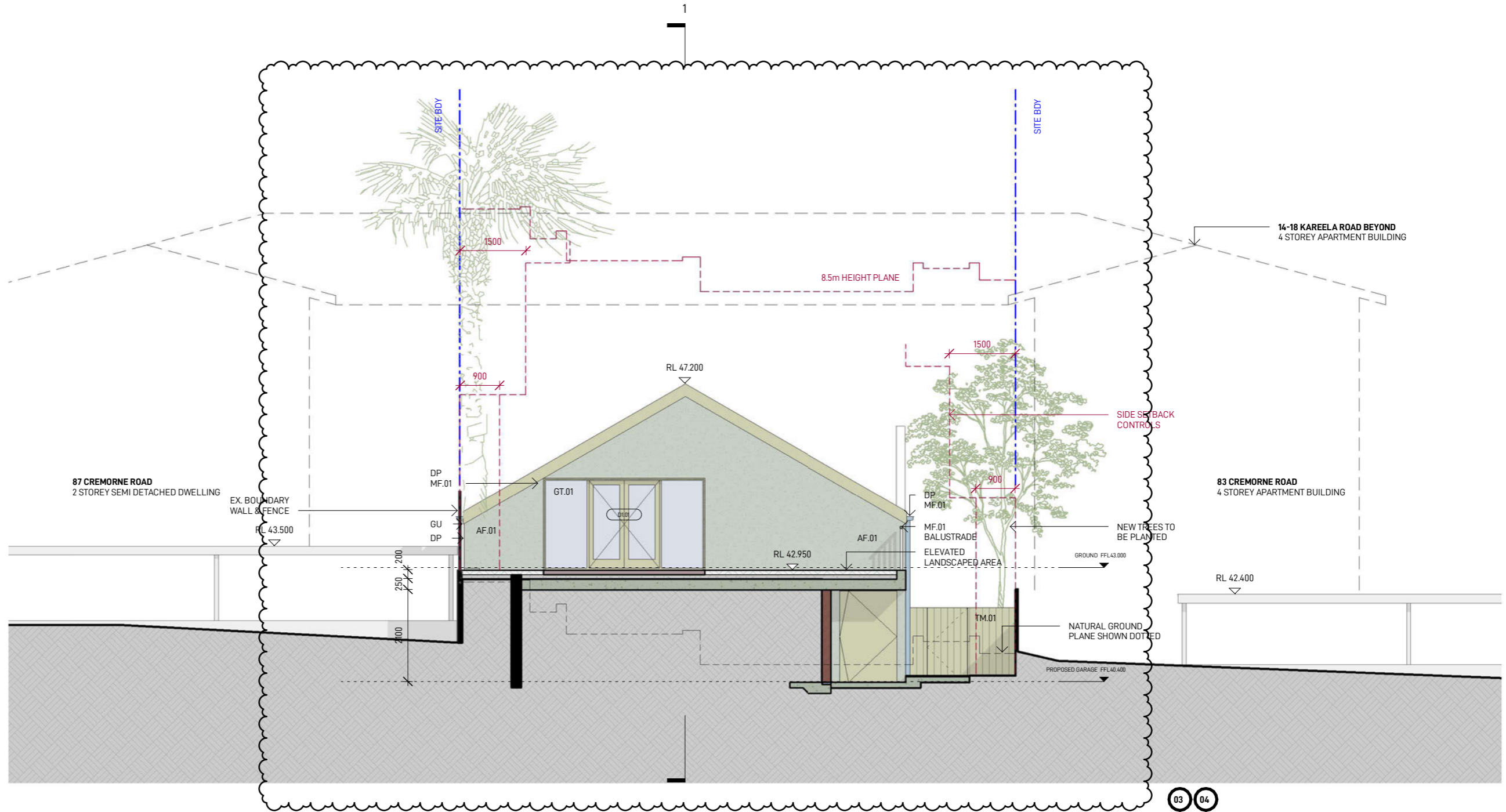
ELEVATION - WEST

DWG NO.

DA204

REV

J



- RFI AMENDMENTS**
- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
 - 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
 - 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
 - 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

ELEVATION - SOUTH

LEGEND							
CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

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DO NOT SCALE DRAWINGS

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

DWG TITLE
ELEVATION - SOUTH

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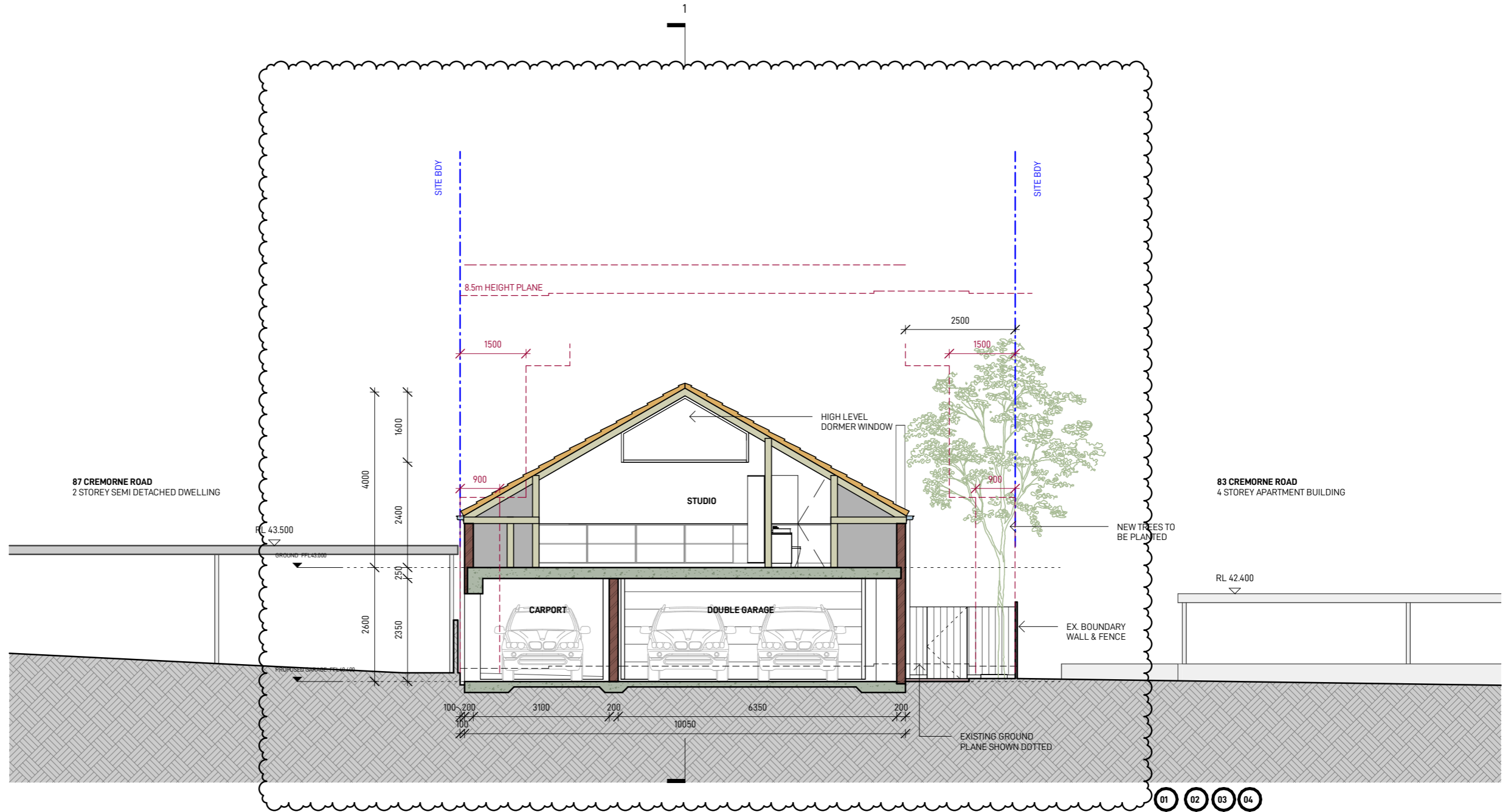
SCALE
1:100 @A3

DRAWN
BW APPD NQ

DWG NO. REV
DA205 J



in partnership with Test Before You Invest



- RFI AMENDMENTS**
- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
 - 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
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 - 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

SECTION A

LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
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J	RFI SUBMISSION	28.03.24

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SCALE
1:100 @A3

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

DRAWN
BW

APP'D
NQ

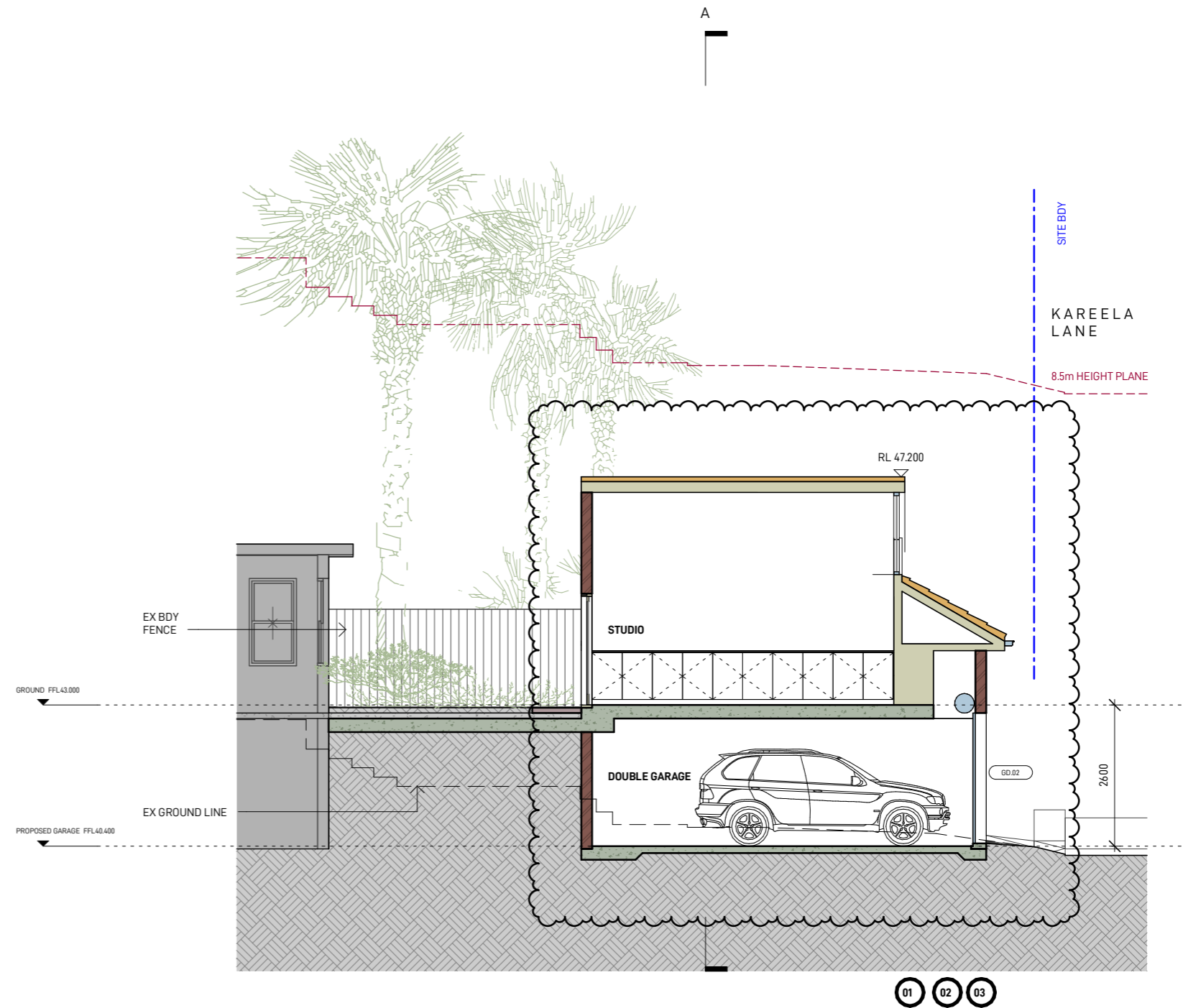
DWG TITLE
SECTION A

DWG NO.
DA300

REV
J



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SECTION B

RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
- 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
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LEGEND

CONCRETE	CEMENT RENDER	MASONRY	ROOF TILE	TIMBER	TILE	METAL	GLASS

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DO NOT SCALE DRAWINGS

SCALE
1: 100 @A3

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

PROJECT

23012

85 CREMORNE RD, CREMORNE POINT

DWG TITLE

SECTION B

DRAWN

BW

APP'D

NQ

DWG NO.

