



NSLPP MEETING HELD ON 05/02/2025

Attachments:

1. Site Plan
2. Architectural Plans
3. Landscape Plan
4. Clause 4.6 Request

ADDRESS: 36 Cremorne Road, Cremorne Point

APPLICATION NO: DA 122/24 (PAN-441014)

PROPOSAL: Alterations and additions to existing terrace dwelling including addition of attic level, rear facing dormer, internal reconfigurations, and new rear lane garage

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
DA.01	C	Site Analysis Plan	Look Design Group	26/09/24
DA.01.3	C	Ground Floor Demolition Plan	Look Design Group	26/09/24
DA.01.4	C	First Floor Demolition Plan	Look Design Group	26/09/24
DA.02	C	Proposed Ground Floor	Look Design Group	26/09/24
DA.02.1	C	Proposed Ground Floor (rear)	Look Design Group	26/09/24
DA.03	C	Proposed First Floor	Look Design Group	26/09/24
DA.04	C	Proposed Attic Floor	Look Design Group	26/09/24
DA.05	C	Proposed Roof Plan	Look Design Group	26/09/24
DA.06	C	North Elevation	Look Design Group	26/09/24
DA.07	C	East Elevation	Look Design Group	26/09/24
DA.08	C	South Elevation	Look Design Group	26/09/24
DA.09	C	West Elevation	Look Design Group	26/09/24
DA.10	C	Cross Sections	Look Design Group	26/09/24
DA.11	C	Long Sections	Look Design Group	26/09/24
DA.12	C	Materials and Finishes	Look Design Group	26/09/24
L-01	C	Landscape Plan	Eco Design	16/04/24

OWNER: Toby Newton-John

APPLICANT: Natalie Anderson

AUTHOR: Jack Varka, Assessment Officer

DATE OF REPORT: 6 January 2025

AMENDED PLANS: 26 September 2024

DATE LODGED: 22 July 2024

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to the detached dwelling at 36 Cremorne Road, Cremorne Point.

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

The application was notified to adjoining properties and the Cremorne Point Precinct Committee inviting comment between 2 August and 16 August 2024. There were no submissions received in response to notification.

The site is occupied by a two storey, brick and clad semi-detached dwelling, with a tile and metal roof, a detached clad garage with a metal roof, a timber pergola, stone walls, paving and landscaping. The 1907 Federation Arts and Crafts style dwelling is a Contributory item located within the Cremorne Point Conservation Area. The site is located within the Conservation Area. Council's Heritage Officer has considered the application and has requested amendments to the proposal including deletion of the originally proposed front dormer additions and to window changes. These changes have been addressed in amended plans provided to Council on 26 September 2024. The amended proposal is now acceptable on heritage grounds subject to conditions.

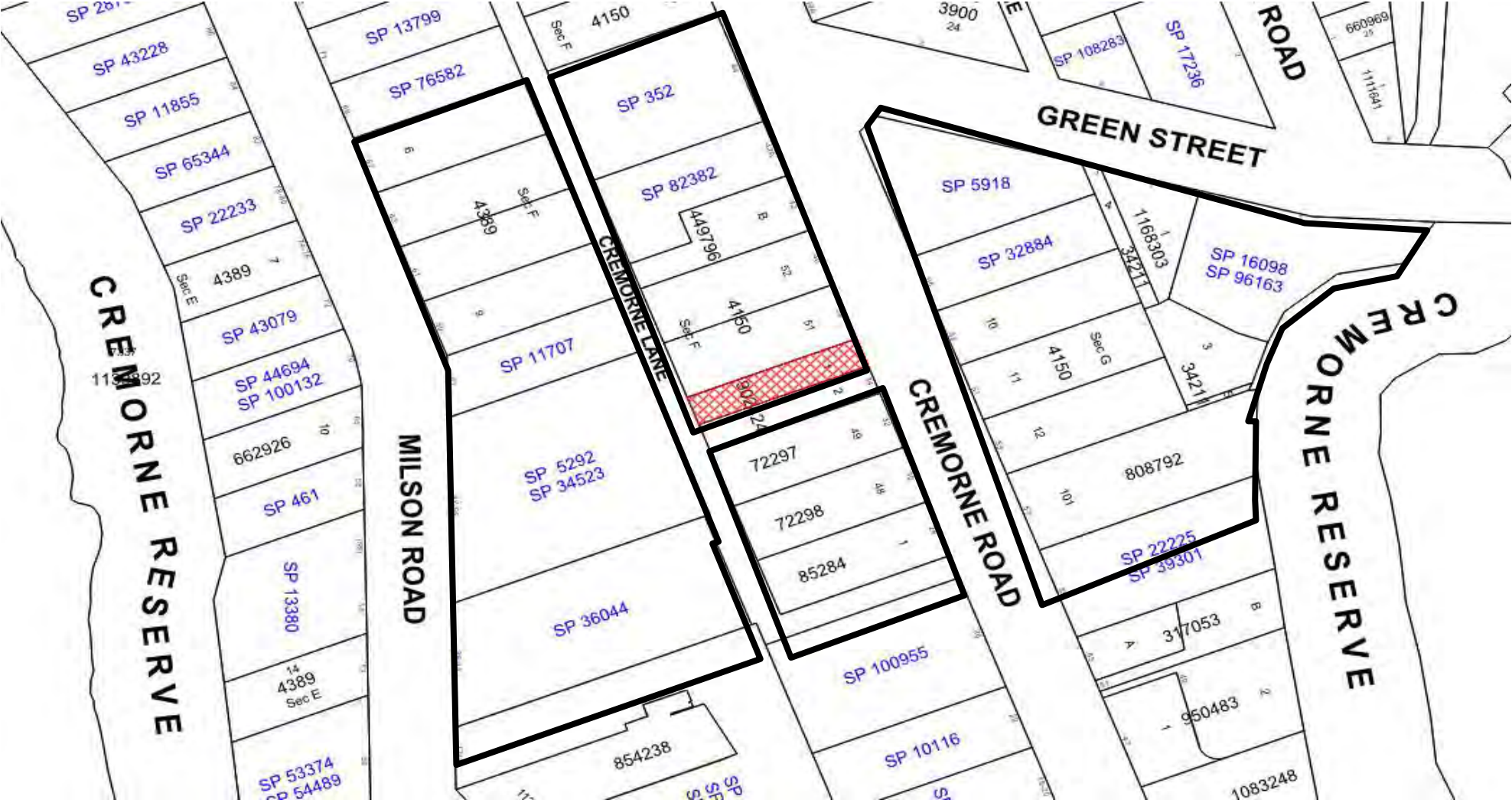
No significant trees or vegetation are proposed to be removed as a result of the proposed alterations and additions. Standard conditions have been recommended by Council's Landscape Team and have been imposed in the determination of the application.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 10.2m. Whilst the proposal does not change the existing maximum height of the dwelling, the construction of a new rear dormer is located above the maximum building height of 8.5m. The proposal also creates new habitable living space within the attic level above the maximum building height.

The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. The proposal will create only minor increases in shadow impacts to 34 Cremorne Road to the rear private open space, however these new overshadowed areas will fall within existing shadows cast by the dwelling at 34 Cremorne Road. The appearance of the proposed alterations and additions remain consistent with the existing dwelling and adjoining semi. The bulk and scale of the additions is appropriate to the public domain, and is compatible with other dwellings in the locality.

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

LOCATION MAP



■ Property/Applicant ● Submitters □ Properties Notified

DESCRIPTION OF PROPOSAL

The proposed development is for alterations and additions to the existing semi-detached dwelling, to create a 4 bedroom dwelling on the subject site. The proposed works are as follows:

Ground Floor

- Demolish the north and west external walls, the internal staircase, kitchen, casual dining room, laundry, WC, storage room, rear garage and pergola
- Construct a new internal staircase to access the first floor
- Reconstruct the rear of the dwelling to create an open plan kitchen, family area, powder room, storage and laundry
- A new outdoor seating area, with bench and pizza oven
- A new double carport with storage accessed from Cremorne Lane

First Floor

- New windows, robe, ensuite and modified internal door to the retained master bedroom
- A new internal wall, windows and internal door to bedroom 2
- A new staircase to access the ground floor and dormer floor
- Demolish the north and west external walls, 2 x bathrooms, WIR, bed 3, study and rear balcony and reconstruct the rear of the dwelling to create a hallway, storage, robe to bedroom 2, bathroom and bedroom 3 with BIR and Juliette balcony

Second Floor (Attic Level)

- New dormer windows on the upper floor to create bedroom 4, ensuite, cupboards, landing and staircase to access the first floor

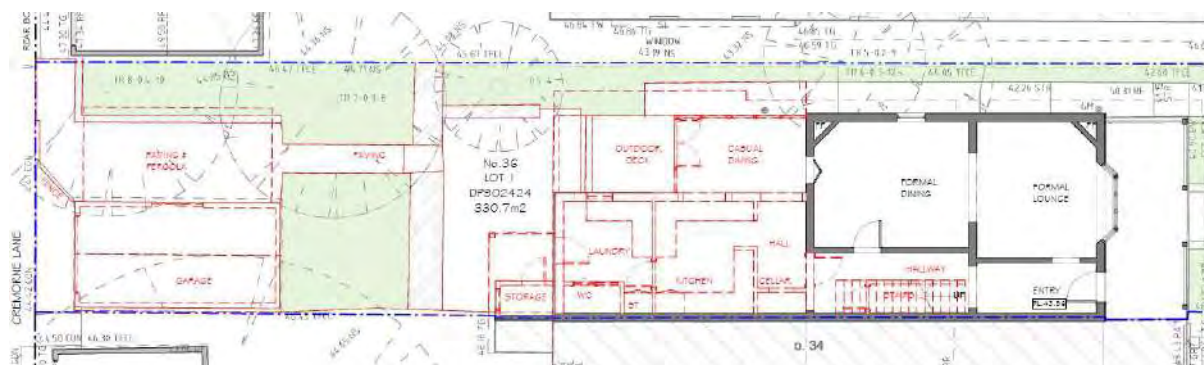


Figure 1: Ground Floor Demolition

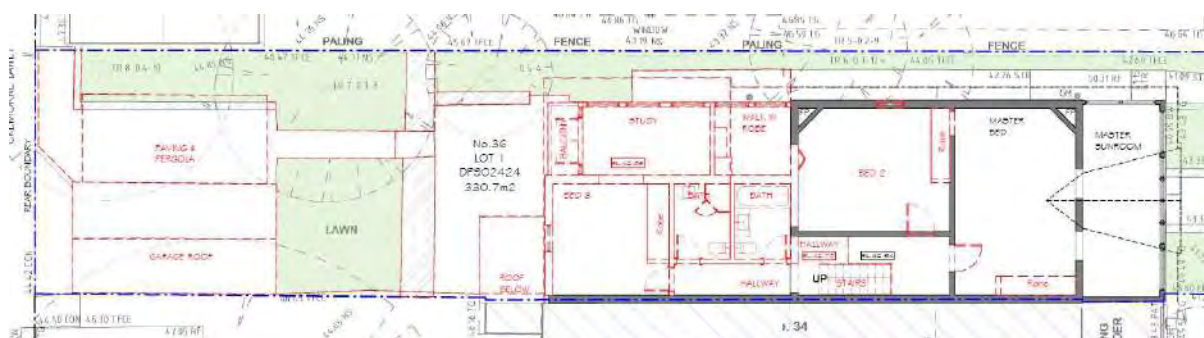


Figure 2: First Floor Demolition

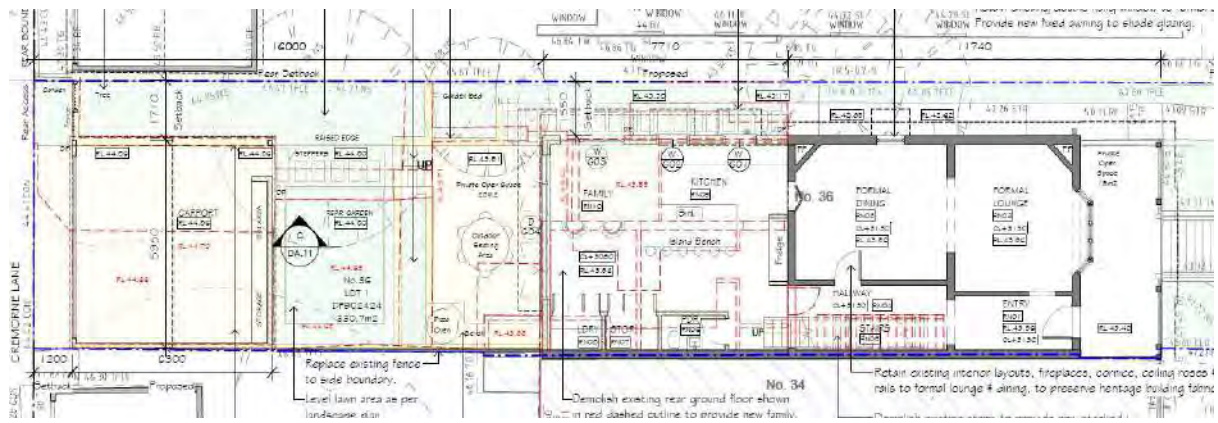


Figure 3: Proposed Ground Floor

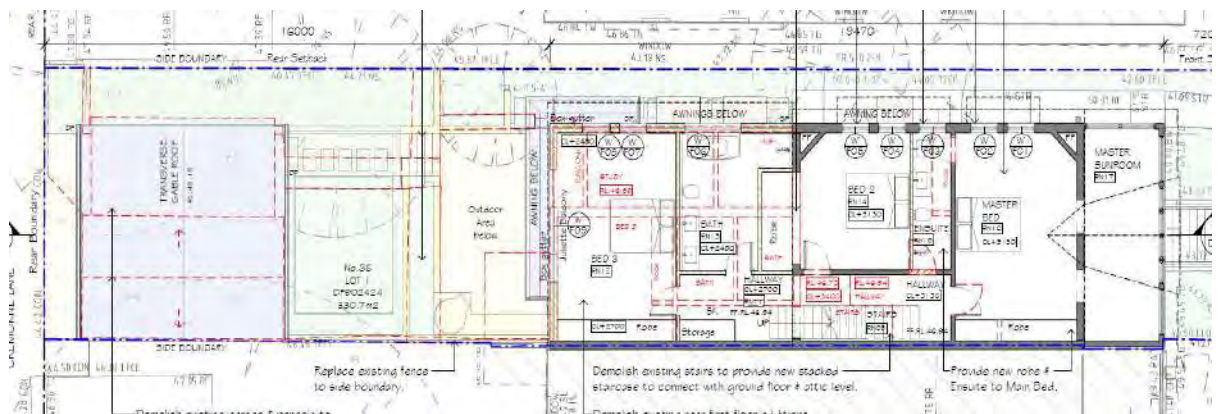


Figure 4: Proposed First Floor

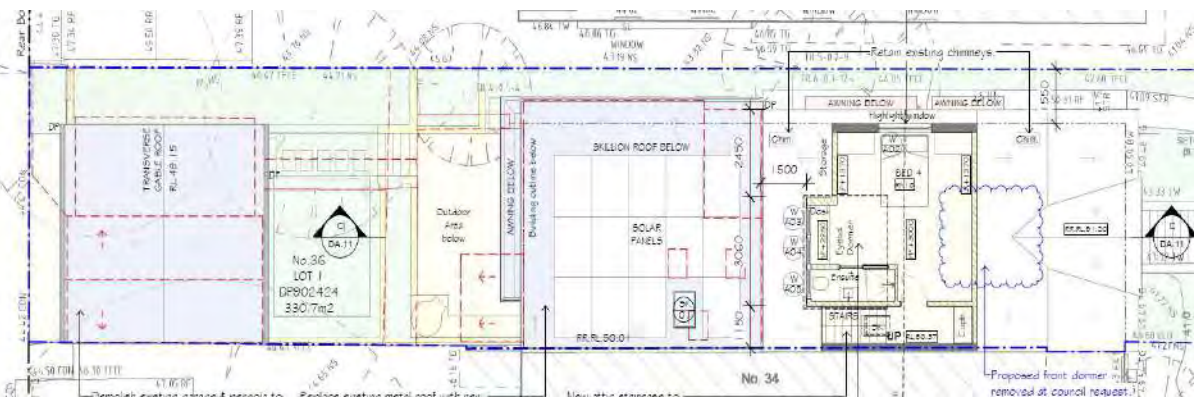


Figure 5: Proposed Second Floor (Attic Level)



Figure 6: Proposed Street Front Elevation

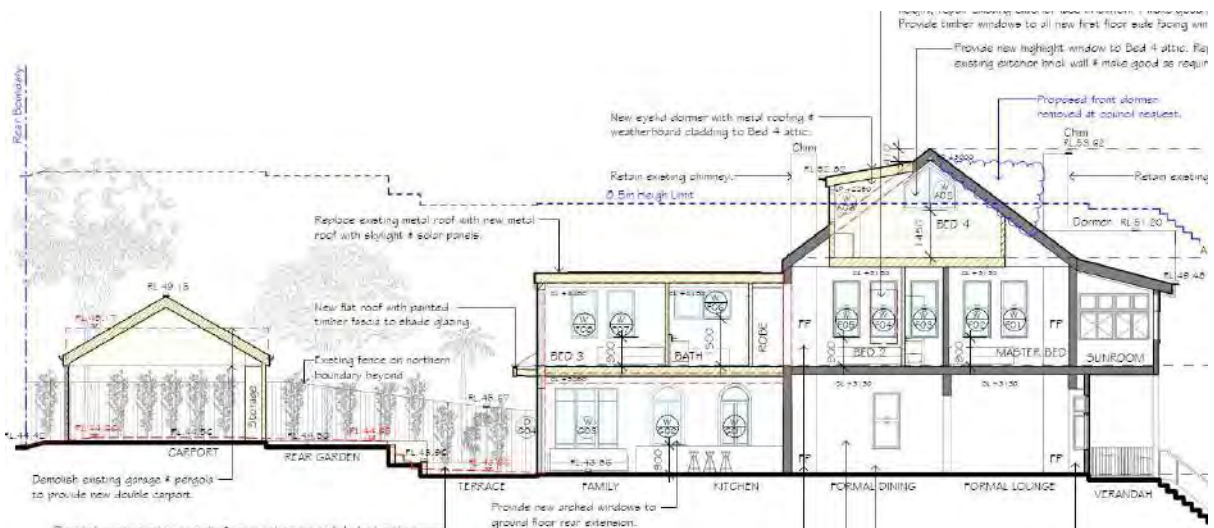


Figure 7: Proposed Long Section

Referral to NSLPP:

The application is reported to NSLPP for determination because the proposed alterations and additions includes works conducted that breach the building height standard of 8.5m for the site. The proposal includes the addition of a dormer above the building height standard at a variation that exceeds more than 10% of the standard. Further to this, it is noted that new habitable space is created above the building height standard.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – R2 Low Density Residential
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes; I0118 (59 Milson Road), I0119 (61 Milson Road), I0093 (26 Cremorne Road)
- Conservation Area – Yes; Cremorne Point Conservation Area

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 – Vegetation in Non-rural Areas
- Chapter 6 – Water Catchments

SEPP (Resilience and Hazards) 2021

- Chapter 4 – Remediation of Land

SEPP (Sustainable Buildings) 2022

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

- Appendix 1 (Heritage) – Contributory Item
- Bushland Buffer – Buffer Area B (300m)

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 DP 902424, and is known as 36 Cremorne Road, Cremorne Point. The site has a rectangular shape, located on the western side of Cremorne Road with the western rear boundary facing Cremorne Lane, with a total area of 330.7m². The site's topography slopes down to the east.

The site is occupied by a two storey, brick and clad semi-detached dwelling, with a tile and metal roof, a detached clad garage with a metal roof, a timber pergola, stone walls, paving and landscaping. The 1907 Federation Arts and Crafts style dwelling is a Contributory item located within the Cremorne Point Conservation Area. The two-storey dwelling is paired with 34 Cremorne Road and has a contemporary rear addition. The primary form is intact whilst the secondary service wing has been modified.

The site is surrounded by detached and semi-detached residential dwellings and residential flat buildings in all directions. It is located in close proximity to shops and services transport services in Neutral Bay and Cremorne to the north.

