

**NSLPP MEETING HELD ON 05/02/2025****Attachments:**

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

**ADDRESS/WARD:** 16 Illiliwa Street, Cremorne**APPLICATION No:** DA75/24**PROPOSAL:** Demolition of an existing dual occupancy and construction of a new dual occupancy.**PLANS REF:**

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Dated</b>
A0002 Issue B	Site Plan	MAP Architects	15 August 24
A1000 Issue B	Demolition Plan	MAP Architects	15 August 24
A1100 Issue B	Lower Ground Floor Plan	MAP Architects	15 August 24
A1101 Issue B	Ground Floor Plan	MAP Architects	15 August 24
A1102 Issue B	First Floor Plan	MAP Architects	15 August 24
A1103 Issue B	Roof Plan	MAP Architects	15 August 24
A2000 Issue B	Front and Rear Elevations	MAP Architects	15 August 24
A2001 Issue B	Side Elevation (East)	MAP Architects	15 August 24
A2002 Issue B	Side Elevation (West)	MAP Architects	15 August 24
A3000 Issue B	Section A	MAP Architects	15 August 24
A3001 Issue B	Section B	MAP Architects	15 August 24

**OWNER:** Mengyuan Fan**APPLICANT:** ABC Planning Pty Ltd**AUTHOR:** Robin Tse, Senior Assessment Officer**DATE OF REPORT:** 22 January 2025**DATE LODGED:** 5 April 2024**AMENDED:** 8 October 2024**RECOMMENDATION:** Approval (Deferred Commencement)

## EXECUTIVE SUMMARY

This development application seeks consent for demolition of the existing dual occupancy and the construction of a new dual occupancy at No. 16 Illiliwa Street, Cremorne.

**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% and attracted more than 10 submissions by way of objection. A public determination meeting is required in accordance with the Ministers Direction.**

Development for the purpose of an attached dual occupancy is permitted within the R2 (Low Density Residential) zone.

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

The proposed work for a new dual occupancy (attached) is a permissible form of development within an R2 Low Density Residential Zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings pursuant to Clause 4.6 of the LEP.



The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy subject to the imposition of appropriate conditions detailed in the report.

A total of twenty one (21) unique submissions were received raising objections regarding issues including building height, bulk and scale, setbacks, compliance with the LEP/DCP controls, built form, streetscape impacts, privacy impacts, non-complying site coverage/landscaped area, excavation works and traffic issues. These matters have been addressed in the report including the imposition of conditions requiring various design changes.

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

LOCATION MAP



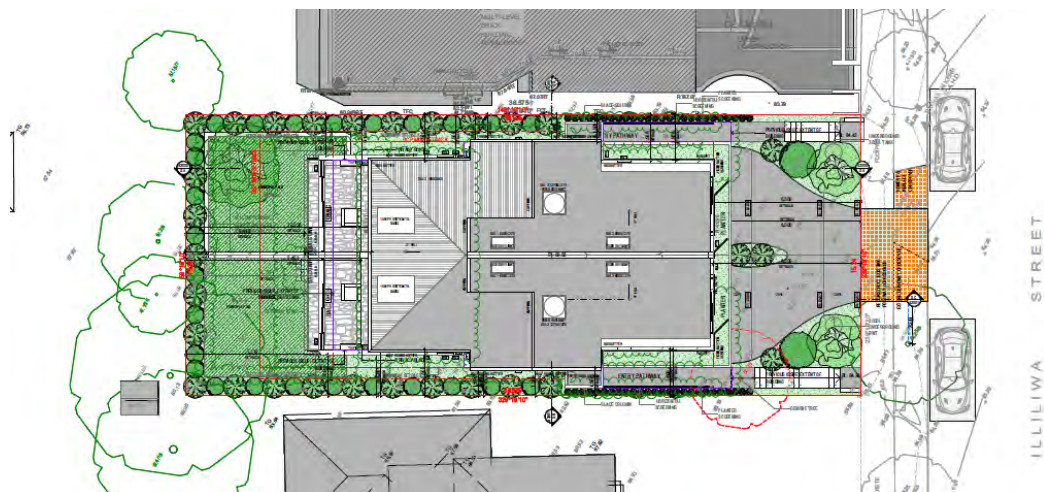
 Property/Applicant    ● Submitters    - Properties Notified    

## DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for demolition of the existing dual occupancy and the construction of a new dual occupancy at No. 16 Illiliwa Street, Cremorne.

The proposed works are summarised as follows:

- Demolition of the existing attached dual occupancy including the garage building at the rear of the property;
- Construction of a three storey attached dual occupancy with each unit provides the following:
  - Lower ground Floor: a rumpus room, a bedroom with ensuite bathroom, a gymnasium/cinema room, a powder room, a laundry and a terrace off the rumpus room with BBQ facility;
  - Ground Floor: Open plan living/dining/kitchen area, a powder room, and a double garage;
  - First floor: A master bedroom with ensuite bathroom and walk in rob, two bedrooms and a bathroom;
  - A lift and internal staircase connecting all levels.
- Associated excavation/engineering and landscaping works.



**Figure 1: Site plan**





Rear (Northern) Elevation



Eastern (Side) Elevation



Western (Side) Elevation

Figures 2 - 5: Elevations



Figure 6: Montage

## STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R2 (Low Density Residential)
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- FSBL - No

*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 (Sustainable Buildings) 2022*

*SEPP (Resilience and Hazards) 2021*

- Chapter 4 Remediation of Land

*SEPP (Transport and Infrastructure) 2021*

Local Development

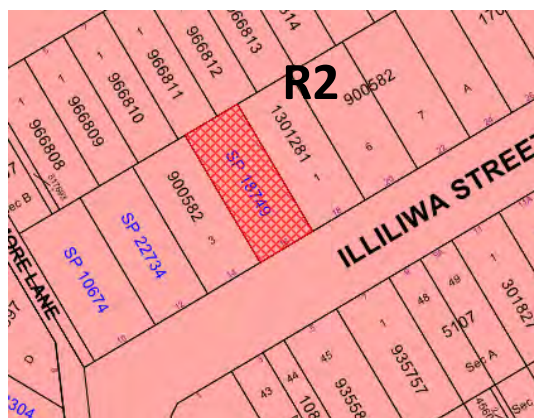
## POLICY CONTROLS

NORTH SYDNEY DCP 2013

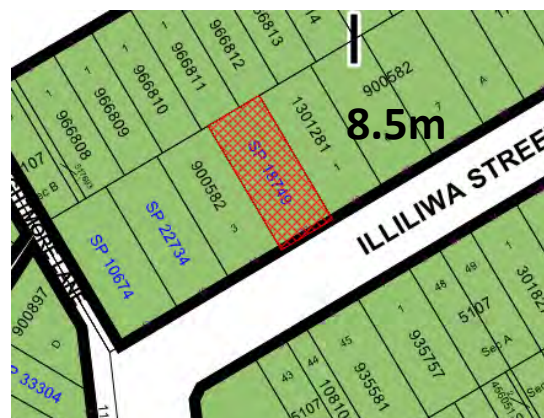
North Sydney Local Infrastructure Contributions Plan 2020

Housing Productivity Contribution Order

Sydney Harbour Foreshores & Waterways Area DCP 2005



**Figure 7: Zoning**



**Figure 8: Building Height**

## DESCRIPTION OF LOCALITY

The site is legally described as SP18749 and is known as 16 Illiliwa Street, Cremorne. The site is located on the northern side of Illiliwa Street. The site is rectangular in shape and has a site area of 557.4m<sup>2</sup>.

The site contains an existing two (2) storey attached dual occupancy with a double garage located at the rear of the subject.



***Figures 9 & 10: Front elevation and the rear elevation of the existing attached dual occupancy***

The locality is characterised by density developments including detached dwellings, attached dual occupancies and apartment buildings.

To the east of the site is an apartment building under construction at No. 18 Illiliwa Street. A detached dwelling house is located to the west of the subject site at No. 12 Illillwa Street.

The properties to the north of the subject site are occupied by detached dwellings at Nos. 9 and 11 Brightmore street.

A number of single dwellings occupy the opposite (southern) side of Illiliwa Street at Nos 5 and 7 Illiliwa Street.



*Figure 11: The locality*

## RELEVANT HISTORY

### *No.16 Illiliwa Street (Subject Site):*

#### Previous Application

- **16 September 1968 - Building Application No. 68/327** was approved by Council for alterations and additions to the existing building including the addition of a brick and concrete garage and the addition of concrete balconies on the rear of the building.
- **9 November 1981 - Building Application No. 81/746** was approved by Council for alterations and additions to the existing building including a new kitchen and new doors and windows on the rear elevation.
- **9 February 1982** - The Strata subdivision of the existing building of two units as SP 18749 was approved by Council.
- **2 December 2022** – Development Consent (**D187/22**) was granted under delegated authority for alterations and additions to an existing dual occupancy (attached) including new garage building along street frontage, a new 2 storey rear addition and modifications to the strata plan.

#### Current Application

- **5 April 2024** – The subject Development Application (**DA 75/24**) for demolition of an existing attached dual occupancy and construction of a new attached dual occupancy was lodged with Council via the Planning Portal.



- **31 May to 14 June 2024** – The adjoining property owners and the Brightmore Precinct was notified about the application. A total of sixteen (16) submissions were received including two (2) submissions from one submitter. The key issues raised are relating to excessive building height, bulk/scale, setbacks, uncharacteristic development and privacy impacts.
- **18 June 2024** – The applicant was requested to submit an updated survey plan. The requested plan was submitted on 17 July 2024.
- **8 August 2024** – Detailed comments regarding various aspects of the proposed development were provided to the applicant for consideration.
- **4 October 2024** – The applicant submitted amended plans via the planning portal.
- **8 to 22 November 2024** – Notification of the amended plans. A total of sixteen (16) submissions were received including nine (9) submissions from previous submitters. The issues raised are similar to those raised in the original proposal.

It is also noted that the NSW Land and Environment Court upheld an appeal against the deemed refusal of **DA 460/16** for a development on the adjoining property to the east at **No. 18 Illiliwa Street** for a four (4) storey apartment building in January 2018. In April 2019, the NSW Land and Environment Court upheld an appeal against the refusal of a Section 4.56 application (**DA460/16/4**) for additions to the approved development.

## INTERNAL REFERRALS

### BUILDING

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

### LANDSCAPING

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

*The amended plans have reduced the level of encroachment to T1 Tristaniopsis laurina (5x6m) street tree located in the council verge in front of 16 Illiliwa Street from 17% to a still nominally major 12%, the arborist advised that sensitive construction measures required but this may not be feasible for engineering reasons.*

*Consideration should also be given to the additional encroachment of driveway crossing wings, (or likelihood of further encroachment from requirements to make good existing footpath/roadway). The submitted stormwater management plans indicated a grate and pit within SRZ/TPZ and pipe traversing council verge through the SRZ of Tree T1 – This proposed SW alone would result in unacceptable levels of impact and its required relocation was advised in LDO's earlier comments of 29/5/24.*

*The proposed rainwater tank within the front setback is also located within the TPZ of this tree, adding further negative impact.*

*Consideration should be given to the retention of the existing driveway or a design of the new driveway (including the stormwater works) that would minimise the impacts of the TPZ of T1.*

*Sensitive construction methods for the new building elements (including the elevated entrance walkway) adjacent to T5 Archontophoenix cunninghamiana (9x3m) are recommended including flexibly located piers (other than from any piers or support structures that shall be required to be constructed using) and be physically supervised by the project arborist.*

*The proposed screening planting of Syzigium proposed at ground level along the eastern & western boundaries adjacent to the elevated entrance walkways shall be replaced with Bambusa textilis var. 'Gracilis' (a non-invasive bamboo), planted at 1m centres, as a more suitable specie for these constrained locations.*

*Amended construction and levels within the rear setbacks are now considered to be generally acceptable. It is recommended that an additional 1 x Ceratopetalum apetalum (75l) to be planted in the eastern rear setback of the subject site.*

The 2 x *Elaeocarpus reticulatus* (100l) shown to be planted within the front setback shall be *E. reticulatus* straight species (white flowering) to enhance landscaping outcomes.

#### **Comments:**

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

It is recommended that a deferred commencement condition be imposed requiring modifications to the design of the driveway and driveway crossing, including the alignment of a stormwater charged line, to ensure that the impacts on the street tree (T1) (**Condition AA1 (c) and (e)**).

A further condition is recommended requiring amendments to the landscape plan to incorporate the modified driveway design with additional landscaping within the front building setback area as a result of **Condition AA1** to be detailed later in this report (**Condition AA1 (d)**).

#### **ENGINEERING**

The application has been referred to Council's Senior Development Engineer who raised no in-principle objection to the proposed development, including the proposed design changes to as outlined in **Condition AA1**, subject to the imposition of appropriate engineering conditions.

It is noted that Council's Senior Development Engineer has recommended a condition requiring the submission of the design of stormwater management and disposal system, incorporating a discharged system to Illiliwa Street and an adsorption trench system at the rear of the property, to ensure compliance with the requirements as detailed in the condition so that the disposal of stormwater is managed and control without causing nuisance (**Condition AA1(e)**).

#### **SUBMISSIONS**

##### **Original proposal**

The adjoining property owners and the Brightmore Precinct Committee were notified about the application between 31 May to 14 June 2024. A total of sixteen (16) submissions were received including two (2) submissions from one submitter.

### **Amended Proposal**

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the precinct for 14 days between 8 and 22 November 2024. Council received sixteen (16) submissions including nine (9) submissions from previous submitters.