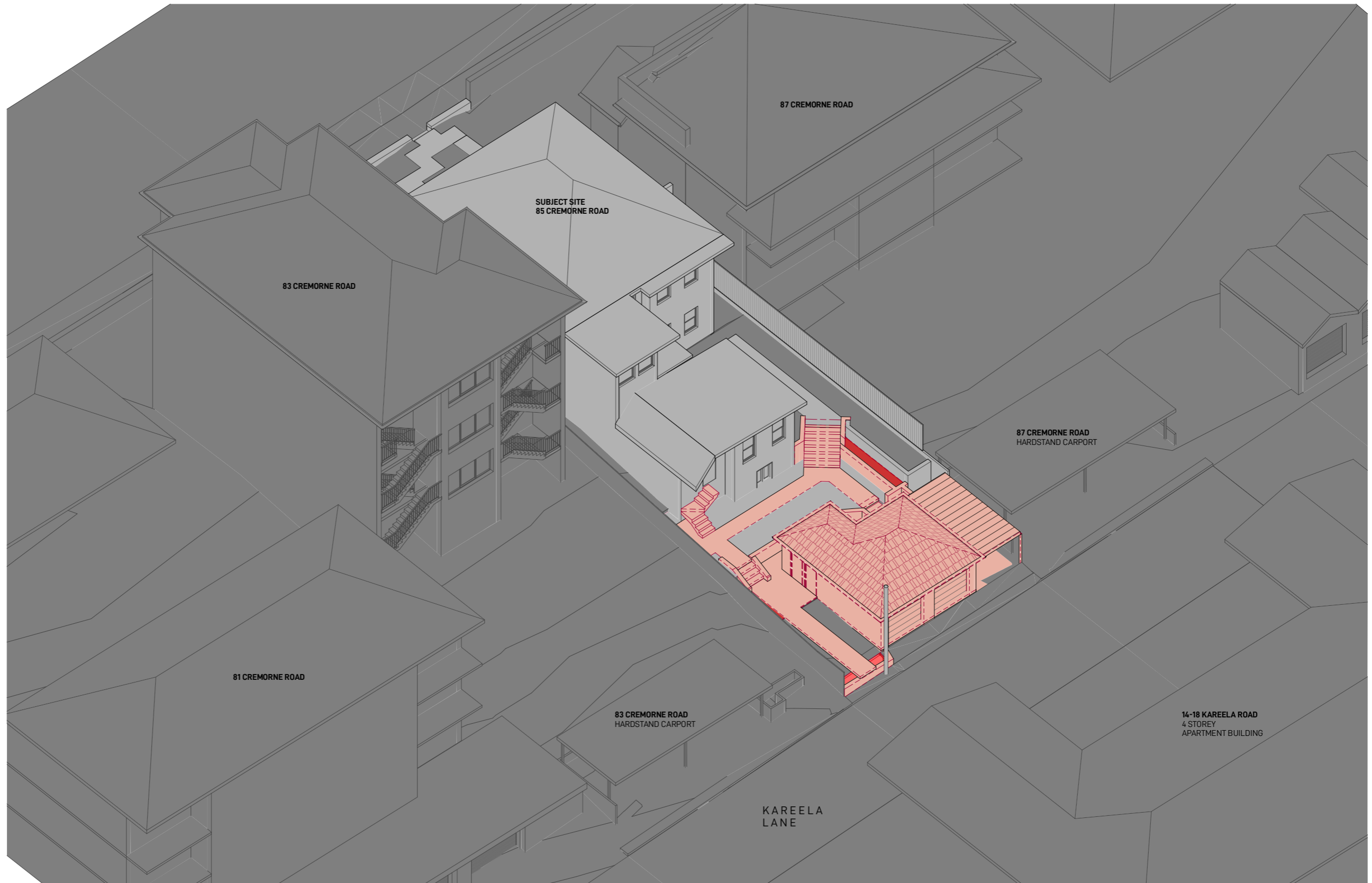
DA301

REV






J



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LEGEND

				
EXISTING	PROPOSED	DEMOLISHED	LANDSCAPE	BOUNDARY

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DO NOT SCALE DRAWINGS

SCALE
NTS @A3



PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT

23012

DRAWN

BW

85 CREMORNE RD, CREMORNE POINT

APP'D

NQ

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DWG TITLE

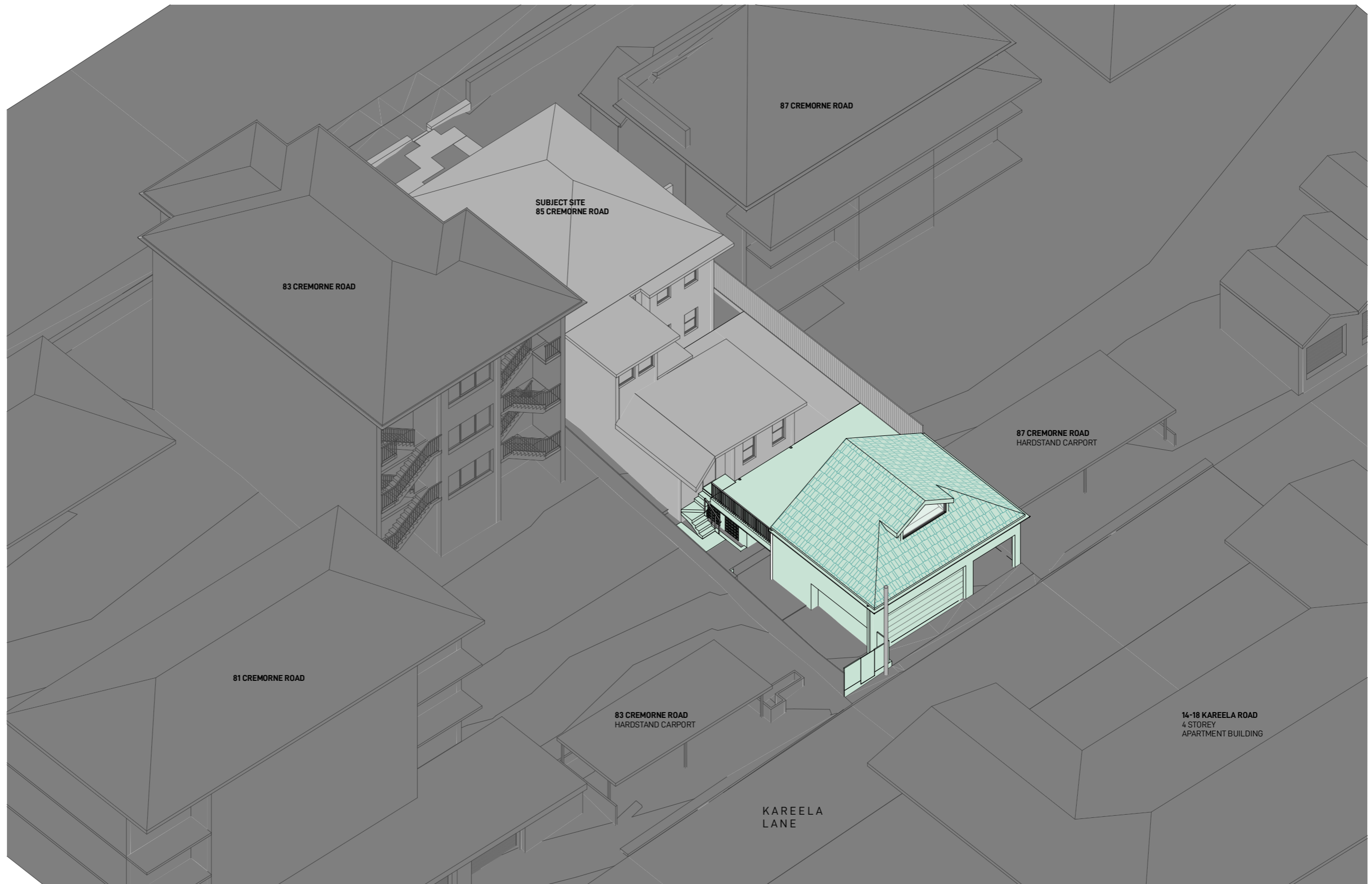
AXONOMETRIC - DEMOLISH

DWG NO.






DA400

REV

J



LEGEND

				
EXISTING	PROPOSED	DEMOLISHED	LANDSCAPE	BOUNDARY

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DO NOT SCALE DRAWINGS

SCALE
NTS @A3



PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT
23012 85 CREMORNE RD, CREMORNE POINT

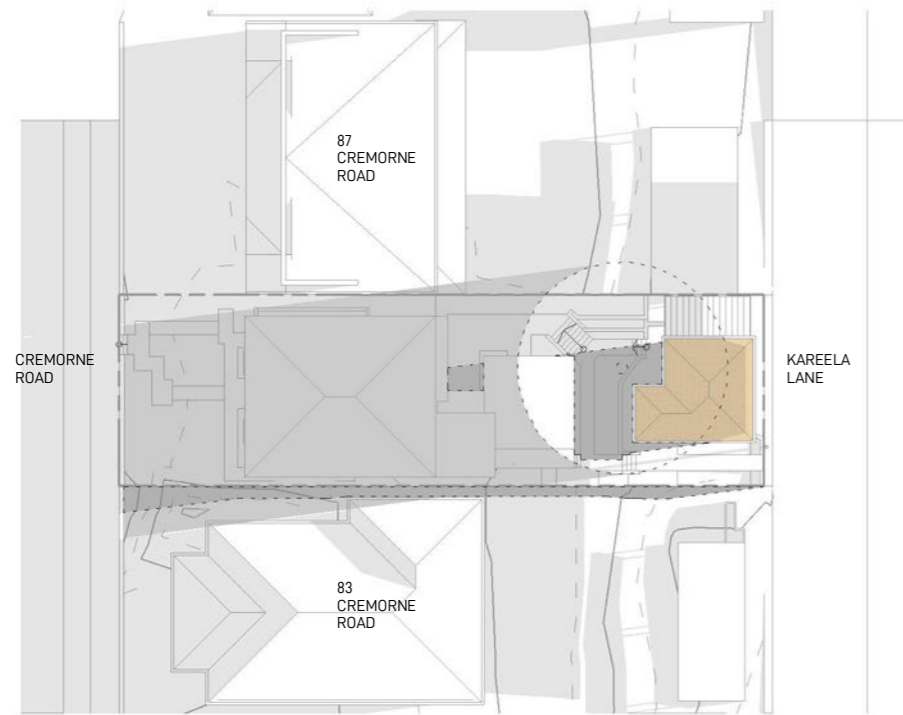
DRAWN
BW

APP'D
NQ

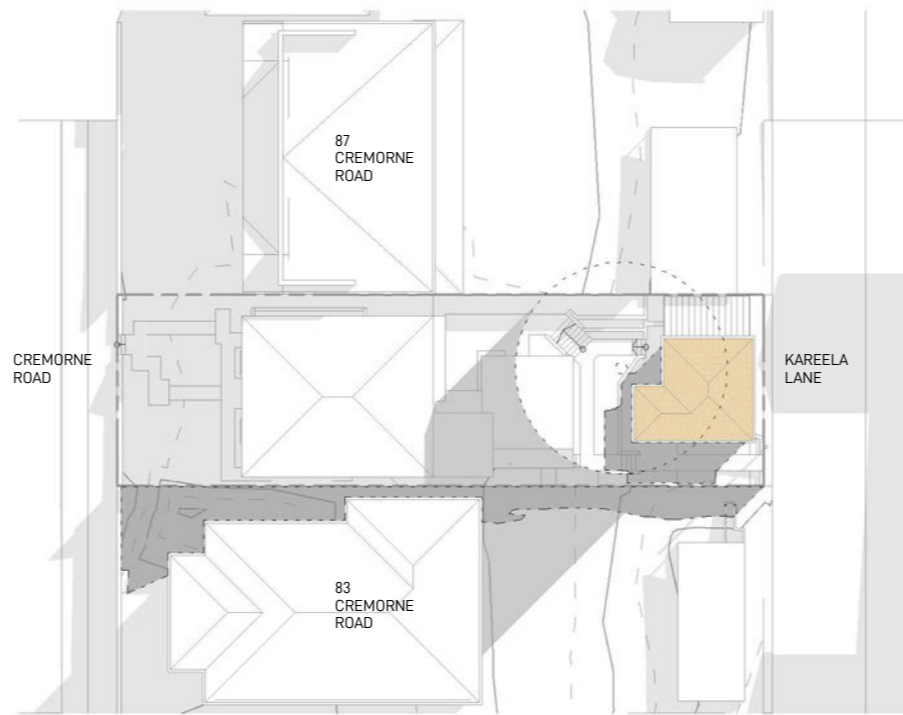
REV	REASON	DATE
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DWG TITLE
AXONOMETRIC - PROPOSED