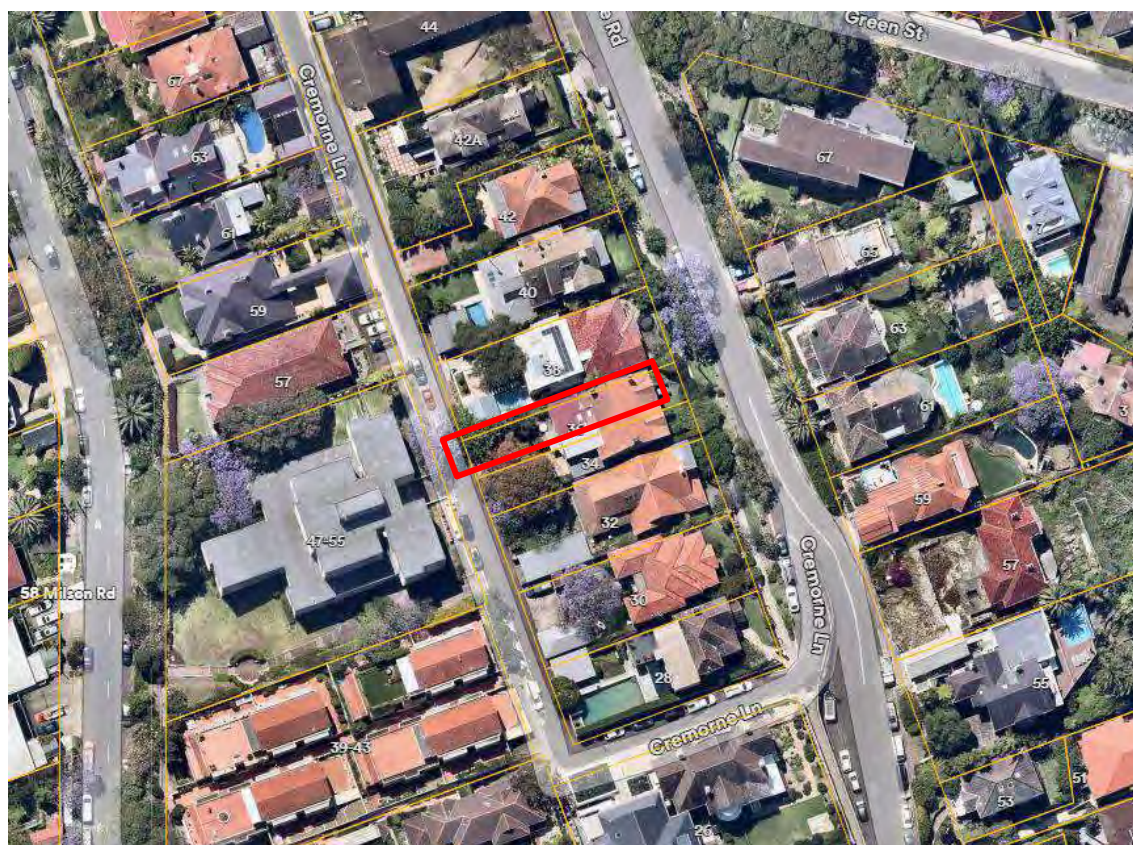


Figure 8: Aerial Map

Previous Applications

DA464/2003: For the demolition of an existing rear garage in poor condition and erection of a new single garage and pergola towards the south-western boundary was approved by North Sydney Council on **3 September 2003**.

A pre-lodgement application was held with North Sydney Council on **19 January 2024** for alterations and additions to the existing semi-detached two-storey dwelling, including a new fourth bedroom in the roof, two-storey rear extension, demolition of the garage and construction of a double carport.

Current application

Date	Action
22/07/2024	Application Lodged with North Sydney Council
30/07/2024	Site inspection was undertaken by assessment and heritage officers
02/08 – 16/08	Application was notified to neighbouring properties and Cremorne Point precinct
13/09/2024	RFI was issued by Council requesting the following amendments: <ul style="list-style-type: none"> • Removal of the street front dormer • Update site calculations • Neighbouring owner’s consent regarding pruning of rear tree
27/09/2024	Amended Plans were issued in response to RFI
14/10/2024	Owner’s consent regarding rear tree was received by Council

REFERRALS

HERITAGE

The application has been referred to Council's Conservation Planner, who provided the following comments:

Demolition of rear service wing- This is considered acceptable as the attached dwelling at 34 Cremorne Road has undertaken similar works.

Loss of the breezeway – The infill of the breezeway is acceptable in this circumstance as the attached property has undertaken a similar development and the breezeway is not visible from the public domain.

Front dormer

This dormer is not readily supportable as dormers are not considered to be 'characteristic' (meaning not desirable as defined in NSDCP 2013) to this conservation area and are highlighted at NSDCP 2013 Part C Section 6.4.7 as inappropriate.

The Heritage Impact Statement refers to a dormer approved under DA823/01 on the attached semi however, the consent has expired. As the dormer was not constructed and the NSDCP dormer controls were amended in 2003 and again in 2013 to limit the construction of dormers on front elevations, there is no precedent to justify the construction of a dormer on the front elevation.

The proposed dormer will also detract from the streetscape presentation and character of the pair of attached dwellings by adding another element that will make them less similar. The proposal does not comply with the following Provisions in NSDCP 2013 Part B Section 13.9.2:

- *P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages covering more than 1/3 of the street frontage; high solid fences to the street; rendering and painting of face brick; extensive glazing; glazed balustrades; loss of original detail; modern infill development and residential flat buildings*
- *P2 Dormers must not be placed on the street elevation of a building*
- *P3 Despite P2, Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that:
 - a) *it will not result in any adverse impacts to significance of any heritage item or heritage conservation area*
 - b) *it will not result in any significant impacts on privacy to adjoining properties*
 - c) *it will not detract from the coherence of the streetscape; and*
 - d) *surrounding properties have dormers visible from the street**
- *P6 Dormers on the street elevation of a building must not comprise more than 1/3 of the width of the roof plane upon which they are placed*
- *P8 The design of the dormer is to complement the style and detailing of the existing building and its roof. Figures B-13.21 and B-13.24 show examples of Victorian and Edwardian dormer windows. Federation dormers: Width (A) = 1200mm (max)
Width (A): Height (B) = 1:1 to 1.2:1*

Rear dormer – This dormer is acceptable.

Rear fenestration – The proposed full length glazing and Juliette balcony is acceptable in this location as it will not be readily seen from the public domain due to the position and height of the garages in the rear lane that obscure the rear elevation.

Side fenestration – The proposed changes are acceptable. The extent of glazing in the side gable end should be reduced as this is not characteristic to Federation style dwellings and will be visible from the road. Alternatively, it could be screened with timber louvres so that the glazing is not readily visible.

Interior changes – The retention of the two front rooms and hallway is supported. The removal of other interior features, including the modified staircase, appears to be acceptable.

Garage – The existing garage is noted in the Heritage Impact Statement as being constructed in 2004/5 under DA464/03 and its demolition is therefore acceptable. The original garage was demolished at this time. No objection is raised to the proposed new garage.

Solar panels – No objection is made to the solar panels on the Ground Level skillion roof addition at the rear.

Skylights – No objection as these are located on a rear roof plane.

Materials – A revised materials and finishes schedule is acceptable.

Impact to nearby heritage items – The works are considered to have an acceptable level of impact to the nearby heritage items. Clause 5.10 of NSLEP 2013 and Part B Section 13.4 in NSDCP 2013 are satisfied.

Planner's Comments: The application and plans have been amended to reflect the uncharacteristic nature of the street front dormer, which has now been removed as requested. Conditions are otherwise to be imposed as recommended (See **Condition A5. Heritage Requirements**).

ENGINEERING

The application has been referred to Council's Development Engineer, who raised no objections. Standard conditions have been recommended and reflected in the determination of the application.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer, along with an arborist report provided by a consulting arborist supporting the proposal. No objection to the proposal was raised and the following comments have been provided:

Further information is required regarding T3 Citharexylum spinosum planted in the rear setback of 34 Cremorne Road as detailed in Image 1, page 9 of the arborist report, prepared by Margot Blues dated 26/4/24.

Planner's Comments: Impacts to T3 have been addressed in detail within the submitted arborist report which notes:

5.1.3 T3 Neighbouring Fiddlewood.

Under pruning or crown raising above garage is required. Estimated volume of pruning required less than 5% of the tree's total canopy.

On the basis that the pruning involves canopy and limb pruning only, standard conditions have been recommended to ensure these works and other tree protection measures are implemented for the duration of demolition and construction work.

SUBMISSIONS

The subject application was notified to adjoining properties and Cremorne Point Precinct Committee inviting comment between 2 August and 16 August 2024. There were no submissions received.

CONSIDERATION

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

Environmental Planning and Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

- **Chapter 2 – Vegetation in Non-Rural Areas**

The use of the land, relying upon the alterations and additions, did not involve the removal of, or impact to, trees prescribed in Section 16 of Part B of NSDCP 2013 and therefore the requirement to obtain consent, authorised by the Policy, is not required.

- **Chapter 6 Water Catchments**

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

SEPP (Resilience and Hazards) 2021

- **Chapter 4 Remediation of Land**

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, having been constructed in c. 1907. Therefore, the site is unlikely to contain any contamination. Furthermore, the proposed works do not require any excavation and would not disturb soils. The subject site is therefore considered suitable for the proposed use given that contamination is unlikely.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate A1378576_04 dated 17 April 2024 for the proposed alterations and additions to the existing dwelling has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Permissibility

The site is zoned R2 Low Density Residential under the provisions of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)*. Development for the purposes of alterations and additions is permissible with the consent of the Council.

2. Objectives of the zone

The objectives for the R2 Low Density Residential zone are stated below:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage 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 proposal is generally consistent with the objectives for development on land within the R2 Low Density Residential zone as demonstrated throughout this assessment report. The proposal will generally improve the viability and vitality of the dwelling to ensure that the site provides for the housing needs of the community.

3. Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under *NSLEP 2013* as follows:

4. Height of Building

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building has a maximum height of 10.2m. The proposal relies upon works undertaken that exceed the maximum permitted building height, however, are contained within the existing building envelope.

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

5. Clause 4.6 - Contravention of a Development Standard

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

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

The most common way to demonstrate that compliance with the development standard is unreasonable and unnecessary is to demonstrate that the objectives of the development standard are met notwithstanding the non-compliance. This is identified as test 1 in *Wehbe. Wehbe v. Pittwater Council [2007] NSWLEC 827* (“*Wehbe*”).

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

The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform. As described above, the variation to the maximum building height control, results from the proposed dormer windows within the existing roof form, at a maximum height of 9.8 metres which represents a 15.3% variation, and is contained below the existing maximum height ridge of the roof.

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

The subject site and surrounding properties enjoy water views across Sydney Harbour to the south-east and district views to the east. A site visit was undertaken, and it was determined that no views will be impacted by the development, as works are located within the existing building footprint. A preliminary view loss assessment has been provided with this application and clarifies that no views will be impacted by the development.

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

The DCP requires that solar panels, habitable room windows, and principal private open space of both the subject site and adjoining residential properties, obtain 3 hours solar access between 9am and 3pm on 21 June.

Hourly shadow diagrams between 9am to 3pm during the winter solstice have been provided, which illustrate that the proposal will create only minor increases in shadow impacts to 34 Cremorne Road to the rear private open space, however these new overshadowed areas will fall within existing shadows cast by the dwelling at 34 Cremorne Road. As a result, the proposal will not result in any discernible increase in overshadowing to the neighbouring properties.

It is noted that the alterations and additions will create additional overshadowing to the rear private open space of the subject site, however, is generally limited to 9am. The rear private open space receives significant overshadowing from the neighbouring property at 38 Cremorne Road as existing.

A full solar access assessment and shadow diagrams has been provided with this application.

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

Privacy will be retained for neighbours with no direct overlooking into any key living areas.

The Ground Floor is visually separated from the neighbouring properties by the existing party wall, side boundary fencing and vegetation. A number of privacy measures have been incorporated into the design of the upper levels including offset windows, high sill heights and highlight glazing, privacy glazing. Larger portions of glazing have been orientated to the front and rear of the lot.

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

The alterations and additions proposed, retain the existing residential land use and dwelling density on the site, ensuring there will be no compatibility issues. Setbacks proposed remain consistent with existing setbacks on the site, allowing for the appropriate refurbishment of the site. The proposed alterations and additions will not be readily visible from the streetscape.

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

The appearance of the proposed alterations and additions remain consistent with the existing dwelling and adjoining semi. The bulk and scale is an appropriate presentation to the public domain, and is compatible with other dwellings in the locality.

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

The development retains a 2 storey (plus attic) presentation. The scale proposed is consistent with surrounding properties, including the adjoining semi-detached dwelling.

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

The written request has provided various environmental planning grounds to justify the variation on page 12 of the written request which are briefly summarised below.

- *Variation to the North Sydney LEP 2013 Cl. 4.3 Building Height control has been the subject of recent precedent for the following developments:*
 - *DA 60/2022 – 58 Cowdroy Ave Cammeray, Height Variation 2.25m or 26.7%,*
 - *DA 328/2022 – 36 Milray Avenue Wollstonecraft, Height Variation 0.75m,*
 - *DA 340/2022 – 72 Kurraba Neutral Bay, Height Variation 1.2m,*
 - *DA 133/2023 – 8 Victoria Street McMahons Point, Height Variation 1.36m or 16%,*
 - *DA 174/2022 – 16 Shirley Road Wollstonecraft, Height Variation 0.8m or 9.4%*
- *The setting and context with similar Height variations recently approved, demonstrates that a varied building height is reasonable and that it is consistent with clause 1.3(c) and (d)*
- *The remaining works at the Ground and First Floor levels works comply with the current 8.5 metre height control and the works do not result in any unreasonable impacts to neighbouring properties*
- *The works proposed do not represent an overdevelopment of the site and satisfies the objectives of the zone and the development standard as is detailed earlier in the report*
- *The proposed development allows for the current and future housing needs of the residents to be met, without developing a greenfield site, representing an efficient use of existing developed land*
- *The natural environment is unaffected by the departure to the development standard, and it would be unreasonable for the development to be refused on this basis with Cl 1.3(b) satisfied*

The above environmental planning grounds are considered to be sufficient to justify the variation in the circumstances.

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

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

6. Clause 5.10 – Heritage Conservation

The subject site is identified as a contributory item within the Cremorne Point Conservation Area. The portions of the proposed alterations and additions undertaken to the west elevation of the dwelling to create a new dormer off the kitchen on the Second Floor (attic level) is supported as this will not be readily visible from the streetscape. The existing garage is noted in the Heritage Impact Statement as being constructed in 2004/5 under DA464/03 and its demolition is therefore acceptable. The original garage was demolished at this time. No objection has been raised to the proposed new garage.

All other internal reconfigurations and works located internally and at the rear of the dwelling are considered suitably acceptable and minimal in its impact on the heritage character of the dwelling and impact towards neighbouring properties.

It is considered that if approved, these works would be compliant with Cl 5.10 of the *NSLEP 2013* and acceptable with respect to the site’s heritage context and sympathetic to the Cremorne Point Conservation Area.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN (NSDCP) 2013

The above Development Control plan applies to the site, so an assessment has been carried out below:

DEVELOPMENT CONTROL PLAN 2013 - Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.2 Maintaining Residential Accommodation	YES	The proposal would not change the population mix and the level of residential accommodation available within the locality.
1.3 Environmental Criteria		
1.3.1 Topography	YES	The proposal would not alter the existing landform of the subject site.
1.3.2 Properties in proximity to bushland	YES	The site does not adjoin bushland but is located within the Bushland Buffer Zone B (300m). No bushland areas will be affected by the proposed works, and the landscaped context of the site will be maintained as existing.
1.3.6 Views	YES	The proposed alterations and additions would not adversely impact surrounding properties. The alterations and additions are largely contained within the existing building envelope.

<p>1.3.7 Solar Access</p>	<p>YES</p>	<p>The proposal will create only minor increases in shadow impacts to 34 Cremorne Road to the rear private open space, however these new overshadowed areas will fall within existing shadows cast by the dwelling at 34 Cremorne Road. As a result, the proposal will not result in any discernible increase in overshadowing to the neighbouring properties.</p>
<p>1.3.8 Acoustic Privacy 1.3.10 Visual Privacy</p>	<p>YES</p>	<p>The ground floor is visually separated from the neighbouring properties by the existing party wall, side boundary fencing and vegetation. A number of privacy measures have been incorporated into the design of the upper levels including offset windows, high sill heights and highlight glazing, privacy glazing and orienting larger glazing to the front and rear of the lot.</p>
<p>1.4 Quality built form</p>		
<p>1.4.1 Context</p>	<p>YES</p>	<p>The proposed alterations and additions, with the exception to the works to the east elevation, have a neutral / negligible impact on the heritage nature of the site and immediate context. Conditions have been imposed to ensure the compatibility of the development.</p>
<p>1.4.3 Streetscape</p>	<p>YES</p>	<p>The proposal, including new rear lane garage and driveway crossover will not impact upon existing sandstone kerb and gutter systems or street trees. Standard conditions have been recommended by Council's Engineer and Landscape officers and are reflected in the determination of this report.</p>
<p>1.4.4 Laneways</p>	<p>NO (acceptable on merit)</p>	<p>Despite the control, it is proposed to construct a new double width garage at the rear lane frontage with garage door. This will replace the existing single garage. It is common for properties with secondary frontages to Cremorne Lane to incorporate double garages, as can be seen with the two neighbouring properties at 34 and 38 Cremorne Road. The double garage at 38 Cremorne Road, adjacent to the north, was approved under DA330/20 in September 2021.</p> <p>Like that of the proposal, the garage at 34 Cremorne Road, being the adjoining terrace to the south, has a double width garage which occupies a similar proportion of the frontage width to that of the subject site, being more than 50% as required under the control.</p> <p>To soften the appearance of the garage, soft landscaping has been incorporated into the laneway setback at the northern corner, and the existing mature T1 <i>melia azedarach</i> is to be retained.</p> <p>The development proposes a garage width of 5.95 metres or 77.5% of the lot width, and a setback of 1.2 metres. The proposed garage is located on the same portion of the site as the existing single garage and remains consistent with other garages along the lane.</p> <p>The garage proposes a 30 degree, pitched roof form, consistent with the Area Character Statement.</p>

1.4.5 Siting	YES	The proposed alterations and additions are consistent with the siting and built form of the existing dwelling and consistent with the dwellings on the adjoining lots. It is unlikely that any conflict or issue will arise from these works
1.4.6 Setback – Side	YES	<p>The proposal will retain the existing side setbacks to northern boundary of 1.5m at the Ground and First Floors. There are no works proposed to the existing party wall of the dwelling with the neighbouring semi at 34 Cremorne Road which maintains a nil side setback.</p> <p>The new garage structure is proposed with a nil side setback to the south, similar to the existing garage. As the proposal retains both nil side setbacks of the dwelling and garage structures with 34 Cremorne Road, an assessment of the Land and Environment Court Planning Principle — ‘Building to the side boundary in residential areas’ established in <i>Galea v Marrickville Council [2003] NSWLEC 113</i> is not required.</p>
P1 Front setback	No Change	The proposal will maintain the existing front setback alignment of the dwelling.
P5 Rear Setback	YES	The dwelling will retain its existing rear alignment with the neighbouring semi at 34 Cremorne Road and is consistent with the streetscape.
P7 Laneways	YES	The new garage structure is setback 1.2m from the rear boundary in accordance with the control.
1.4.7 Form Massing Scale	YES	The proposed alterations and additions would not be inconsistent with these provisions. There is no change to the overall height of the building or bulk and scale, and therefore the form, massing and scale remains acceptable.
1.4.8 Built Form Character	YES	The proposed alterations and additions would not be inconsistent with these provisions. Where alterations and additions affected the external character of the building, the design and materiality of the alterations are considered compatible with the relevant character statement, noting the contributory status of the property, and the semi-detached neighbour. The alterations and additions proposed are largely concentrated internally and rear facing and are not readily visible to the streetscape.
1.4.10 Roofs	YES	<p>The primary roof form is to be retained. The rear of the dwelling retains its flat roof which is not visible from the street front.</p> <p>The garage proposes a 30 degree, pitched roof form, that is consistent with the Area Character Statement and other garages along Cremorne Lane.</p>
1.4.11 Dormers	YES	The proposed new rear facing dormer will maintain the existing ridge line of the primary roof and is wholly contained within the building envelope.