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

- Excessive building height, bulk and scale.
- Non-compliance with key LEP and DCP controls.
- Adverse impacts on the streetscape due to bulk and scale of the building, insufficient building setback and uncharacteristic built form/design.
- Inconsistent front building setback with the adjoining property to the west (No. 14 Illiliwa Street).
- Inadequate building setback from the rear property boundary.
- Inadequate/non-complying setback from the side property boundaries, particularly the lack of setback for the elevated entrance walkway.
- Uncharacteristic built form with flat roof and inappropriate colours.
- Excessive site coverage and insufficient/reduction in landscaping.
- Overdevelopment of the subject site.
- The loss of visual privacy for the adjoining properties to the north and west due to overlooking from the windows/balconies on the rear and/or western elevations of the proposed development.
- Noise nuisance resulting from the use of balconies and/or plant equipment (e.g. lift).
- Overshadowing of the adjoining properties, particularly to No.14 Illiliwa Street.
- Appropriateness of stormwater management utilising an adsorption trench system.
- Narrow split-level carriageway - Construction traffic management issues and post development vehicular access, deliveries and traffic safety concerns.
- Potential adverse impacts from the proposed excavation works on the structural adequacy of the adjoining properties.

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website [https://www.northsydney.nsw.gov.au/Building\\_Development/Current\\_DAs](https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs) and are available for review by NSLPP members.

### **CONSIDERATION**

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

#### **Environmental Planning and Assessment Act 1979 (as amended)**

#### **Environmental Planning and Assessment Regulation 2000**

#### ***SEPP (Biodiversity & Conservation) 2021***

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

The proposal generally meets the objectives of the SEPP because there would be no removal of native vegetation or any materials impacts on bushland in the vicinity of the subject site.

Furthermore, the submitted landscape plan has indicated new planting with an additional native canopy tree to be planted within the rear yard as recommended by Council's Landscape Development Officer.

### **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 location away from the harbour/foreshore. The proposal would not be visible from Sydney Harbour and would have no material affect the quantity or quality of water entering Sydney Harbour as well as the ecology of the harbour and its foreshores. The application satisfies the requirements of the Policy.

### **SEPP (Resilience and Hazards) 2021**

The provisions of *SEPP (Resilience and Hazards)* require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes following the subdivision of the land along the northern side of Illiliwa Street for residential use as part of the Parraween Estate in 1912 and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

### **SEPP (Sustainable Buildings) 2022**

A valid BASIX Certificate (1734896M\_02) has been submitted with the application to satisfy the Aims of the *SEPP*.

### **SEPP (Transport and Infrastructure) 2021**

Chapter 2, Part 2.3 Division 5 Section 2.48 of the *SEPP* outlines requirements for development likely to affect an electricity transmission or distribution network.

Specific reference is given to section 2.48(1)(b)(ii). Council notes that there are exposed overhead electricity lines within the road reserve. Given that works are setback from the front boundary, a referral to Ausgrid was not deemed necessary.

## **NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)**

### **1. Permissibility**

The proposal is for the construction of a new attached dual occupancies replacing the existing dual occupancies. The proposed development is permissible on land zoned R2 (Low Density Residential) with development consent from Council.

### **2. Objectives of the zone**

The proposal, as amended by conditions of consent, is generally consistent with the objectives of the R2 (Low Density Residential) zone as detailed throughout this report.

### Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013			
Site Area – 557.4m <sup>2</sup>	Proposed	Control	Complies
Clause 4.3 – Heights of Building	9.84m	8.5m	<b>NO</b> Clause 4.6 variation submitted
Clause 6.6 Dual Occupancy:			
<ul style="list-style-type: none"> <li>Level of attachment to common wall (80%) or common floor to ceiling (80%)</li> </ul>	Over 80%	80% min.	<b>YES</b>
<ul style="list-style-type: none"> <li>Minimum lot size – 450m<sup>2</sup></li> </ul>	557.4 m <sup>2</sup>	450 m <sup>2</sup>	<b>YES</b>

### 3. Height of Building

The upper section of the first floor at the rear of the new development would have a maximum building height of 9.84m that fails to comply with the permissible height limit of 8.5m in accordance with clause 4.3 in NSLEP 2013 (Figure 12).

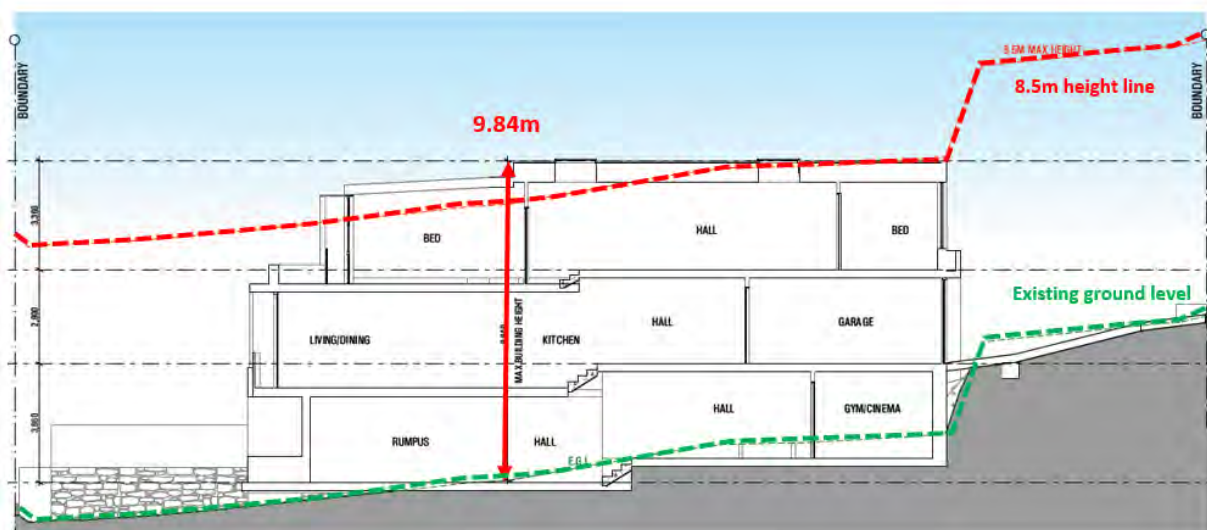


Figure 12: Proposed maximum building height and LEP building height

The applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013.

### 4. Clause 4.6 Exceptions to Development Standards

The proposed breach has been assessed against the requirements of Clause 4.6 of NSLEP 2013 and the objectives of the building height control. These matters have been considered below: -

- (1)(a) **To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient** – The proposal generally respects the existing landform with a stepped built form towards the rear (northern) property boundary.
- (1)(b) **To promote the retention and, if appropriate, sharing of existing views** - The building elements in breach of the LEP building height limit would primarily be the upper section of the first floor master bedroom, ensuite bathroom and walk-in-robe at the rear of the building the new master bedroom.

These building elements would have no adverse impacts on the significant skyline/water views towards the north and/or north-east towards middle harbour as seen from the adjoining properties to the east and west (Nos 18 and 14 Illiliwa Street) given that the southerly aspect of these non-complying building elements.

Furthermore, there would be no material view impacts for the properties located on the southern (high) side of Illiliwa Street because of the elevated nature of these properties due to the split carriageway arrangement of the street.

**(1)(c) To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access to future development** – The adjoining property to the west (No. 14 Illiliwa Street) would be most affected by the proposed development.

An examination of the submitted sun eye diagrams between 9am and 3pm during mid winter has revealed the proposed development would have no impact on solar access to the windows/balconies on the rear (northern) elevation of No. 14 Illiliwa Street during mid winter.

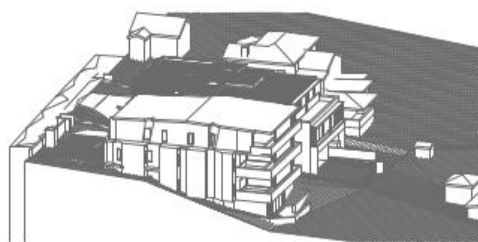
Furthermore., the first floor windows on the eastern (side) elevation of No.14 Illilwa Street would receive the required 3 hours of sunlight between 9am and 3pm during mid winter.

There would be a reduction in solar access to the ground floor kitchen window on the eastern (side) elevation of No. 14 Illiliwa Street to about 1 hour during mid winter, it is however noted that the shadow would primarily be caused by building elements that comply with building height and building setback requirements. In addition, the north facing openings of a covered deck off the kitchen area would receive more than three (3) hours of sunlight during mid winter.

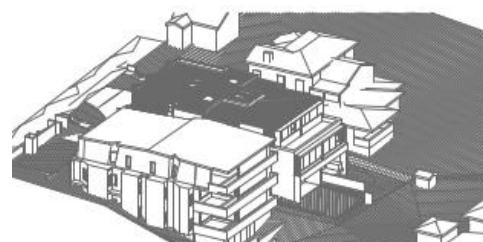
The shadowing impacts on No. 14 Illiliwa Street is considered to be acceptable.

The shadowing impacts on the adjoining property to the east (No. 18 Illiliwa Street) would be immaterial given that the proposed development would have no shadowing impacts on this adjoining property between 9am and 2pm during mid winter.

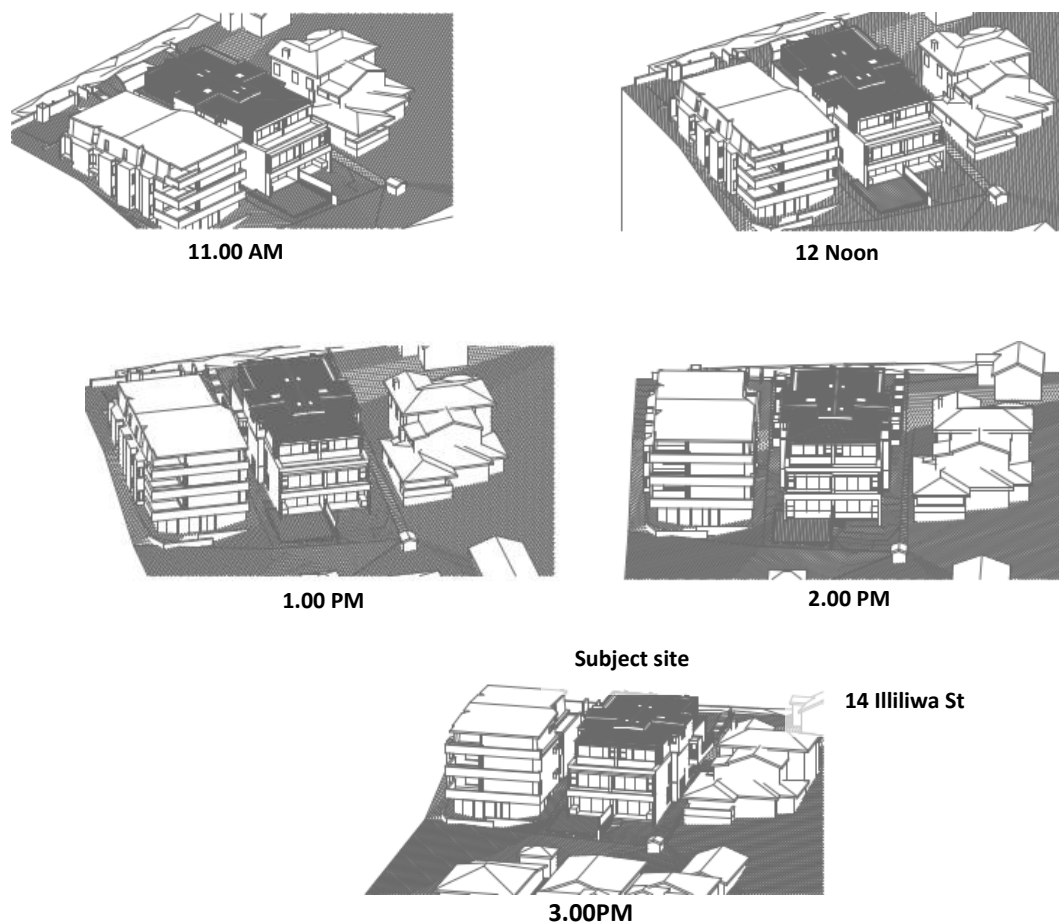
The proposal would have no material shadowing impacts on the other surrounding properties.



9.00AM



10.00AM



**Figures 13 - 19: Sun-eye Diagrams (Mid Winter)**

- (1)(d) To maintain privacy for residents of existing dwelling and to promote privacy for residents of new buildings** – The building elements above the LEP maximum building height limit are preliminary the upper section of the first floor master bedroom and the ensuite bathroom at a height in excess of 1.8m from the floor level. Therefore, there would be no material privacy impacts on the surrounding properties as the result of the non-compliance with the LEP maximum building height development standard.

It is further noted that the applicant has amended the original proposal to reduce the size of the first floor structure at the rear of the proposed development. A condition is recommended requiring soft landscaping on the roof space between the southern building line and the first floor bedroom balcony balustrade to ensure that the area would be non-trafficable to minimise visual privacy impacts (**Condition C1(a)**)

- (1)(e) To ensure compatibility between development, particularly at zone boundaries**  
**(1)(f) To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of the area**

The proposed development for a new attached dual occupancy replacing an existing one. The scale and density of the proposal is generally consistent with other recent residential developments within the locality. The proposal features a more contemporary architectural design, the required design modifications as outlined in **Condition AA1** would provide a more appropriate response to the streetscape/character of the area.

**(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 proposal would maintain a two storey appearance as seen from the street.

**Whether there are sufficient environmental planning grounds to justify contravening the development standard?**

It is concluded that the building elements above the LEP building height limit would have no unreasonable impacts on neighbouring properties and the locality in terms of the built forms within the locality and the amenity of the surrounding properties subject to the imposition of appropriate conditions. There are sufficient environmental planning grounds to justify contravening the building height control.