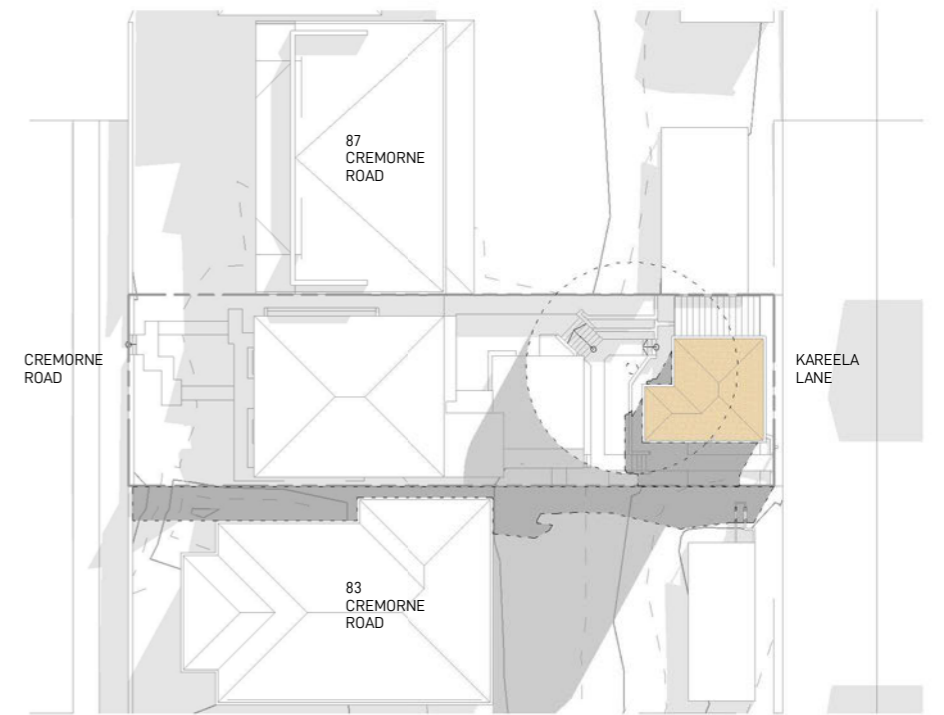
DWG NO. REV
DA401 J



WINTER - 0900 - WITH EX TREE SHOWN



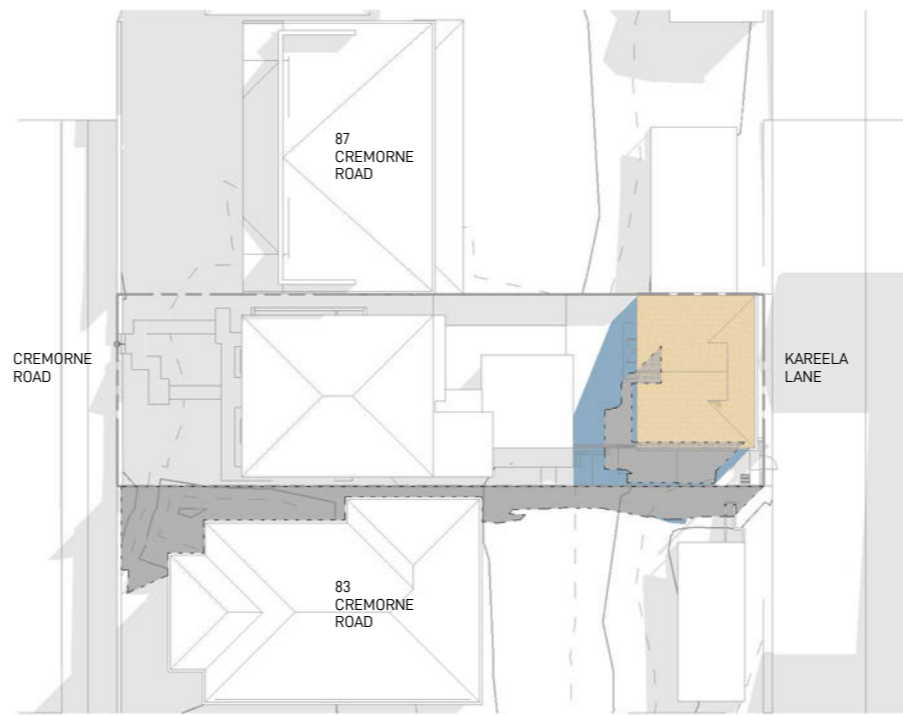
WINTER 1200 - WITH EX TREE SHOWN



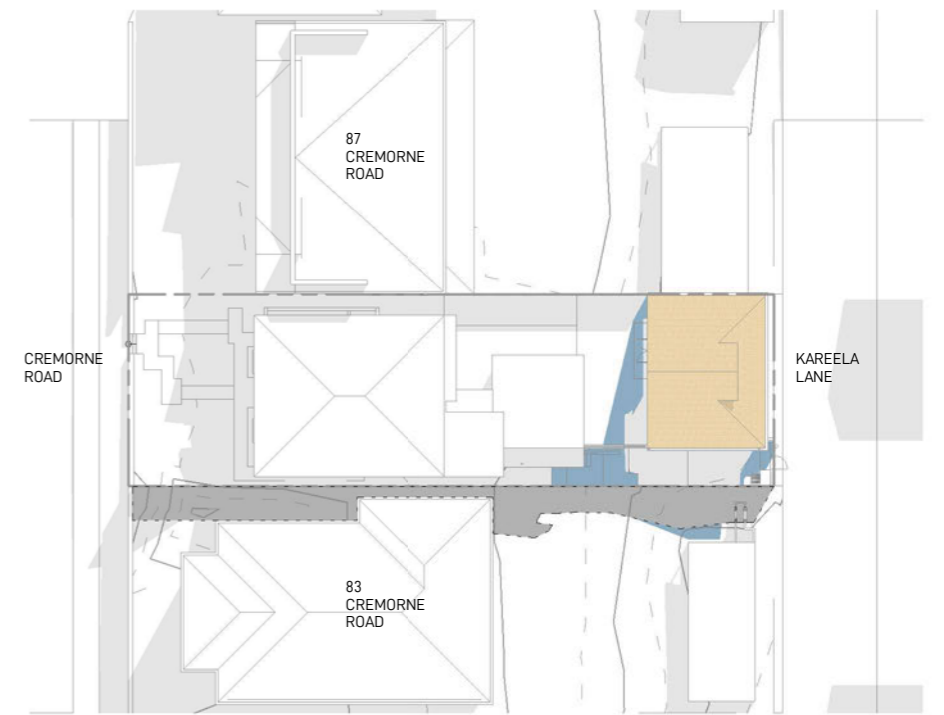
WINTER 1500 - WITH EX TREE SHOWN



WINTER 0900 - PROPOSED



WINTER 1200 - PROPOSED



WINTER 1500 - PROPOSED



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LEGEND



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NOTE

IN ITS CURRENT SITUATION, THE EXISTING TREE ON SITE HAS AN IMPACTFUL OVERSHADOWING TO THE NEIGHBOURS. WITH ITS REMOVAL THE NEIGHBOURS PRIVATE OPEN SPACE AND WINDOWS FACING NORTH EAST WILL RECEIVE MORE DIRECT SUNLIGHT, IMPROVING THE AMENITY FOR EACH PROPERTY.

**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DO NOT SCALE DRAWINGS

SCALE
1: 500 @A3



PROJECT

23012

DRAWN

BW

85 CREMORNE RD, CREMORNE POINT

APP'D

NQ

DWG TITLE

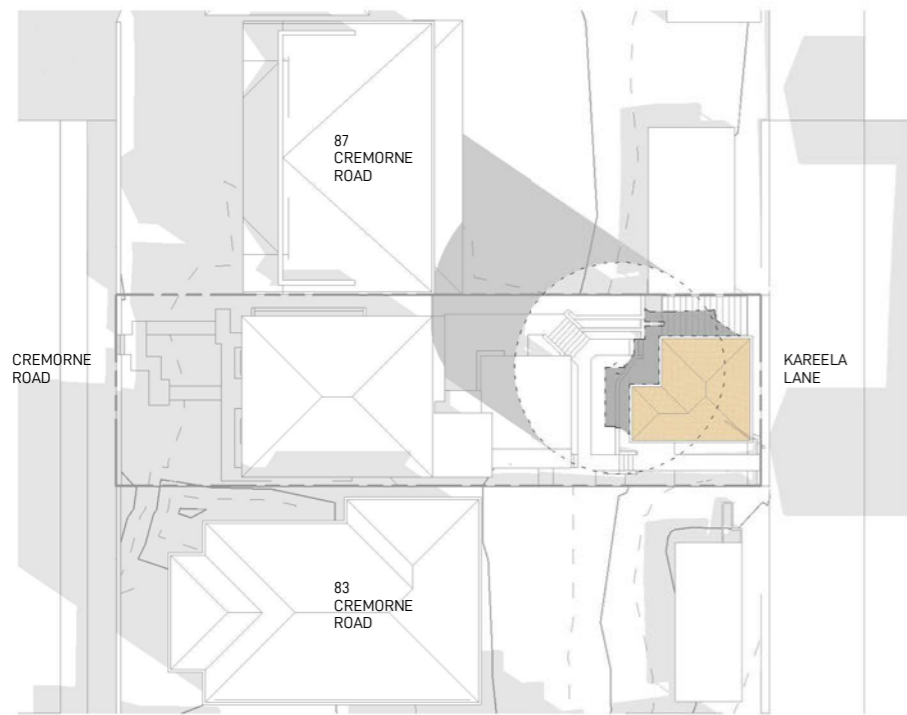
SHADOW DIAGRAM - WINTER SOLSTICE 22 JUNE

DWG NO.

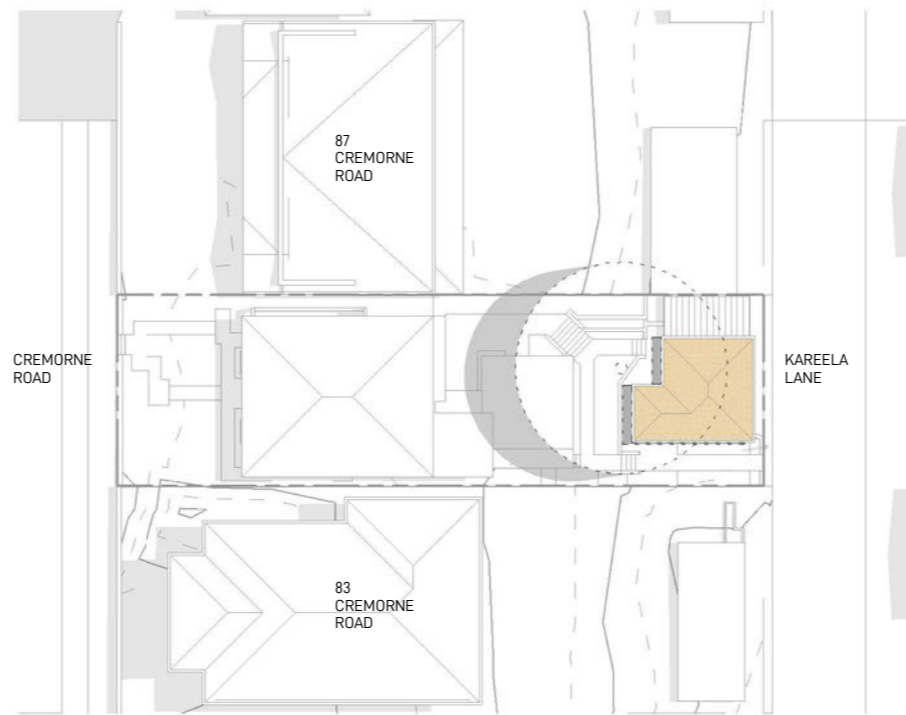
DA500

REV

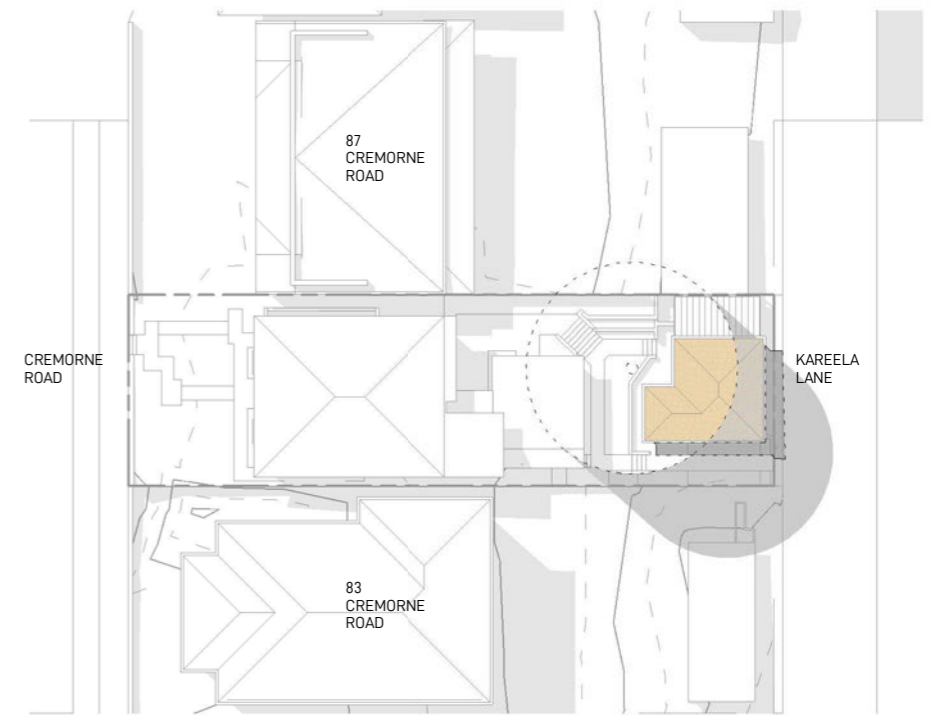
J



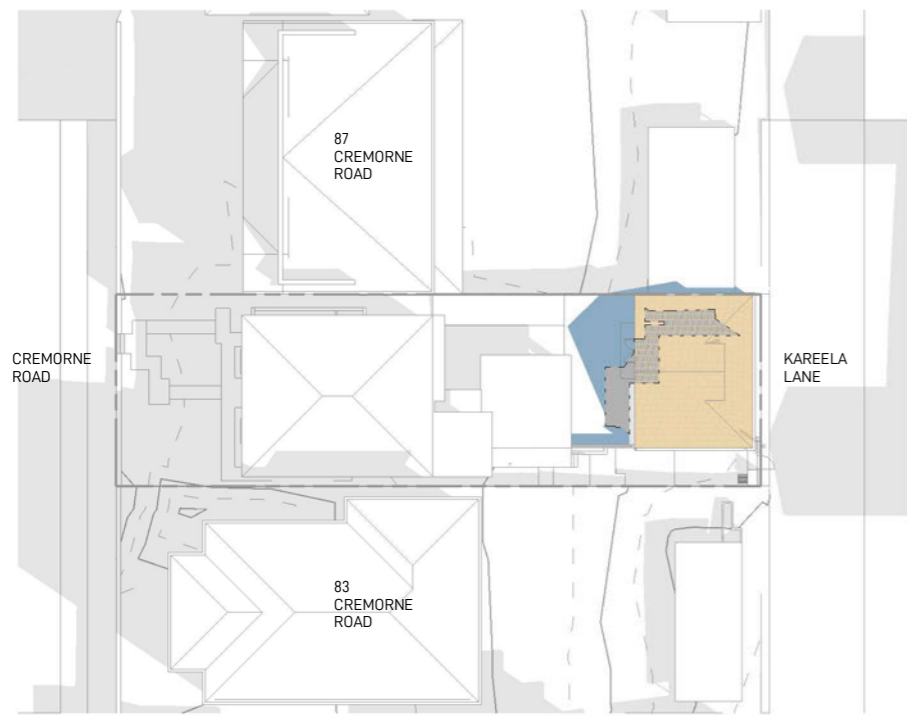
SUMMER 0900 - WITH EX TREE SHOWN



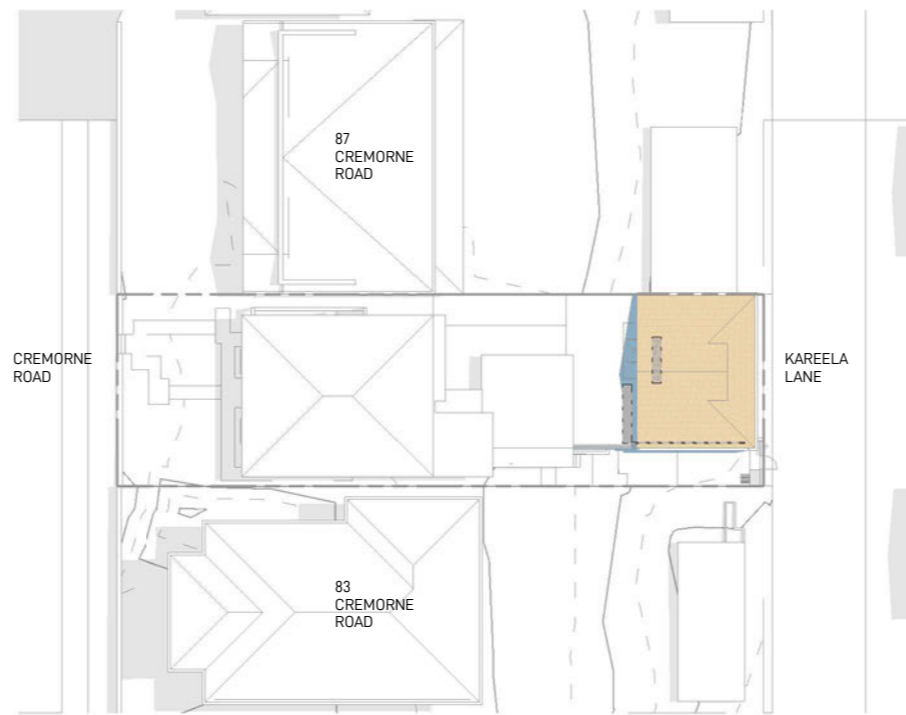
SUMMER 1200 - WITH EX TREE SHOWN



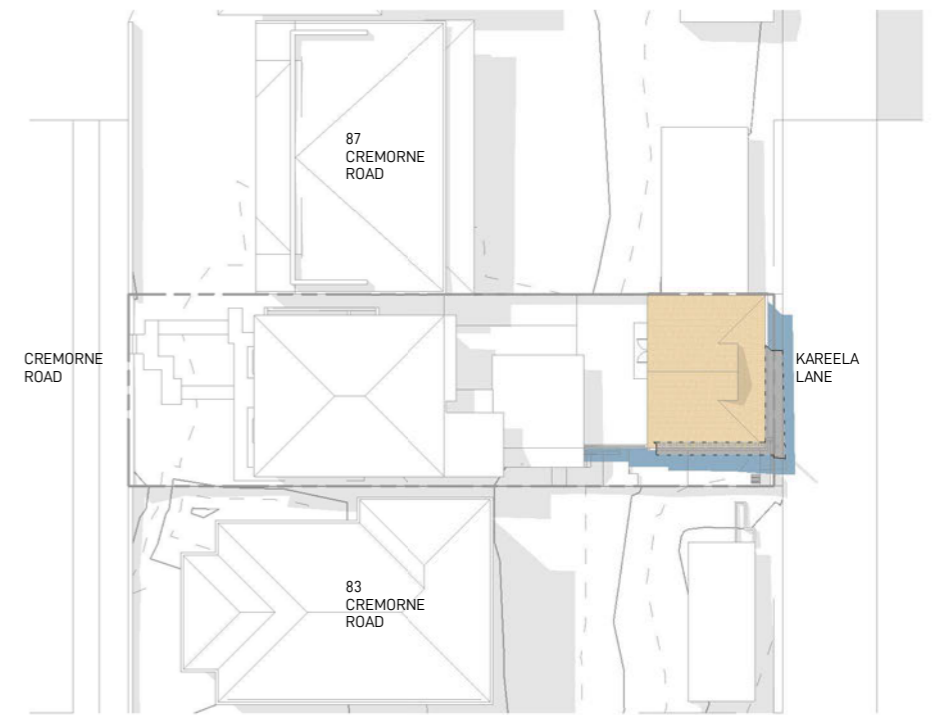
SUMMER 1500 - WITH EX TREE SHOWN



SUMMER 0900 - PROPOSED



SUMMER 1200 - PROPOSED



SUMMER 1500 - PROPOSED



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LEGEND



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**PRELIMINARY
NOT FOR CONSTRUCTION**

REV	REASON	DATE
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DO NOT SCALE DRAWINGS

SCALE
1: 500 @A3



PROJECT

23012

DRAWN

BW

85 CREMORNE RD, CREMORNE POINT

APP'D

NQ

DWG TITLE

SHADOW DIAGRAM - SUMMER SOLSTICE 22 DECEMBER

DWG NO.