		<p>The dormer is setback 410mm from the ridge, 1.2m from the party wall with 34 Cremorne Road, and 1.5m from the rear wall / roof edge. No balcony has been incorporated.</p> <p>The dormer is therefore considered acceptable.</p>																
1.4.12 Materials	YES	<p>The development has been designed to complement the existing site and surrounds.</p> <p>Materials proposed are consistent with the existing dwelling, with full details provided in the materials and finishes schedule.</p>																
1.5 Quality Urban Environment																		
1.5.4 Vehicle Access and Parking	YES	<p>The DCP permits a maximum parking rate of 2 spaces per 3 or more bedroom dwelling. The development proposes to retain the location of the existing onsite car parking, accessed via Cremorne Lane, widening the driveway and constructing a new double carport that complies with AS2890.</p>																
1.5.5 Site Coverage	NO (acceptable on merit)	<p>The existing site has a site coverage of 154m² which represents 47% of the total area. It is proposed to increase site coverage by 14.4m² to 168.4m² (51%), which is derived from the larger garage at the rear. Generally, the primary dwelling will retain a similar site coverage as existing, being 134.3m² compared to 129.5m² as proposed.</p> <p>As a result, the development will exceed the site coverage control by 1%, which is considered negligible in this instance. The increase in site coverage results from the conversion of existing unbuilt upon area.</p>																
1.5.6 Landscape Area 30% Landscape Area 20% Unbuilt Upon Area	YES	<table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage</td> <td>154m² 47%</td> <td>168.4m² 51%</td> <td>1% exceedance</td> </tr> <tr> <td>Landscaped area</td> <td>92.8m² 28%</td> <td>100.2m² 30%</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area</td> <td>83.6m² 25%</td> <td>61.8m² 19%</td> <td>Yes</td> </tr> </tbody> </table>	Control	Existing	Proposed	Compliance	Site coverage	154m ² 47%	168.4m ² 51%	1% exceedance	Landscaped area	92.8m ² 28%	100.2m ² 30%	Yes	Unbuilt-upon area	83.6m ² 25%	61.8m ² 19%	Yes
		Control	Existing	Proposed	Compliance													
		Site coverage	154m ² 47%	168.4m ² 51%	1% exceedance													
		Landscaped area	92.8m ² 28%	100.2m ² 30%	Yes													
		Unbuilt-upon area	83.6m ² 25%	61.8m ² 19%	Yes													
<p>The existing site presents a minor non-compliance with respect to landscape area and unbuilt upon areas. However, as a result of the alterations and additions and landscape reconfigurations in the rear yard, both landscape and unbuilt upon areas are proposed to be compliant being 30% landscape area and 19% unbuilt upon, as per the table above.</p>																		
<p>The works result in a finer balance of the site that will improve amenity for occupants and improve landscaping outcomes.</p>																		

<p>1.5.7 Landscaping 1.5.8 Front Gardens</p>	<p>YES</p>	<p>The applicant has revised the landscape context of the rear yard which introduces more low level planting within the garden, screen planting along the side boundaries, and supplementary garden areas that complement to new outdoor private open space. The proposal also facilitates the retention of the existing <i>T1 melia azedarach</i>. On this basis, the proposed landscaping is considered to be acceptable.</p> <p>No change is proposed to the existing front garden.</p>
<p>1.5.9 Private and Communal Open Space</p>	<p>YES</p>	<p>The rear garden will provide sufficient and high quality private open space for use of the occupants.</p>
<p>1.5.12 Garbage Storage</p>	<p>YES</p>	<p>A new bin holding area has been provided as part of the new garage structure which ensures that adequate garbage storage and holding areas are provided which are conveniently accessible for residents, and are easily transportable to the rear lane for collection.</p>
<p>1.6 Efficient Use of Resources</p>		
<p>1.6.1 Energy Efficiency</p>	<p>YES</p>	<p>Solar panels have been integrated into the proposed alterations and additions at the rear flat roof portion.</p>

CHARACTER STATEMENTS - PART C, SECTION 7

The subject site is located within the **Cremorne Point Conservation Area** of the **South Cremorne Planning Area**. The proposed development in its current form is consistent with the character of the conservation area as the proposed development works to the dwelling are generally located at the rear and will not be readily visible from the streetscape. These proposed works will contribute to the maintenance of the dwelling as a ‘contributory’ item. The proposed rear internal works, dormer and attic conversion, and new garage are considered acceptable, and Council’s Heritage Officer has raised no objection. The primary façade is to be retained as existing which is consistent with the character of the Cremorne Point conservation area.

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:

<p>Applicable Contribution Type</p>		
<p>S7.12 contribution detail</p>	<p>Development cost: \$950,000</p>	<p>\$ 9,500</p>

Conditions requiring payment of contributions are included in the attached recommended conditions of consent (**See Condition C18**).

The proposal maintains the existing configuration of bedrooms as part of this application and thus there is no increase to the density of the site that would trigger a s.7.11 contribution.

HOUSING PRODUCTIVITY CONTRIBUTION

The Ministerial Order for Housing Productivity Contribution came to effect on 1 July 2024. The order applies to land in that includes the Greater Sydney Region in which North Sydney Council is located. The proposal is characterised as alterations and additions and not a new dwelling. The application is not subject to a contribution in accordance with Clause 7 of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

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 car parking 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 <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal involves residential development in a residential zone, so the proposal is considered to be suitable for the subject site.

SUBMITTERS CONCERNS

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and notified between 19 January and 2 February 2024. The notification of the application has attracted no submissions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The notification of the application has attracted no submissions.

CONCLUSION + REASONS

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

Given that part of the proposed works will be conducted above the building height standard, being the construction of the rear dormer and attic conversion, there would be no significant additional or unreasonable overshadowing, view loss, privacy loss and/or bulk and scale, and is considered acceptable with regards to the objectives of Clause 4.6.

The proposed works are recessive in form and scale and are sympathetic to the existing heritage item within the Cremorne Point Conservation Area, with no significant loss of original internal or external fabric. A condition is recommended to ensure that the works will retain, re-use, and reinstate original fabric where possible.

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

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercise the functions of Council assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 – maximum building height grant consent to Development Application No. 122/2024 proposing alterations and additions to the existing dwelling and associated works upon land at No. 36 Cremorne Road, Cremorne Point, subject to the following conditions:

Heritage Requirements

A5. The following heritage requirements are to be met:

- a) The triangular glazing in the gable end on the North Elevation is to be screened with painted timber louvres.

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

(Reason: To retain the heritage significance of the dwelling and character of the conservation area)

JACK VARKA
ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN J BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
36 CREMORNE ROAD, CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
DA.01	C	Site Analysis Plan	Look Design Group	26/09/24
DA.01.3	C	Ground Floor Demolition Plan	Look Design Group	26/09/24
DA.01.4	C	First Floor Demolition Plan	Look Design Group	26/09/24
DA.02	C	Proposed Ground Floor	Look Design Group	26/09/24
DA.02.1	C	Proposed Ground Floor (rear)	Look Design Group	26/09/24
DA.03	C	Proposed First Floor	Look Design Group	26/09/24
DA.04	C	Proposed Attic Floor	Look Design Group	26/09/24
DA.05	C	Proposed Roof Plan	Look Design Group	26/09/24
DA.06	C	North Elevation	Look Design Group	26/09/24
DA.07	C	East Elevation	Look Design Group	26/09/24
DA.08	C	South Elevation	Look Design Group	26/09/24
DA.09	C	West Elevation	Look Design Group	26/09/24
DA.10	C	Cross Sections	Look Design Group	26/09/24
DA.11	C	Long Sections	Look Design Group	26/09/24
DA.12	C	Materials and Finishes	Look Design Group	26/09/24
L-01	C	Landscape Plan	Eco Design	16/04/24

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

Plans on Site

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 2 of 29

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule DA.12 dated 26 September 2024 and prepared by Look Design Group unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

Heritage Requirements

A5. The following heritage requirements are to be met:

a) The triangular glazing in the gable end on the North Elevation is to be screened with painted timber louvres.

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

(Reason: To retain the heritage significance of the dwelling and character of the conservation area)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Dilapidation Report Damage to Public Infrastructure**

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

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

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

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

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

Structural Adequacy (Semi Detached and Terrace Buildings)

- C2. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining properties No's. 34 Cremorne Road which certifies their ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

(Reason: To ensure the protection and structural integrity of adjoining properties, and that common law property rights are recognised)

Structural Adequacy of Existing Building

- C3. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Sediment Control

- C4. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils and Construction (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 5 of 29

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

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

Colours, Finishes and Materials (Conservation Areas)

C5. The finishes, materials and exterior colours shall be complementary to the architectural style of the original building and sympathetic to the character of the Conservation Area. A schedule of finishes, materials and external colours shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the completed colours, finishes and materials are complementary to the Conservation Area)

Roofing Materials - Reflectivity

C6. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Work Zone

C7. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 6 of 29

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

(Reason: Amenity and convenience during construction)

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C8. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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

- a) the proposed vehicular access ways must comply with AS 2890.1 and Council's current Vehicular Access Application Guidelines and Specification (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the width of the vehicular layback in Cremorne Lane must be 6.0m;
- c) the garage floor setback levels must be set no more than 110mm above the existing street (lane) gutter levels;
- d) the boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
- e) Alignment levels at the boundary have an important impact on the proposed levels for new driveway. The works must not start until confirmation of boundary alignment levels from registered surveyor. Council has the authority to remove any unauthorised works at the cost of the property owner;
- f) the Certifying Authority must ensure that the internal property levels at boundary matches Council's confirmed boundary levels;
- g) the gutter levels and road shoulder levels in Cremorne Lane must stay unchanged;
- h) the 600mm road shoulder wide strip, adjacent to all new layback works on Cremorne Lane must be reconstructed to ensure uniformity in the road reserve;

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 7 of 29

- i) all inspection openings, utility services must be adjusted to match the proposed driveway levels and location;
- j) the design detail has to be provided with vehicular access application and must include sections along centre-line and extremities of the crossing at a scale of 1:25. Sections are to be taken from the centre of the roadway through to the parking area itself and shall include all changes of grade and levels, both existing and proposed;
- k) a longitudinal section along the gutter line of Cremorne Lane at a scale of 1:50 showing how it is intended to transition the layback with the existing gutter levels and shall include all changes of grade and levels, both existing and proposed;
- l) a longitudinal section along the set-back line at a scale of 1:50 is required and shall include all changes of grade and levels, both existing and proposed;
- m) the sections must show the calculated clearance to the underside of any overhead structure;

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

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

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

Stormwater Management and Disposal Design Plan – Construction Issue Detail

- C9. Prior to issue of any Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with NCC drainage requirements, Council's Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2.1998, National Plumbing Code of Australia (PCA);
 - b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to Council's kerb in Cremorne Street, via existing stormwater lines.

Details demonstrating compliance are to be submitted with the Construction Certificate. Details demonstrating compliance are to be submitted with all other drainage details to Council prior to issue of any Construction Certificate.

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 8 of 29

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

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

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

C10. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$2,500.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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

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

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

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 9 of 29

- the Principal Certifier must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

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

Tree Bond for Public Trees

- C11. Prior to the issue of any construction certificate, security in the sum of \$10,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

SCHEDULE

Tree Species	Location	Bond
<i>1 x Lagerstroemia indica (4m)</i>	Council verge in front of 36 Cremorne Road	\$2,500.00
<i>1 x Jacaranda mimosifolia (10 x 14m)</i>	Council verge in front of 38 Cremorne Road	\$7,500.00

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 10 of 29

Tree Protection Measures to be shown on Construction Drawings

C12. The tree protection measures contained in the arborist report prepared by Margot Blues, dated 26 April 2024, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C13. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree No /Species	Location	Height (m)
1 x <i>Lagerstroemia indica</i>	Council verge in front of 36 Cremorne Road	4m
1 x <i>Jacaranda mimosifolia</i>	Council verge in front of 38 Cremorne Road	10 x 14m
T1 <i>Melia azederach</i>	Rear setback – 36 Cremorne Road	10 x 8m
T2 <i>Olea europaea</i>	Rear setback – 36 Cremorne Road	8 x 7m
T3 <i>Citaretaxylum spinosum</i>	Rear setback – 34 Cremorne Road	16 x 16m
<i>Cyathea sp.</i>	Rear setback – 36 Cremorne Road	4 x 4m
<i>Archontophoenix sp.</i>	Northern setback – 36 Cremorne Road	12 x 6m
Unspecified tree	Southern boundary – 38 Cremorne Road	9 x 5m
Existing vegetation	Front setback – 36 Cremorne Road	var

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

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

C14. All pruning works shall to the following tree(s) shall be undertaken under the guidance of an appropriately qualified arborist/tree surgeon in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees:

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 11 of 29

Trees that may Require Pruning	Location	Height (m)
<i>T1 Melia azederach</i>	Rear setback – 36 Cremorne Road	10 x 8m
<i>T3 Citharexylum spinosum</i>	Rear setback – 34 Cremorne Road	16 x 16m

A report detailing the measures to be employed during construction shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

All measures required by the said report must be complied with at all times in the carrying out of the development.

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

Garbage and Recycling Facilities

- C15. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Asbestos and Hazardous Material Survey

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

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 12 of 29

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

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

Air Conditioners in Residential Premises

C17. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 will be applied.

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

“boundary” includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

Section 7.12 Development Contributions

C18. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council’s Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$9,500.00.

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 13 of 29

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of payment

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

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

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

Security Deposit/Guarantee Schedule

- C19. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$10,000.00
Road, drainage, footpath	\$2,500.00
TOTAL BONDS	\$12,500.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$9,500.00
TOTAL FEES	\$9,500.00

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

(Reason: Compliance with the development consent)

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 14 of 29

BASIX Certificate

C20. Under clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1378576_04 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Arborist to be Commissioned

C21. An experienced consulting arborist with minimum qualification of AQF Level 5 must be commissioned to assist the design development and contract documentation for the approved development. The commissioned arborist must oversee construction works on the site for their duration, must ensure all tree protection measures are implemented and maintained at all times during demolition and construction and must undertake regular inspections of works in progress and provide advice to the developer in relation to tree matters.

Written details of the engagement of the experienced arborist must be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: This condition, and any advice given by the consulting arborist, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to trees are resolved and recorded using best practice)

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

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Principal Certifier for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 15 of 29

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

Existing stormwater pipes through front setback of subject site and across Council verge to roadway discharge shall be used. No new stormwater works shall be permitted within the TPZ of 1 x *Jacaranda mimosifolia* (10 x 14m) within the Council verge in front of 38 Cremorne Road.

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

Temporary Fences and Tree Protection

- D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by Condition C13 as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

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

Public Liability Insurance – Works on Public Land

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

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

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

Commencement of Works' Notice

- D4. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

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

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 17 of 29

Temporary Disposal of Stormwater Runoff

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

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

- E4. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Vehicular access; and associated road civil works

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

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

Removal of Extra Fabric

- E5. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E6. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 18 of 29

(c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.

(d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

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

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

No Work on Public Open Space

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

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

Applicant's Cost of Work on Council Property

E9. The Applicant or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 19 of 29

Protection of Trees

- E11. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Margot Blues dated 26 April 2024 must be implemented for the duration of the works.

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

Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b. An application to modify this consent pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

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

Special Permits

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 20 of 29

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

Construction Hours

- E13. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 21 of 29

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

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

Out of hours' Work Permits

E14. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 22 of 29

Installation and Maintenance of Sediment Control

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

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

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

Sediment and Erosion Control Signage

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

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

Site Amenities and Facilities

- E17. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

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

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

Health and Safety

- E18. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 23 of 29

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

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

Prohibition on Use of Pavements

- E19. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

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

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

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

Waste Disposal

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

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

Asbestos Removal

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 24 of 29

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act 1989* requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifier for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

a) in the case of work for which a principal contractor is required to be appointed:

- i) the name and licence number of the principal contractor, and
- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 25 of 29

Appointment of Principal Certifier

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works'

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 26 of 29

Excavation/Demolition

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

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

Protection of Public Places

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

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

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

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 27 of 29

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate***Infrastructure Repair and Completion of Works**

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;
- to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Certification – Civil Works

- G2. An appropriately qualified and practicing Civil Engineer must certify to the Principal Certifier that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifier), upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 28 of 29

Damage to Adjoining Properties

- G3. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

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

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

Asbestos Clearance Certificate

- G5. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au

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

Certification of Tree Condition

- G6. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height (m)
1 x <i>Lagerstroemia indica</i>	Council verge in front of 36 Cremorne Road	4m
1 x <i>Jacaranda mimosifolia</i>	Council verge in front of 38 Cremorne Road	10 x 14m

**36 CREMORNE ROAD CREMORNE POINT
DEVELOPMENT APPLICATION NO. 122/24**

Page 29 of 29

<i>T1 Melia azederach</i>	Rear setback – 36 Cremorne Road	10 x 8m
<i>T2 Olea europaea</i>	Rear setback – 36 Cremorne Road	8 x 7m
<i>T3 Citarexylum spinosum</i>	Rear setback – 34 Cremorne Road	16 x 16m
<i>Cyathea sp.</i>	Rear setback – 36 Cremorne Road	4 x 4m
<i>Archontophoenix sp.</i>	Northern setback – 36 Cremorne Road	12 x 6m
Unspecified tree	Southern boundary – 38 Cremorne Road	9 x 5m
Existing vegetation	Front setback – 36 Cremorne Road	var

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

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

BASIX Completion Certificate

- G7. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion receipt.

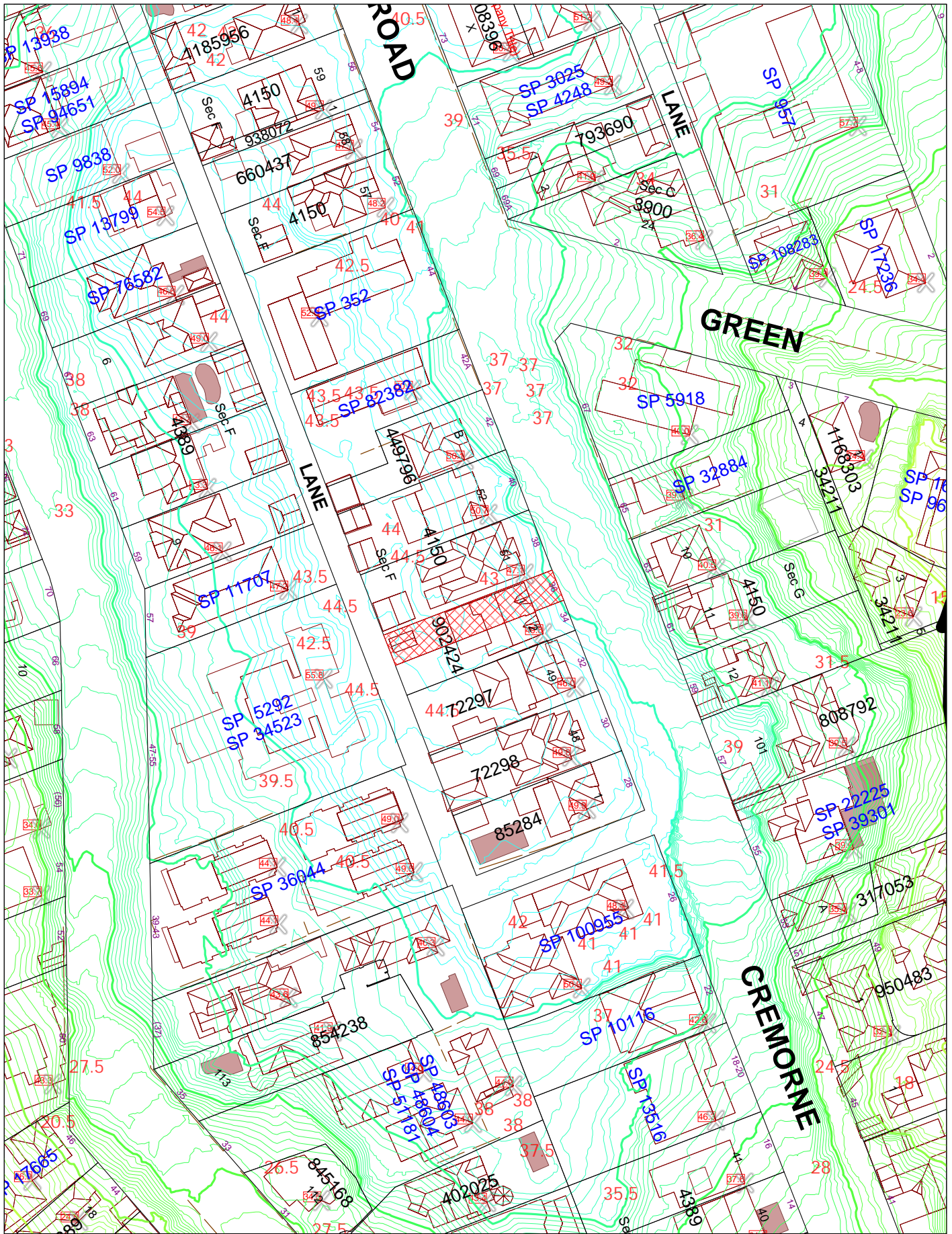
(Reason: To ensure compliance with the Regulations)

I. On-Going / Operational Conditions

Single Occupancy

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

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

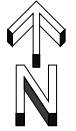


North Sydney Council

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

Scale: 1:1200 approx.





Street view 36 Cremorne Road, Cremorne Point.



Rear Cremorne Lane view of 36 Cremorne Road, Cremorne Point.

Subject site. Pedestrian access.

Site Locality Plan.
1 : 1000

NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practise & the Building Code of Australia.



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Reg. nominated architect #11862

Amendments:		
DATE	REV. NO	REVISION
01.12.23	A	Development Application.
17.04.24	B	Development Application.
26.09.24	C	Development Application.