**Whether the proposed development will be in the public interest?**

The proposed development is considered to maintain reasonable residential amenity for surrounding properties. The proposal is therefore unlikely to offend the public interest.

**Conclusion**

It is concluded that the proposal would have no material impact on neighbouring properties in terms of the built forms within the locality and the general amenity of adjoining properties subject to the imposition of appropriate conditions.

**Having regard to the above, the request under Clause 4.6 of NSLEP 2013 seeking a variation to the LEP building height control is considered to be well-founded and strict compliance with the standards is necessary.**

**Division 2 – General Provisions**

**4. Dual Occupancies**

The following matters apply to any attached dual occupancy development:

- (a) the form of the building will appear as a dwelling house, and*
- (b) the dwellings in the dual occupancy will be attached by at least 80% of the common wall or 80% of the common floor or ceiling, and*
- (c) the area of the lot on which the dual occupancy is to be situated is at least 450 square metres.*

**Comment:**

The proposal complies with the attached common wall and minimum site area requirements.

It is considered that the current design of the front elevation with 2 x double garage should be modified to provide an appearance that resembles a single dwelling. It is recommended that a deferred commencement condition (**Condition AA1(a) and (b)**) be imposed requiring the redesign of the western garage to provide a single garage and a dwelling entrance with the deletion of the elevated entrance walkway on the western (side elevation).



The deletion of the elevated entrance walkway on the western elevation would reduce the impacts of the proposed development on the adjoining property to the west of the site as discussed later in this report.

- (2) *A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—*
- (a) *there is no existing building erected on the land, or*
  - (b) *the dual occupancy—*
    - (i) *will be situated substantially within the fabric of an existing building, and*
    - (ii) *will conserve the appearance of the existing building, as visible from a public place, and*
    - (iii) *will conserve the majority of the significant fabric of the existing building.*

**Comment:**

The above requirements are not applicable because the subject site is not a heritage item nor located within a heritage conservation area.

**5. Earthworks**

The application involves some excavation within the subject site by up to 2m for the proposed cinema rooms at the southern end of the lower ground floor. The applicant has also submitted a preliminary geotechnical report for the proposed development.

Consideration has been given to the LEP's objectives for earthworks as contained in Clause 6.10(3) of NSLEP 2013. The proposal is unlikely to cause disruption or detrimental effect on drainage patterns, soil stability as well as significant change to the natural features and significant vegetation within the site subject to the imposition of a condition requiring the submission of a full geotechnical report as recommended by Council's Development Engineer (**Condition C7**).

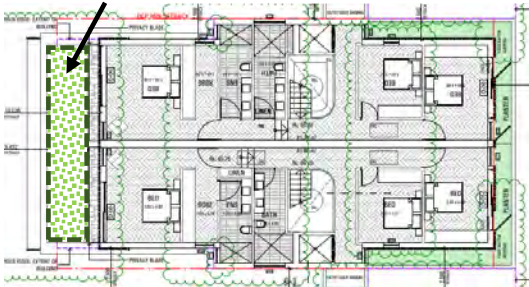
In addition, appropriate conditions requiring dilapidation survey for the adjoining properties have been recommended to ensure record keeping and structural adequacy/integrity of these properties (**Conditions C5 and C6**).

The proposed excavation work is unlikely to cause adverse impacts on the amenity of the adjoining properties during the construction phase of the proposed development with the recommendation for the imposition of appropriate conditions of consent relating to construction hours, air quality, noise/vibration, health and safety (**Conditions E8, E9, E17 and E21**).

**NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**



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

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
	<i>complies</i>	<i>Comments</i>
<b>1.2 Social Amenity</b>		
<b>1.2.1 Population Mix</b>	Yes	The proposal for a new attached dual occupancy replacing the existing one would have no material impacts on the overall population mix and the supply of residential accommodation (including affordable housing, housing for seniors/people with disabilities) within the locality.
<b>1.2.2 Maintaining Residential Accommodation</b>		
<b>1.2.3 Affordable Housing</b>		

<p><b>1.2.4 Housing for Seniors/ Persons with disability</b></p>		
<p><b>1.3 Environmental Criteria</b></p>		
<p><b>1.3.1 Topography</b></p>	<p>Yes</p>	<p>The proposal generally follows the landform of the subject site with a stepped building profile.</p>
<p><b>1.3.2 Bushland</b></p>	<p>Yes (via condition)</p>	<p>The subject site is located within Area B as shown on the DCP Bushland Buffer Map. Council’s Landscape Officer has reviewed the submitted landscape plan and considered the plan generally acceptable subject to amendments as outlined in <b>Condition C2</b>.</p>
<p><b>1.3.6 Views</b></p>	<p>Yes</p>	<p>As indicated earlier in this report, the proposal is unlikely to cause material loss of significant views as seen from the public domain and the adjoining properties.</p>
<p><b>1.3.7 Solar Access</b></p>	<p>Yes</p>	<p>The proposal is considered to be acceptable having regard to solar access as indicated earlier in this report.</p>
<p><b>1.3.8 Acoustic Privacy</b></p>	<p>Yes (via condition)</p>	<p>The proposal is considered to be acceptable in terms of acoustic privacy given that the property would maintain its use as a dual occupancy.</p> <p>In addition, the main outdoor spaces would be located on the lower ground level at the rear of the site. This is considered to be a better outcome in terms of acoustic privacy as compared to existing elevated terrace off a living area for the upper dwelling.</p> <p>The proposed balcony off the ground floor living area on the rear elevation would be fairly narrow (700mm in depth) and is unlikely to cause material noise impacts from the use of this area.</p> <p>The applicant has amended the original proposal to provide additional setback for the first floor structure from the rear property boundary with a bedroom balcony. It is recommended that soft landscaping on planter is to be provided on the roof space between the southern building line and the balcony balustrade to ensure that the area would be non-trafficable to minimise privacy impacts and appropriately landscaped (<b>Condition C1(a)</b>).</p> <p style="text-align: center;"><b>No trafficable planter to enhance privacy protection</b></p>  <p style="text-align: center;"><b>Figure 20: First floor plan</b></p> <p>A standard condition relating to noise from plant equipment is also recommended to minimise the impacts from the use of plant/equipment (<b>Condition C28</b>).</p>
<p><b>1.3.10 Visual Privacy</b></p>	<p>Yes (via condition)</p>	<p>The new openings and windows on the lower ground floor would have no visual privacy impacts on the surrounding properties due to screening to be provided by boundary fencing.</p> <p>The applicant has proposed the following on the ground floor mitigate privacy impacts on the adjoining properties to the east and west of the subject site:</p> <ul style="list-style-type: none"> <li>• Privacy screens on the eastern and western edge of the living room balcony on the rear elevation;</li> </ul>

		<ul style="list-style-type: none"> <li>• Privacy screen along the eastern and western edges of the elevated walkways on eastern and western elevations; and</li> <li>• Frosted glazing on the lower panes of the living room windows on the eastern and western elevations.</li> </ul> <p>In addition, the proposed deletion of the elevated walkway on the western elevation would further reduce privacy impacts on the adjoining property at No 14 Illiliwa Street (<b>Condition AA1(b)</b>).</p> <p>As indicated earlier in this report, a condition is recommended requiring non-trafficable planters to the rear of the first floor bedroom balcony. This should minimise any overlooking from the first floor towards the adjoining properties (<b>Condition C1(a)</b>).</p> <p>Furthermore, it is recommended that frosted glazing to be applied to the lower two panes of the first floor bedroom windows (W20 and W31) to minimise any overlooking onto the adjoining properties at Nos 14 and 18 Illiliwa Street (<b>Condition C1(b)</b>). The other windows on the side (eastern/western) elevations are bathroom and walk-in-robe windows (W22, W24, W27 and W29) that would not cause material privacy impacts.</p> <p>The visual privacy impacts on the properties to the north of the subject site are considered to be acceptable because of the following reasons:</p> <ul style="list-style-type: none"> <li>• The requirement for the installation of non-trafficable planters to the south of the first floor rear balcony would provide a landscape buffer and reduce overlooking towards the properties to the north of the site;</li> <li>• The ground floor balcony on the rear elevation would be smaller than an existing terrace at a similar level. It is considered that the new balcony would have a neutral impact on visual privacy for the properties to the north of the site;</li> <li>• The established vegetation/trees along the rear (northern) property boundary would be retained to provide screening/visual privacy protection; and</li> <li>• Council’s Landscape Development Officer has recommended an additional canopy tree within the rear yard, this would provide further screening and visual privacy protection.</li> </ul> <p>Therefore, the proposal is considered to be acceptable having regard to visual privacy.</p>
<b>1.4 Quality built form</b>		
<b>1.4.1 Context</b>	Yes (via condition)	<p>The design and scale of the proposed development, as amended by conditions, would be generally consistent with more recent developments within the locality.</p> <p>The proposed flat roof form contrasts with pitched roof forms found on other nearby developments, however, this is not considered determinative in the circumstances because flat roofed designs are becoming more prevalent in contemporary residential design, a pertinent consideration in non-conservation areas.</p>
<b>1.4.2 Subdivision Pattern</b>	Yes	The proposal would maintain the subdivision pattern within the locality.
<b>1.4.3 Streetscape</b>	Yes (via condition)	Council’s Senior Development Engineer has recommended appropriate conditions to ensure the design of kerb and gutter be consistent with the relevant Council standards/requirements.
<b>1.4.5 Siting</b>	Yes	The proposal would generally maintain the sitting and orientation of the building on site.
<b>1.4.6 Setback – Side</b>		A compliance table is provided below:

			Proposed	Control	Compliance
		<i>Lower Ground Floor:</i>			
		- E Elevation	1.5m (Min)	900mm	Yes
		- W Elevation	1.5m (Min)	900mm	Yes
		<i>Ground Floor:</i>			
		- E Elevation	400mm**	900mm	No
		- W Elevation	400mm**	to 1.5m*	No
		<i>First Floor:</i>			
		- E Elevation	1.5m (Min)	1.5m to	No
		- W Elevation	1.5m (Min)	2.5m*	No
		* Variable setbacks due to sloping landform ** Elevated entrance walkway only, other building elements 1.5m (min.)			
		<p><i>Lower ground floor:</i></p> <p>Compliance with DCP requirements.</p> <p><i>Ground floor:</i></p> <p>The non-compliances are caused by the elevated entrance walkways only, other building elements on this level comply with the DCP 1.5m side boundary setback requirement. The deletion of this building element on the western elevation as required by <b>Condition AA1 (b)</b> is considered to be appropriate to provide a building design that is more consistent with the LEP's provision specifying a single dwelling appearance for dual occupancies as well as a reduction in the visual bulk of the side elevation as seen from the adjoining property with improved visual privacy.</p> <p>The elevated entrance walkway on the eastern elevation is however considered to be acceptable because the proposed development and the development at No 18 Illiliwa Street to the east would share a more contemporary built form and consistent building setbacks. Furthermore, there would be no material privacy impacts as the walkway would be adjacent to a blank wall.</p> <p>First floor:</p> <p>The building elements causing the non-compliance are located in the middle section of this floor and building elements with complying 2.5m side boundary setback are provided for the remainder of this level. The non-complying building elements are acceptable as these elements would not cause materials impacts on the surrounding properties in terms of amenity impacts and bulk/scale.</p> <p>The proposal is considered to be acceptable having regard to the DCP side boundary setback requirements.</p>			
<b>P1</b>	<b>Front setback</b>	Yes	<p>The applicant proposes a 7m setback from the front property boundary. This complies with the characteristic front setback of 3m DCP character statement for the Benelong Neighbourhood.</p> <p>It is noted that the front setback generally matches that of the front setback of the buildings to the east of site as demonstrated in <b>Figure 21</b> below.</p>		

		 <p><b>Figure 21: Front building setbacks along Illiliwa Street</b></p> <p>It is however noted that the existing building on the subject site and the main buildings at Nos 12 and 14 Illiliwa Street are both setback from the front property boundary by 13m.</p> <p>It is further noted that there are garages with zero setback from the street for the properties at Nos.12 and 14 Illiliwa Street. The proposed development would have no further structures within the front setback and the recommendation for the deletion of the elevated entrance walkway on the western elevation of the proposed development and new screening planting on should alleviate the visual impact of the proposed development <b>(Conditions AA1 (b) and C2)</b></p>
<p><b>P5 Rear Setback – Rear</b></p>	<p>On merit</p>	<p>The applicant has proposed the following setbacks from the rear property boundary:</p> <ul style="list-style-type: none"> <li>• Lower ground floor - 6.4m</li> <li>• Ground floor – 7.2m</li> <li>• First Floor – 10m</li> </ul>  <p>The existing main building on site provides a rear boundary setback of 8m, however, there is an existing double garage structure at the rear that is built to the side and rear property boundaries with zero setbacks. Therefore, the proposed removal of the existing garage at the rear is supported.</p> <p>Furthermore, an examination of the existing developments on the northern side of illiliwa Street has revealed that the rear boundary setbacks for these properties vary between 6m and 10m. It is considered that the rear boundary setback is generally consistent with the variable setbacks found in nearby properties.</p>
<p><b>1.4.7 Form Massing Scale</b> <b>1.4.8 Built Form Character</b></p>	<p>Yes (via condition)</p>	<p>The built form, massing and scale of the proposal, as amended by conditions, are considered acceptable as indicated throughout this report.</p>