DA501

REV

J



AF.01
Applied Finish / Cement Render
Colour / PF.01



BK.01
Painted Brick Finish
Colour / PF.01

BLK.01
Painted Blockwork Finish
Colour / PF.01

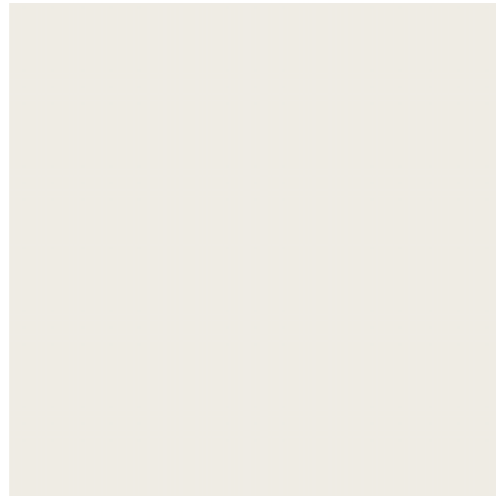


GL.01
Glass
Colour / Clear



MF.01
Metal Finish
Colour / Light

MF.02
Metal Finish
Colour / Grey



PF.01
Paint Finish
Colour / Light



TM.01
Timber Fence
Colour / PF.01



RF.01
Roof / Terracotta Tile (retain existing where possible)
Colour / to match existing



PAV.01
Paving Finish / Brick to match existing
Colour / to match existing



Planting
Raised Landscaped Area

RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
- 03 ROOF DESIGN, MATERIALITY AMENDED AS PER HERITAGE RFI COMMENTS.
- 04 NEW TREES TO BE PLANTED ALONG SOUTH-EASTERN BOUNDARY TO OFFSET TREE REMOVAL.

LEGEND

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SCALE
NTS @A3

PRELIMINARY
NOT FOR CONSTRUCTION

REV	REASON	DATE
F	FOR INFORMATION	13.11.23
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J	RFI SUBMISSION	28.03.24

PROJECT

23012 85 CREMORNE RD, CREMORNE POINT

DRAWN

BW

APP'D

NQ

DWG TITLE

SCHEDULE OF FINISHES

DWG NO.

DA600

REV

J





RFI AMENDMENTS

- 01 GARAGE LAYOUT CHANGED TO DOUBLE GARAGE AND OPEN SINGLE GARAGE AS PER RFI COMMENTS
- 02 GROUND FLOOR SPACE AMENDED AND REDUCED.
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DO NOT SCALE DRAWINGS

SCALE
NTS @A3

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT

23012 85 CREMORNE RD, CREMORNE POINT

DRAWN

BW

APP'D

NQ

REV

F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
H	FOR DA SUBMISSION	13.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DATE

DWG TITLE

PERSPECTIVE - FROM KAREELA LANE

DWG NO.

DA650





REV

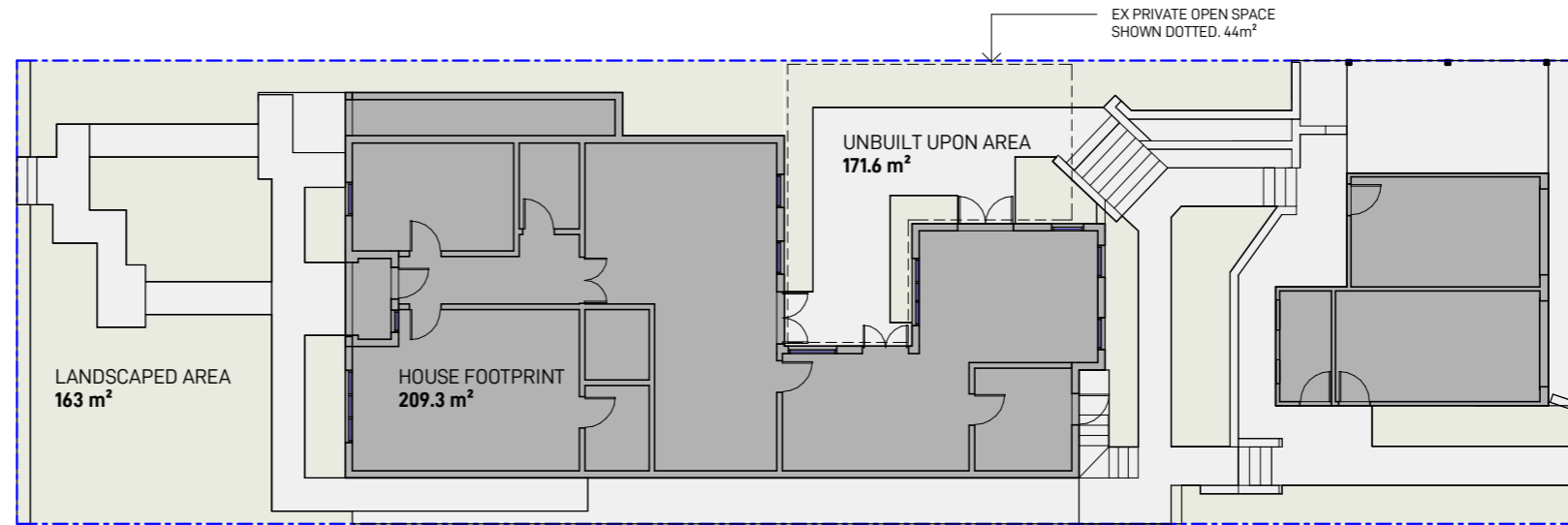
J







in partnership with Test Before You Invest

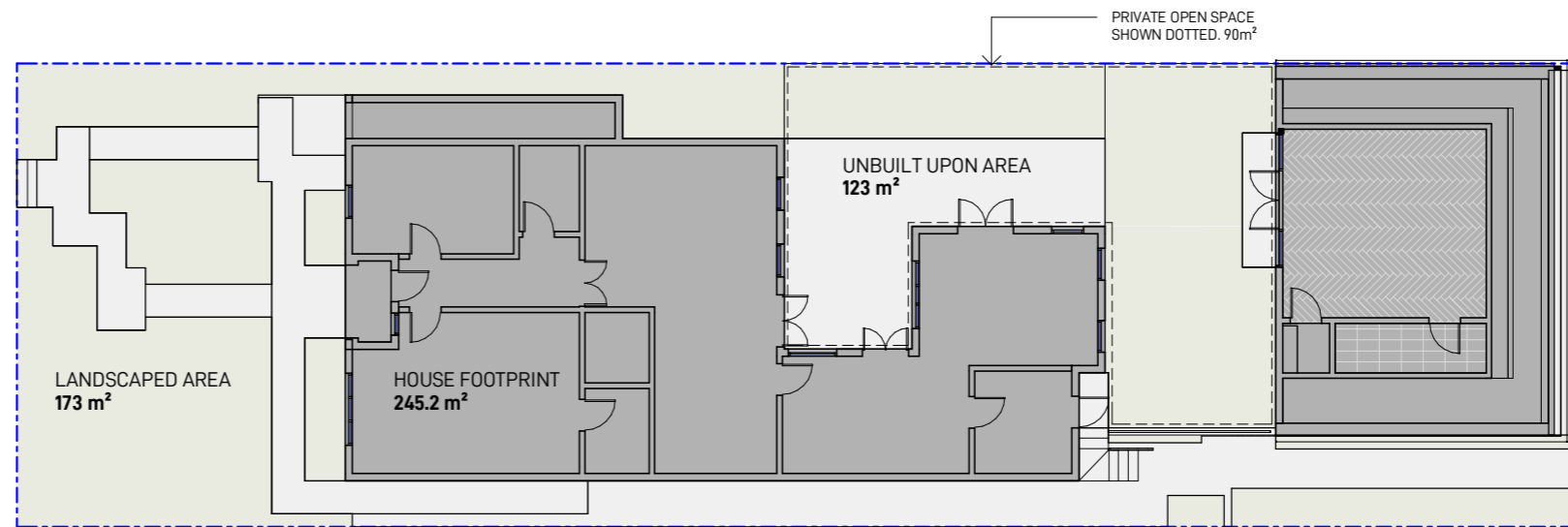
LANDSCAPED AREA

	SITE AREA	= 539.8 sqm
	MIN. LANDSCAPED AREA	= 215.9 sqm (40% OF SITE AREA)
	EXISTING LANDSCAPED AREA	= 163 sqm (30%)
	COMPLIANT	NO
	MAX. UNBUILT UPON AREA	= 108 sqm (20% OF SITE AREA)
	EXISTING UNBUILT UPON AREA	= 171.6 sqm (32%)
	COMPLIANT	NO
	MIN. PRIVATE OPEN SPACE	= 50 sqm
	PRIVATE OPEN SPACE	= 44 sqm
	COMPLIANT	NO



PLAN - EX LANDSCAPED AREA





	SITE AREA	= 539.8 sqm
	MIN. LANDSCAPED AREA	= 215.9 sqm (40% OF SITE AREA)
	PROPOSED LANDSCAPED AREA	= 173 sqm (32%)
	COMPLIANT	NO
	MAX. UNBUILT UPON AREA	= 108 sqm (20% OF SITE AREA)
	PROPOSED UNBUILT UPON AREA	= 123 sqm (22%)
	COMPLIANT	NO
	MIN. PRIVATE OPEN SPACE	= 50 sqm
	PRIVATE OPEN SPACE	= 90 sqm
	COMPLIANT	YES



PLAN - PROPOSED LANDSCAPED AREA



LEGEND

			
BDY	UNBUILT AREA	LANDSCAPED AREA	DEEP SOIL AREA

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1. All dimensions to be verified on site. Report any discrepancies or omissions to Test Before You Invest prior to construction.
2. Refer to architect for ambiguous details or when clarification is required.
3. All drawings to be read in conjunction with specification.
4. All drawings to be read in conjunction with consultants' drawings.
5. All structure to structural engineer's details.

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SCALE
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PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT

23012

DRAWN

BW

85 CREMORNE RD, CREMORNE POINT

APP'D

NQ

REV

E	FOR INFORMATION	01.11.23
F	FOR INFORMATION	13.11.23
G	FOR INFORMATION	04.12.23
I	FOR INFORMATION	24.01.24
J	RFI SUBMISSION	28.03.24

DWG TITLE

AREA CALCULATIONS - LANDSCAPE

DWG NO.

DA700

REV

J



*Diploma of Arboriculture AQF5
 NC Forestry + Arboriculture level 3
 Tech. Cert level 2
 NPTC City and Guilds Qualified
 Registered QTRA user
 ISA TRAQ Qualified
 MAA
 MISA*

Email: hugh@hughthearborist.com.au
 Website: www.hughthearborist.com.au
 Tel: 0426836701
 ABN: 98661173641

Date prepared: 29th March 2024
Site Address: 85 Cremorne Road, Cremorne Point NSW

To whom it may concern.

I have been requested by Bradley Widders of Test Before You Invest to review amended plans and provide a comment in terms of impacts to trees at the above named site. The revised plans are dated 26th March 2024 revision J.

I have reviewed the revised set of plans (J) against the Impact Assessment Report dated 19th January 2024 Revision A. It is my opinion that the proposed amendments to the design are of minimal significance in terms of a reduction in tree impacts. The reason is that the proposed finished landscaping levels are still significantly higher than the existing in both versions. Furthermore, the existing structures retaining significant trees on site are still proposed to be demolished. Therefore, the findings of the current AIA report are still applicable to the revised set of plans.

Hugh Millington

Senior Consultant and Director



Arboricultural Impact Assessment Report

Client Name: Diane Quitner & Graham Costello
Site Address: 85 Cremorne Rd, Cremorne Point NSW
Authors Details: Hugh Millington
Email: hugh@hughtheArborist.com.au
Phone: 0426836701
Date Prepared: 3rd October 2023



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 Prepared for: Diane Quitner & Graham Costello
 Prepared by: Hugh Millington, hugh@hughtheArborist.com.au
 Date prepared: 3rd October 2023



1. INTRODUCTION

- 1.1 This report has been commissioned by Test Before You Invest on behalf of the clients Diane Quitner & Graham Costello to inspect trees located on and adjoining the site in relation to a proposed development.

Table 1: Documents provided for the assessment

Title	Author	Date	Reference on document
Site Survey	Mitchell Land Surveyors	5/8/2016	1324AA
Architectural Plan Set	Test Before You Invest	29/8/2023	Revision C

- 1.2 The site inspection was carried out on 19th September 2023. Access was available to the subject site and adjoining public areas only. All tree data was collected during this assessment.
- 1.3 The weather at the time of the assessment was clear with average visibility.

2. SCOPE OF THE REPORT

- 2.1 **This report has been undertaken to meet the following objectives.**

- 2.1.1 Conduct a visual assessment from ground level of all significant trees within 5 metres of proposed development works. For the purpose of this report a significant tree is a tree with a height equal to or greater than 5 metres in height.
- 2.1.2 Determine the trees estimated contributing years, remaining useful life expectancy and award the trees a retention value.
- 2.1.3 Provide an assessment of the potential impact the proposed development is likely to cause to the condition of the subject trees in accordance with AS4970 Protection of trees on development sites (2009).
- 2.1.4 Recommend methods to mitigate development impacts where appropriate.
- 2.1.5 Recommend pragmatic tree protection measures for any tree to be retained in accordance with AS4970 Protection of Trees on Development Sites - 2009.