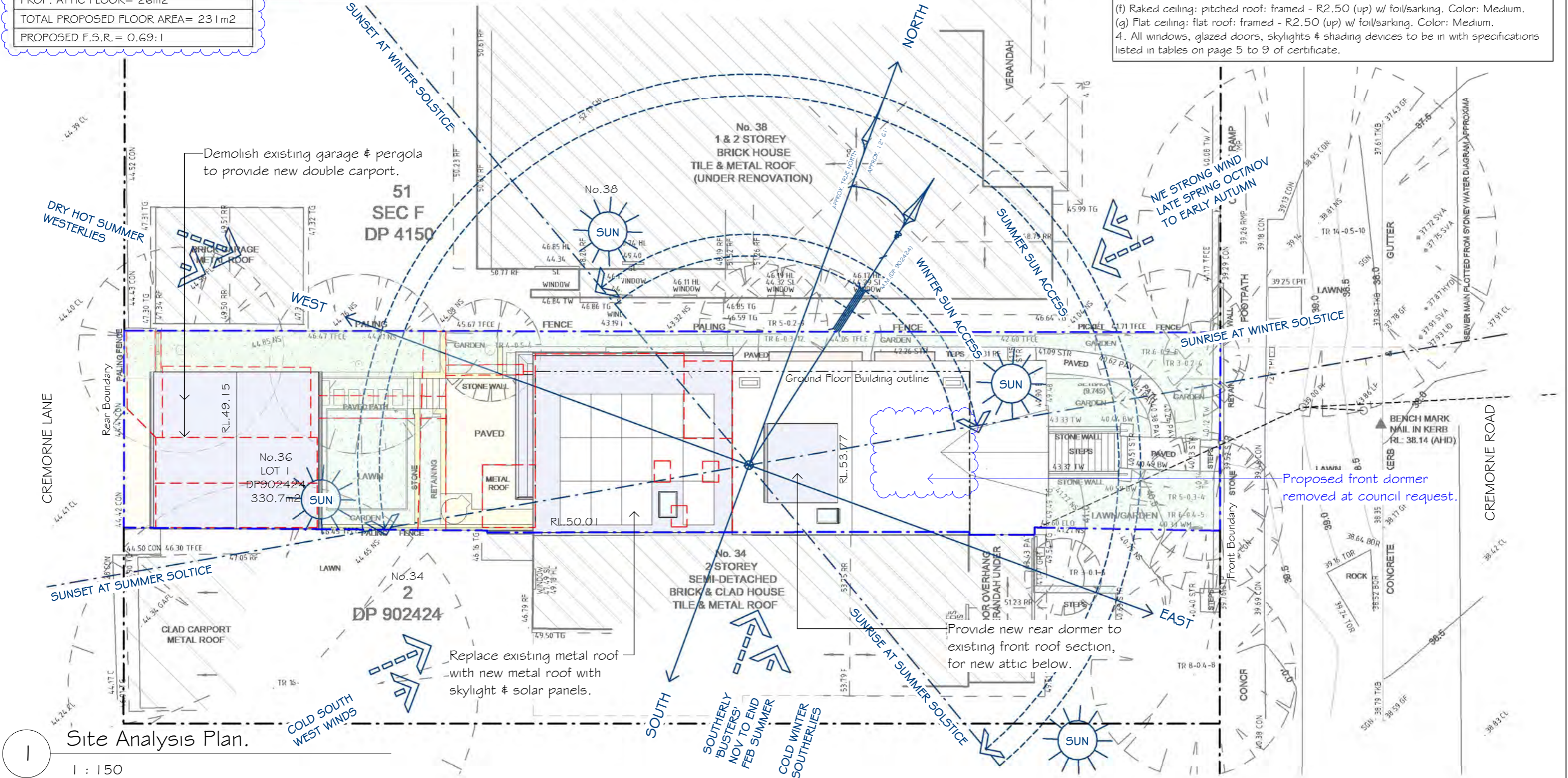
No.36 Cremorne Rd
Cremorne Point NSW 2090

Site Locality Plan.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.00	C
Checked by	NA	Scale as indicated.	

F5R CALCULATIONS
SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1
PROP. GROUND FLOOR= 97m ²
PROP. FIRST FLOOR= 108m ²
PROP. ATTIC FLOOR= 26m ²
TOTAL PROPOSED FLOOR AREA= 231m ²
PROPOSED F.S.R. = 0.69:1

LEGEND
PROPOSED ALTERATIONS & ADDITIONS.
PROPOSED GLAZING.
PROPOSED TILED ROOF.
PROPOSED METAL ROOF.
PROPOSED NEW STRUCTURE.
EXISTING WALL TO REMAIN.
EXISTING BUILDING TO BE REMOVED.

BASIX COMMITMENTS
CERTIFICATE NUMBER: A1378576_04
1. A minimum of 40% of new light fittings are to be fitted with LED lamps.
2. Shower heads, taps & toilets to have a minimum of 3 star water rating.
3. Construction must meet the following insulation requirements:
(a) Concrete slab on ground - nil.
(b) Floor above existing dwelling or building - nil.
(c) External wall: Cavity Brick - nil.
(d) External wall: Framed (Weatherboard, fibro, metal clad) R1.30 or R1.70 inc constr.
(e) External wall: Brick veneer R1.16 (or R1.70 inc constr.)
(f) Raked ceiling: pitched roof: framed - R2.50 (up) w/ foil/sarking. Color: Medium.
(g) Flat ceiling: flat roof: framed - R2.50 (up) w/ foil/sarking. Color: Medium.
4. All windows, glazed doors, skylights & shading devices to be in with specifications listed in tables on page 5 to 9 of certificate.



Site Analysis Plan.
1 : 150

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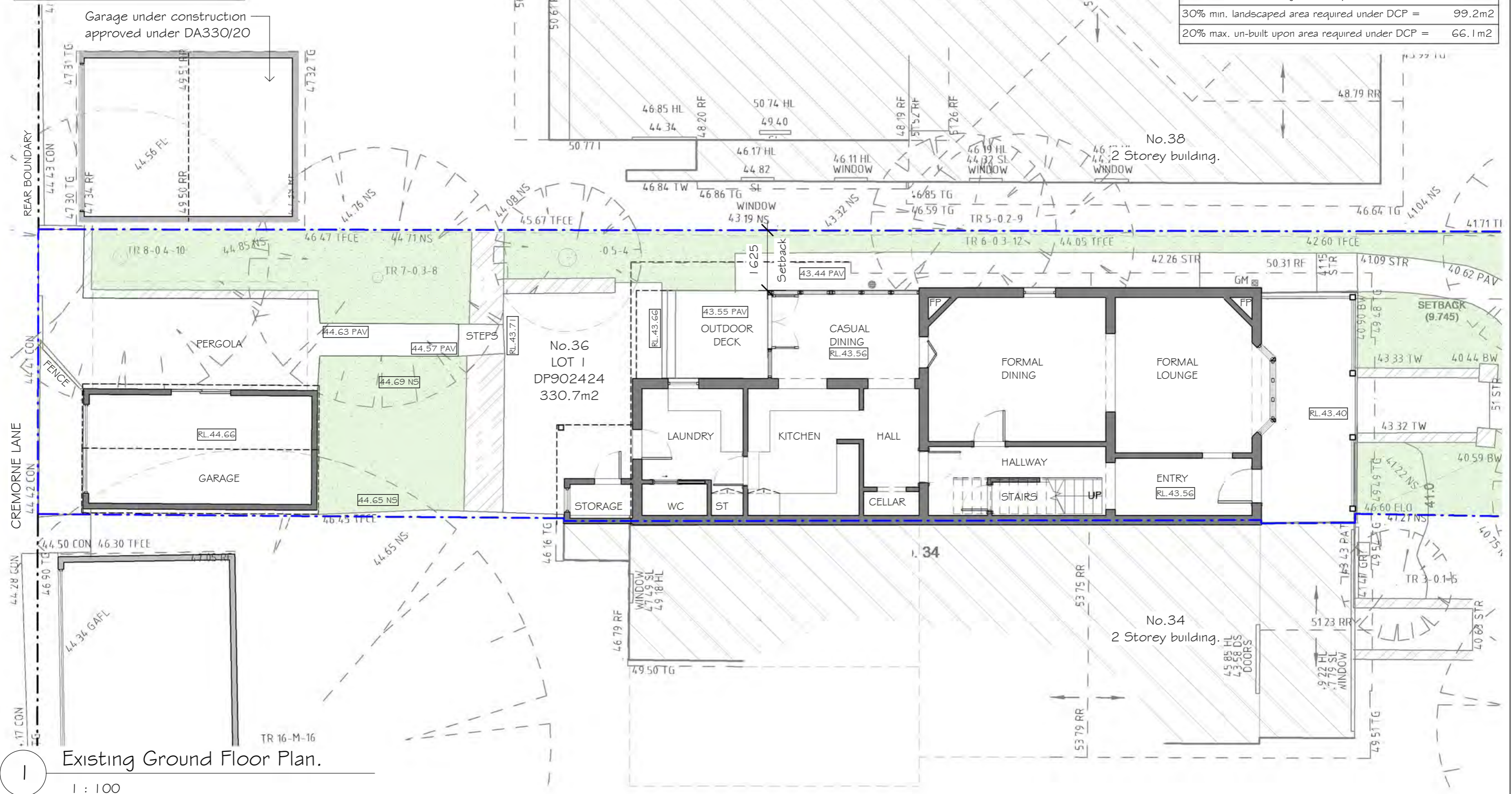
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No.36 Cremorne Rd
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Site Analysis Plan.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01	C
Checked by	NA	Scale as indicated.	

FSR CALCULATIONS	
SITE AREA=	330.7m ²
EXIST. GROUND FLOOR=	89m ²
EXIST. FIRST FLOOR=	105m ²
TOTAL EXISTING FLOOR AREA=	194m ²
EXISTING F.S.R. =	0.58:1

EXISTING AREA CALCULATIONS:	
SITE AREA =	330.7m ²
EXISTING SITE COVERAGE AREA =	144.5m ² = 43.7%
EXISTING LANDSCAPE AREA =	93m ² = 28.1%
EXISTING UN-BUILT UPON AREA =	93.2m ² = 28.2%
50% max. site coverage area required under DCP =	165.4m ²
30% min. landscaped area required under DCP =	99.2m ²
20% max. un-built upon area required under DCP =	66.1m ²



Existing Ground Floor Plan.

1 : 100

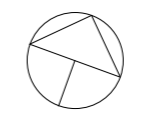
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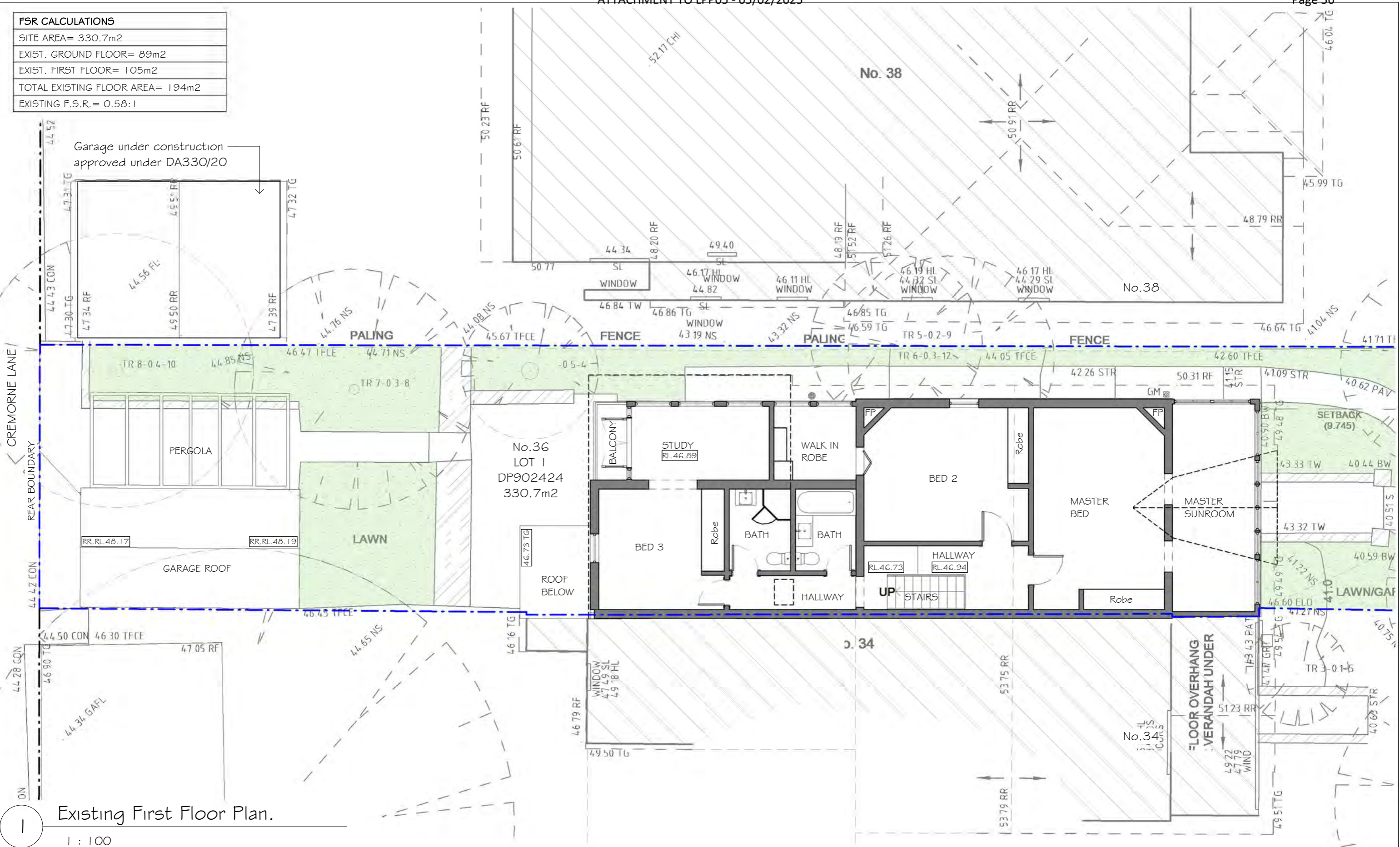
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No.36 Cremorne Rd
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Existing Ground Floor Plan.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01.0	C
Checked by	NA	Scale as indicated.	

F&R CALCULATIONS
SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1



Existing First Floor Plan.

1 : 100

NOTES:
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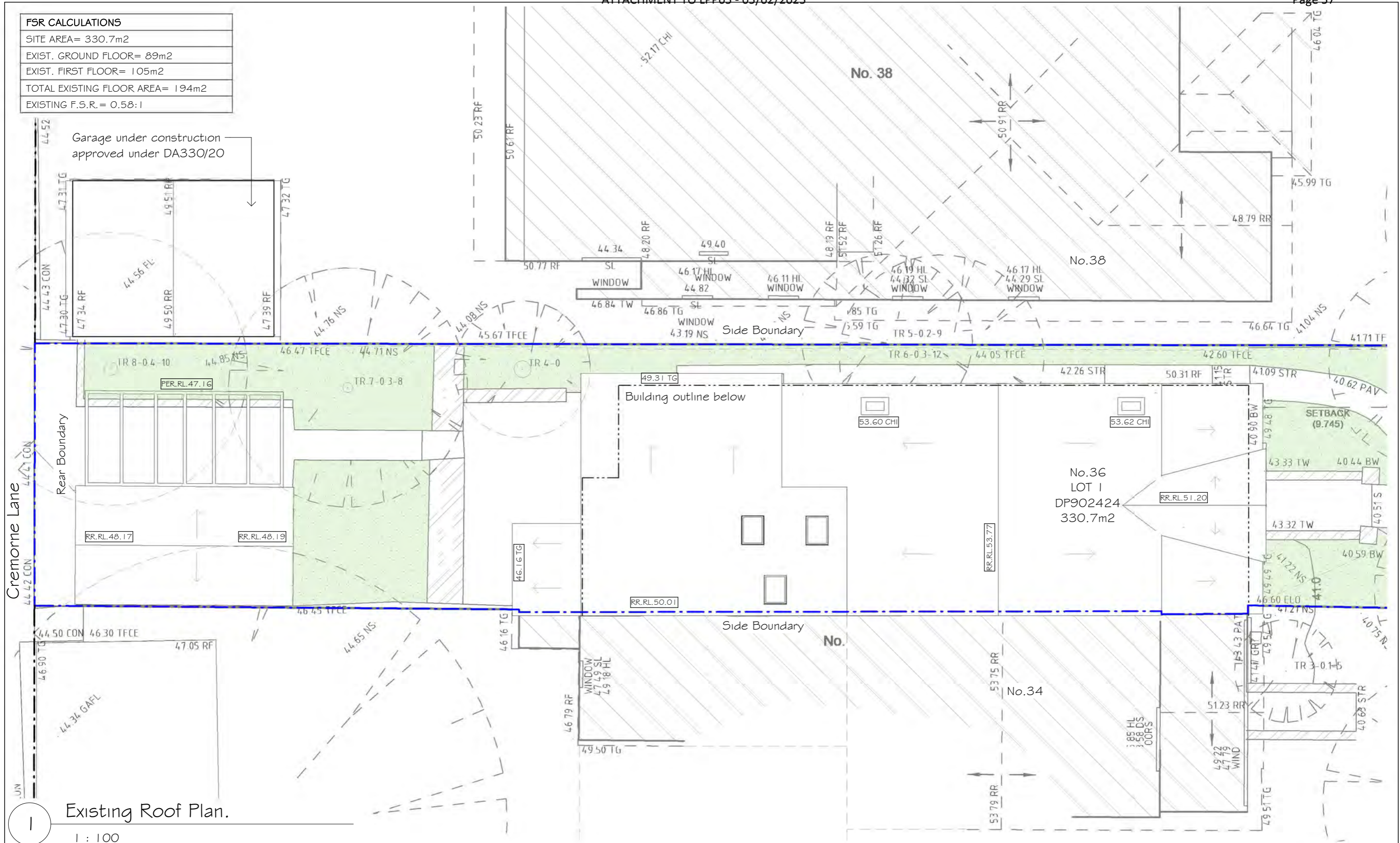
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No.36 Cremorne Rd
 Cremorne Point NSW 2090

Existing First Floor Plan			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01.1	C
Checked by	NA	Scale as indicated.	

FSR CALCULATIONS
SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1



Existing Roof Plan.

1 : 100

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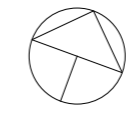


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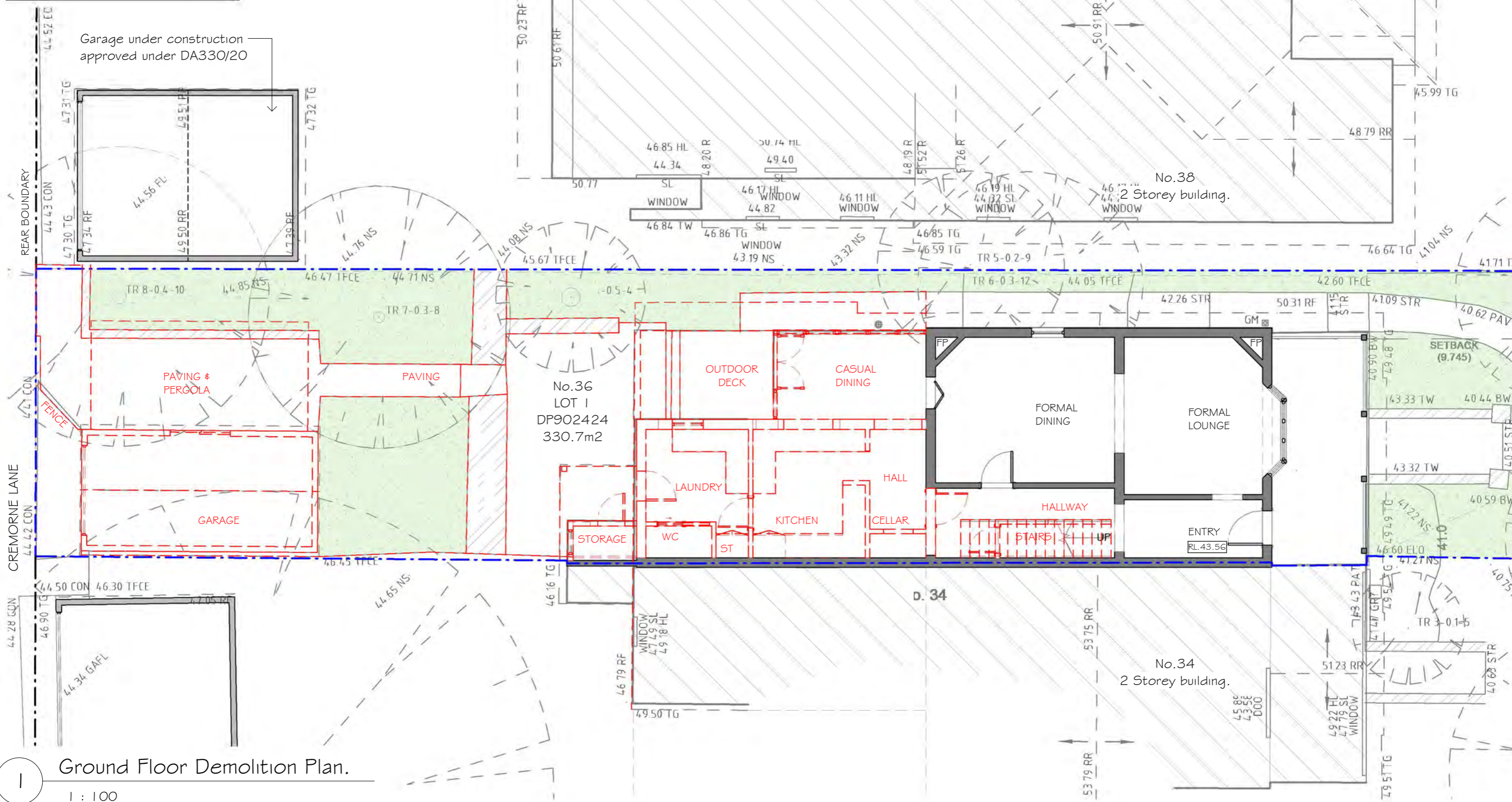
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Existing Roof Plan			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01.2	C
Checked by	NA	Scale as indicated.	



F&R CALCULATIONS
SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1



Ground Floor Demolition Plan.