<p><b>1.4.9 Dwelling Entry</b></p>	<p>Yes (via condition)</p>	<p>As indicated earlier in this report, it is recommended that the design of the garage for the western unit be modified to provide a single garage and a dwelling entrance on the front elevation (<b>Condition AA1</b>).</p> <p>This should provide a strong sense of address for the proposed development with a dwelling entrance clearly visible from the street.</p>																		
<p><b>1.4.10 Roofs</b></p>	<p>On merit</p>	<p>The proposed flat roof is acceptable, in the context of built form and development types found along the street. There are a number of recent developments, including the development at No. 18 Illiliwa Street, along Illiliwa Street that features flat roofs.</p> <p>Arguably, the proposed building could be considered out of character due to its flat roof, as there are many dwellings nearby have pitched roofs. This is not considered determinative in the circumstances because flat roofed designs are becoming more prevalent in contemporary residential design, a pertinent consideration in non-conservation areas.</p>																		
<p><b>1.4.12 Materials</b></p>	<p>Yes</p>	<p>Materials are of a contemporary style and substance compatible with materials and colours used in contemporary architecture. Not being in a conservation area and being in a streetscape of mixed form and density, the materials and colours proposed are acceptable.</p>																		
<p><b>1.4.14 Front Fences</b></p>	<p>N/A</p>	<p>The applicant has not proposed new fencing along the front property boundary.</p>																		
<p><b>1.5 Quality Urban Environment</b></p>																				
<p><b>1.5.4 Vehicle Access and Parking</b></p>	<p>Yes (via condition)</p>	<p>The proposal for vehicular access via Illiliwa Street is considered acceptable subject to the imposition of appropriate engineering conditions.</p> <p>The applicant has proposed 2 x double garages with two parking space for each dwelling. Whilst this complies with the DCP maximum parking requirement, it is considered that the design modification to the western garage to provide a single parking space is an appropriate response to the appearance of the development as a single dwelling (<b>Condition AA1</b>).</p>																		
<p><b>1.5.5 Site Coverage</b> <b>1.5.6 Landscape Area/Unbuilt Upon Area</b></p>	<p>On merit and (via condition)</p>	<p>A compliance table is provided below:</p> <table border="1" data-bbox="774 1317 1308 1848"> <thead> <tr> <th>Site Area: 557.4sqm</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td rowspan="2"><b>Site coverage (45% Max.)</b></td> <td>264sqm (47.4%)</td> <td>No</td> </tr> <tr> <td>260sqm* (46.6%)</td> <td>No</td> </tr> <tr> <td rowspan="2"><b>Landscaped area (40% Min.)</b></td> <td>192sqm (34.4%)</td> <td>No</td> </tr> <tr> <td>224sqm* (40.2%)</td> <td>Yes</td> </tr> <tr> <td rowspan="2"><b>Unbuilt-upon area (15% Max.)</b></td> <td>101.4sqm (18.2%)</td> <td>No</td> </tr> <tr> <td>73.4sqm* (13.2%)</td> <td>Yes</td> </tr> </tbody> </table> <p>* Design changes as required by <b>Condition AA1</b></p> <p>The current proposal does not comply with DCP's requirements.</p> <p>The recommendation for the design changes to the garage, driveway and the western elevated walkway would result in the following:</p>	Site Area: 557.4sqm	Proposed	Compliance	<b>Site coverage (45% Max.)</b>	264sqm (47.4%)	No	260sqm* (46.6%)	No	<b>Landscaped area (40% Min.)</b>	192sqm (34.4%)	No	224sqm* (40.2%)	Yes	<b>Unbuilt-upon area (15% Max.)</b>	101.4sqm (18.2%)	No	73.4sqm* (13.2%)	Yes
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<b>Site coverage (45% Max.)</b>	264sqm (47.4%)	No																		
	260sqm* (46.6%)	No																		
<b>Landscaped area (40% Min.)</b>	192sqm (34.4%)	No																		
	224sqm* (40.2%)	Yes																		
<b>Unbuilt-upon area (15% Max.)</b>	101.4sqm (18.2%)	No																		
	73.4sqm* (13.2%)	Yes																		

		<ul style="list-style-type: none"> <li>An improvement in landscaped area with the deletion of the elevated walkway and associated pathway (part site coverage/part unbuilt upon area) and narrower driveway serving the single garage for the western dwelling with more soft landscaping within the front setback;</li> <li>A reduction in unbuilt upon area along the western building setback and a narrower driveway to serve the single garage for the western dwelling; and</li> <li>A reduction in site coverage with the deletion of the western elevated walkway.</li> </ul> <p>The recommended design modifications would achieve compliance with DCP's landscaped area and unbuilt upon area controls. The variation to the DCP site coverage control of 1.6% is considered acceptable with the recommended design changes.</p>
<b>1.5.7 Landscaping</b>	Yes (via condition)	As indicated earlier in this report, Council's Landscape Development Officer has recommended appropriate conditions to ensure the landscape quality of the subject site.
<b>1.5.8 Front Gardens</b>	Yes (via condition)	The requirement for design modifications to the front elevation to provide a single garage for the western unit and revised driveway crossings arrangements to minimise impacts on the street tree would provide additional opportunities for soft landscaping within the front setback and a better landscaping outcome for the front garden ( <b>Condition AA1(d)</b> ).
<b>1.5.9 Private and Communal Open Space</b>	Yes	The proposed development would provide a minimum of 60sqm of private open space within the rear yard of each unit to ensure compliance with the DCP minimum private open space requirement (40sqm).
<b>1.5.12 Garbage Storage</b>	Yes (via condition)	It is recommended that a standard condition be imposed to ensure adequate provision of storage facilities for general and recyclable waste materials ( <b>Condition C26</b> ).
<b>1.6 Efficient Use of Resources</b>		
<b>1.6.1 Energy Efficiency</b>	Yes	The applicant has submitted a valid BASIX Certificate to satisfy the requirements of <i>SEPP (Sustainable Buildings) 2022</i> .

### North Cremorne Planning Area (Benelong Neighbourhood) – Part C of NSDCP 2013

The proposal would be generally consistent with Part C of North Sydney DCP 2013 in particular Section 5 of the Character Statement for North Cremorne Planning Area and Section 5.4 for Benelong Neighbourhood.

The proposal for a dual occupancy is consistent with the desired future character for low density residential accommodation. The design of the proposal with a stepped built form on a sloping site is also consistent with the requirement for respecting the sloping landform.

Whilst the proposed building could be considered out of character due to its flat roof, this is not considered determinative in the circumstances because flat roofed designs are becoming more prevalent in contemporary residential design, a pertinent consideration in non-conservation areas.

### NORTH SYDNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

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

### Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$1,100,000.00
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$11,000.00

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

### Housing Productivity Contribution Order

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.

Part 2 Division 1 Clause 5 outlines that Residential Development triggers a contribution if development consent is granted.

(2) States that Residential Development means any of the following –

- (a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*
- (b) medium or high-density residential development,*
- (c) development for the purposes of a manufactured home estate.*

Schedule 1 defines medium or high density residential development as –

medium or high-density residential accommodation means any of the following:

- (a) attached dwellings,*
- (b) build-to-rent housing,*
- (c) dual occupancy,*
- (d) multi-dwelling housing,*
- (e) residential flat building,*
- (f) semi-detached dwellings,*
- (g) seniors living consisting of a group of independent living units,*
- (h) shop top housing.*

Based on the subject development application, the application is defined as a residential flat building Schedule 2 outlines exemptions for this contribution, of which remains silent on matters such as the proposed development.

Division 2 clause 7 sets out the base contribution amounts as follows:



Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Medium or high-density residential development	\$10,000	new dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA
Central Coast Illawarra-Shoalhaven Lower Hunter	Residential subdivision	\$8,000	new dwelling lot
	Medium or high-density residential development	\$6,000	new dwelling
	Manufactured home estate	\$6,000	new dwelling site
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

The proposal does not involve residential subdivision nor it is a medium/high density development, therefore the requirements for HPC do not apply.

#### ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

#### ENVIRONMENTAL APPRAISAL

#### CONSIDERED

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

## **SUBMITTERS CONCERNS**

The adjoining property owners and the Brightmore Precinct Committee were notified about the original and amended proposals with a total of twenty-one (21) submission excluding submissions from the same submitters who have lodged more than one submission for the original and amended proposals.

The submissions received contains a number of recurrent issues/concerns as summarised earlier in this report.

The concerns raised about building height, bulk and scale, setbacks, compliance with the LEP/DCP controls, built form, streetscape impacts, privacy impacts and compliance with site coverage/landscaped area have been addressed in detailed throughout the report.

The remaining matters/concerns are addressed below:

- ***Appropriateness of stormwater management utilising an adsorption trench system.***

### **Comment:**

The applicant has proposed a part charge system and part trench absorption system to management storm water disposal for the development located on a sloping landform.

Council's Senior Development Engineer has reviewed the proposal and is considered to be acceptable in principle subject to the imposition of a condition requiring the submission of a stormwater management plan to ensure compliance with the requirements as detailed in the condition (**Condition C15**).

- ***Narrow split-level carriageway - Construction traffic management issues and post development vehicular access, deliveries and traffic safety concerns.***

### **Comment:**

The proposal has been referred to Council's Senior Development Engineer and is considered to be acceptable subject to the imposition of appropriate engineering conditions.

In particular, the applicant is required to submit a Construction and Traffic Management Plan to ensure that adequate traffic management measures during construction stage.

Appropriate conditions have also been recommended in relating to the management of construction activities such as noise, dust emissions and construction hours.

Furthermore, the design of driveway crossing/vehicular access is subject to the relevant design standards/requirements to ensure compliance.

- ***Potential adverse impacts from the proposed excavation works on the structural adequacy of the adjoining properties.***

**Comment:**

Appropriate conditions are recommended requiring the submission of further geotechnical reports and dilapidation surveys to be carried out within the adjoining properties to ensure the recording of the condition of buildings prior to commencement of development and structural integrity of the subject site and surrounding properties (**Conditions C5 and C6**).

**PUBLIC INTEREST**

The proposal is considered to be in the public interest for subject to the imposition of condition requiring design changes the reasons stated throughout this report.

**SUITABILITY OF THE SITE**

The proposal would be located in a R2 (Low Density Residential) zone where works for dual occupancies (attached) are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

**CONCLUSION**

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

The proposed work for a new dual occupancy (attached) is a permissible form of development within an R2 Low Density Residential Zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy subject to the imposition of appropriate conditions s detailed in the report.

A total of twenty one (21) unique submissions were received raising objections regarding issues including building height, bulk and scale, setbacks, compliance with the LEP/DCP controls, built form, streetscape impacts, privacy impacts, no-complying site coverage/landscaped area, excavation works and traffic issues. These matters have been addressed in the report including the imposition of conditions requiring various design changes.

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

## **RECOMMENDATION**

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

**THAT** the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and grant deferred commencement consent to Development Application No. 75/24 for demolition of the existing attached dual occupancy and construction of a new dual occupancy (attached) on land at No. 16 Illiliwa Street, Cremorne, subject to the following deferred commencement conditions, site specific conditions and the attached conditions:-

### **AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.**

### **Deferred Commencement Matters**

#### **AA1. Deferred Commencement Matters**

Amended plans, containing the following design modifications/requirements, must be submitted for the written approval of Council's Manager Development Services:

##### **(a) Modifications to the western garage to Illiliwa Street**

The design of the proposed double garage for the western dwelling must be modified to provide a single garage on the eastern side and a dwelling entrance facing Illiliwa Street on the western side of the area allocated for the western double garage.

The paving in the front yard area shall be reduced to facilitate access to the amended garage and front entry door with a maximum of the front yard area amended to provide soft landscaping.

The dwelling entrance must be easily identified as seen from the street with the use of appropriate external materials/colours to provide a building design with the appearance similar to a single dwelling that is more complementary to the streetscape.

##### **(b) Deletion of the elevated dwelling entrance walkway on the western elevation**

The elevated walkway and associated pathway providing access to the proposed western dwelling shall be deleted to minimise bulk and scale of the western elevation of the proposed development and to provide additional areas for landscaping.

Soft landscaping shall be provided on the ground along the alignment of the deleted elevated walkway within the western building setback and the associated pathway within the front building setback.

**(c) Location of the driveway crossing and driveway**

The existing driveway crossing off Illiliwa Street shall be maintained to minimise impacts on an existing street tree (T1).

The design and alignment of the driveway within the front setback shall be modified and reduced in area in response to the existing driveway crossing location and the single garage as required under item (a).

Additional soft landscaping shall be provided within the front building setback not used by the new driveway and the pedestrian pathways in order to increase the area of soft landscaping within the front building setback and to complement the streetscape.

**(d) Landscape plan**

The applicant must prepare a landscape plan detailing the landscape treatments of the front and western building setback areas as amended by Condition AA1(a) to (c) to ensure suitable landscaping for the area affected by the design modifications.

**(e) Revised stormwater management plan**

The applicant must prepare a revised stormwater management plan, based on the submitted stormwater management plan prepared by JCO consultants Pty Ltd dated 30 August 2024, incorporating an amended stormwater discharge line away from the Tree Protection Zone of the existing street tree (T1).

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality, tree protection and the amenity of the surrounding properties)

**This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.**

**B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following site specific conditions:**

**Privacy Protection**

C1 The design of the proposed development shall be modified as follows to ensure privacy protection for the adjoining properties:

(a) First Floor Planters - A planter bed with soft landscaping shall be provided on the roof space between the southern building line and the balustrade line of the first floor bedroom balcony on the southern (rear) elevation to minimise visual privacy impacts on surrounding properties. The planter bed shall be raised to a minimum height of 500mm from the finished floor level and shall be non-trafficable.

- (b) Windows W20 and W31 - Frosted glazing shall be applied to the lower two panes of the first floor bedroom windows (W20 and W31) to minimise visual privacy impacts on the adjoining properties at Nos 14 and 18 Illiliwa Street.