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3. LIMITATIONS

- 3.1 Observations and recommendations are based on one site inspection. The findings of this report are based on the observations and site conditions at the time inspection.
- 3.2 All observations were carried out from ground level. No detailed additional testing was carried out on trees or soil on site and none of the surrounding surfaces were lifted for investigation.
- 3.3 Root decay can sometimes be present with no visual indication above ground. It is also impossible to know the extent of any root damage caused by mechanical damage such as underground root cutting during the installation of services without undertaking detailed root investigation. Any form of tree failure due to these activities is beyond the scope of this assessment.
- 3.4 The report reflects the subject tree(s) as found on the day of inspection. Any changes to the growing environment of the subject tree, or tree management works beyond those recommended in this report may alter the findings of the report. There is no warranty, expressed or implied, that problems or deficiencies relating to the subject tree, or subject site may not arise in the future.
- 3.5 Tree identification is based on accessible visual characteristics at the time of inspection. As key identifying features are not always available the accuracy of identification is not guaranteed. Where tree species is unknown, it is indicated with a spp.
- 3.6 All diagrams, plans and photographs included in this report are visual aids only, and are not to scale unless otherwise indicated.
- 3.7 Hugh The Arborist neither guarantees, nor is responsible for, the accuracy of information provided by others that is contained within this report.
- 3.8 While an assessment of the subject trees estimated useful life expectancy is included in this report, no specific tree risk assessment has been undertaken for any of trees at the site.
- 3.9 Where trees are stated as retainable under the current proposal, this will only become a reality if all recommendations and specifications are followed exactly.
- 3.10 The ultimate safety of any tree cannot be categorically guaranteed. Even trees apparently free of defects can collapse or partially collapse in extreme weather conditions. Trees are dynamic, biological entities subject to changes in their environment, the presence of pathogens and the effects of ageing. These factors reinforce the need for regular inspections. It is generally accepted that hazards can only be identified from distinct defects or from other failure-prone characteristics of a tree or its locality.
- 3.11 Alteration of this report invalidates the entire report.

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4. METHODOLOGY

- 4.1 The following information was collected during the assessment of the subject tree(s).
- 4.2 Tree common name
- 4.3 Tree botanical name
- 4.4 Tree age class
- 4.5 DBH (Trunk/Stem diameter at breast height/1.4m above ground level) - millimetres.
- 4.6 Estimated height - metres
- 4.7 Estimated crown spread (Radius of crown) - metres
- 4.8 Health
- 4.9 Structural condition
- 4.10 Amenity value
- 4.11 Estimated remaining contribution years (SULE)¹
- 4.12 Retention value (Tree AZ)²
- 4.13 Notes/comments
- 4.14 An assessment of the trees condition was made using the visual tree assessment (VTA) model (Mattheck & Breloer, 1994).³
- 4.15 Tree diameter was measured using a DBH tape or in some cases estimated. All other measurements were estimations unless otherwise stated.
- 4.16 Tree protection zones, and structural root zones were calculated in accordance with methods set out in AS4970 Protection of trees on development sites (2009)⁴ and in some cases estimated. See appendices for information.
- 4.17 Details of how the observations in this report have been assessed are listed in the appendices.

¹ Barrell Tree Consultancy, *SULE: Its use and status into the New Millennium*, TreeAZ/03/2001, <http://www.treeaz.com/>.

² Barrell Tree Consultancy, *Tree AZ version 10.10-ANZ*, <http://www.treeaz.com/>.

³ Mattheck, C. & Breloer, H., *The body language of trees - A handbook for failure analysis*, The Stationary Office, London, England (1994).

⁴ Council of Standards Australia, *AS4970 Protection of trees on development sites* (2009).

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5. SITE LOCATION AND BRIEF DESCRIPTION OF PROPOSAL

5.1 The site is located in the suburb of Cremorne Point within the North Sydney local government area. This assessment has been carried out in accordance with the following policy and legislation.

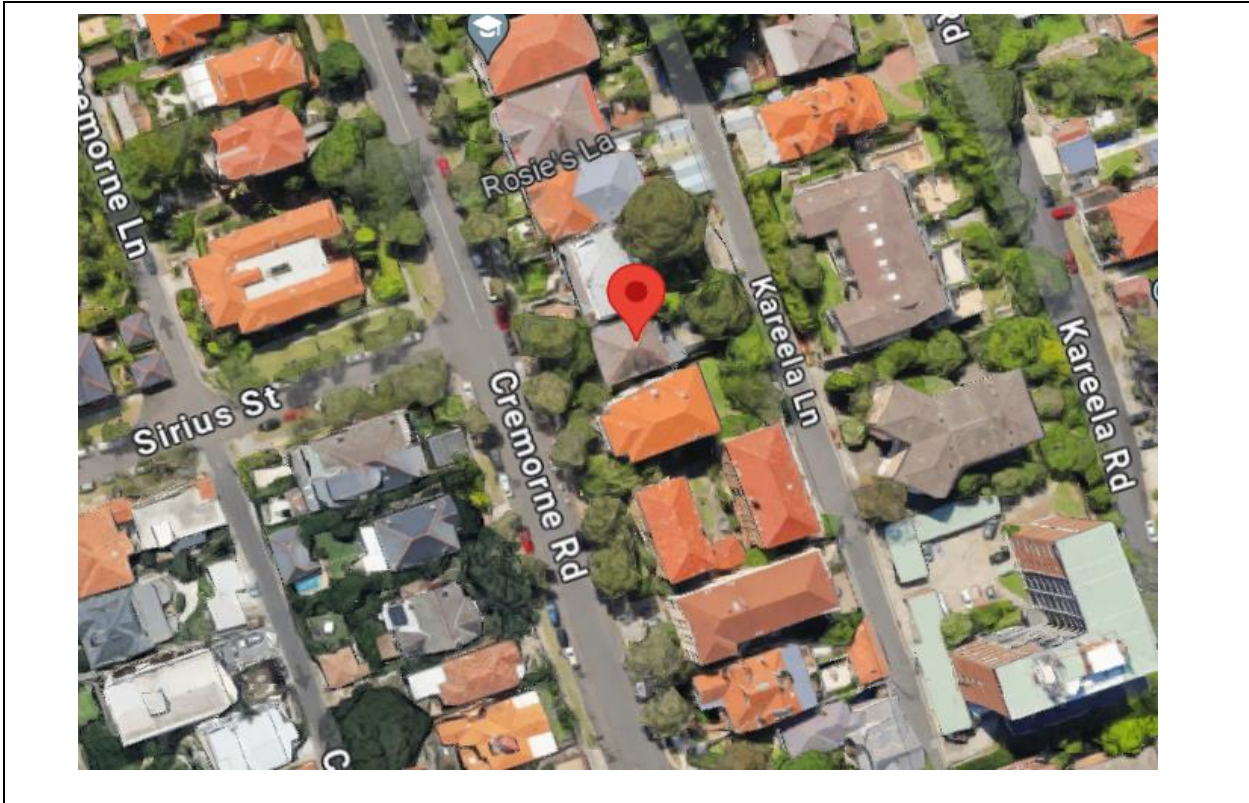
- 5.1.1 North Sydney Development Control Plan 2013 (DCP)
- 5.1.2 North Sydney Local Environment Plan 2013 (LEP)
- 5.1.3 State Environmental Planning Policy (Biodiversity and Conservation 2021)
- 5.1.4 Section 16, Tree and Vegetation Management of the DCP

5.2 The site has not been identified as a Heritage Item or having Biodiversity values however is within a Heritage Conservation area.⁵

5.3 The property is west facing with a rear boundary adjoining a public lane. The proposed works are located at the rear of the site which contains numerous trees and existing level changes with structures. The proposed works consist of alterations and additions to the rear of the site.

⁵ <https://www.planningportal.nsw.gov.au/spatialviewerhistoric/#/find-a-property/address>

Site location ⁶



⁶ <https://www.google.com/maps/place>

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6. OBSERVATIONS AND GENERAL INFORMATION IN RELATION TO PROTECTING TREES ON DEVELOPMENT SITES

- 6.1 **Tree information:** Details of each individual tree assessed, including the observations taken during the site inspection can be found in the tree inspection schedule in appendix 2, where the indicative tree protection zone (TPZ) for the subject trees has been calculated. The TPZ and SRZ should be measured in radius from the centre of the trunk. Trees have been awarded a retention value based on site observations. The system used to award the retention value is Tree AZ. Tree AZ is used to identify higher value trees worthy of being a constraint to development and lower value trees that should generally not be a constraint to the development. A field sheet of Tree AZ categories sheet (Barrell Tree Consultancy) has been included at the end of the report to assist with understanding the retention values. The retention value that has been allocated to the subject trees in this report is not definitive and should only be used as a guideline.
- 6.2 **Site plans:**
- Appendix 1 contains an existing site plan identifying tree locations and tree protection advice.
 - Appendix 1A contains a proposed site plan.
 - Both plans contain an overlay of the indicative canopy, TPZ and SRZ of each tree.
- 6.3 **Tree protection zone (TPZ):** The TPZ is principle means of protecting trees on development sites and is an area required to maintain the viability of trees during development. It is commonly observed that tree roots will extend significantly further than the indicative TPZ, however the TPZ is an area identified AS4970-2009 to be the extent where root loss or disturbance will generally impact the viability of the tree. The TPZ is identified as a restricted area to prevent damage to trees either above or below ground during a development. Where trees are intended to be retained proposed developments must provide an adequate TPZ around trees. The TPZ is set aside for the tree's root zone, trunk and crown and it is essential for the stability and longevity of the tree. The tree protection also incorporates the SRZ (see below for more information about the SRZ). The TPZ of palms, other monocots, cycads and tree ferns has been calculated at one metre outside the crown projection.



- 6.4 **Structural Root Zone (SRZ):** This is the area around the base of a tree required for the trees stability in the ground. An area larger than the SRZ always needs to be maintained to preserve a viable tree. There are several factors that can vary the SRZ which include height, crown area, soil type and soil moisture. It can also be influenced by other factors such as natural or built structures. Generally work within the SRZ should be avoided. Soil level changes should also generally be avoided inside the SRZ of trees to be retained. Palms, other monocots, cycads and tree ferns do not have an SRZ.
- 6.5 **Minor encroachment into TPZ:** Sometimes encroachment into the TPZ is unavoidable. Encroachment includes but is not limited to activities such as excavation, compacted fill and machine trenching. Minor encroachment of up to 10% of the overall TPZ area is normally considered acceptable, providing there is space adjacent to the TPZ for the tree to compensate and the tree is displaying adequate vigour/health to tolerate changes to its growing environment.
- 6.6 **Major encroachment into TPZ:** Where encroachment of more than 10% of the overall TPZ area is proposed an Arborist must investigate and demonstrate that the tree will remain in a viable condition. In some cases, tree sensitive construction methods such as pier and beam footings, suspended slabs, or cantilevered sections, can be utilised to allow additional encroachment into the TPZ by bridging over roots and minimising root disturbance. Major encroachment is only possible if it can be undertaken without severing significant size roots, or if it can be demonstrated that significant roots will not be impacted.

7. ASSESSEMENT OF CONSTRUCTION IMPACTS

7.1 **Table 2:** The table below contains a summary of the impact of proposed development impact to all trees included in the assessment.

Tree ID	Common name	Retention value	TPZ radius (m)	SRZ Radius	TPZ encroachment	Discussion/ Conclusion	Recommendation
1	<i>Howea forsteriana</i>	A1	2.5	NA	None	No encroachment proposed.	Retain and protect
2	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	None	No encroachment proposed.	Retain and protect
3	<i>Cyathea cooperii</i>	A1	2.5	NA	None	No encroachment proposed.	Retain and protect
4	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	None	No encroachment proposed.	Retain and protect
5	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	Major	<p>Tree is located within an existing retaining planter bed indicating the Tree Protection Zone is largely containerized within the plater bed creating a practical rather than a theoretical TPZ area. The proposed works will demolish the existing brick planters and surrounding structures containing the tree. The proposed works will also construct a new wall forming the under-house storage at a greater setback indicating that root pruning is unlikely to be required as the new structure is further away from the tree.</p> <p>According to plan DA101 the existing levels in front of the tree are to be raised to RL42.95 which is approximately 300 millimeters higher than the closest RL of the tree as shown on the survey plan. As a result of the trees restricted growing conditions the level changes and the proposed works will not significantly impact the health of the tree on the provision there is no soil placed in direct contact with the tree trunk as this is known to encourage decay.</p> <p>While it is noted that there is amenity grass area on the neighboring site that will also contain roots from the Palm tree assisting with tree stability, it is unknown if the existing brick wall is contributing to the stability of the Palm. Therefore it is recommended the wall be retained and buried/filled around to achieve the proposed level changes. This may also be of assistance to stop soil being placed directly against the base of the tree given the proximity to the trunk. See section 8.2.</p>	Tree sensitive construction required



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Tree ID	Common name	Retention value	TPZ radius (m)	SRZ Radius	TPZ encroachment	Discussion/ Conclusion	Recommendation
6	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	Major	The same discussion applies to tree 6 as tree 5 in terms of works to the south of the tree and raised levels. The proposed replacement of the eastern wall at a lesser setback is likely to encounter tree roots however given there are two trees in the same planter bed to the east of tree 6 it is unlikely a significant volume of roots that will be disturbed will belong to T6 and the works are not anticipated to significantly impact the viability of the tree on the provision there is no soil placed in direct contact with the tree trunk as this is known to encourage decay. See section 8.2	Tree sensitive construction required
7	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	Major	Refer to the discussions for trees 5 and 6 for works proposed to the south of the tree. Similarly to T6, the eastern setback of the new proposed wall to T7 will be reduced by the proposed new wall. Tree 7 will also be competing for root space with tree 8 (which is the easternmost tree in the row) indicating the tree roots encountered will more likely belong to tree 8. Therefore the works are not anticipated to significantly impact the viability of the tree on the provision there is no soil placed in direct contact with the tree trunk as this is known to encourage decay. See section 8.2	Tree sensitive construction required
8	<i>Archontophoenix cunninghamiana</i>	A1	3.0	NA	Major	Tree 8 is the closest to the eastern retaining wall in the row of Palms. The same discussion applies to T8 as trees 5-7 in terms of the level changes to the south of the tree. However, the setback of the wall to the east of the tree will be significantly reduced to within close proximity to the trunk of the tree. Palms have an adventitious root system composed of numerous, simple fibrous primary roots that arise independently and periodically from the root initiation zone (RIZ) at the base of the trunk. Research by Broschat and Donselman (1984,1990) in relation to the severing of palm roots for the purpose of transplanting state "most of a mature palms roots are found within 30cm of the trunk", and in conclusion found that most mature palms need only a root ball of 30cm radius from the trunk and 30cm soil depth to survive.	Remove

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Tree ID	Common name	Retention value	TPZ radius (m)	SRZ Radius	TPZ encroachment	Discussion/ Conclusion	Recommendation
						The plans provided show the wall proposed on the eastern side of the tree at 400 millimetres setback however observations on site show the trunk to be closer to the existing wall than shown on the survey. It is likely that over excavation will be required to allow for the installation of drainage and waterproofing of the outside of the structure. Therefore the structure is likely to encroach within the RIZ area discussed above and may reduce the trees ability to regenerate roots impacting the viability of the tree.	
9	<i>Glochidion ferdinandi</i>	A1	7.1	2.7	Footprint	The tree is located within the footprint of the proposed under house store and is not retainable under the proposal.	Remove
10	<i>Xylosma japonicum</i>	A1	4.9	2.3	Major	Tree located on an adjoining site. Up to 13.5% of the Tree Protection Zone may extend within the subject site. The Structural root zone of the tree is isolated within the adjoining site and will not be impacted. The proposed works consist of landscaping and a paver ramp. The proposed works are unlikely to significantly impact the viability of the tree providing the landscaping works are carried out using tree sensitive design and methods. See the recommendations section for details.	Tree sensitive landscaping required

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8. CONCLUSIONS

8.1 Table 3: Summary of the impact to trees during the development;

Impact	Reason			
		AA	A	Z
Trees to be removed	Building construction, new surfacing and/or proximity, or trees in poor condition.	None	8,9 (Two trees)	None
Retained trees that will be subject to minor TPZ encroachment	Removal of existing surfacing/structures and/or installation of new surfacing/structures	None	None	None
Trees to be retained that will not be subject to TPZ encroachment	Space for development	None	1,2,3,4 (Four Trees)	None
Trees requiring tree sensitive construction measures to enable their retention	Removal of existing surfacing/structures and/or installation of new surfacing/structures	None	5,6,7,10 (Four Trees)	None

8.1 **Tree Sensitive Construction Specification trees 5, 6, 7, and 10:** To ensure that the trees are not adversely impacted by the construction, it must be demonstrated the following design and construction specifications can be implemented within the TPZ of the trees. If the construction cannot be completed in accordance with these specifications, the tree may not be viable for retention.