1 : 100

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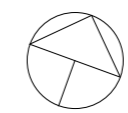


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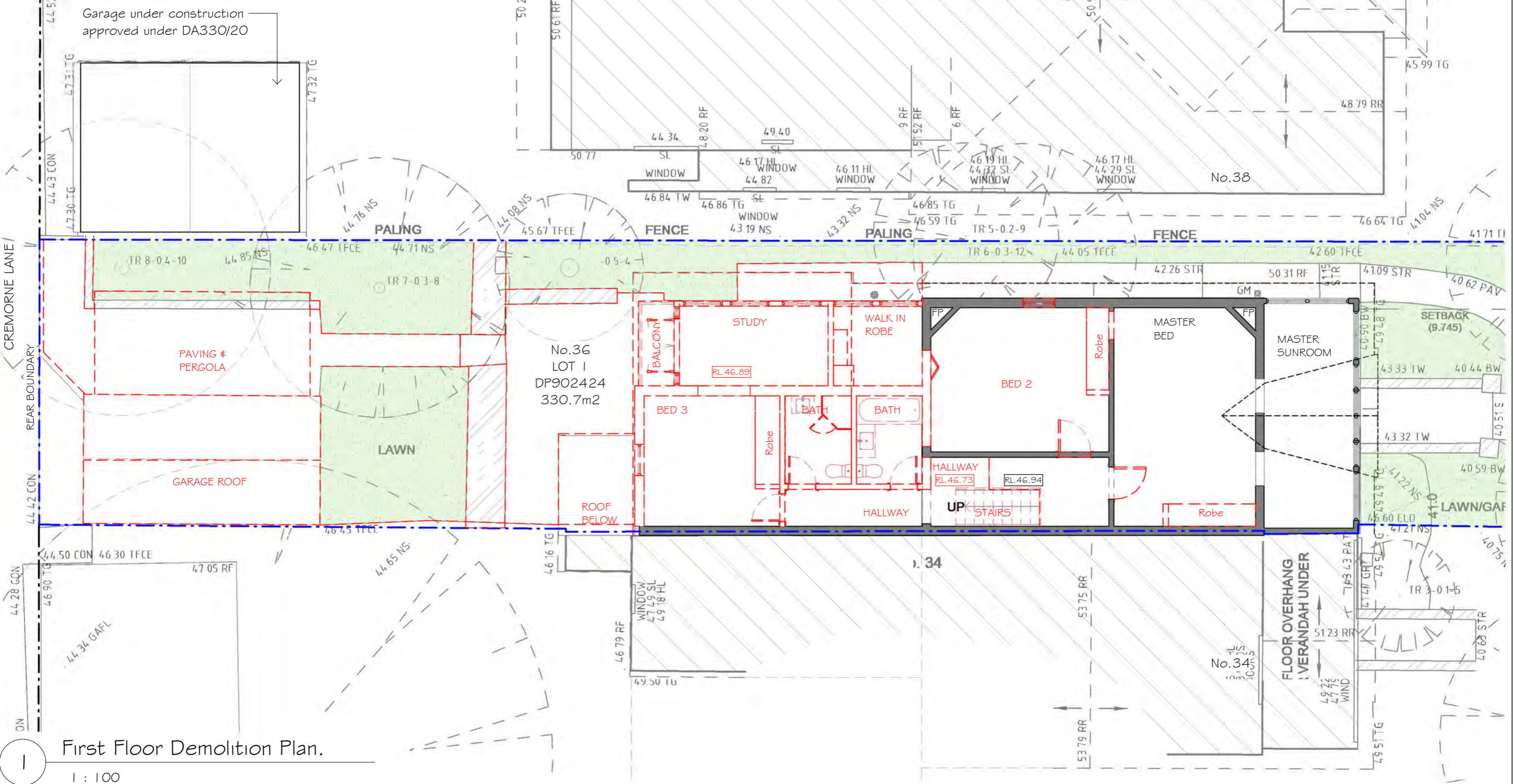
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No.36 Cremorne Rd
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Ground Floor Demolition Plan.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01.3	C
Checked by	NA	Scale as indicated.	

FSR CALCULATIONS	
SITE AREA=	330.7m ²
EXIST. GROUND FLOOR=	89m ²
EXIST. FIRST FLOOR=	105m ²
TOTAL EXISTING FLOOR AREA=	194m ²
EXISTING F.S.R. =	0.58:1



First Floor Demolition Plan.

1 : 100

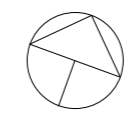
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No.36 Cremorne Rd
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First Floor Demolition Plan.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.01.4	C
Checked by	NA	Scale as indicated.	

F&S CALCULATIONS

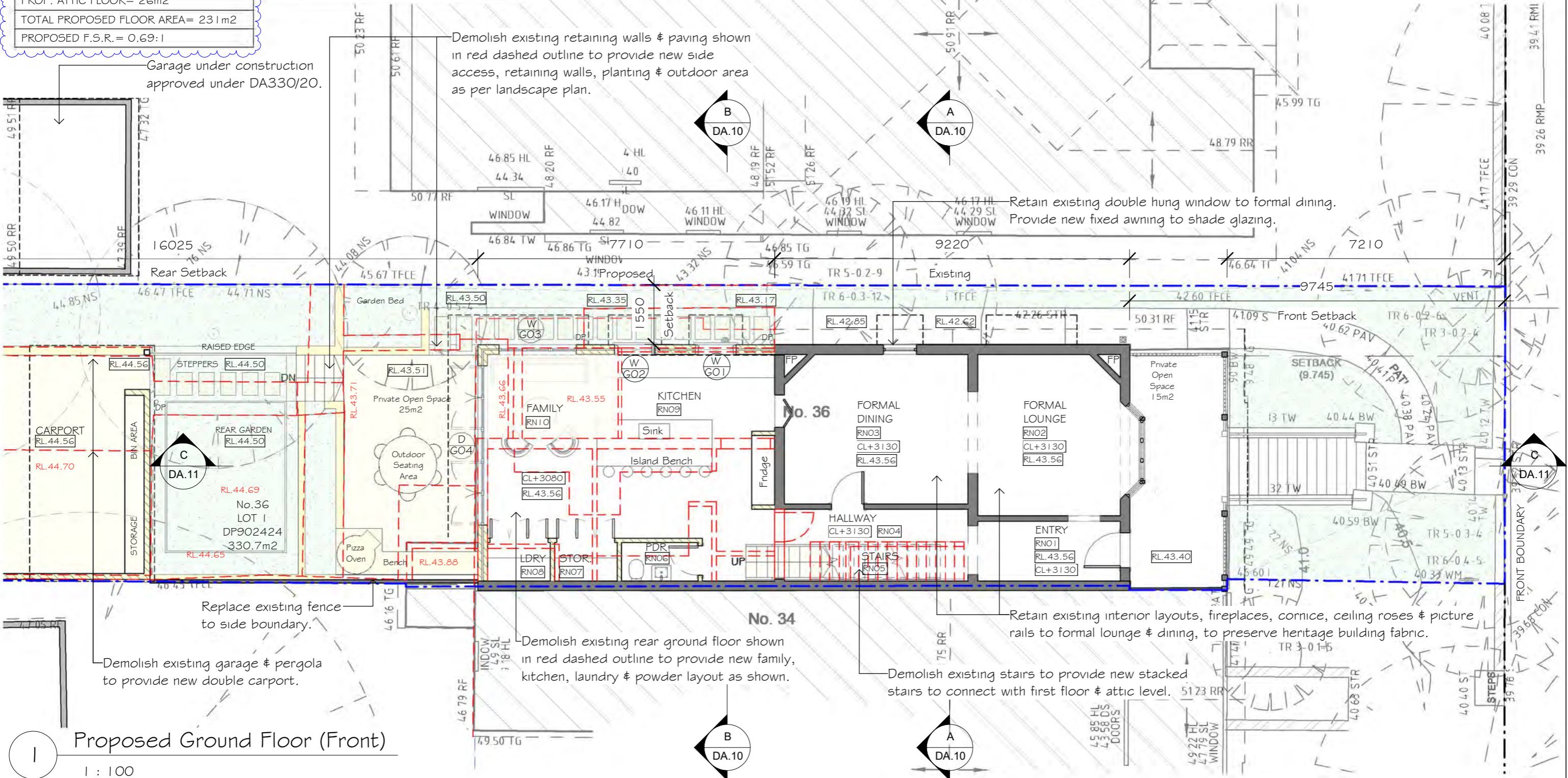
SITE AREA=	330.7m ²
EXIST. GROUND FLOOR=	89m ²
EXIST. FIRST FLOOR=	105m ²
TOTAL EXISTING FLOOR AREA=	194m ²
EXISTING F.S.R. =	0.58:1
PROP. GROUND FLOOR=	97m ²
PROP. FIRST FLOOR=	108m ²
PROP. ATTIC FLOOR=	26m ²
TOTAL PROPOSED FLOOR AREA=	231m ²
PROPOSED F.S.R. =	0.69:1

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.

PROPOSED SITE CALCULATIONS:

 SITE AREA =	330.7m ²
 PROPOSED SITE COVERAGE AREA =	165.8m ² = 50.1%
 PROPOSED LANDSCAPE AREA =	106.3m ² = 32.1%
 PROPOSED UN-BUILT UPON AREA =	58.6m ² = 17.7%
50% max. site coverage area required under DCP =	167m ²
30% min. landscaped area required under DCP =	99.2m ²
20% max. un-built upon area required under DCP =	66.1m ²



Proposed Ground Floor (Front)

1 : 100

NOTES:
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No.36 Cremorne Rd
 Cremorne Point NSW 2090

Proposed Ground Floor Plan (Front).

Date:	26.09.24	Drawing. No.	DA.02.0	Rev. No.	C
Drawn by	EC	Scale as indicated.			
Checked by	NA				

F&S CALCULATIONS

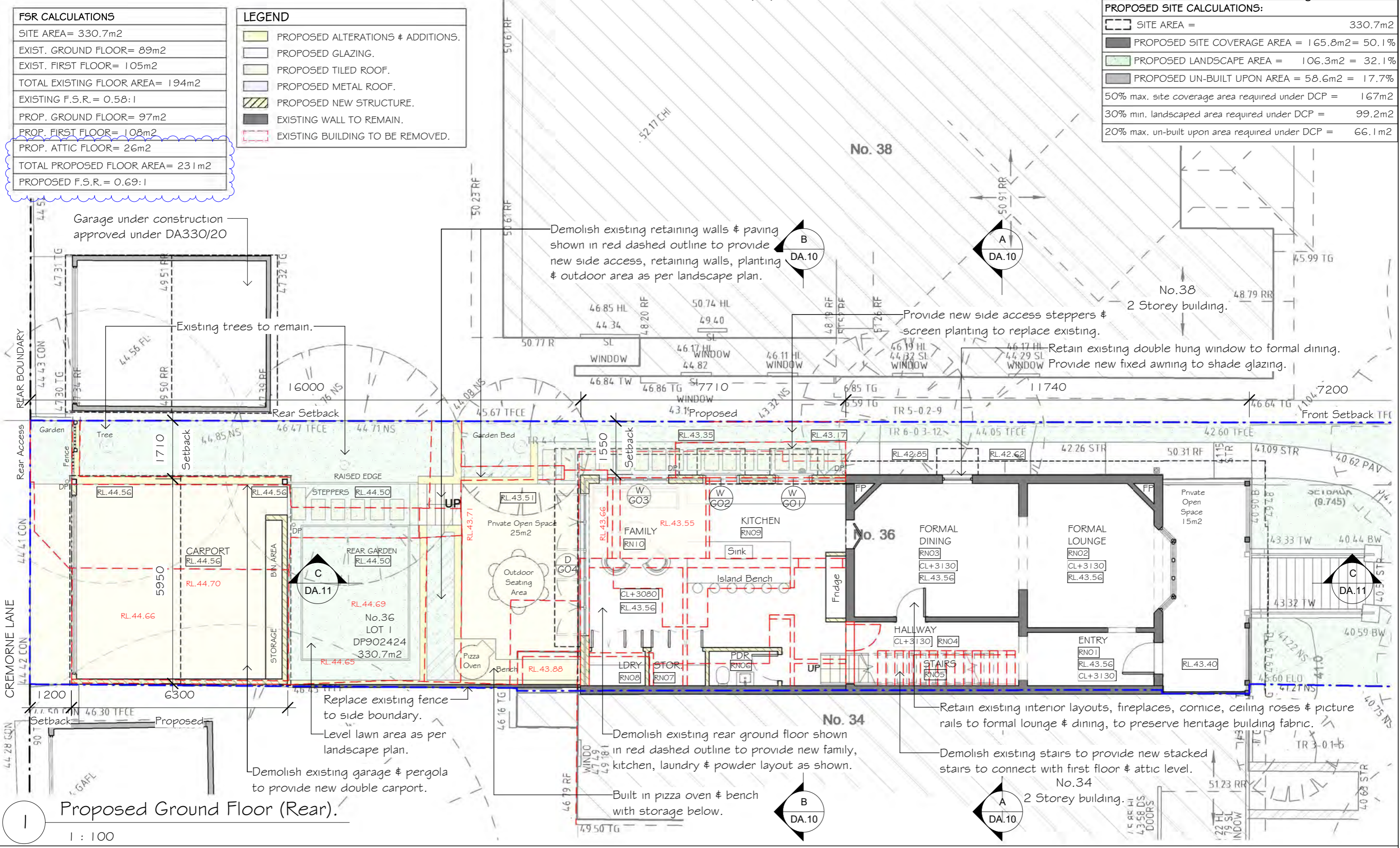
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TOTAL PROPOSED FLOOR AREA=	231m ²
PROPOSED F.S.R. =	0.69:1

LEGEND

	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED GLAZING.
	PROPOSED TILED ROOF.
	PROPOSED METAL ROOF.
	PROPOSED NEW STRUCTURE.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.

PROPOSED SITE CALCULATIONS:

	SITE AREA =	330.7m ²
	PROPOSED SITE COVERAGE AREA =	165.8m ² = 50.1%
	PROPOSED LANDSCAPE AREA =	106.3m ² = 32.1%
	PROPOSED UN-BUILT UPON AREA =	58.6m ² = 17.7%
	50% max. site coverage area required under DCP =	167m ²
	30% min. landscaped area required under DCP =	99.2m ²
	20% max. un-built upon area required under DCP =	66.1m ²



Proposed Ground Floor (Rear).

1 : 100

NOTES:
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No.36 Cremorne Rd
Cremorne Point NSW 2090

Proposed Ground Floor Plan (Rear).

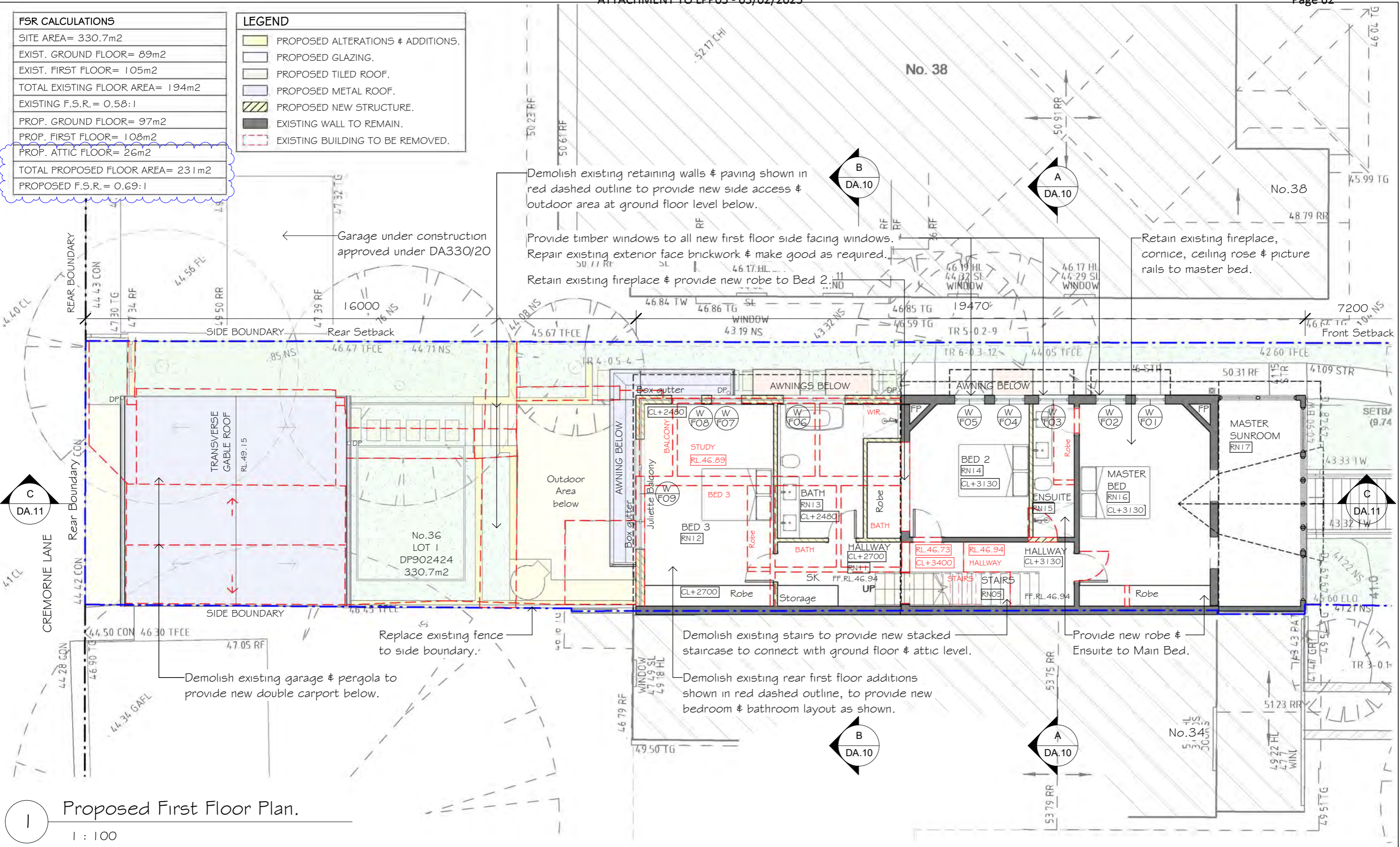
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.02.1	C
Checked by	NA	Scale as indicated.	

F&S CALCULATIONS

SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1
PROP. GROUND FLOOR= 97m ²
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TOTAL PROPOSED FLOOR AREA= 231m ²
PROPOSED F.S.R. = 0.69:1

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



I Proposed First Floor Plan.
1 : 100

NOTES:
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No.36 Cremorne Rd
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Proposed First Floor Plan.

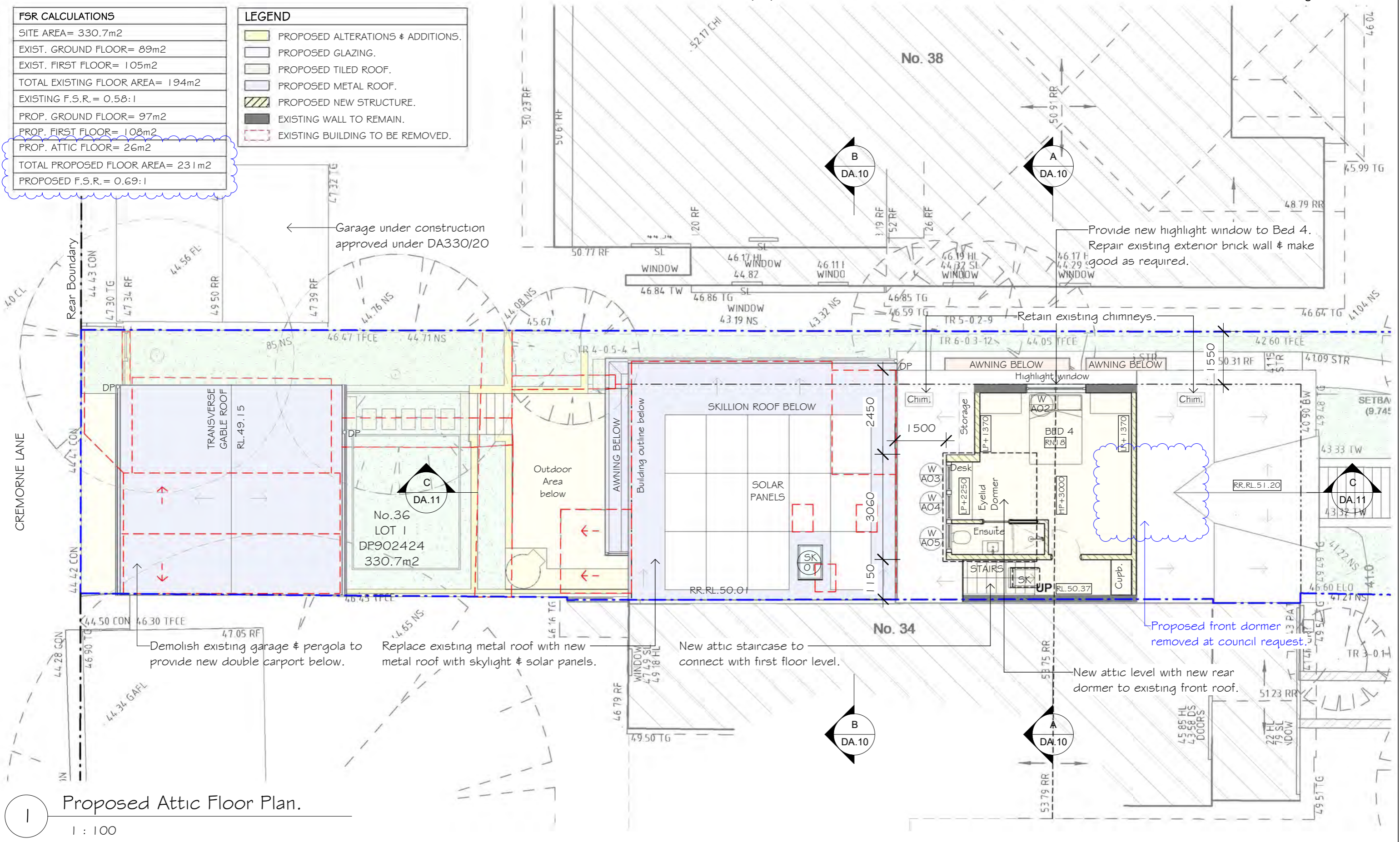
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F&R CALCULATIONS

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PROPOSED F.S.R. =	0.69:1

LEGEND

	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED GLAZING.
	PROPOSED TILED ROOF.
	PROPOSED METAL ROOF.
	PROPOSED NEW STRUCTURE.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.