Architectural plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To protect the amenity of surrounding properties.)

### Revised Landscape Plan

C2. The applicant shall prepare a revised landscape plan, based on the submitted landscape plans, prepared by Ground Link dated 4 September 2024, incorporating the following amendments:

- (a) The changes to landscaping treatments within the front and side building setbacks as required by Conditions AA1 (a) to (c) and (e);
- (b) Replacement of *Syzigium* on the ground level along the eastern & western boundaries adjacent to the elevated entrance walkways with *Bambusa textilis* var. 'Gracilis' (a non-invasive bamboo), planted at 1m centres;
- (c) Planting of 1 x *Ceratopetalum apetalum* (75l) to be planted in the eastern rear setback of the subject site; and
- (d) 2 x *Elaeocarpus reticulatus* (100l) shown to be planted within the front setback shall be *E. reticulatus* straight species (white flowering) to enhance landscaping outcomes.

Revised landscape plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure landscaping quality of the subject site and locality)

**ROBIN TSE**  
**SENIOR ASSESSMENT OFFICER**

**ISOBELLA LUCIC**  
**TEAM LEADER ASSESSMENTS**

**STEPHEN BEATTIE**  
**MANAGER DEVELOPMENT SERVICES**

**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**16 ILLILIWA STREET, CREMORNE**  
**DEVELOPMENT APPLICATION NO. 75/24**

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) have been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.**

**Deferred Commencement Matters**

**AA1. Deferred Commencement Matters**

Amended plans, containing the following design modifications/requirements, must be submitted for the written approval of Council's Manager Development Services:

**(a) Modifications to the western garage to Illilliwa Street**

The design of the proposed double garage for the western dwelling must be modified to provide a single garage on the eastern side and a dwelling entrance facing Illilliwa Street on the western side of the area allocated for the western double garage.

The paving in the front yard area shall be reduced to facilitate access to the amended garage and front entry door with a maximum of the front yard area amended to provide soft landscaping.

The dwelling entrance must be easily identified as seen from the street with the use of appropriate external materials/colours to provide a building design with the appearance of similar to a single dwelling that is more complementary to the streetscape.

**(b) Deletion of the elevated dwelling entrance walkway on the western elevation**

The elevated walkway and associated pathway providing access to the proposed western dwelling shall be deleted to minimise bulk and scale of the western elevation of the proposed development and to provide additional areas for landscaping.

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Soft landscaping shall be provided on the ground along the alignment of the elevated walkway within the western building setback and the associated pathway within the front building setback.

**(c) Location of the driveway crossing and driveway**

The existing driveway crossing off Illiliwa Street shall be maintained to minimise impacts on an existing street tree (T1).

The design and alignment of the driveway within the front setback shall be modified and reduced in area in response to the existing driveway crossing location and the single garage as required under item (a).

Additional soft landscaping shall be provided within the front building setback not used by the new driveway and the pedestrian pathways in order to increase the area of soft landscaping within the front building setback and to complement the streetscape.

**(d) Landscape plan**

The applicant must prepare a landscape plan detailing the landscape treatments of the front and western building setback areas as amended by Condition AA1(a) to (c) to ensure suitable landscaping for the area affected by the design modifications.

**(e) Revised stormwater management plan**

The applicant must prepare a revised stormwater management plan, based on the submitted stormwater management plan prepared by JCO consultants Pty Ltd dated 30 August 2024, incorporating an amended stormwater discharge line away from the Tree Protection Zone of the existing street tree (T1).

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality, tree protection and the amenity of the surrounding properties)

**This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.**

**B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following conditions:**



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**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.	Description	Prepared by	Dated
A0002 Issue B	Site Plan	MAP Architects	15 August 24
A1000 Issue B	Demolition Plan	MAP Architects	15 August 24
A1100 Issue B	Lower Ground Floor Plan	MAP Architects	15 August 24
A1101 Issue B	Ground Floor Plan	MAP Architects	15 August 24
A1102 Issue B	First Floor Plan	MAP Architects	15 August 24
A1103 Issue B	Roof Plan	MAP Architects	15 August 24
A2000 Issue B	Front and Rear Elevations	MAP Architects	15 August 24
A2001 Issue B	Side Elevation (East)	MAP Architects	15 August 24
A2002 Issue B	Side Elevation (West)	MAP Architects	15 August 24
A3000 Issue B	Section A	MAP Architects	15 August 24
A3001 Issue B	Section B	MAP Architects	15 August 24

Note: The final drawing numbers and associated details in this condition are subject to further updates to reflect the changes required by the relevant deferred commencement conditions.

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

**Plans on Site**

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

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

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

### **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)

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

#### **Privacy Protection**

- C1. The design of the proposed development shall be modified as follows to ensure privacy protection for the adjoining properties:

- (a) First Floor Planters - A planter bed with soft landscaping shall be provided on the roof space between the southern building line and the balustrade line of the first floor bedroom balcony on the southern (rear) elevation to minimise visual privacy impacts on surrounding properties. The planter bed shall be raised to a minimum height of 500mm from the finished floor level and shall be non-trafficable.
- (b) Windows W20 and W31 - Frosted glazing shall be applied to the lower two panes of the first floor bedroom windows (W20 and W31) to minimise visual privacy impacts on the adjoining properties at Nos 14 and 18 Illiliwa Street.

Architectural plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To protect the amenity of surrounding properties.)

#### **Revised Landscape Plans**

- C2. The applicant shall prepare a revised landscape plan, based on the submitted landscape plans, prepared by Ground Link dated 4 September 2024, incorporating the following amendments:

- (a) The changes to landscaping treatments within the front and side building setbacks as required by Conditions AA1 (a) to (c) and (e);
- (b) Replacement of *Syzigium* on the ground level along the eastern & western boundaries adjacent to the elevated entrance walkways with *Bambusa textilis* var. 'Gracilis' (a non-invasive bamboo), planted at 1m centres;
- (c) Planting of 1 x *Ceratopetalum apetalum* (75l) to be planted in the eastern rear setback of the subject site; and
- (d) 2 x *Elaeocarpus reticulatus* (100l) shown to be planted within the front setback shall be *E. reticulatus* straight species (white flowering) to enhance landscaping outcomes.

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Revised landscape plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure landscaping quality of the subject site and locality.)

**Dilapidation Report Damage to Public Infrastructure**

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

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

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

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

**Dilapidation Report Private Property (Excavation)**

- C4. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer and a copy to be given to the owner of any affected adjoining property.

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

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

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

(Reason: To record the condition of property/ies prior to the commencement of construction)

**Dilapidation Survey Private Property (Neighbouring Buildings)**

- C5. A photographic survey and dilapidation report of adjoining property Nos 14 and 18 Illiliwa Street and Nos 9 and 11 Brightmore Street detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **MUST BE** submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

**Structural Adequacy of Adjoining Properties - Excavation Works**

- C6. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property Nos. 14 and 18 Illiliwa Street and Nos 9 and 11 Brightmore Street, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the 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.

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

**Geotechnical Report**

- C7. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
  - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
  - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
  - d) the existing groundwater levels in relation to the basement structure, where influenced;
  - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and

- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

### **Sediment Control**

- C8. 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.

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)

**Construction Management Program - North Sydney Council Traffic Division Approval**

- C9. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:
- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
    - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
    - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
    - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
    - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
    - v. Locations of hoardings proposed;
    - vi. Location of any proposed crane standing areas;
    - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
    - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
    - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
  - c) The proposed phases of works on the site, and the expected duration of each phase.
  - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
  - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
  - f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.



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- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's Traffic and Transport engineers.

The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate.

A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a **minimum six (6) weeks assessment period** is required.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

**Waste Management Plan**

- C10. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
  - a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;

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- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

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

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

**Skylight(s)**

- C11. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

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

**External Colours and Finishes**

- C12. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

**Roofing Materials - Reflectivity**

- C13. 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)

**No External Service Ducts**

- C14. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. 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 quality built form of the development)

**Work Zone**

- C15. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

**Obtain Driveway Crossing Permit under S.138 Roads Act 1993**

C16. Prior to the issue of the Construction Certificate, North Sydney Council must issue the applicant with a driveway crossing and road infrastructure works **permit** to suit the approved off-street parking facilities. To obtain the permit, an application must be made to Council on a '*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 permit issue. The responsibility for accuracy of the design fully rests with the designing engineer. All responsibility on implementation and supervision of works specified on design plans fully rests on designing engineer or whoever is chosen to be applicant's engineering representative. The civil design drawings shall detail **the following infrastructure construction requirements of Council in relation to the consent:**

- 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 must match the existing one (including the wings).
- c) The vehicular layback and crossing must be reconstructed as a whole new vehicular crossing and layback.
- d) The vehicular layback and crossing must be set square to the kerb.
- e) The crossing section over the footpath (between the property boundary and grass verge) must be perpendicular on a single straight grade of approximately 3% but no more than 4.5%, falling to the grass verge. The driveway crossing section over the grass verge (between the lip of the layback and footpath) must be perpendicular on a single straight which if necessary, may be greater than 4.5 %, but taking into account that the change in cross fall grade in between the road shoulder and driveway crossing is no more than 15%.
- f) The boundary footpath levels must match the existing levels and shall not be altered unless agreed to by Council.
- g) 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 unauthorized works at the cost of the property owner.
- h) The Certifying Authority must ensure that the internal property levels at boundary matches council's confirmed boundary levels.
- i) The footpath and grass verge on Illiliwa Street must be reconstructed for the full width of the property to ensure uniformity on the footpath.
- j) The gutter levels and road shoulder levels may require some adjustment (lifting) to prevent scraping of vehicles and to ensure smooth transitions in such a manner, that the cross fall grade of the road shoulder is 5.5% for a distance of 1200 mm falling to the gutter lip, starting from the surface of the existing carriageway 1650 mm from the existing face of kerb. As a result the kerb gutter is to be transitioned as necessary on both sides of the proposed layback crossing to ensure that a minimum longitudinal fall of 1% is achieved to maintain gutter flows.

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Kerb/gutter transition works are required to ensure gentle changes in grade and longitudinal drainage between the existing and proposed kerb and gutter. These works have been assessed as:

- i). Upstream of the proposed layback, the kerb/gutter shall be reconstructed for a length of 1000mm or to a point where a longitudinal gutter grade of 1.0% can be achieved or to an existing joint, whichever is the greatest.
  - ii). Downstream of the existing layback, the kerb/gutter shall be reconstructed for a length of 1000mm or to an existing joint, whichever is the greatest.
- k) The kerb gutter, and 1200 mm road shoulder wide- strip, adjacent to all new layback and gutter works, on Illiliwa Street must be reconstructed, to ensure uniformity in the road reserve.
  - l) Any twisting of driveway access to ensure vehicles do not scrape must occur wholly within the subject property.
  - m) All inspection openings, utility services must be adjusted to match the proposed driveway levels and location.
  - n) 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.
  - o) A longitudinal section along the gutter line of Illiliwa Street 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.
  - p) A longitudinal section along the footpath property boundary at a scale of 1:50 is required and shall include all changes of grade and levels, **both** existing and proposed.
  - q) The sections must show the calculated clearance to the underside of any overhead structure.
  - r) All details of internal ramp into the parking level.
  - s) A swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking".
  - t) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
  - u) Any footpath panel on Illiliwa Street that is disturbed for the purpose of stormwater connection must be reconstructed as a whole panel.

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

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

**Porous Paving**

C17. The proposed off-street car parking space(s) and/or paving must be paved with materials to allow stormwater infiltration to the substrate. 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 improve the capacity of the site to absorb water runoff)

**Stormwater Management and Disposal Design Plan - Construction Issue Detail**

C18. 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, based on the stormwater management plan as required by Condition AA1(e) of this consent, must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b) A combined stormwater disposal system, incorporating charged lines for the discharge of stormwater collected from the roof areas of the main dwelling and areas on the southern (high) side of the site and an absorption trenches system with discharge areas on the northern (low) side of the site for the remaining stormwater collected within the site, must be applied to the subject site.
- c) For part of stormwater that can be conveyed by charged system to Council's kerb, there must be a minimum difference in height between the most remote section of the roof gutter and the discharge pit at the property boundary of 1.8 meters. In addition, all local and friction losses must be taken into account and therefore, functionality of the system must be supported by hydraulic calculations which must be presented with hydraulic grade line (HGL). There must be a gravity flow across the footpath from an isolating sealed and lid-bolted pit within the property. All pipes must be a minimum of 100 mm and all joints must be solvent welded. A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site absorption system. Gutter guards must be installed on all gutters to minimize debris entering the system.
- d) All gutters and pipes in the system must be designed for a 1 in 100 year ARI storm event.
- e) A Positive Covenant will be required to be placed on the title of the property to inform owners of their responsibility in maintaining the system.

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- f) That part of the stormwater from surface sub-catchment, shall be conveyed to the absorption trenches system in the rear yard. The size of the proposed trench system shall be determined from the sub-catchment area that is draining into it and from the soil absorption rate. The minimum depth of each absorption trench must not be less than 1 meter. A distance of absorption trench from any building structure or property boundary shall be minimum 2 meters and they shall be placed in parallel to the site contours.
- g) Pipelines within the footpath area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres.
- h) Any footpath panel on Illiliwa Street disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- i) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.

Details demonstrating compliance are to be submitted with the Construction Certificate.

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**

- C19. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$10,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
  - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
  - c) remedying any defects in any such public work that arise within 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.

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

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

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

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

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

**Tree Protection**

C20. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist ("the project arboriculturist"), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.



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- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

**Tree Bond for Public Trees**

- C21. Prior to the issue of any construction certificate, security in the sum of \$12,000.00 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.