8.1.1 **Demolition, excavation and the removal of surfaces** are to be carried out in consultation with the project Arborist and are not to damage tree roots greater than 30 millimetres in diameter. The existing wall is to be broken up and removed either using a manually operated pneumatic breaker. See sections 11.14 and 11.15 for full specifications.



- 8.1.2 **Retention of existing structures trees 5, 6 and 7.** The report identifies that the proposed level changes to the south of the tree are unlikely to significantly impact the health of the trees due to the existing structures and proposed greater setback. However, it is not clear if the existing wall is contributing to structural support to the trees. Therefore, given the proposed works are to raise the levels in front of the trees, it is recommended the existing brick wall immediately adjoining the tree trunks to the south is retained and filled around. It may also be possible to use the existing wall to prevent the proposed fill from being placed directly against the trunks of the retained trees.
- 8.1.3 **Tree sensitive landscaping (Tree 10):** The proposed landscaping must be carried out in accordance with the specifications to minimise impacts on retained trees. Refer to section 10.16-10.20 of this report.

9. PHOTOGRAPHS



Photo A: The existing wall may be providing support for Trees 5,6 and 7 and is recommended to be retained and the area filled around. See section 7 and 8.2 for discussion.

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10. RECOMMENDATIONS

- 10.1 This report assesses the impact of a proposed development at the site on ten trees in accordance with AS4970 Protection of trees on development sites (2009).
- 10.2 All trees have been assessed as category A trees.
- 10.3 Two trees (T8 and T9) will require removal to facilitate the proposed works.
- 10.4 Four trees will not be subject to encroachment and can be retained.
- 10.5 A further four trees can be retained in a viable condition under the proposed works on the provision the works can be carried out via tree sensitive construction and design to minimise the associated impacts. See section 7 and 8.2 for specifications.
- 10.6 All construction activity is to comply with Australian Standard AS4970 Protection of Trees on Development Sites (2009), sections 7, 10 and 11 of this report.
- 10.7 This report does not provide approval for tree removal or pruning works. All recommendations in this report are subject to approval by the relevant authorities and/or tree owners. This report should be submitted as supporting evidence with any tree removal/pruning or development application.

11. ARBORICULTURAL WORK METHOD STATEMENT (AMS) AND TREE PROTECTION REQUIREMENTS

- 11.1 **Use of this report:** All contractors must be made aware of the tree protection requirements prior to commencing works at the site and be provided a copy of this report.
- 11.2 **Project Arborist:** Prior to any works commencing at the site a project Arborist should be appointed. The project Arborist should be qualified to a minimum AQF level 5 and/or equivalent qualifications and experience, and should assist with any development issues relating to trees that may arise. If at any time it is not feasible to carryout works in accordance with this, an alternative must be agreed in writing with the project Arborist.
- 11.3 **Tree work:** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in arboriculture, in accordance with NSW Work Cover Code of Practice for the Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

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11.4 Initial site meeting/on-going regular inspections: The project Arborist is to hold a pre-construction site meeting with principle contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to tree protection that may arise. In accordance with AS4970-2009, the project Arborist should carryout regular site inspections to ensure works are carried out in accordance with this document throughout the development process. I recommend regular site inspections on a frequency based on the longevity of the project, this is to be agreed in the initial meeting.

11.5 Site Specific Tree Protection Recommendations:

Table 4: Individual tree protection requirements, see Appendix 1A for locations and further guidance.

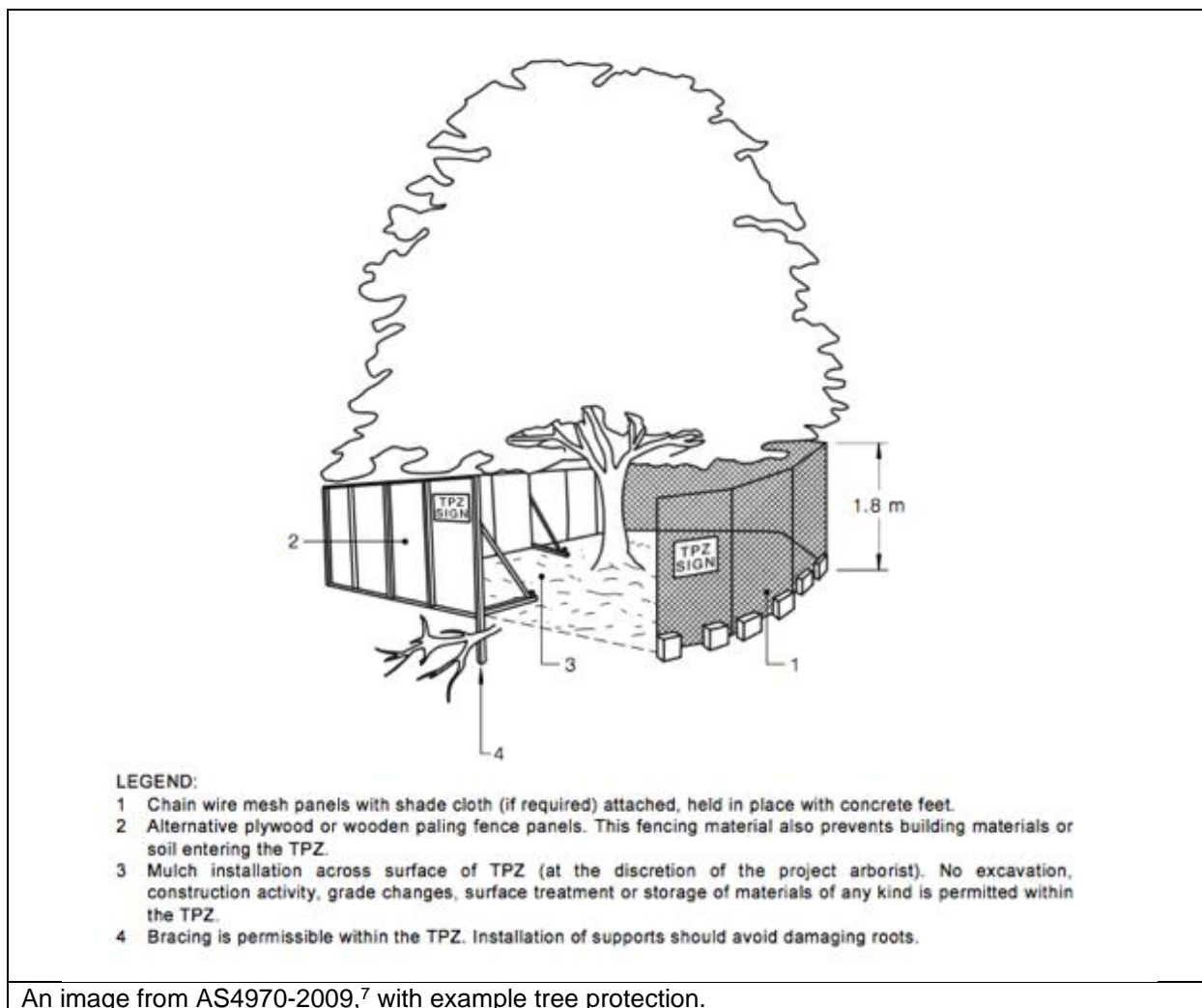
Tree Number	Protection specification
1,2,3,4	- Trunk Protection or fencing along existing garden bed.
5,6,7	- Trunk protection and tree sensitive construction see section 8.2.
8,9	- Proposed removals.
10	- Tree sensitive construction see section 8.2. Tree trunk is isolated on adjoining site and site boundary fencing will be sufficient.

11.6 Tree protection Specifications: It is the responsibility of the principle contractor to install tree protection prior to works commencing at the site (prior to demolition works) and to ensure that the tree protection remains in adequate condition for the duration of the development. The tree protection must not be moved without prior agreement of the project Arborist. The project Arborist must inspect that the tree protection has been installed in accordance with this document and AS4970-2009 prior to works commencing.

11.7 Protective fencing: Where it is not feasible to install fencing at the specified location due to factors such restricting access to areas of the site or for constructing new structures, an alternative location and protection specification must be agreed with the project Arborist. Where the installation of fencing in unfeasible due to restrictions on space, trunk and branch protection will be required (see below). The protective fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'. The fencing must only be removed for the landscaping phase and must be authorised by the project Arborist. Any modifications to the fencing locations must be approved by the project Arborist.

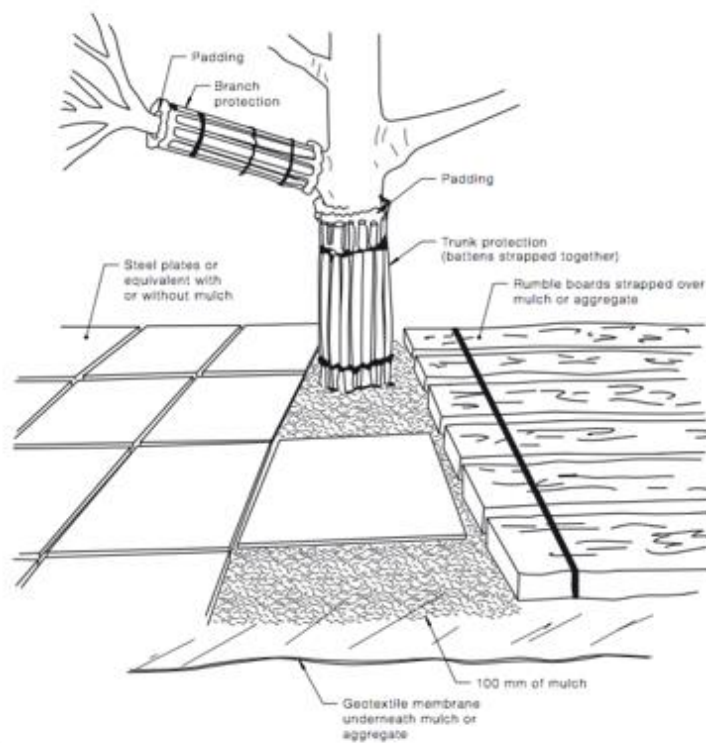


- 11.8 **TPZ signage:** Tree protection signage is to be attached to the protective fencing, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:
- Tree protection zone/No access.
 - This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground. Do not move fencing or enter TPZ without the agreement of the project Arborist.
 - The name, address, and telephone number of the developer/builder and project Arborist
- 11.9 **Trunk and Branch Protection:** The trunk must be protected by wrapped hessian or similar material to limit damage. Timber planks (50mm x 100mm or similar) should then be placed around tree trunk. The timber planks should be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping and connections finished or covered to protect pedestrians from injury. The hessian and timber planks must not be fixed to the tree in any instance. The trunk and branch protection shall be installed prior to any work commencing on site and shall be maintained in good condition for the entire development period.
- 11.10 **Mulch:** Any areas of the TPZ located inside the subject site (only trees to be retained directly adjacent to site works must be mulched to a depth of 75mm with good quality composted wood chip/leaf mulch.
- 11.11 **Ground Protection:** Ground protection is required to protect the underlying soil structure and root system in areas where it is not practical to restrict access to whole TPZ, while allowing space for construction. Ground protection must consist of good quality composted wood chip/leaf mulch to a depth of between 150-300mm, laid on top of geo textile fabric. If vehicles are to be using the area, additional protection will be required such as rumble boards or track mats to spread the weight of the vehicle and avoid load points. Ground protection is to be specified by the project Arborist as required.



An image from AS4970-2009,⁷ with example tree protection.

⁷ Council of Standards Australia, *AS4970 Protection of trees on development sites* (2009), page 16.

**NOTES:**

- 1 For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
- 2 Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

An image from AS4970-2009,⁸ with example tree protection.

⁸ Council of Standards Australia, *AS4970 Protection of trees on development sites* (2009), page 17.

- 11.12 **Root investigations:** Where major TPZ encroachments require demonstrating the viability of trees the following method for root investigations is to be used. Non-destructive excavations are to be carried out along the outer edge of proposed or existing structures within the TPZ (excavation methods include the use of pneumatic and hydraulic tools, high-pressure air or a combination of high-pressure water and a vacuum device). Excavations generally consist of a trench to a depth dictated by the location of significant roots, bedrock, unfavourable conditions for root growth, or the required depth for footings up to 1 metre. The investigation is to be carried out by AQF5 consulting Arborist who is to record all roots greater than 30 millimetres in diameter and produce a report discussing the significance of the findings. No roots 30 millimetres in diameter are to be frayed or damaged during excavation and the trench is to be backfilled as soon as possible to reduce the risk of roots drying out. In the event roots must be left exposed they are to be wrapped in hessian sack and regularly irrigated for the duration of exposure.
- 11.13 **Restricted activities inside TPZ:** The following activities must be avoided inside the TPZ of all trees to be retained unless approved by the project Arborist. If at any time these activities cannot be avoided an alternative must be agreed in writing with the project Arborist to minimise the impact to the tree.
- A) Machine excavation.
 - B) Ripping or cultivation of soil.
 - C) Storage of spoil, soil or any such materials
 - D) Preparation of chemicals, including preparation of cement products.
 - E) Refueling.
 - F) Dumping of waste.
 - G) Wash down and cleaning of equipment.
 - H) Placement of fill.
 - I) Lighting of fires.
 - J) Soil level changes.
 - K) Any physical damage to the crown, trunk, or root system.
 - L) Parking of vehicles.
- 11.14 **Demolition:** The demolition of all existing structures inside or directly adjacent to the TPZ of trees to be retained must be undertaken in consultation with the project Arborist. Any machinery is to work from inside the footprint of the existing structures or outside the TPZ, reaching in to minimise soil disturbance and compaction. If it is not feasible to locate demolition machinery outside the TPZ of trees to be retained, ground protection will be required. The demolition should be undertaken inwards into the footprint of the existing structures, sometimes referred to as the 'top down, pull back' method.