Proposed Attic Floor Plan.
1 : 100

NOTES:
All dimensions to be checked on site. Do not obtain dimensions by scaling drawings. These drawings are to be read in conjunction with all other consultants drawings & specifications. All workmanship & materials shall be in accordance with requirements of current editions including amendments of the relevant SAA Codes of Practise & the Building Code of Australia.



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Reg. nominated architect #11862

Amendments:

DATE	REV. NO	REVISION
01.12.23	A	Development Application.
17.04.24	B	Development Application.
26.09.24	C	Development Application.

No.36 Cremorne Rd
Cremorne Point NSW 2090

Proposed Attic Floor Plan.

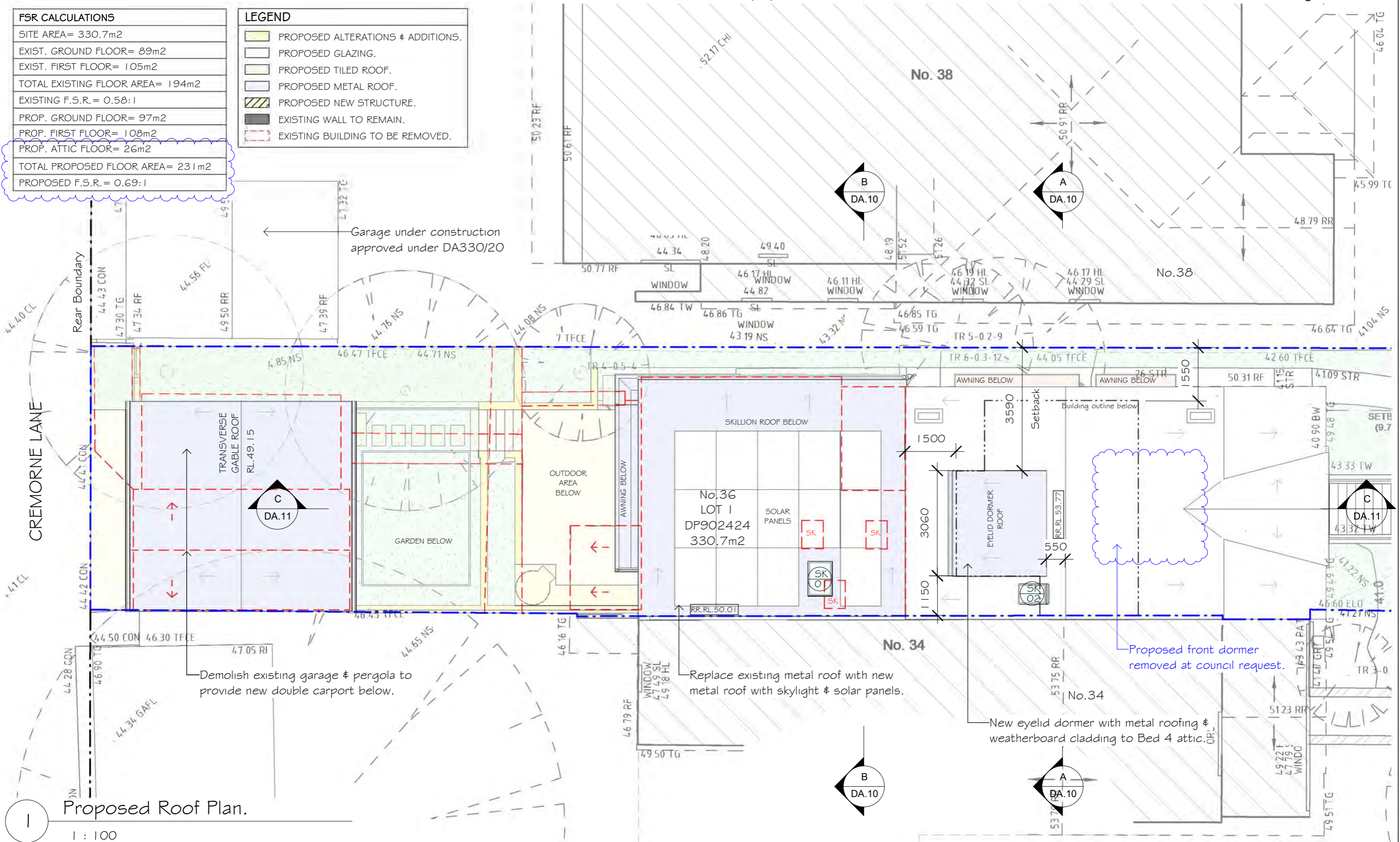
Date:	26.09.24	Drawing. No.	DA.04	Rev. No.	C
Drawn by	EC	Scale as indicated.			
Checked by	NA				

FSR CALCULATIONS

SITE AREA= 330.7m ²
EXIST. GROUND FLOOR= 89m ²
EXIST. FIRST FLOOR= 105m ²
TOTAL EXISTING FLOOR AREA= 194m ²
EXISTING F.S.R. = 0.58:1
PROP. GROUND FLOOR= 97m ²
PROP. FIRST FLOOR= 108m ²
PROP. ATTIC FLOOR= 26m ²
TOTAL PROPOSED FLOOR AREA= 231m ²
PROPOSED F.S.R. = 0.69:1

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



Proposed Roof Plan.

1 : 100

NOTES:
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26.09.24	C	Development Application.

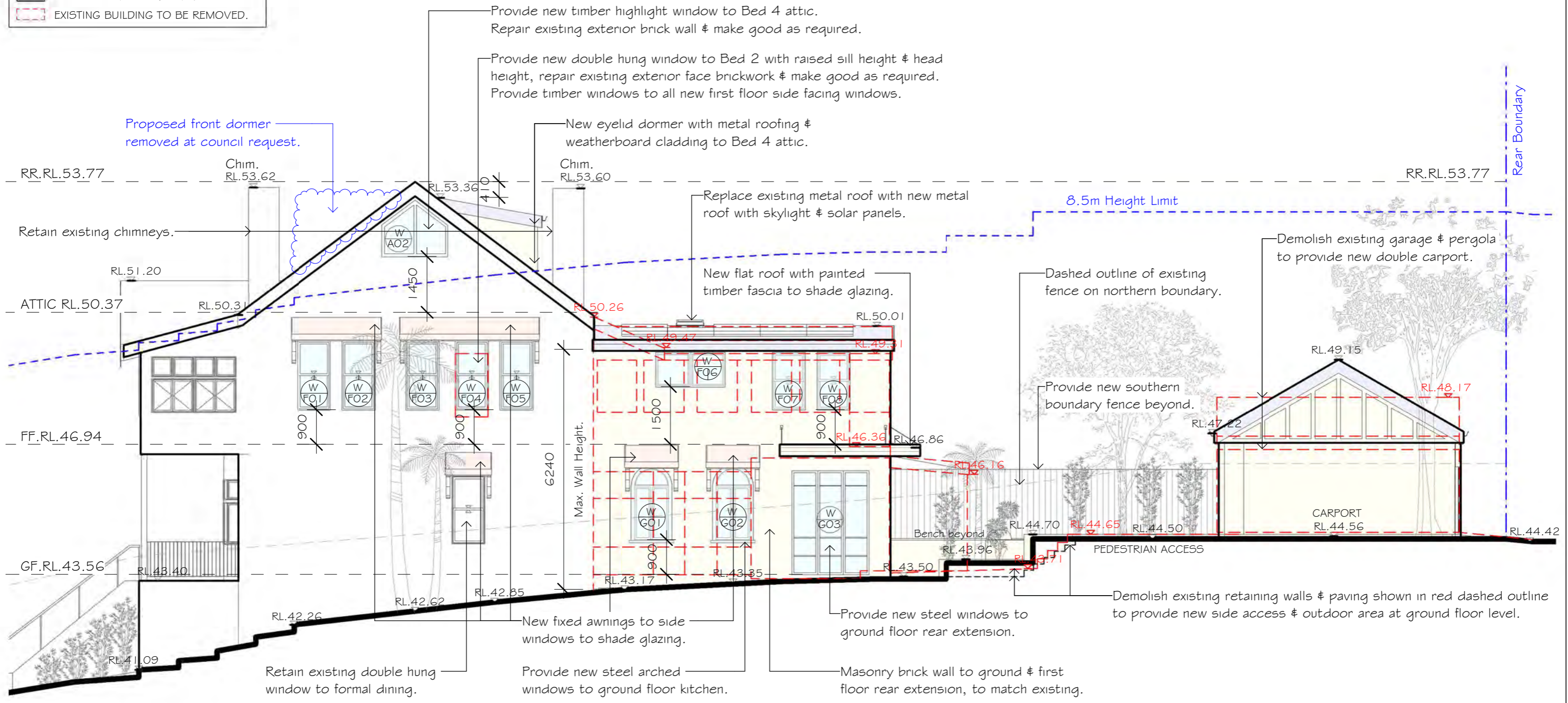
No.36 Cremorne Rd
 Cremorne Point NSW 2090

Proposed Roof Plan.

Date:	26.09.24	Drawing. No.	DA.05	Rev. No.	C
Drawn by	EC	Scale as indicated.			
Checked by	NA				

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



1 North Elevation (Side).
1 : 100

NOTES:
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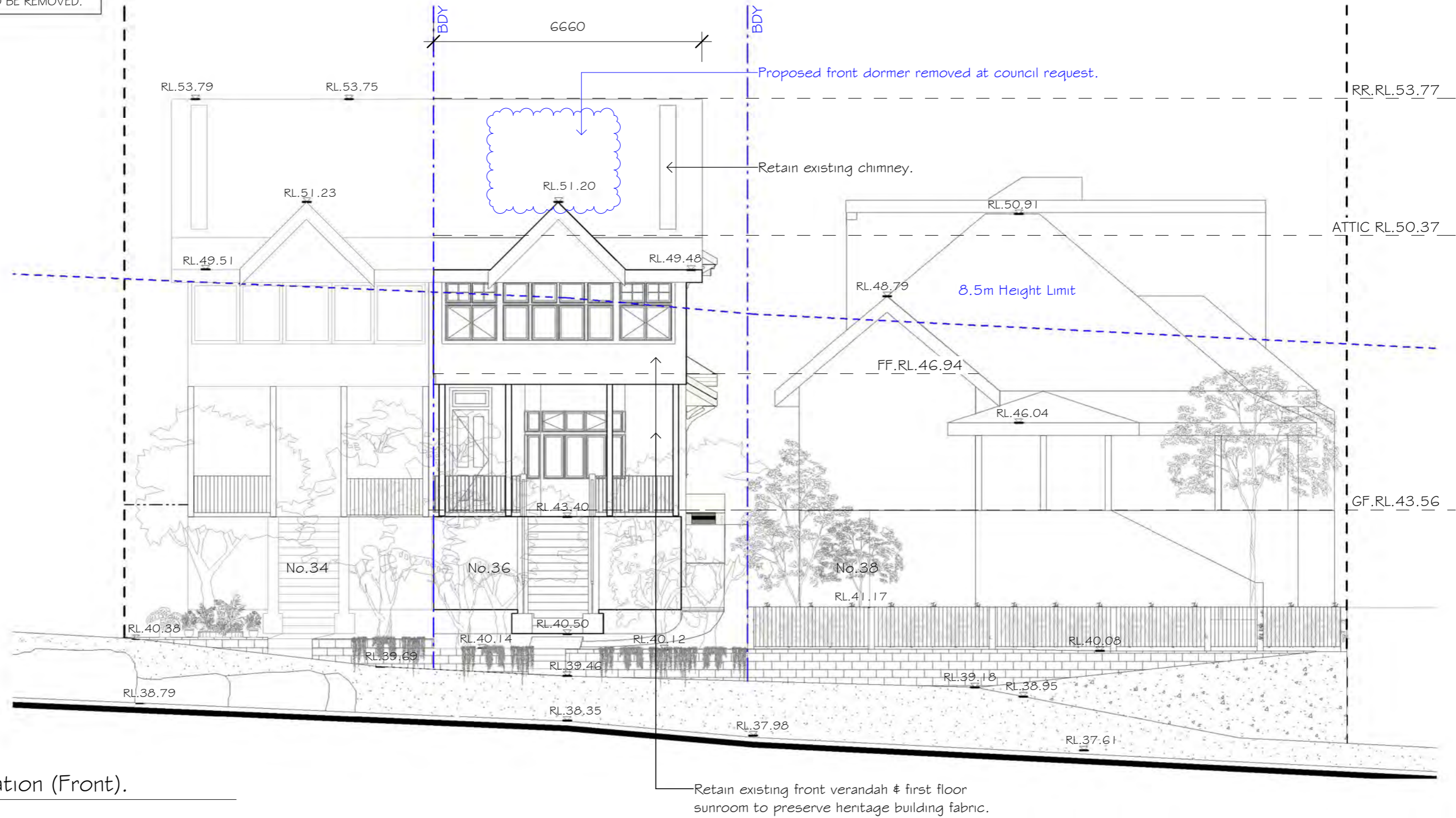
DATE	REV. NO	REVISION
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17.04.24	B	Development Application.
26.09.24	C	Development Application.

No.36 Cremorne Rd
Cremorne Point NSW 2090

North Elevation.

Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.06	C
Checked by	NA	Scale as indicated.	

LEGEND	
	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED GLAZING.
	PROPOSED TILED ROOF.
	PROPOSED METAL ROOF.
	PROPOSED NEW STRUCTURE.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.



East Elevation (Front).

1 : 100

NOTES:
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Amendments:

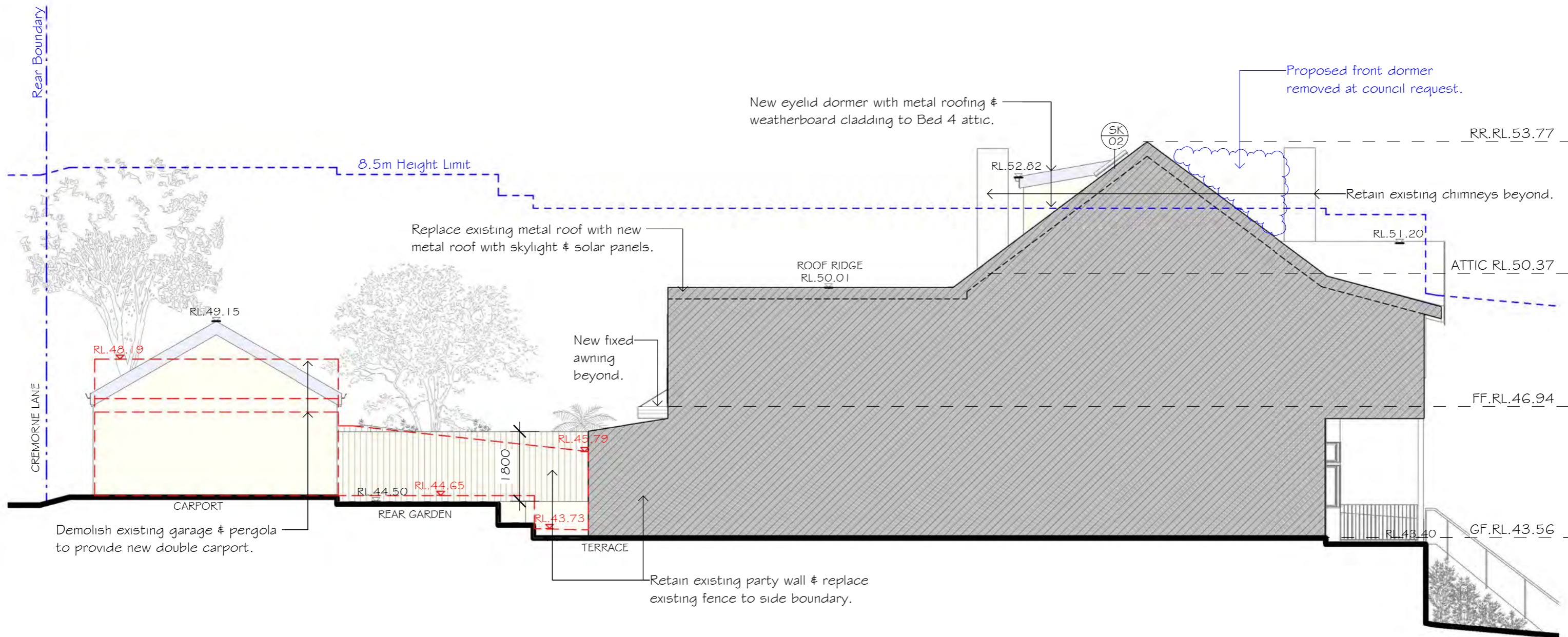
DATE	REV. NO	REVISION
01.12.23	A	Development Application.
17.04.24	B	Development Application.
26.09.24	C	Development Application.

No.36 Cremorne Rd
Cremorne Point NSW 2090

East Elevation.

Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.07	C
Checked by	NA	Scale as indicated.	

LEGEND	
	PROPOSED ALTERATIONS & ADDITIONS.
	PROPOSED GLAZING.
	PROPOSED TILED ROOF.
	PROPOSED METAL ROOF.
	PROPOSED NEW STRUCTURE.
	EXISTING WALL TO REMAIN.
	EXISTING BUILDING TO BE REMOVED.