<b>Tree Species</b>	<b>Location</b>	<b>Bond</b>
T1 <i>Tristanopsis laurina</i> (5x6m)	council verge in front of 16 Illiliwa Street	\$8,000
T2 <i>Callistemon viminalis</i> (5x6m)	council verge in front of 18 Illiliwa Street	\$4,000

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

### Tree Protection Measures to be shown on Construction Drawings

- C22. The tree protection measures contained in the arborist report prepared by Urban Arbor, dated 3 September 2024, as amended by conditions contained herein, 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

- C23. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
T1 <i>Tristaniopsis laurina</i>	council verge in front of 16 Illiliwa Street	5x6m
T2 <i>Callistemon viminalis</i>	council verge in front of 18 Illiliwa Street	5x6m
T5 <i>Archontophoenix cunninghamiana</i>	Front setback - 14 Illiliwa St (eastern boundary)	9x3m
T6 <i>Eucalyptus robusta</i>	Rear setback - 9 Brightmore Street	17x8m
T7 <i>Jacaranda mimosifolia</i>	Rear setback - 9 Brightmore Street	13x10m
T8 <i>Fraxinus griffithii</i>	Rear setback - 9 Brightmore Street	8x6m
T9 <i>Fraxinus griffithii</i>	Rear setback - 9 Brightmore Street	9x6m
T10 <i>Callistemon salignus</i>	Rear setback - 11 Brightmore Street	10x6m

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

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

(Reason: Protection of existing environmental and community assets)

### Approval for Removal of Trees

- C24. The following tree(s) are approved for removal in accordance with the development consent:

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Trees that are acceptable to remove	Location	Height
<i>T3 Thuja orientalis</i>	Front setback-16 Illiliwa Street	10x5m
<i>T4 Thuja orientalis</i>	Front setback-16 Illiliwa Street	4x5m

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

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

(Reason: Protection of existing environmental and community assets)

### Pruning of Trees

- C25. 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:

No canopy pruning shall be permitted. Branches/fronds shall be carefully tied back under supervision of the project arborist if required.

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

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

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

### Garbage and Recycling Facilities

- C26. 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**

- C27. 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.

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)

**Location of Plant**

- C28. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the proposed building and is not to be located on balconies or the roof. 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.

(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

**Noise from Plant and Equipment**

- C29. The use of all plant and equipment installed on the premises must not:

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

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

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

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

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

**Air Conditioners in Residential Premises**

C30. 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.

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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**

- C31. 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 \$11,000.00.

**Indexation**

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

**Timing of Payment**

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

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

- C32. 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:

<b>Security Deposit/Guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$12,000.00
Engineering Construction Bond	\$10,000.00
<b>TOTAL BONDS</b>	<b>\$22,000.00</b>

Note: The following fees applicable

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<b>Fees</b>	
Section 7.12 Development Contributions:	\$11,000.00
<b>TOTAL FEES</b>	<b>\$11,000.00</b>

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

(Reason: Compliance with the development consent)

**BASIX Certificate**

- C33. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1734896M\_02 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)

**Notification of New Addresses**

- C34. Prior to the issue of the relevant Construction Certificate, an application must be made and written confirmation received from North Sydney Council of the allocated street address (house number) and/ or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*.'

The approved numbering will be recorded in Council's Land and Property Information database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for a Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

**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.

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

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

**Tree Protection Measures**

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

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

**Project Arborist Engaged**

- D3. • The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.



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- The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
- Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.
- The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection)

**Protection of Public Trees**

- D4. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Protection
T1 <i>Tristanopsis laurina</i> (5x6m)	council verge in front of 16 Illiliwa Street	1.8m high steel mesh tree protection fencing, Trunk, branch & root protection
T2 <i>Callistemon viminalis</i> (5x6m)	council verge in front of 18 Illiliwa Street	Trunk, branch & root protection

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

1.8m high steel mesh tree protection fencing shall be erected such that any unprotected section of council verge within TPZ of protected trees shall be completely enclosed.

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

(Reason: Protection of existing environmental and community assets)

**Temporary Fences and Tree Protection**

- D5. All protected trees that are specifically nominated as per Condition C22 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

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

**Public Liability Insurance - Works on Public Land**

- D6. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

**Sydney Water Approvals**

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

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*Notes:*

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

(Reason: To ensure compliance with Sydney Water requirements)

**Commencement of Works' Notice**

- D8. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

**E. During Demolition and Building Work**

**Reuse of Sandstone**

- E1. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site.

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

**Parking Restrictions**

- E2. 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**

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

**Temporary Disposal of Stormwater Runoff**

- E4. 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)

**Geotechnical Stability during Works**

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical engineer and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

**Council Inspection of Public Infrastructure Works**

E6. 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**

E7. 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**

E8. The following must be complied with at all times:

(a) Materials must not be burnt on the site.

(b) Vehicles entering and leaving the site with soil or fill material must be covered.

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

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

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

**Noise and Vibration**

- E9. 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**

- E10. 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)

**Developer's Cost of Work on Council Property**

- E11. The Developer or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

**No Removal of Trees on Public Property**

- E12. 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)

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**Protection of Trees**

- E13. 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 Urban Arbor dated 2 September 2024, as amended by conditions contained herein, must be implemented for the duration of the works.

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

Notes:

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

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

**Trees to be Removed**

- E14. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Trees that are acceptable to remove	Location	Height
T3 <i>Thuja orientalis</i>	Front setback - 16 Illiliwa Street	10x5m
T4 <i>Thuja orientalis</i>	Front setback - 16 Illiliwa Street	4x5m

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

**Special Permits**

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

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

**1) On-street mobile plant**

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

(Reason: Proper management of public land)

**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)



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**Noxious Plants**

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

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

**Construction Hours**

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

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

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

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

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

**Installation and Maintenance of Sediment Control**

E18. 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**

E19. 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**

E20. 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](http://www.workcover.nsw.gov.au).

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

**Health and Safety**

E21. 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.

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](http://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**

E22. 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)

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**Plant and Equipment Kept Within Site**

- E23. 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](http://www.northsydney.nsw.gov.au).

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

**Imported Fill Material**

- E24. The only waste derived fill material that may be received at the development site is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
  - b) Any other waste-derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

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

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

**Waste Disposal**

- E25. 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**

- E26. 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)

### **Service Adjustments**

- E27. Where required, the adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

### **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:

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- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease, and no further work may be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

(Reason: Prescribed - Statutory)

**Appointment of Principal Certifier (PC)**

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

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

**Construction Certificate**

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

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

**Occupation Certificate**

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

(Reason: Statutory)

**Critical Stage Inspections**

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

(Reason: Statutory)

**Excavation/Demolition**

- F7. 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**

- F8. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

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- 5) No access across public reserves or parks is permitted.

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

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

**Site Sign**

- F9. 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;

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

**Works as Executed Drawings and Video**

- G3. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising civil engineer and certification provided to the Principal Certifier that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certification must be provided with the W.A.E. survey drawing to the Principal Certifier prior to the issue of an Occupation Certificate.

A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Principal Certifier.

(Reason: Compliance with the Consent)

**Damage to Adjoining Properties**

- G4. 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

G5. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

### Covenant and Restriction (Stormwater Control Systems)

G6. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- a. a restriction as to user and positive covenant as to user as appropriate in favour of North Sydney Council burdening 16 Illiliwa Street, Cremorne requiring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines);
- b. North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument;
- c. the wording on the Instrument making reference to the Council file/s which hold:
  - (a) the Construction plans; and
  - (b) the "Work-as-Executed" (as built) plans;

The terms of the Instrument must be executed by an authorised delegate of North Sydney Council prior to submission to the NSW Land Registry Services for registration.

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

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

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

(Reason: Compliance and adequate maintenance of drainage system)

### Notification of New Address Developments

G7. Prior to any Occupation Certificate being issued, the person acting upon this consent must comply with the following: -

- (a) Notify Australia Post of the address(es) as issued by Council and the location in plan form of any secondary, internal addresses, in relation to built public roads. Check Australia Post Website ([www.auspost.com.au](http://www.auspost.com.au)) to find your nearest Australia Post Delivery Facility.

(Reason: To ensure that Council records are accurate, that house numbering complies with the requirements of Council's House Numbering Policy and to assist emergency services.)

### Asbestos Clearance Certificate

G8. 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](http://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

G9. 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
T1 <i>Tristaniopsis laurina</i>	council verge in front of 16 Illiliwa Street	5x6m
T2 <i>Callistemon viminalis</i>	council verge in front of 18 Illiliwa Street	5x6m
T5 <i>Archontophoenix cunninghamiana</i>	Front setback - 14 Illiliwa St (east boundary)	9x3m
T6 <i>Eucalyptus robusta</i>	Rear setback - 9 Brightmore Street	17x8m

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<i>T7 Jacaranda mimosifolia</i>	Rear setback - 9 Brightmore Street	13x10m
<i>T8 Fraxinus griffithii</i>	Rear setback - 9 Brightmore Street	8x6m
<i>T9 Fraxinus griffithii</i>	Rear setback - 9 Brightmore Street	9x6m
<i>T10 Callistemon salignus</i>	Rear setback - 11 Brightmore Street	10x6m
1 x <i>Tristaniopsis laurina</i> 'Luscious'	council verge in front of 16 Illiliwa Street, to the east of driveway crossing	75l
1 x <i>Ceratopetalum apetalum</i>	Western rear setback - 16 Illiliwa Street	75l
2 x <i>Elaeocarpus reticulatus</i>	Front setback - 16 Illiliwa Street	100l
1 x <i>Melaleuca stypheliodes</i>	eastern rear setback - 16 Illiliwa Street	100l

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)

### Disposal Information

G10. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:

- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and
- (b) the disposal points and methods used.

(Reason: To ensure appropriate disposal methods are undertaken for auditing and inspection purposes)

### Sydney Water

G11. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

The Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of the Strata Certificate. [Delete as appropriate]

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

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

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

**BASIX Completion Receipt**

G12. 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)

**House Numbering (Dwellings)**

G13. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

Note: If apartments are to be sold off the plan, the applicant must have written confirmation from Council of the address and apartment numbering if the apartment number is to be identified on the contract.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

**Landscaping**

G14. The landscaping shown in the approved landscape plan as required by Condition C1 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**Unpaved Verge**

G15. The unpaved verge area must be constructed or reconstructed and planted with an appropriate species of grass prior to completion of the works at no cost to Council.

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

**Compliance with Certain Conditions**

- G16. Prior to the issue of any Occupation Certificate, Condition C1 must be certified as having been implemented on site and complied with.

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

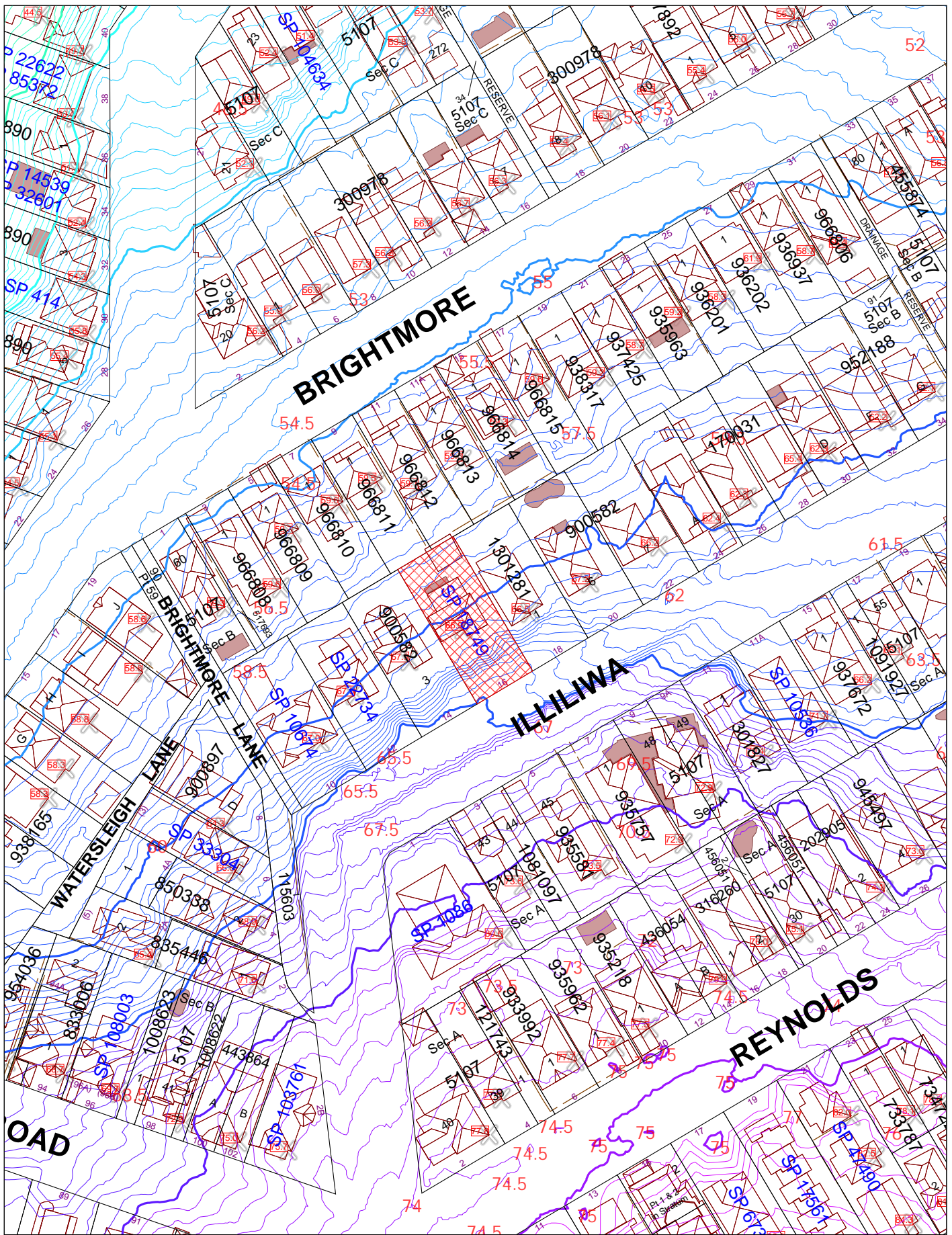
***I. Ongoing/Operational Conditions*****Maintenance of Approved Landscaping**

- I1. The owner of the premises at 16 Illiliwa Street is to maintain the landscaping approved by this consent generally in accordance with approved plans as modified by Conditions C1 and C22

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

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

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



**North Sydney Council**

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

Scale: 1:1200 approx.