- 11.15 **Excavations and root pruning:** The project Arborist must supervise and certify that all excavations and root pruning are in accordance with AS4373-2007 and AS4970-2009. For excavations within the TPZ, manual excavation is required along the edge of the structures closest to the subject trees. Manual excavation should be a depth of 1 metre (or to unfavourable root growth conditions such as bed rock or heavy clay, if agreed by project Arborist). Next roots must be pruned back in accordance with AS4373-2007. After all root pruning is completed, machine excavation is permitted within the footprint of the structure. For tree sensitive footings, such as pier and beam, all excavations inside the TPZ must be manual. Manual excavation may include the use of pneumatic and hydraulic tools, high-pressure air or a combination of high-pressure water and a vacuum device. No pruning of roots greater 30mm in diameter is to be carried out without approval of the project arborist. All pruning of roots greater than 10mm in diameter must be carried out by a qualified Arborist/Horticulturalist with a minimum AQF level 3. Root pruning is to be a clean cut with a sharp tool in accordance with AS4373 Pruning of amenity trees (2007).⁹ The tree root is to be pruned back to a branch root if possible. Make a clean cut and leave as small a wound as possible.
- 11.16 **Landscaping:** All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with a consulting Arborist to minimize the impact to trees. General guidance is provided below to minimise the impact of new landscaping to trees to be retained.
- 11.17 **Level changes should be minimised.** The existing ground levels within the landscape areas should not be lowered by more than 50mm or increased by more 100mm without assessment by a consulting Arborist.
- 11.18 **New retaining walls should be avoided.** Where new retaining walls are proposed inside the TPZ of trees to be retained, they should be constructed from tree sensitive material, such as timber sleepers, that require minimal footings/excavations. If brick retaining walls are proposed inside the TPZ, considerer pier and beam type footings to bridge significant roots that are critical to the trees condition. Retaining walls must be located outside the SRZ and sleepers/beams located above existing soil grades.
- 11.19 **New footpaths and hard surfaces should be minimised, as they can limit the** availability of water, nutrients and air to the trees root system. Where they are proposed, they should be constructed on or above existing soil grades to minimise root disturbance and consider using a permeable surface. Footpath should be located outside the SRZ.

⁹ Council Of Standards Australia, AS 4373 *Pruning of amenity trees* (2007) page 18

- 11.20 **The location of new plantings** inside the TPZ of trees to be retained should be flexible to avoid unnecessary damage to tree roots greater than 30mm in diameter.
- 11.21 **Sediment and Contamination:** All contamination run off from the development such as but not limited to concrete, sediment and toxic wastes must be prevented from entering the TPZ at all times.
- 11.22 **Tree Wounding/Injury:** Any wounding or injury that occurs to a tree during the construction process will require the project Arborist to be contacted for an assessment of the injury and provide mitigation/remediation advice. It is generally accepted that trees may take many years to decline and eventually die from root damage. All repair work is to be carried out by the project Arborist, at the contractor's expense.
- 11.23 **Completion of Development Works:** After all construction works are complete the project Arborist should assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

12. HOLD POINTS

- 12.1 **Hold Points:** Below is a sequence of hold points requiring project Arborist certification throughout the development process. It provides a list of hold points that must be checked and certified. All certification must be provided in written format upon completion of the development. The final certification must include details of any instructions for remediation undertaken during the development.

Hold Point	Stage	Responsibility	Certification	Complete Y/N and date
Project Arborist to hold pre construction site meeting with principle contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise.	Prior to work commencing.	Principle contractor	Project Arborist	
Project Arborist To supervise all pruning works to retained trees.	Prior to works commencing	Principal Contractor	Project Arborist	
Project Arborist to assess and certify that tree protection has been installed in accordance with section 11 and AS4970-2009 prior to works commencing at site.	Prior to development work commencing.	Principle contractor	Project Arborist	

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 Prepared for: Diane Quitner & Graham Costello
 Prepared by: Hugh Millington, hugh@hughtheArborist.com.au
 Date prepared: 3rd October 2023



HUGH
THE ARBORIST

In accordance with AS4970-2009 the project arborist should carry out regular site inspections to ensure works are carried out in accordance with the recommendations. I recommend site inspections on a monthly frequency.	Ongoing throughout the development	Principle contractor	Project Arborist	
Project Arborist to supervise all manual excavations and demolition inside the TPZ of any tree to be retained.	Construction	Principle contractor	Project Arborist	
Project Arborist to certify that all pruning of roots has been carried out in accordance with AS4373-2007. All root pruning must be carried out by a qualified Arborist/Horticulturalist with a minimum AQF level 3.	Construction	Principle contractor	Project Arborist	
Project Arborist to certify that all underground services including storm water inside TPZ of any tree to be retained have been installed in accordance with AS4970-2009.	Construction	Principle contractor	Project Arborist	
All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimize the impact to trees.	Landscape	Principle contractor	Project Arborist	
After all construction works are complete the project Arborist should assess that the subject trees have been retained in the same condition and vigor and authorize the removal of protective fencing. If changes to condition are identified the project Arborist should provide recommendations for remediation.	Upon completion of construction	Principle contractor	Project Arborist	
Any wounding or injury that occurs to a tree during the demolition/construction process will require the project arborist to be contacted for an assessment of the	Ongoing throughout the development	Principle contractor	Project Arborist	

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injury and provide mitigation/remediation advice. All remediation work is to be carried out by the project arborist, at the contractor's expense.				
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13. BIBLIOGRAPHY/REFERENCES

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14. LIST OF APPENDICES

The following are included in the appendices:

- Appendix 1 - Existing Site Plan and Tree Protection Plan
- Appendix 1A – Proposed Site Plan
- Appendix 2 - Tree inspection schedule
- Appendix 3 – Health
- Appendix 4 – Amenity Value
- Appendix 5 – Age Class
- Appendix 6 – Structural Condition
- Appendix 7 – SULE Categories
- Appendix 8 – Retention Values
- Appendix 9 – Trees AZ
- Appendix 10 – TPZ Encroachment

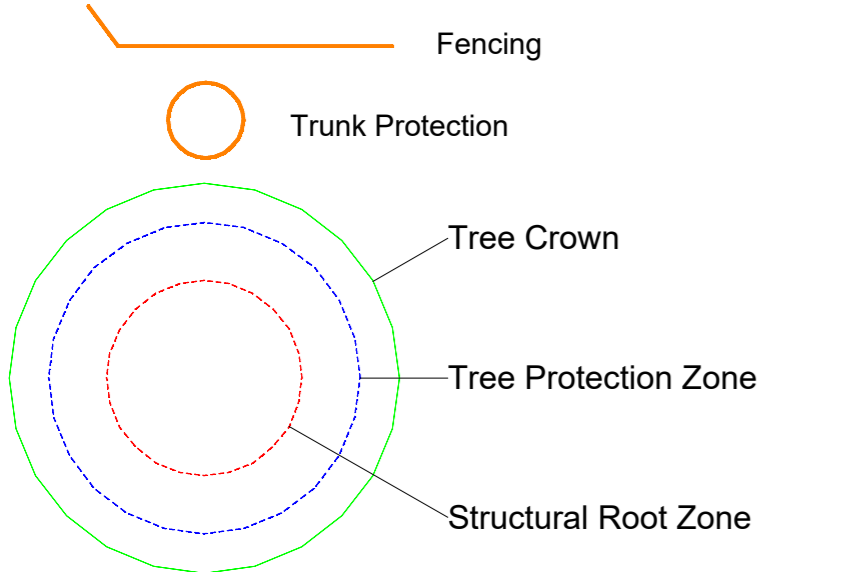
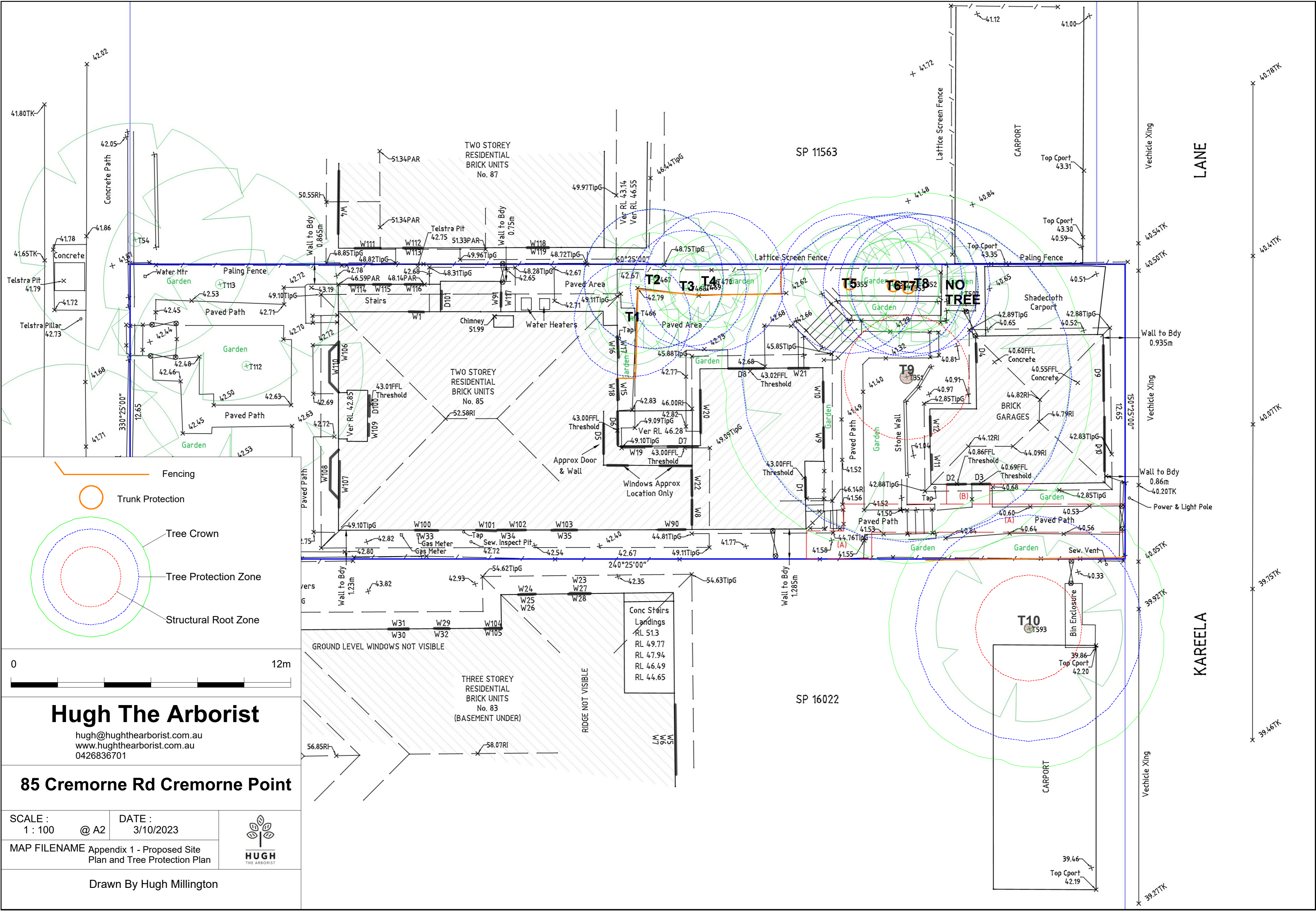
Hugh Millington

Diploma of Arboriculture (AQF5)
NC Forestry and Arboriculture III (UK)
RFS Tech. Cert. II (UK)
QTRA Registered User
ISA Tree Risk Assessment Qualification

0426836701

hugh@hughtheArborist.com.au

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Hugh The Arborist

hugh@hughthearborist.com.au
 www.hughthearborist.com.au
 0426836701

85 Cremorne Rd Cremorne Point

SCALE : 1 : 100 @ A2 DATE : 3/10/2023
 MAP FILENAME Appendix 1 - Proposed Site Plan and Tree Protection Plan



Drawn By Hugh Millington

Appendix 2 - Tree Inspection Schedule

Tree ID	Common Name	Botanical Name	Age Class	Height (m)	Canopy Spread Radius (m)	Stem 1 (mm)	Stem 2 (mm)	Stem 3	Stem 4	Stem 5	Stem 6	DBH (mm)	DAB (mm)	Health	Structure	Landscape Value	SULE	Trees AZ Value	TPZ Radius (m)	SRZ Radius (m)	Notes
1	Kentia Palm	<i>Howea forsteriana</i>	Mature	11	1.5	160						160	NA	Good	Good	Medium	1. Long	A1	2.5	NA	
2	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Semi-mature	7	2	180						180	NA	Good	Good	Medium	1. Long	A1	3.0	NA	
3	Coinspot Tree fern	<i>Cyathea cooperii</i>	Mature	9	1.5	210						210	NA	Good	Good	High	1. Long	A1	2.5	NA	
4	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Mature	8	2	190	170					255	NA	Good	Good	Medium	1. Long	A1	3.0	NA	Twin stem
5	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Semi-mature	11	2	200						200	NA	Good	Good	Medium	1. Long	A1	3.0	NA	In retaining wall
6	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Semi-mature	8	2	210						210	NA	Good	Good	Medium	1. Long	A1	3.0	NA	In retaining wall
7	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Semi-mature	9	2	200						200	NA	Good	Good	Medium	1. Long	A1	3.0	NA	In retaining wall
8	Bangalow Palm	<i>Archontophoenix cunninghamiana</i>	Semi-mature	8	2	160						160	NA	Good	Good	Medium	1. Long	A1	3.0	NA	In retaining wall
9	Cheese Tree	<i>Glochidion ferdinandi</i>	Mature	11	8	590						590	610	Good	Good	High	1. Long	A1	7.1	2.7	
10	Xylosma	<i>Xylosma japonicum</i>	Mature	9	6	260	310					405	410	Good	Good	Medium	1. Long	A1	4.9	2.3	Neighbors tree and estimated

Explanatory Notes

Tree Species - Botanical name followed by common name in brackets. Where species is unknown it is indicated with an 'spp'.

Age Class - Over mature (OM), Mature (M), Early mature (EM), Semi mature (SM), Young (Y), Dead (D).

Diameter at Breast Height (DBH) - Measured with a DBH tape or estimated at approximately 1.4m above ground level. Where DBH has been estimated it is indicated with an 'est'.

Diameter Above root Buttresses (DAB): Measured with a DBH tape or estimated above root buttresses (DAB) for calculating the SRZ.

Height - Height from ground level to top of crown. All heights are estimated unless otherwise indicated.

Spread - Radius of crown at widest section. All tree spreads are estimated unless otherwise indicated.

Tree Protection Zone (TPZ) - DBH x 12. Measured in radius from the centre of the trunk. Rounded to nearest 0.1m. For monocots, the TPZ is set at 1 metre outside the crown projection.