1 South Elevation (Side).
1 : 100

NOTES:
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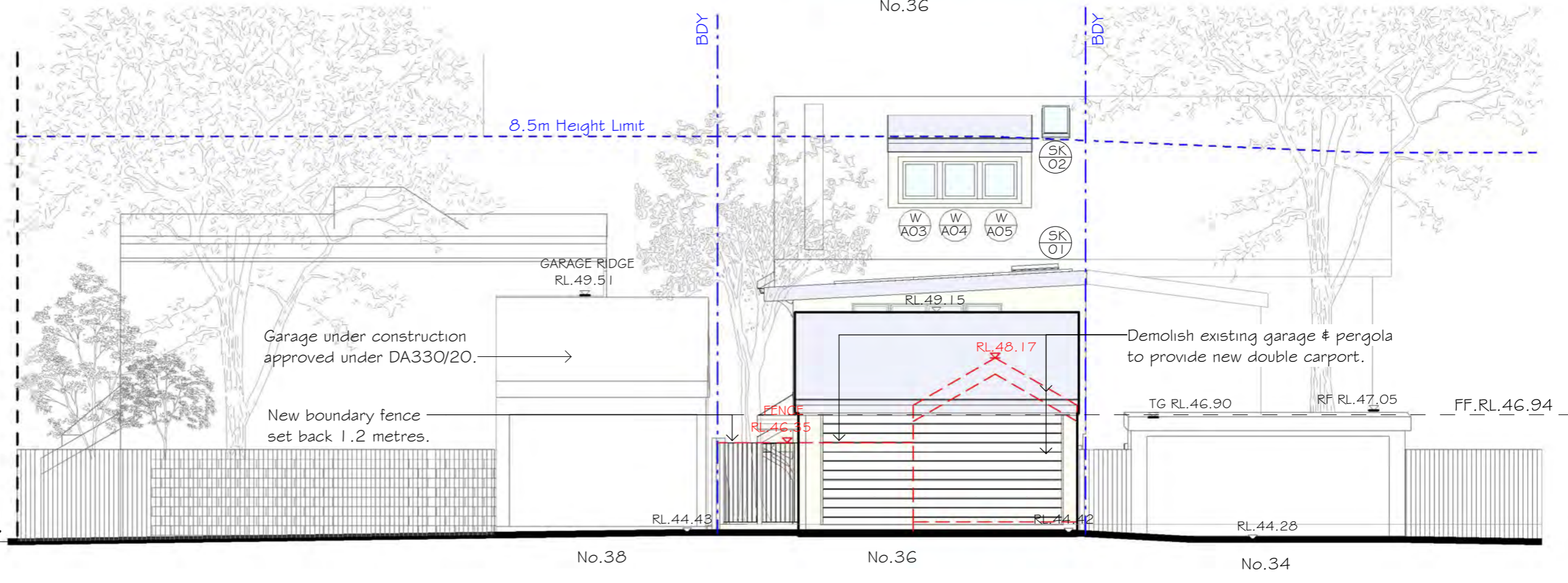
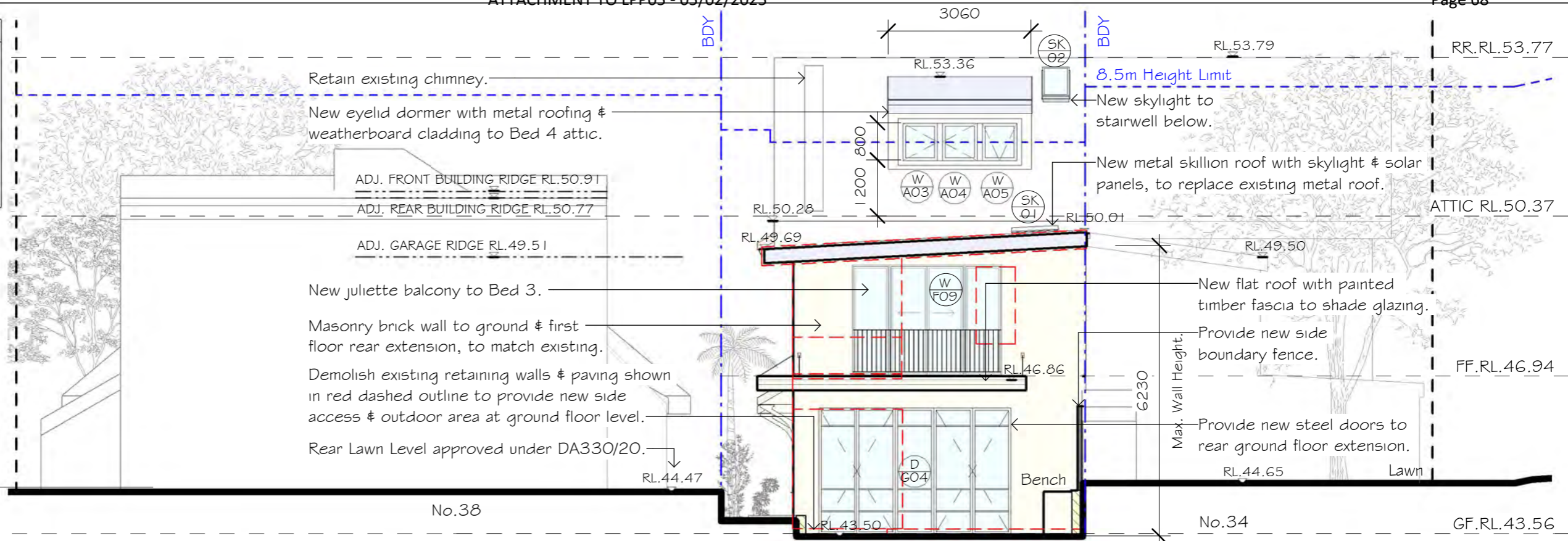
Amendments:		
DATE	REV. NO	REVISION
01.12.23	A	Development Application.
17.04.24	B	Development Application.
26.09.24	C	Development Application.

No.36 Cremorne Rd
Cremorne Point NSW 2090

South Elevation.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.08	C
Checked by	NA	Scale as indicated.	

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



NOTES:
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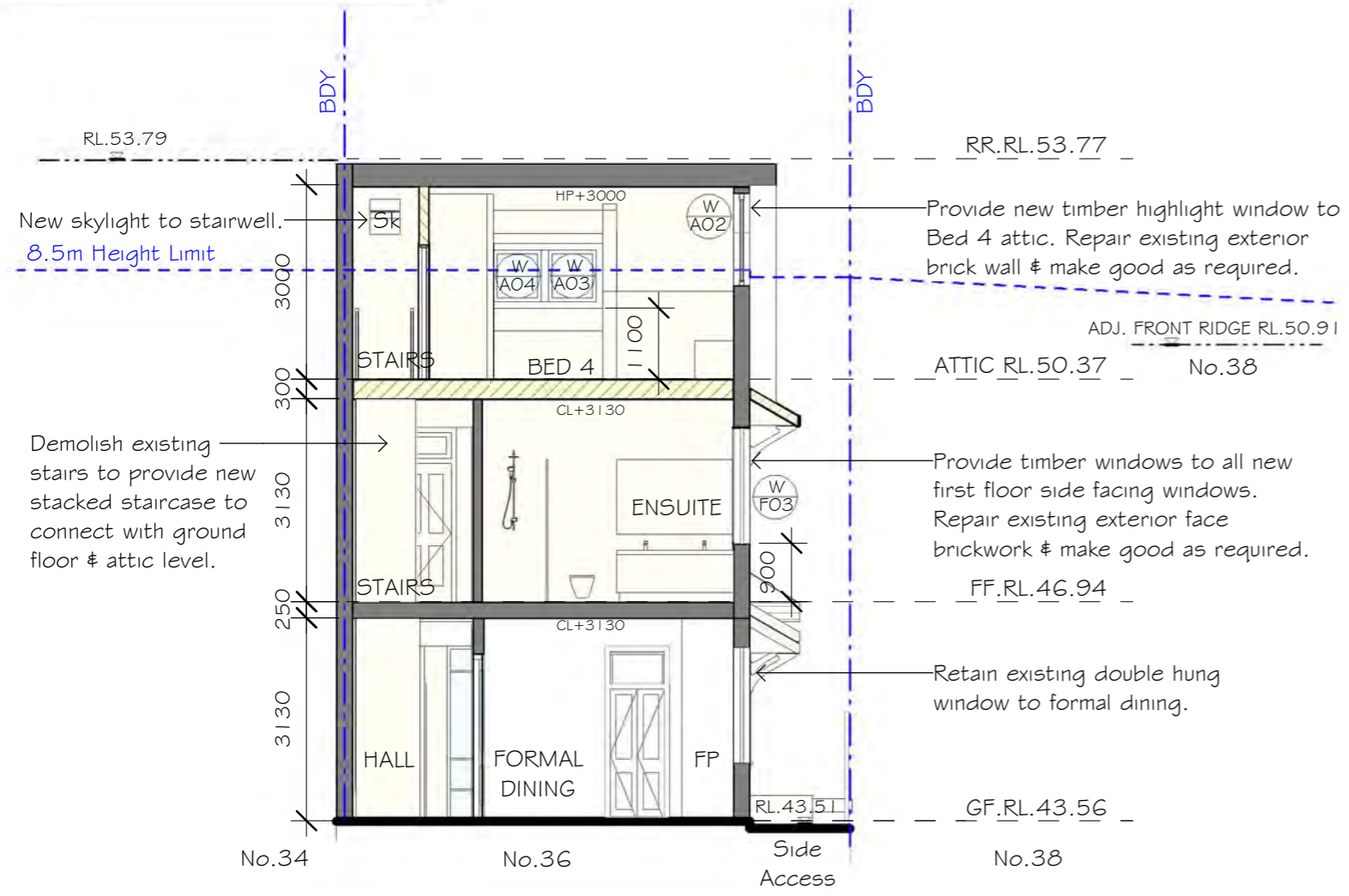
No.36 Cremorne Rd
Cremorne Point NSW 2090

West Elevation & Rear Lane Elevation.

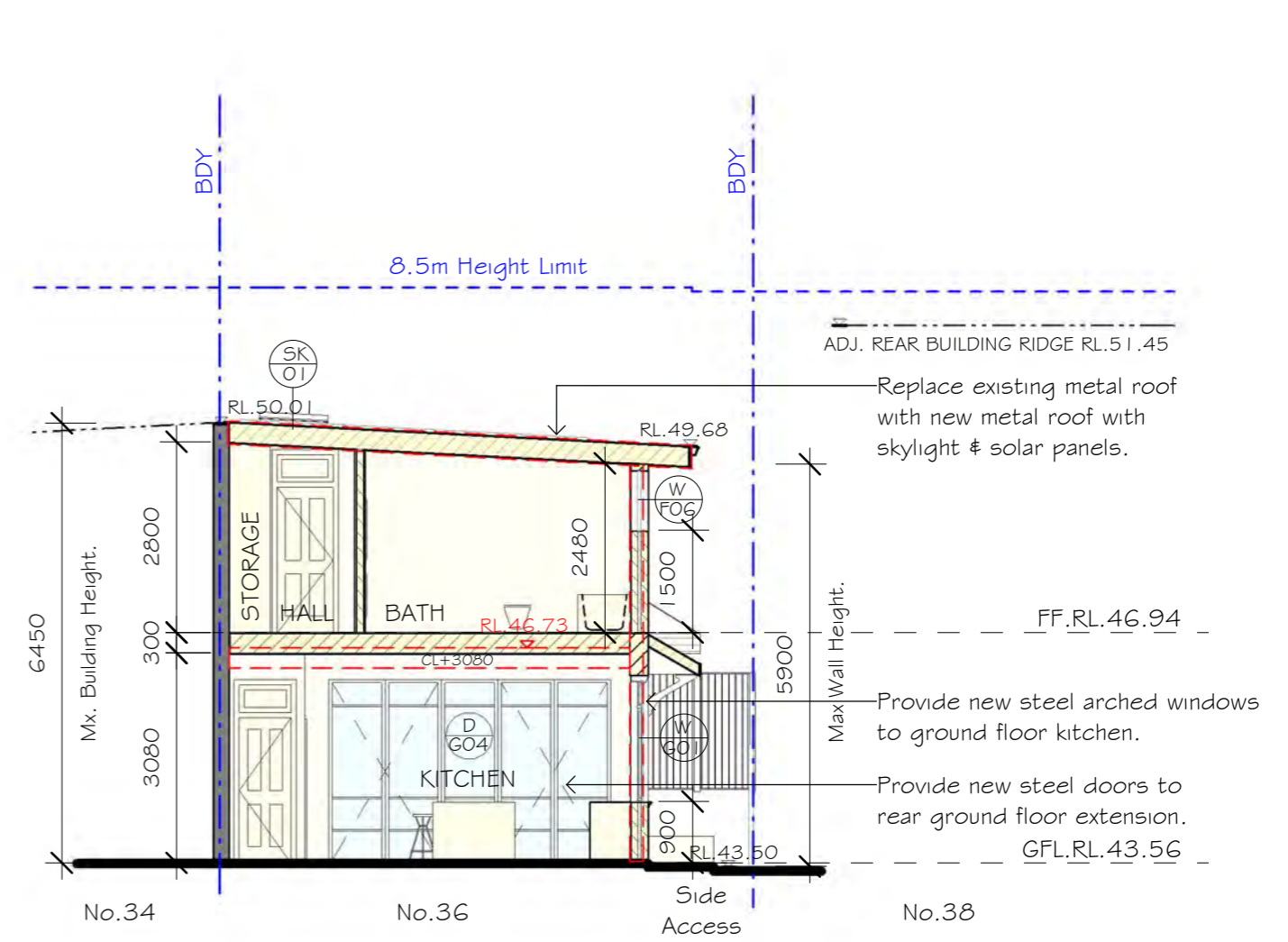
Date: 26.09.24	Drawing. No. DA.09	Rev. No. C
Drawn by EC	Scale as indicated.	
Checked by NA		

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
- EXISTING BUILDING TO BE REMOVED.



A Cross Section A-A.
1 : 100



B Cross Section B-B.
1 : 100

NOTES:
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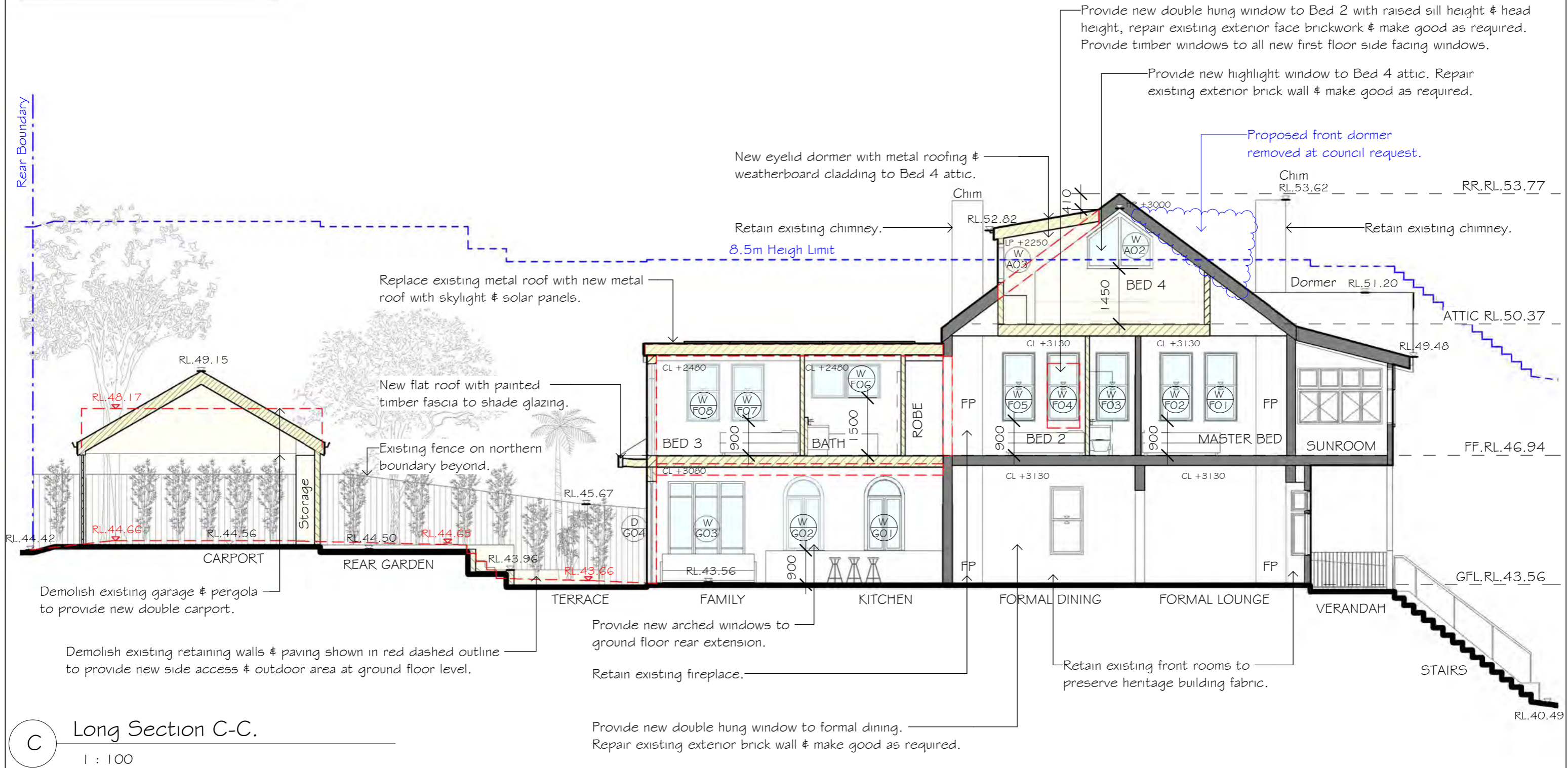
Amendments:		
DATE	REV. NO	REVISION
01.12.23	A	Development Application.
17.04.24	B	Development Application.
26.09.24	C	Development Application.

No.36 Cremorne Rd
Cremorne Point NSW 2090

Cross Sections.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.10	C
Checked by	NA	Scale as indicated.	

LEGEND

- PROPOSED ALTERATIONS & ADDITIONS.
- PROPOSED GLAZING.
- PROPOSED TILED ROOF.
- PROPOSED METAL ROOF.
- PROPOSED NEW STRUCTURE.
- EXISTING WALL TO REMAIN.
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No.36 Cremorne Rd
Cremorne Point NSW 2090

Long Section C-C.

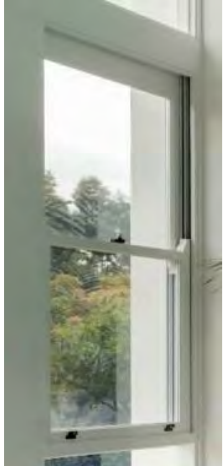
Date:	26.09.24	Drawing. No.	DA.11	Rev. No.	C
Drawn by	EC	Scale as indicated.			
Checked by	NA				

PROPOSED FRONT FACADE PAINT COLOURS.

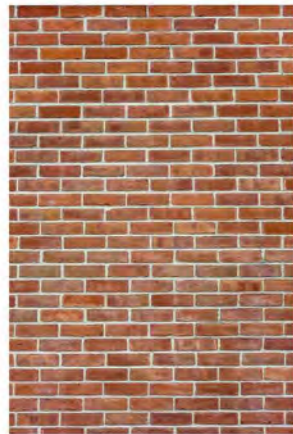
WALLS: DULUX GREY PEBBLE.
 TIMBER POSTS, GUTTER & FASCIA: DULUX MONUMENT.
 TIMBER WINDOWS: DULUX LEXICON QUARTER.



TIMBER FRAME WINDOWS
 DULUX LEXICON QUARTER



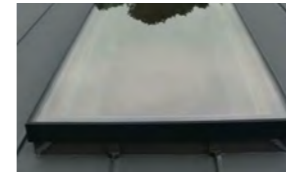
MASONRY BRICK WALL
 MATCH EXISTING



STEEL WINDOWS & DOORS
 DULUX MONUMENT



VELUX FIXED SKYLIGHT
 MONUMENT FRAME & CLEAR GLAZING



TERRACOTA ROOF TILES
 AS EXISTING



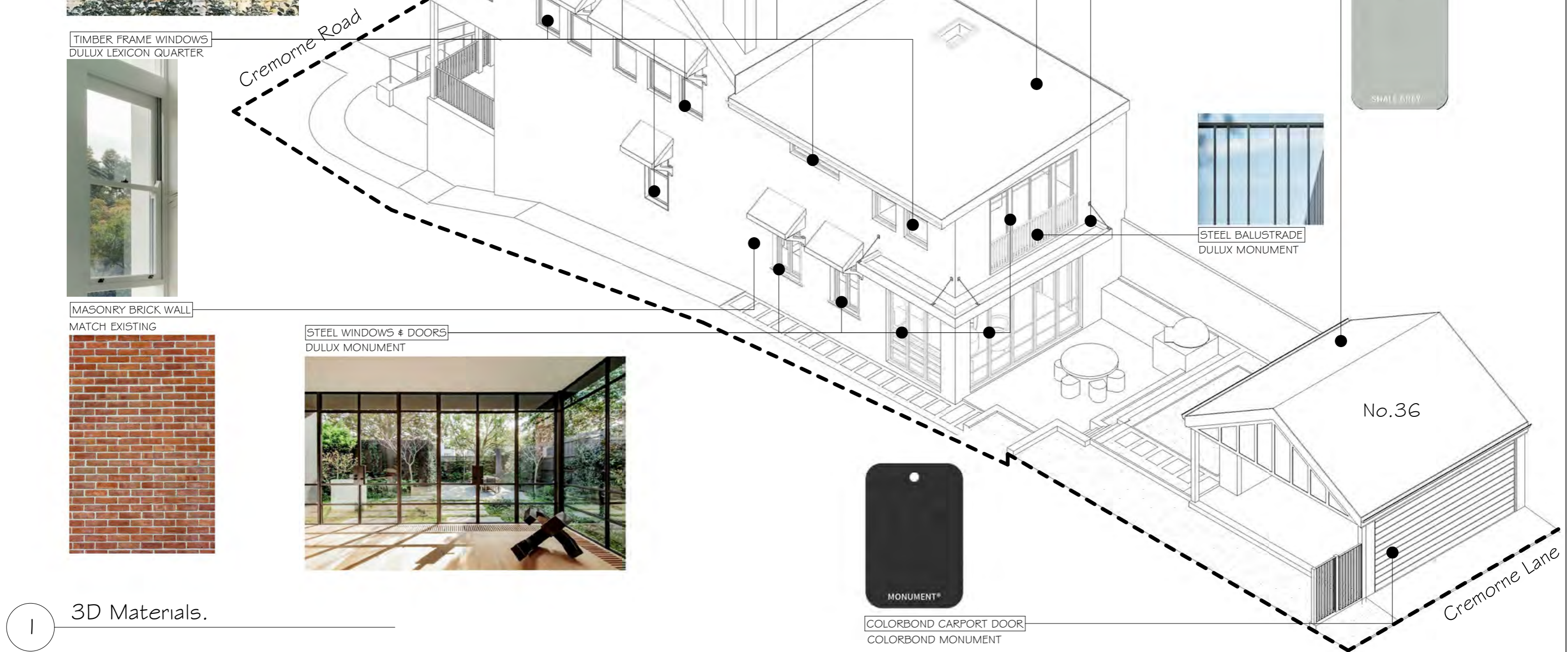
COLORBOND CORRUGATED ROOFING & FIXED AWNING.
 COLORBOND SHALE GREY



STEEL BALUSTRADE
 DULUX MONUMENT



COLORBOND CARPORT DOOR
 COLORBOND MONUMENT



1 3D Materials.