AS1926.1-2012, SWIMMING POOL SAFETY - SAFETY BARRIERS FOR SWIMMING POOLS.  
 AS1926.2-2007, SWIMMING POOL SAFETY - LOCATION OF SAFETY BARRIERS FOR SWIMMING POOLS.  
 AS/NZS 2416.1:2010, WATER SAFETY SIGNS AND BEACH SAFETY FLAGS

EARTHWORK IS TO COMPLY WITH BCA 2016 TABLE 3.1.1.1 AS REFERENCED IN FIG 3.1.2.1 & CLAUSE 3.1.1.0(B) FOR DETERMINATION OF A NORMAL SITE AS REFERENCED BY CLAUSE 3.2.1.  
 DRAINAGE IS TO COMPLY WITH AS/NZS 3500.3-2015 OR SECTION 5 OF AS/NZS 3500.5 2012.  
 TERMITE MANAGEMENT IS TO COMPLY WITH BCA 2016 PART 3.1.3 AND AS 3660.1-2014. A DURABLE NOTICE IS TO BE INSTALLED IN ACCORDANCE WITH BCA 2016 PART 3.1.3(b). WHERE A CHEMICAL TERMITE MANAGEMENT SYSTEM IS USED, THE CHEMICAL MUST BE INCLUDED ON THE APPROPRIATE AUTHORITY'S PESTICIDES REGISTER. A.

**SITE ACCESS**  
 PROVIDE A SINGLE STABILISED ENTRY/EXIT POINT. SEDIMENT OR BUILDING WASTE SHOULD BE REMOVED FROM THE ROAD BY SWEEPING, SHOVELLING OR SPONGING; NOT WASHING.

**DIVERSION OF WATER**  
 DIVERT RUN OFF AWAY FROM DISTURBED AREAS AND STOCKPILES USING BANKS AND CHANNELS. RUN OFF SHOULD BE TREATED (BY SEDIMENT FENCE OR THE LIKE) BEFORE LEAVING THE SITE.

**ROOF WATER DRAINAGE**  
 CONNECT TEMPORARY OR PERMANENT DOWNPIPES TO THE STORM WATER SYSTEM AS SOON AS THE ROOF IS COMPLETE, TO REDUCE SITE WETNESS.

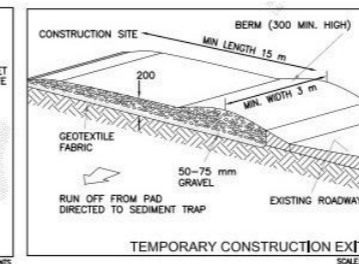
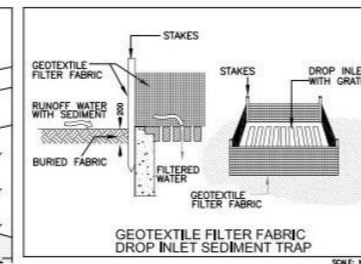
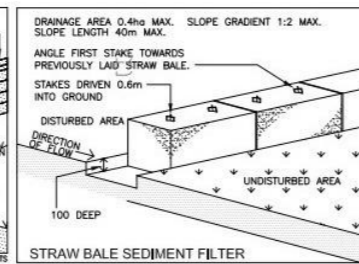
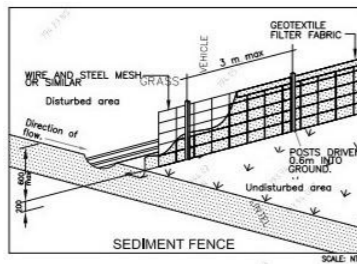
**DUST CONTROLS**  
 MINIMISE DISTURBANCES. COVER STOCKPILES. USE WATER WHEN NECESSARY, BUT CONTROL RUN OFF.

ALL WORK SHOULD COMPLY WITH RELEVANT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA (BCA). ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS WHICH INCLUDE SPECIFICATIONS, THE DRAWINGS, ALL ADDENDUMS, FINISHES SCHEDULES. ALL CONSTRUCTION DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL CONSULTANTS AND CONTRACTOR DRAWINGS, SCHEDULES AND SPECIFICATIONS. IN CASE OF CONFLICT BETWEEN ARCHITECTS AND CONSULTANTS DRAWINGS IN LOCATING STRUCTURAL ELEMENTS, MATERIALS/EQUIPMENT.

**DETAIL 1**  
**SEDIMENTATION FENCES**  
 FENCES SHOULD BE INSTALLED DOWN SLOPE TO TREAT SITE RUN-OFF. TO BE EFFECTIVE, THEY NEED TO BE INSTALLED PROPERLY AND MAINTAINED REGULARLY.

**DETAIL 2**  
**GUTTER PROTECTION**  
 GRAVEL SAUSAGES, GRAVEL BAGS OR SAND BAGS SHOULD BE INSTALLED AROUND STORM WATER INLETS TO REDUCE THE RISK OF UNTREATED RUN OFF ENTERING THE WATERWAYS.

**DETAIL 3**  
**STOCKPILES**  
 STOCKPILES SHOULD BE LOCATED UPSLOPE AWAY FROM DRAINAGE LINES. RUN OFF SHOULD BE DIVERTED AWAY FROM THE STOCKPILE. PROTECT STOCKPILES WITH WATERPROOF COVERING. INSTALL A SEDIMENT CONTROL DEVICE ON THE DOWNSLOPE SIDE OF THE STOCKPILE. STOCKPILES MUST NOT BE STORED ON FOOTPATHS.



EXAMPLE OF 1.8M STEEL MESH CHAIN WIRE FENCE & WARNING SIGN

**SITE ACCESS**  
 PROVIDE A SINGLE STABILISED ENTRY/EXIT POINT. SEDIMENT OR BUILDING WASTE SHOULD BE REMOVED FROM THE ROAD BY SWEEPING, SHOVELLING OR SPONGING; NOT WASHING.

**DIVERSION OF WATER**  
 DIVERT RUN OFF AWAY FROM DISTURBED AREAS AND STOCKPILES USING BANKS AND CHANNELS. RUN OFF SHOULD BE TREATED (BY SEDIMENT FENCE OR THE LIKE) BEFORE LEAVING THE SITE.

**ROOF WATER DRAINAGE**  
 CONNECT TEMPORARY OR PERMANENT DOWNPIPES TO THE STORM WATER SYSTEM AS SOON AS THE ROOF IS COMPLETE, TO REDUCE SITE WETNESS.

**DUST CONTROLS**  
 MINIMISE DISTURBANCES. COVER STOCKPILES. USE WATER WHEN NECESSARY, BUT CONTROL RUN OFF.

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**DETAIL 1**  
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**DETAIL 2**  
**GUTTER PROTECTION**  
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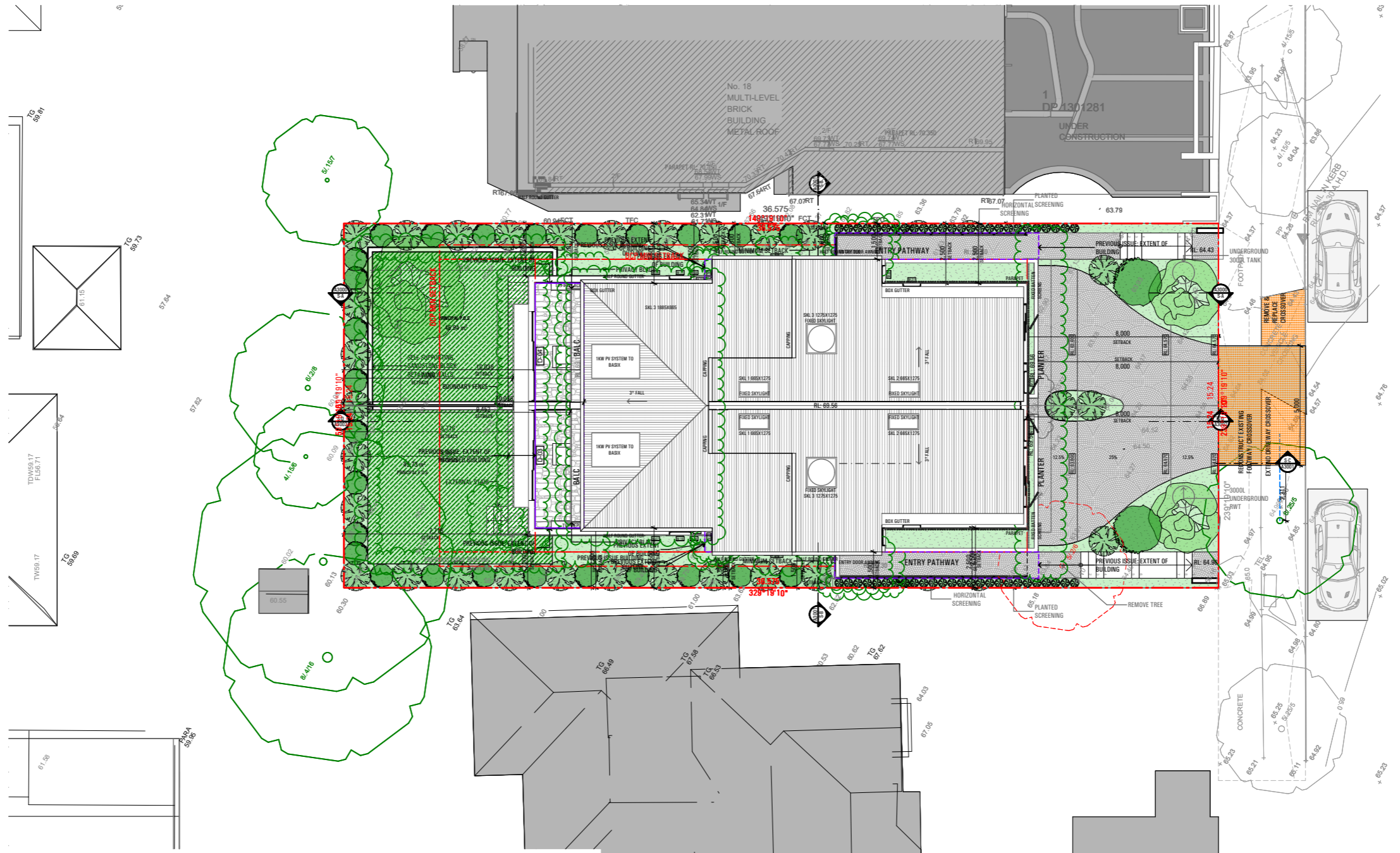
**DETAIL 3**  
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BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE	AMENDMENT	DATE
A	ISSUE FOR DA		21.11.2023
B	RE-ISSUE FOR DA		15.08.2024
C	RE-ISSUE FOR DA		27.09.2024

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**LEGEND**

- DEMOLISH
- EXISTING
- PROPOSED
- EXISTING RL
- TOW TOP OF WALL



ILLILIWA STREET

**MAP ARCHITECTS**  
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 www.maparch.com.au

DEVELOPMENT APPLICATION			
project	16 ILLILIWA ST CREMORNE		
drawing	SITE PLAN		
drawn RV	checked MA		
date 27.09.24	scale 1:200 @ A3		
project no 2_23_20	drawing no A0002	issue C	

**DEMOLITION**

**STANDARD DEMOLITION:** TO AS 2601  
**DEMOLISHED MATERIALS**  
 EXCEPT FOR MATERIALS TO BE SALVAGED AND RETAINED BY THE OWNER OR RE-USED,  
 DEMOLISH MATERIALS AND REMOVE FROM THE SITE.  
**DO NOT BURN OR BURY DEMOLISHED MATERIALS ON THE SITE.**  
**SUPPORT**  
 PROVIDE TEMPORARY SUPPORT FOR SECTIONS OF EXISTING BUILDINGS WHICH ARE TO BE ALTERED AND WHICH RELY FOR SUPPORT ON WORK TO BE DEMOLISHED.  
**ASBESTOS REMOVAL**  
 METHOD: USE WET REMOVAL METHODS RECOMMENDED IN THE CODE OF PRACTICE FOR THE REMOVAL OF ASBESTOS (HOHSC: 2002), INCLUDING PART 4 FOR INSULATION AND LAGGING, AND PART 9 FOR ASBESTOS CEMENT.  
**MONITORING:** HAVE DUST MONITORING PERFORMED BY AN INDEPENDENT TESTING AUTHORITY.