Structural Root Zone (SRZ) - $(DAB \times 50)^{0.42} \times 0.64$. Measured in radius from the centre of the trunk. Rounded up to nearest 0.1m.

Health - Good/Fair/Poor/Dead

Structure - Good/Fair/Poor

Safe Useful Life Expectancy (SULE) - 1. Long (40+years), 2. Medium (15 - 40 years), 3. Short (5 - 15 years), 4. Remove (under 5 years), 5. Small/young.

Amenity Value - Very High/High/Medium/Low/Very Low.

(x) Indicates the measurement taken for the diameter at tree base above the buttress roots.

(E) Indicates estimated measurements.

Appendix 3 – Assessment of Health

<u>Category</u>	<u>Example condition</u>	<u>Summary</u>
Good	<ul style="list-style-type: none"> • Crown has good foliage density for species. • Tree shows no or minimal signs of pathogens that are unlikely to have an effect on the health of the tree. • Tree is displaying good vigour and reactive growth development. 	<ul style="list-style-type: none"> • The tree is in above average health and condition and no remedial works are required.
Fair	<ul style="list-style-type: none"> • The tree may be starting to dieback or have over 25% deadwood. • Tree may have slightly reduced crown density or thinning. • There may be some discolouration of foliage. • Average reactive growth development. • There may be early signs of pathogens which may further deteriorate the health of the tree. • There may be epicormic growth indicating increased levels of stress within the tree. 	<ul style="list-style-type: none"> • The tree is in below average health and condition and may require remedial works to improve the trees health.
Poor	<ul style="list-style-type: none"> • The may be in decline, have extensive dieback or have over 30% deadwood. • The canopy may be sparse or the leaves may be unusually small for species. • Pathogens or pests are having a significant detrimental effect on the tree health. 	<ul style="list-style-type: none"> • The tree is displaying low levels of health and removal or remedial works may be required.
Dead	<ul style="list-style-type: none"> • The tree is dead or almost dead. 	<ul style="list-style-type: none"> • The tree should generally be removed.

Appendix 4 Landscape Value

RATING	HERITAGE VALUE	ECOLOGICAL VALUE	AMENITY VALUE
1. SIGNIFICANT	The subject tree is listed as a Heritage Item under the Local Environment Plan (LEP) with a local, state or national level of significance or is listed on Council's Significant Tree Register	The subject tree is scheduled as a Threatened Species as defined under the Threatened Species Conservation Act 1995 (NSW) or the Environmental Protection and Biodiversity Conservation Act 1999	The subject tree has a very large live crown size exceeding 300m ² with normal to dense foliage cover, is located in a visually prominent position in the landscape, exhibits very good form and habit typical of the species
	The subject tree forms part of the curtilage of a Heritage Item (building /structure /artefact as defined under the LEP) and has a known or documented association with that item	The tree is a locally indigenous species, representative of the original vegetation of the area and is known as an important food, shelter or nesting tree for endangered or threatened fauna species	The subject tree makes a significant contribution to the amenity and visual character of the area by creating a sense of place or creating a sense of identity
	The subject tree is a Commemorative Planting having been planted by an important historical person (s) or to Commemorate an important historical event	The subject tree is a Remnant Tree, being a tree in existence prior to development of the area	The tree is visually prominent in view from surrounding areas, being a landmark or visible from a considerable distance
2. VERY HIGH	The tree has a strong historical association with a heritage item (building/structure/artefact/garden etc) within or adjacent the property and/or exemplifies a particular era or style of landscape design associated with the original development of the site.	The tree is a locally-indigenous species, representative of the original vegetation of the area and is a dominant or associated canopy species of an Endangered Ecological Community (EEC) formerly occurring in the area occupied by the site.	The subject tree has a very large live crown size exceeding 200m ² ; a crown density exceeding 70% (normal-dense), is a very good representative of the species in terms of its form and branching habit or is aesthetically distinctive and makes a positive contribution to the visual character and the amenity of the area
3. HIGH	The tree has a suspected historical association with a heritage item or landscape supported by anecdotal or visual evidence	The tree is a locally-indigenous species and representative of the original vegetation of the area and the tree is located within a defined Vegetation Link / Wildlife Corridor or has known wildlife habitat value	The subject tree has a large live crown size exceeding 100m ² ; The tree is a good representative of the species in terms of its form and branching habit with minor deviations from normal (e.g. crown distortion/suppression) with a crown density of at least 70% normal); The subject tree is visible from the street and surrounding properties and makes a positive contribution to the visual character and the amenity of the area
4. MODERATE	The tree has no known or suspected historical association, but does not detract or diminish the value of the item and is sympathetic to the original era of planting.	The subject tree is a non-local native or exotic species that is protected under the provisions of this DCP.	The subject tree has a medium live crown size exceeding 40m ² ;The tree is a fair representative of the species, exhibiting moderate deviations from typical form (distortion/suppression etc) with a crowndensity of more than 50% (thinning to normal); and The tree is visible from surrounding properties, but is not visually prominent – view may be partially obscured by other vegetation or built forms. The tree makes a fair contribution to the visual character and amenity of the area.
5. LOW	The subject tree detracts from heritage values or diminishes the value of a heritage item	The subject tree is scheduled as exempt (not protected) under the provisions of this DCP due to its species, nuisance or position relative to buildings or other structures.	The subject tree has a small live crown size of less than 40m ² and can be replaced within the short term (5--10 years) with new tree planting
6. VERY LOW	The subject tree is causing significant damage to a heritage Item.	The subject tree is listed as an Environment Weed Species in the Local Government Area, being invasive, or is a known nuisance species.	The subject tree is not visible from surrounding properties (visibility obscured) and makes a negligible contribution or has a negative impact on the amenity and visual character of the area. The tree is a poor representative of the species, showing significant deviations from the typical form and branching habit with a crown density of less than 50% (sparse).
7. INSIGNIFICANT	The tree is completely dead and has no visible habitat value	The tree is a declared Noxious Weed under the Noxious Weeds Act (NSW) 1993 within the relevant Local Government Area.	The tree is completely dead and represents a potential hazard.

Ref: Determining the retention value of trees of development sites, presentation handouts at TAFE NSW Ryde College, March 2012

Appendix 5 - Age class

Determining the exact age of a tree is difficult without carrying out potentially invasive testing. The age class of the subject tree has been estimated using the definitions below.

<u>Category</u>	<u>Description</u>
Young/Newly planted	<ul style="list-style-type: none">• Young or recently planted tree.
Semi Mature	<ul style="list-style-type: none">• Up to 20% of the usual life expectancy for the species.
Early mature/Mature	<ul style="list-style-type: none">• Between 20% - 80% of the usual life expectancy for the species.
Over mature	<ul style="list-style-type: none">• Over 80% of the usual life expectancy for the species.
Dead	<ul style="list-style-type: none">• Tree is dead or almost dead.

Appendix 4 - Structural condition

<u>Category</u>	<u>Example condition</u>	<u>Summary</u>
Good	<ul style="list-style-type: none"> • Branch unions appear to be strong with no sign of defects. • There are no significant cavities. • The tree is unlikely to fail in usual conditions. • The tree has a balanced crown shape and form. 	<ul style="list-style-type: none"> • The tree is considered structurally good with well developed form.
Fair	<ul style="list-style-type: none"> • The tree may have minor structural defects within the structure of the crown that could potentially develop into more significant defects. • The tree may have a cavity that is currently unlikely to fail but may deteriorate in the future. • The tree is an unbalanced shape or leans significantly. • The tree may have minor damage to its roots. • The root plate may have moved in the past but the tree has now compensated for this. • Branches may be rubbing or crossing. 	<ul style="list-style-type: none"> • The identified defects are unlikely cause major failure. • Some branch failure may occur in usual conditions. • Remedial works can be undertaken to alleviate potential defects.
Poor	<ul style="list-style-type: none"> • The tree has significant structural defects. • Branch unions may be poor or weak. • The tree may have a cavity or cavities with excessive levels of decay that could cause catastrophic failure. • The tree may have root damage or is displaying signs of recent movement. • The tree crown may have poor weight distribution which could cause failure. 	<ul style="list-style-type: none"> • The identified defects are likely to cause either partial or whole failure of the tree.

Appendix 7 - Safe Useful Life Expectancy (SULE), (Barrel, 2001)

A tree's safe useful life expectancy is determined by assessing a number of different factors including the health and vitality, estimated age in relation to expected life expectancy for the species, structural defects, and remedial works that could allow retention in the existing situation.

Category	Description
1. Long	Useful life expectancy over 40 years
2. Medium	Useful life expectancy 15 to 40 years
3. Short	Useful life expectancy 5 to 15 years
4. Remove	Useful life expectancy under 5 years
5. Small/Young	Trees that could be transplanted or replaced with similar specimen.
6. Unstable	Tree has become hazardous or structurally unstable.

TreeAZ Categories (Version 10.04-ANZ)

CAUTION: TreeAZ assessments must be carried out by a competent person qualified and experienced in arboriculture. The following category descriptions are designed to be a brief field reference and are not intended to be self-explanatory. They must be read in conjunction with the most current explanations published at www.TreeAZ.com.

Category Z: Unimportant trees not worthy of being a material constraint

Local policy exemptions: Trees that are unsuitable for legal protection for local policy reasons including size, proximity and species

Z1	Young or insignificant small trees, i.e. below the local size threshold for legal protection, etc
Z2	Too close to a building, i.e. exempt from legal protection because of proximity, etc
Z3	Species that cannot be protected for other reasons, i.e. scheduled noxious weeds, out of character in a setting of acknowledged importance, etc

High risk of death or failure: Trees that are likely to be removed within 10 years because of acute health issues or severe structural failure

Z4	Dead, dying, diseased or declining
Z5	Severe damage and/or structural defects where a high risk of failure <u>cannot</u> be satisfactorily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, overgrown and vulnerable to adverse weather conditions, etc
Z6	Instability, i.e. poor anchorage, increased exposure, etc

Excessive nuisance: Trees that are likely to be removed within 10 years because of unacceptable impact on people

Z7	Excessive, severe and intolerable inconvenience to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. dominance, debris, interference, etc
Z8	Excessive, severe and intolerable damage to property to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. severe structural damage to surfacing and buildings, etc

Good management: Trees that are likely to be removed within 10 years through responsible management of the tree population

Z9	Severe damage and/or structural defects where a high risk of failure can be <u>temporarily</u> reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, vulnerable to adverse weather conditions, etc
Z10	Poor condition or location with a low potential for recovery or improvement, i.e. dominated by adjacent trees or buildings, poor architectural framework, etc
Z11	Removal would benefit better adjacent trees, i.e. relieve physical interference, suppression, etc
Z12	Unacceptably expensive to retain, i.e. severe defects requiring excessive levels of maintenance, etc

NOTE: Z trees with a high risk of death/failure (Z4, Z5 & Z6) or causing severe inconvenience (Z7 & Z8) at the time of assessment and need an urgent risk assessment can be designated as ZZ. ZZ trees are likely to be unsuitable for retention and at the bottom of the categorization hierarchy. In contrast, although Z trees are not worthy of influencing new designs, urgent removal is not essential and they could be retained in the short term, if appropriate.

Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint

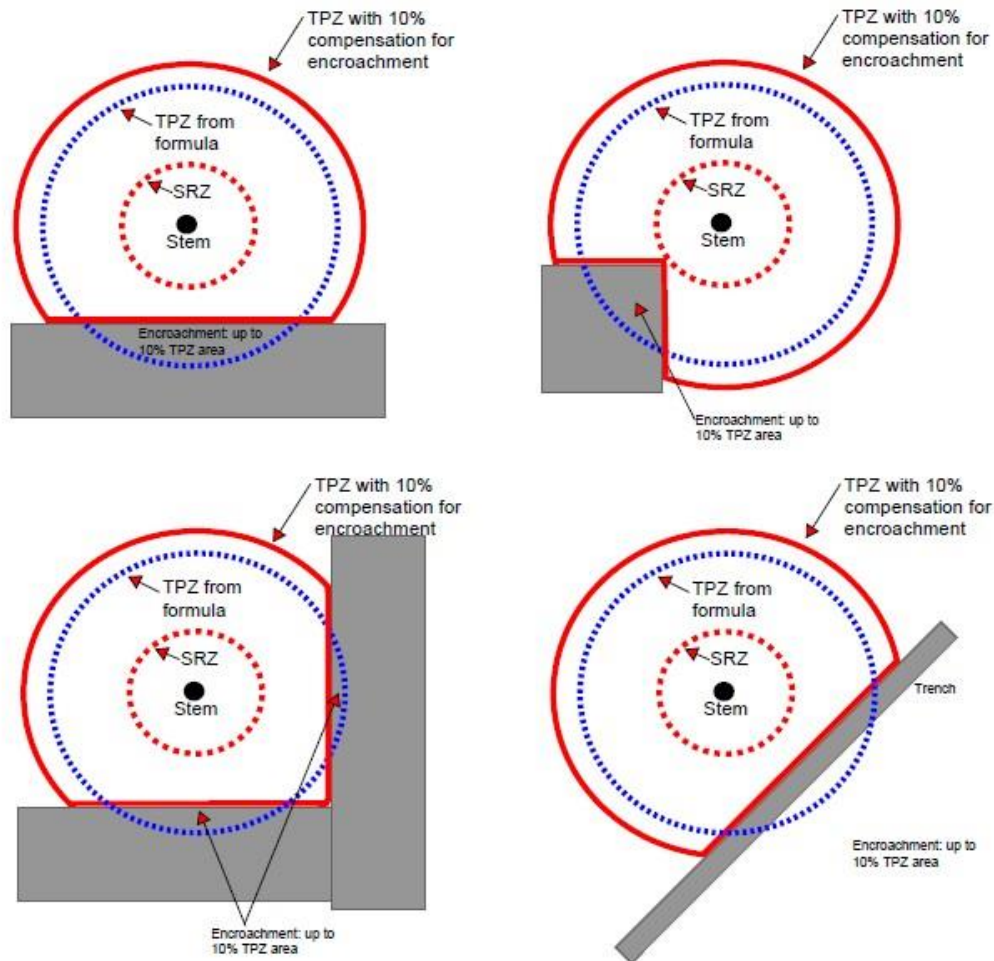
A1	No significant defects and could be retained with minimal remedial care
A2	Minor defects that could be addressed by remedial care and/or work to adjacent trees
A3	Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years
A4	Trees that may be worthy of legal protection for ecological reasons (Advisory requiring specialist assessment)

NOTE: Category A1 trees that are already large and exceptional, or have the potential to become so with minimal maintenance, can be designated as AA at the discretion of the assessor. Although all A and AA trees are sufficiently important to be material constraints, AA trees are at the top of the categorization hierarchy and should be given the most weight in any selection process.

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Appendix 10 – Examples of TPZ Encroachment

Encroachment into the Tree Protection Zone is sometimes unavoidable. The following diagram shows examples of acceptable levels of encroachment and how they may be compensated for by providing additional space contiguous to the TPZ area.



Note: Less than 10% TPZ area and outside SRZ. Any loss of TPZ compensated for elsewhere.