NOTES:
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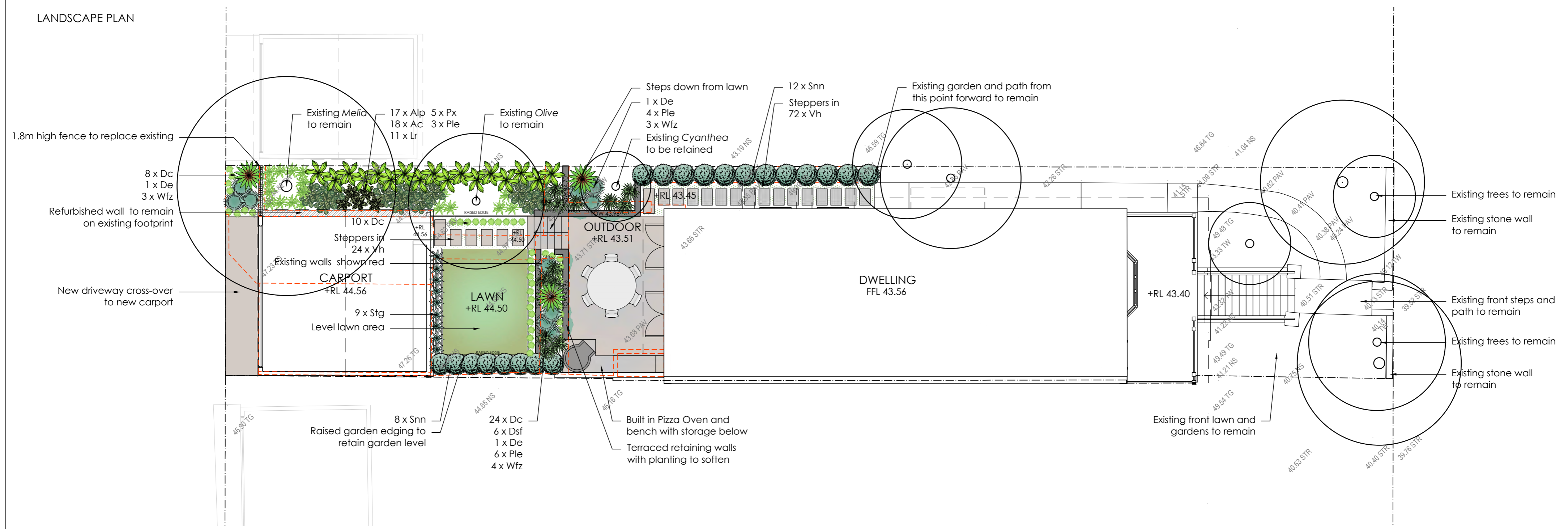
look DESIGN GROUP P/L
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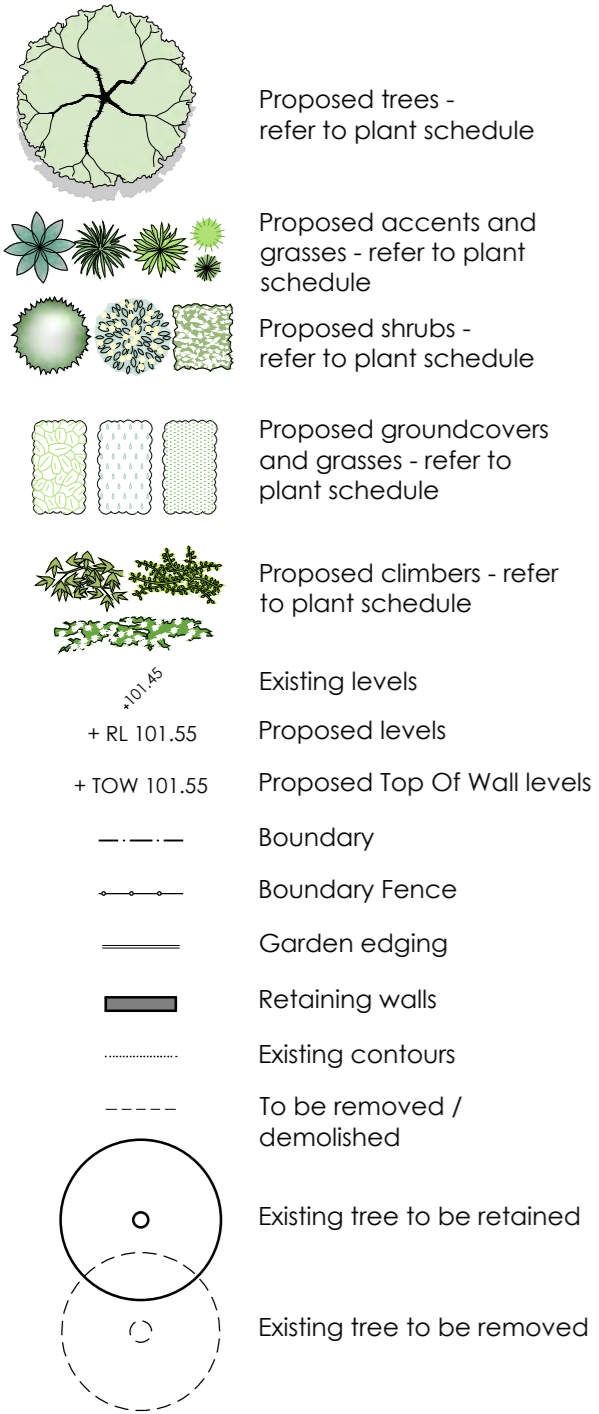
No.36 Cremorne Rd
 Cremorne Point NSW 2090

3D Materials & Finishes.			
Date:	26.09.24	Drawing. No.	Rev. No.
Drawn by	EC	DA.12	C
Checked by	NA	Scale as indicated.	

LANDSCAPE PLAN



LEGEND



PLANT PALETTE

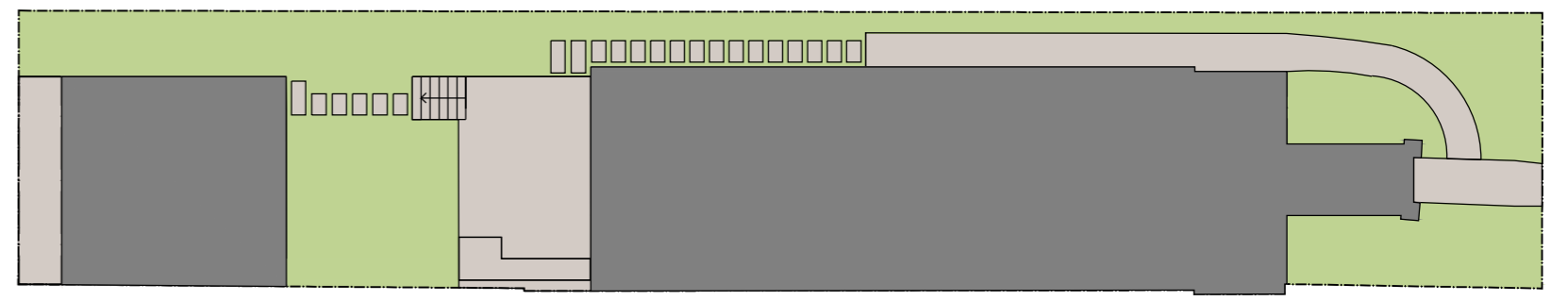
PLANT SCHEDULE Prepared by ecodeign Pty Ltd

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Alp	*Alpinia caerulea	Native Ginger	17	200mm	2m
Ac	Arthropodium cirratum	NZ Rock Lily	18	140mm	0.5m
Dc	**Dianella caerulea	Blue Flax Lily	42	140mm	0.5m
Dsf	Dichondra 'Silver Falls'	Dichondra Silver Falls	6	140mm	SPILL
De	*Doryanthes excelsa	Gymea Lily	3	200mm	2m
Lr	Ligularia reniformis	Tractor Seat	11	200mm	1m
Px	Philodendron 'Xanadu'	Philodendron	5	200mm	0.5m
Ple	*Poa labillardieri 'Eskdale'	Blue Tussock Grass	13	140mm	0.6m
Stg	Sansevieria trifasciata 'Green'	Green Mother-in-Laws Tongue	9	200mm	1m
Snn	*Syzygium australe 'Straight & Narrow'	Lilly pilly	20	300mm	4m
Vh	**Viola hederacea	Native Violet	96	100mm	cover
Wfz	**Westringia fruticosa 'Zena'	Dwarf Native Rosemary	10	200mm	0.9m

**Native Species North Sydney Guide
* Native Species



AREA CALCULATIONS



SITE AREA	- 330.7m ²
LANDSCAPED AREA	
MINIMUM	- 30% (99.2m ²)
PROPOSED	- 32.1% (106.3m ²)
UN-BUILT UPON AREA	
MAXIMUM	- 20% (66.1m ²)
PROPOSED	- 17.7% (58.6m ²)
SITE COVERAGE	
PROPOSED	- 50.1% (165.8m ²)

REVISION	DESCRIPTION	DRAWN	CHECK	DATE
A	SUBMITTED TO CLIENT FOR COMMENT	GC	AS	02-04-24
B	AMEND TO COMMENT	GC	AS	05-04-24
C	ISSUE FOR DA	GC	AS	16-04-24

ecodeign
outdoor living environments

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unit 81, 5 glasstone road castle hill nsw 2154
02 9680 7712
www.ecodeign.com.au
Member of Australian Institute of Landscape Architects

1. Do not scale from drawings
2. Verify all measurements on site
3. Notify ecodeign of any inconsistencies
4. Copyright © ecodeign. All rights reserved
5. Drawing remains the property of ecodeign

6. All work to comply with relevant Australian Standards or Building Code of Australia
7. All work to be performed by a suitably qualified tradesperson
8. For application purposes only - NOT FOR CONSTRUCTION

ADDRESS
36 CREMORNE ROAD, CREMORNE POINT

CLIENT
MR & MRS CLIENT

PROJECT
NEW RESIDENCE

DRAWING
LANDSCAPE PLAN

SCALE
1:100 @ A1

ISSUE
DA

SHEET
L - 01

DRAWN
GC

CHECK
AS

DATE
16-04-24

REVISION
C



**36 CREMORNE ROAD,
CREMORNE POINT**

**CLAUSE 4.6 VARIATION REQUEST (BUILDING HEIGHT)
FOR ALTERATIONS AND ADDITIONS TO
AN EXISTING SEMI-DETACHED DWELLING**



Report prepared for
Look Design Group P/L
May 2024



1. Introduction

Clause 4.6 of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) permits departures from development standards in certain circumstances. In this case, it is necessary to consider if compliance with the development standard is consistent with the aims of the policy and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The aims and objectives of North Sydney LEP 2013 Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*



Commencing on 1 November 2023 Clause 4.6(3) and (4) of the NSLEP 2013, state that development consent, that contravenes a development standard, must not be granted unless the consent authority is satisfied the applicant has demonstrated that:

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

These matters, along with case law judgements from the NSW Land and Environment Court, are addressed below.



2. Environmental Planning Instrument Details (North Sydney LEP 2013)

2.1 What is the name of the environmental planning instrument that applies to the land?

North Sydney Local Environmental Plan 2013

2.2 What is the zoning of the land?

R2 Low Density Residential

2.3 What are the objectives of the zone?

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage 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.*

2.4 What is the development standard being varied?

Cl 4.3 - Height of Buildings

2.5 Under what clause is the development standard listed in the environmental planning instrument?

Cl 4.3 of the North Sydney Local Environmental Plan 2013

2.6 What are the objectives of the development standard?

(1) *The objectives of this clause are as follows:*

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

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

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

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

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



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

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

2.7 What is the numeric value of the development standard in the environmental planning instrument?

The numeric value of the height of buildings development standard applicable to the subject site is a maximum of 8.5m.

2.8 What is proposed numeric value of the development standard in your development application?

The existing dwelling has a non-compliant building height of 11.15 metres.

The rear additions propose a compliant maximum height of 6.45 metres and the new carport proposes a compliant maximum height of 4.59 metres.

Works on the upper level of the dwelling, including new dormer windows are proposed at a maximum height of 11.21 metres (front dormer) and 10.74 metres (rear dormer).

2.9 What is the percentage variation?

The percentage variation between the proposal and the environmental planning instrument is 31.8% or 2.71 metres.



3. NSW Land and Environment Court Case Law

Several key Land and Environment Court (NSW LEC) judgements have refined the manner in which variations to development standards are required to be approached. The key findings and direction of each of these matters are outlined in the following discussion.

3.1 *Wehbe v Pittwater* [2007] NSW LEC 827

The decision of Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827, (expanded on the findings in *Winten v North Sydney Council*), identified 5 ways in which the applicant might establish that compliance with a development standard is unreasonable or unnecessary. It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary.

The five ways outlined in *Wehbe* include:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

In the *Micaul* decision Preston CJ confirmed that the requirements mandated by SEPP 1 (as discussed in *Wehbe*) are only relevant in demonstrating that compliance with a development standard is unreasonable or unnecessary for the purpose of Clause 4.6(3)(a).

3.2 *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater* [2007] NSW LEC 827 and demonstrate the following:



1. Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
2. That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
3. That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs;
4. All three elements of clause 4.6 have to be met and it is best to have different reasons for each, but it is not essential.

3.3 Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7

In *Randwick City Council v Micaul Holdings*, the Court allowed a departure from development standards, provided the processes required by clause 4.6 are followed, a consent authority has a broad discretion as to whether to allow a departure from development standards under clause 4.6, even where the variation is not justified for site or development specific reasons.

Preston CJ noted that *the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.*

3.4 Zhang v City of Ryde

Commissioner Brown reiterated that clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;
2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and
3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

The Commissioner applied the now familiar approach to determining consistency with zone



objectives by considering whether the development was antipathetic to the objectives.

In contrast to four2five, the reasons relied on to justify the departure from the standards in this case were not necessarily site specific.

3.5 Action Pty Ltd v Woollahra Municipal Council [2018]

In Action Pty Ltd v Woollahra Municipal Council, the court demonstrated the correct approach to the consideration of clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard, must have a neutral or better environmental planning outcome than one that does not.



4. Consideration

The following section addresses the provisions of clause 4.6 of the NSLEP 2013 together with principles established in the NSW Land and Environment Court Case Law outlined above.

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

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in *Winten v North Sydney Council* and expanded by Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 is considered:

The five ways outlined in *Wehbe* include:

4.1 Five (5) Part Test - *Wehbe v Pittwater*

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*

The objectives of the standard are:

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

Comment

Consistent. The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform.

As described above, the variation to the maximum building height control, results from the proposed dormer windows within the existing roof form, at a maximum height of 11.21 metres.

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

Comment

The subject site and surrounding properties enjoy water views across Sydney Harbour to the south-east and district views to the east. A site visit has been undertaken and it is concluded that no views will be impacted by the development, as works are located within the existing building footprint. A preliminary view loss assessment has been provided with this application and the assessment concludes that no views will be impacted by the development.



Given the principles of view sharing outlined in the view loss assessment it is considered this objective is met, despite the numerical variation.

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

Comment

The DCP requires that solar panels, main living room windows and principal private open space of both the subject site and adjoining residential properties, obtain 3 hours solar access between 9am and 3pm on 21 June.

Hourly shadow diagrams between 9am to 3pm during the winter solstice have been provided, which illustrate that only minor increases in shadow will fall within the existing shadows cast from the adjoining properties at 38 Cremorne Road and 34 Cremorne Road. This demonstrates that there will be no existing shadow impact upon the private open spaces and principal living areas of the adjoining southern property at 34 Cremorne Road.

A full solar access assessment and shadow diagrams has been provided with this application.

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

Comment

Privacy will be retained for neighbours with no direct overlooking into any key living areas.

The ground floor is visually separated from the neighbouring properties by the existing party wall, side boundary fencing and vegetation. A number of privacy measures have been incorporated into the design of the upper levels including offset windows, high sill heights and highlight glazing, privacy glazing and orienting larger glazing to the front and rear of the lot.

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

Comment

The alterations and additions proposed, retain the existing residential land use and dwelling density on the site, ensuring there will be no compatibility issues. Setbacks proposed remain consistent with existing setbacks on the site, allowing for the appropriate refurbishment of the site.



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

Comment

The appearance of the proposed alterations and additions remain consistent with the existing dwelling and adjoining semi. The bulk and scale is an appropriate presentation, compatible with other dwellings in the locality.

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

Comment

The development retains a 2 storey (plus attic) presentation. The scale proposed is consistent with surrounding properties, including the adjoining semi.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).

This exception to development standards request does not rely on this reason.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).

This exception to development standards request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).

This exception to development standards request does not rely on this reason.

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

This exception to development standards request does not rely on this reason.

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the



objectives of the standard are achieved and accordingly justifies the variation to the height of buildings control pursuant to the First Way outlined in Wehbe.

Thus, it is considered that compliance with Clause 4.6(3)(a) is satisfied.

4.2 Clause 4.6(3)(B) – there are sufficient environmental planning grounds to justify the contravention of the development standard?

There are sufficient environmental planning grounds to permit the variation of the development standard. The development has been considered below with particular reference to the Objects of the Environmental Planning and Assessment Act 1979, which are accepted as the best gauge of *environmental planning grounds*. In particular:

Context

- The existing dwelling has a non-compliant maximum building height of 11.15 metres and the rear additions and carport propose a compliant maximum height of 6.45 metres and 4.59 metres,
- Works on the upper level of the dwelling, including new dormer windows are proposed at a maximum height of 11.21 metres, representing a height variation of 2.71 metres or 31.8%,
- The proposed alterations and additions on the upper level, utilize the existing roof space and propose new dormer windows to create habitable space,
- Variation to the North Sydney LEP 2013 Cl. 4.3 Building Height control has been the subject of recent precedent for the following developments:
 - DA 60/2022 – 58 Cowdroy Ave Cammeray, Height Variation 2.25m or 26.7%,
 - DA 328/2022 – 36 Milray Avenue Wollstonecraft, Height Variation 0.75m,
 - DA 340/2022 – 72 Kurraba Neutral Bay, Height Variation 1.2m,
 - DA 133/2023 – 8 Victoria Street McMahons Point, Height Variation 1.36m or 16%,
 - DA 174/2022 – 16 Shirley Road Wollstonecraft, Height Variation 0.8m or 9.4%
- The setting and context with similar Height variations recently approved, demonstrates that a varied building height is reasonable and that it is consistent with clause 1.3(c) and (d).



Future Development

- The proposed development will allow for the provision of a modern floor plan to the existing dwelling house and additional bedrooms on the subject site,
- This represents an efficient use of an existing developed site, with all services readily available.
- The built form proposed is consistent with other dwellings in the locality,
- The vast majority of the new works comply with the current 8.5 metre height control and the works do not result in any unreasonable impacts to neighbouring properties,
- The proposed works will not hinder any future development of the lot,
- The alterations proposed demonstrate fulfillment of clause 1.3(a), (b), (c) and (g).

Consistent with Zone Objectives

- The extent of the variation is considered to be in the public interest, as the proposal remains consistent with the objectives of the zone, allowing for the refurbishment of an existing dwelling, with a bulk and scale consistent with other dwellings in the locality. Compliance with the building height standard based on this would be unreasonable, with clause 1.3(c) demonstrated as fulfilled.

Natural Environment

- The proposed development allows for the current and future housing needs of the residents to be met, without developing a greenfield site, representing an efficient use of existing developed land,
- The development does not require the removal of any native trees and will have minimal environmental impact,
- The natural environment is unaffected by the departure to the development standard and it would be unreasonable for the development to be refused on this basis with CI 1.3(b) satisfied.

Social and Economic Welfare

- The variation to the numerical building height control will have a positive social impact, as it will allow the housing needs of the residents to be met in their current local community. It utilises existing services, satisfying CI1.3(b). Accordingly, refusal of the development based on this reason would be unreasonable.

Appropriate Environmental Planning Outcome

- The works proposed do not represent an overdevelopment of the site and satisfies the objectives of the zone and the development standard as is detailed earlier in the report.



The sufficient environmental planning grounds stipulated above demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the building height variation.

Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*

Will the proposed development be in the public interest?

It is considered that alterations and additions to an existing residential dwelling, does not raise any matters contrary to the public interest.

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.

Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*



Strict compliance with the 8.5 metre height development standard would hinder the development for the purpose of *promoting the orderly and economic use and development of land, promoting good design and amenity of the built environment and promoting the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.*

Conclusion

The proposed development is for alterations and additions to an existing dwelling on land zoned R2 – Low Density Residential.

As stated above the existing dwelling has a non-compliant maximum building height and works on the upper level, including new dormer windows are proposed at a maximum height of 11.21 metres, below the maximum ridge height of the existing dwelling.

The rear additions propose a compliant maximum height of 6.45 metres and the new carport proposes a compliant maximum height of 4.59 metres. The resulting development does not result in any unreasonable impacts, does not present with excessive bulk and remains consistent with other dwellings in the locality.

There will not be any unreasonable view loss or solar access impacts and amenity is retained for all neighbours.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation sought is consistent with the underlying objectives of the control despite the numerical variation of which have been reasonably satisfied under the provisions of Clause 4.6.

The statement sufficiently demonstrates that compliance with the development standard is both unreasonable and unnecessary in this instance.

The sufficient environmental planning grounds stipulated within this request, demonstrate that the proposal aligns with the relevant objects of the EP&A Act i.e. the development is an orderly and economic and development of the land, notwithstanding the height variation.

The proposed variation satisfies the underlying intent of Clause 4.6 and therefore the merits of the proposed variation are considered to be worthy of approval.



Planner Declaration

This report was prepared by:

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Document Control Table

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Date	Prepared by	Approved by
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