REFER TO SPECIFICATION AND SCHEDULE FOR FURTHER DETAILS

**NOTES**

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DEMOLITION SPECIFICATION, SCHEDULES, ENVIRONMENTAL MANAGEMENT PLAN & DA CONSENT CONDITIONS THE PUBLIC FOOTWAYS & ROADWAYS ADJACENT TO THE SITE SHALL BE MAINTAINED AT ALL TIMES DURING THE COURSE OF THE WORK IN A SAFE CONDITION. LIGHTING, FENCING, TRAFFIC CONTROL & ADVANCED WARNING SIGNS SHALL BE PROVIDED FOR THE PROTECTION OF THE WORKS & THE SAFETY & CONVENIENCE OF THE PUBLIC TO THE SATISFACTION OF THE PCA & IN ACCORDANCE WITH COUNCIL'S STANDARD SPECIFICATION FOR ENGINEERING WORKS. TRAFFIC MOVEMENT IN BOTH DIRECTIONS ON PUBLIC ROADS, AND VEHICLE ACCESS TO PRIVATE PROPERTIES IS TO BE MAINTAINED AT ALL TIMES DURING THE WORKS

CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS WILL INSTALL, MAINTAIN & IMPLEMENT SOIL & SEDIMENT CONTROL MEASURES AT ALL TIMES. THE MEASURES TO REMAIN IN PROPER OPERATION UNTIL ALL DEVELOPMENT ACTIVITIES HAVE BEEN COMPLETED & THE SITE FULLY STABILISED, REFER TO HYDRAULIC ENGINEER'S SEDIMENT CONTROL PLAN DRAWING 0708 SCP-D1 REVISION B ISSUED 25/07/07. TOILET FACILITIES TO BE PROVIDED DURING DEMOLITION & CONSTRUCTION, AT A RATE OF 1 TOILET TO 20 PERSONS OR PART PERSONS ON SITE. DEMOLITION MUST BE UNDERTAKEN IN ACCORDANCE WITH PROVISIONS OF AS2601-DEMOLITION OF STRUCTURES. ALL EXISTING WALL FIXINGS, EXPOSED SERVICES, WIRING ETC. NOT REUSED TO BE CAPPED OFF & MADE SAFE, IN ACCORDANCE WITH DEMOLITION SPECIFICATION. ALL FILL & VEGETATION TO EXISTING PLANTERS TO BE REMOVED & ANY SERVICE CAPPED WHERE WALLS ARE TO BE REMOVED & NOT REPLACED, THE EXISTING WALLS TO BE MADE GOOD WORK MUST SATISFY APPLICABLE OCCUPATIONAL HEALTH & SAFETY, & CONSTRUCTION SAFETY REGULATIONS, INCLUDING ANY WORK COVER AUTHORITY REQUIREMENTS. SITE FENCE TO BE INSTALLED TO EXCLUDE PUBLIC FROM SITE. SAFETY SIGNS MUST BE ERECTED TO WARN PUBLIC TO KEEP OFF SITE AND PROVIDE A TELEPHONE CONTACT NUMBER FOR ENQUIRIES. WORK COVER AUTHORITY TO BE NOTIFIED IMMEDIATELY IF ANY PART OF THE BUILDING BEING DEMOLISHED OR REMOVED IS IDENTIFIED OR SUSPECTED OF CONTAINING ASBESTOS. THE REQUIREMENTS & STANDARDS IMPOSED BY THE AUTHORITY, ITS CONSULTANTS OR CONTRACTORS SHALL BE COMPLIED WITH. IF REQUIRED CONTRACTOR SHALL ENGAGE QUALIFIED CONSULTANT TO UNDERTAKE ASBESTOS & LEAD PAINT CONTAMINATION SURVEY DEMOLITION WORKS SHALL BE RESTRICTED TO WITHIN THE HOURS OF 8.00AM TO 5.00PM MONDAY TO FRIDAY ONLY. THE BUILDER SHALL DISPLAY ON-SITE, THEIR 24 HOUR CONTACT NUMBER, WHICH IS CLEARLY VISIBLE & LEGIBLE FROM ANY PUBLIC PLACE ADJOINING THE SITE NOISE EMISSIONS & VIBRATIONS TO BE MINIMISED WHERE POSSIBLE & WORK TO BE CARRIED OUT IN ACCORDANCE WITH EPA GUIDELINES & COMPLY WITH THE PROTECTION OF THE ENVIRONMENTAL OPERATIONS ACT 1997. ALL PLANT & EQUIPMENT USED DURING DEMOLITION SHALL BE SITUATED WITHIN THE BOUNDARIES OF THE SITE AND PLACED SO THAT ALL SLURRY, WATER AND DEBRIS SHALL BE DISCHARGED & CONTAINED ON SITE. ALL WORK SHOULD COMPLY WITH RELEVANT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA (BCA). ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS WHICH INCLUDE SPECIFICATIONS, THE DRAWINGS, ALL ADDENDUMS, FINISHES SCHEDULES. ALL THE CONSTRUCTION DRAWINGS SHALL BE READ IN CONJUNCTION W/ ALL CONSULTANTS AND CONTRACTOR DRAWINGS, SCHEDULES AND SPECIFICATIONS. IN CASE OF CONFLICT BETWEEN ARCHITECTS AND CONSULTANTS DRAWINGS IN LOCATING STRUCTURAL ELEMENTS, MATERIALS / EQUIPMENT.

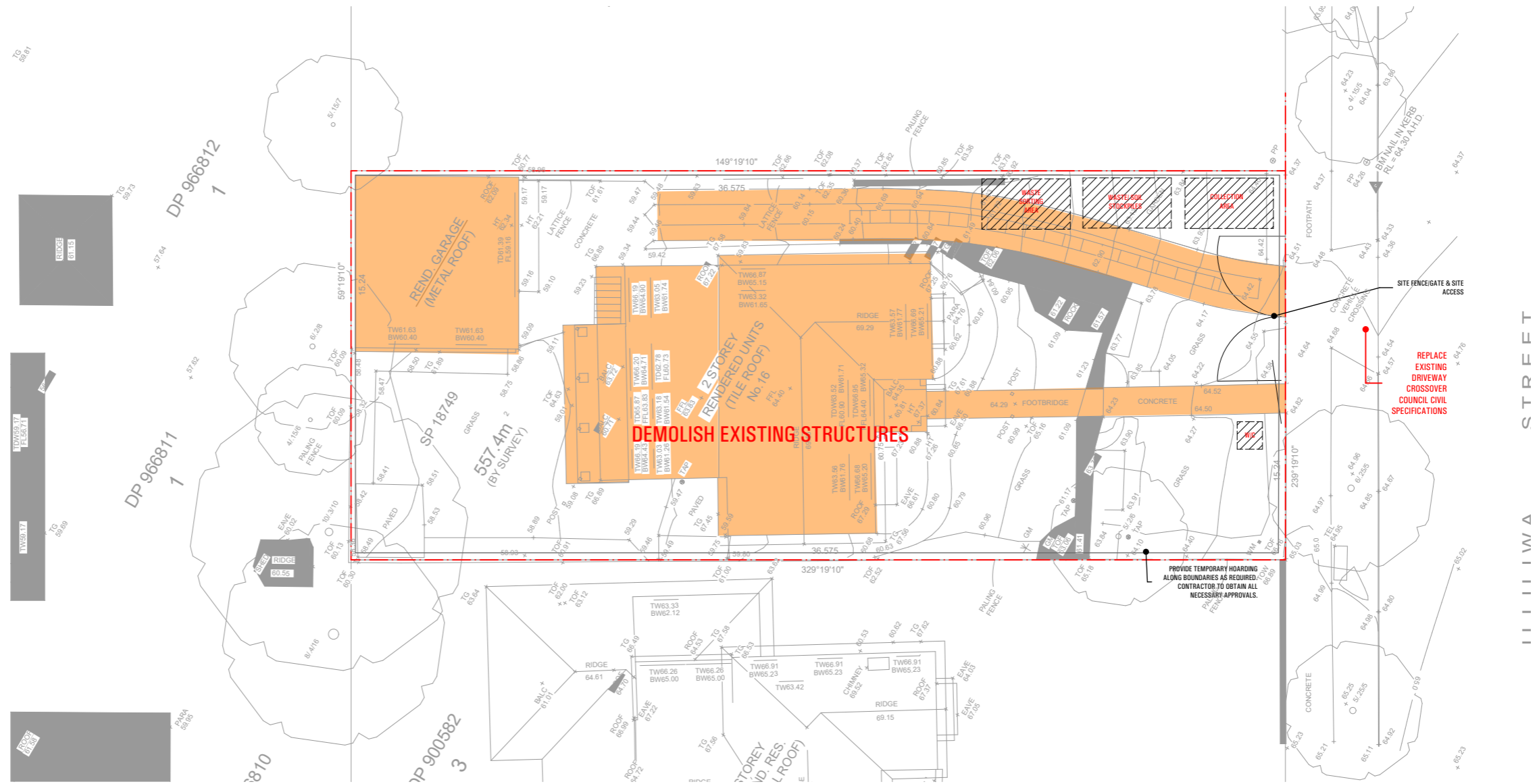
BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE	AMENDMENT	DATE
A	ISSUE FOR DA		21.11.2023
B	RE-ISSUE FOR DA		15.08.2024
C	RE-ISSUE FOR DA		27.09.2024

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REPLACE EXISTING DRIVEWAY CROSSOVER COUNCIL CIVIL SPECIFICATIONS

PROVIDE TEMPORARY HOARDING ALONG BOUNDARIES AS REQUIRED. CONTRACTOR TO OBTAIN ALL NECESSARY APPROVALS.



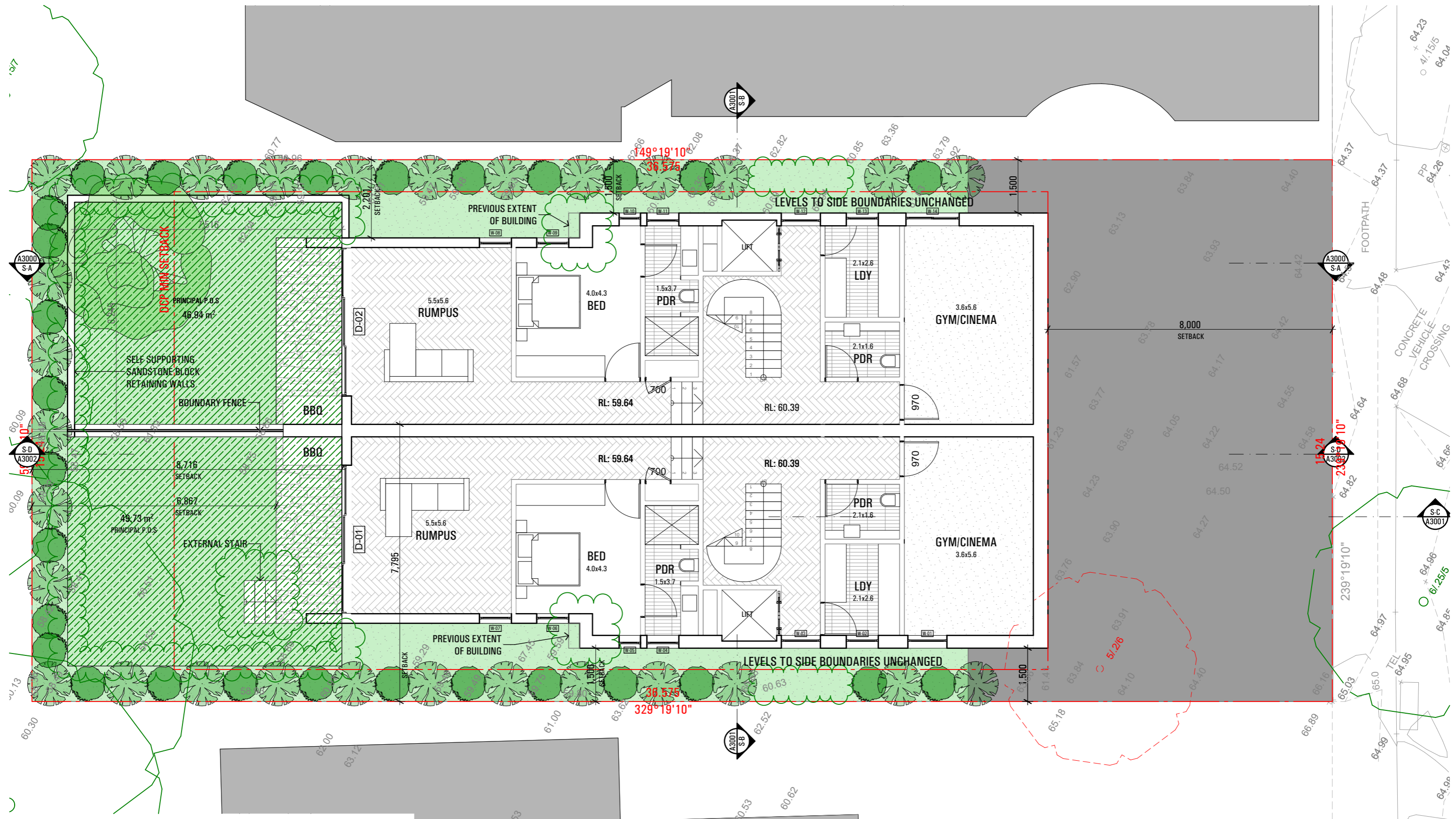
Nominated NSW Architects Reg. 9401 - Mark P. Alves  
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ph: 02 8065 6975  
 e: mark@maparch.com.au  
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**DEVELOPMENT APPLICATION**

project	16 ILLIWIWA ST CREMORNE		
drawing	DEMOLITION PLAN		
drawn	RV	checked	MA
date	27.09.24	scale	1:200 @ A3
project no	2_23_20	drawing no	A1000
issue			C





**Lower Ground**  
1:100

ISSUE AMENDMENT	DATE
A ISSUE FOR DA	21.11.2023
B RE-ISSUE FOR DA	15.08.2024
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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOW TOP OF WALL



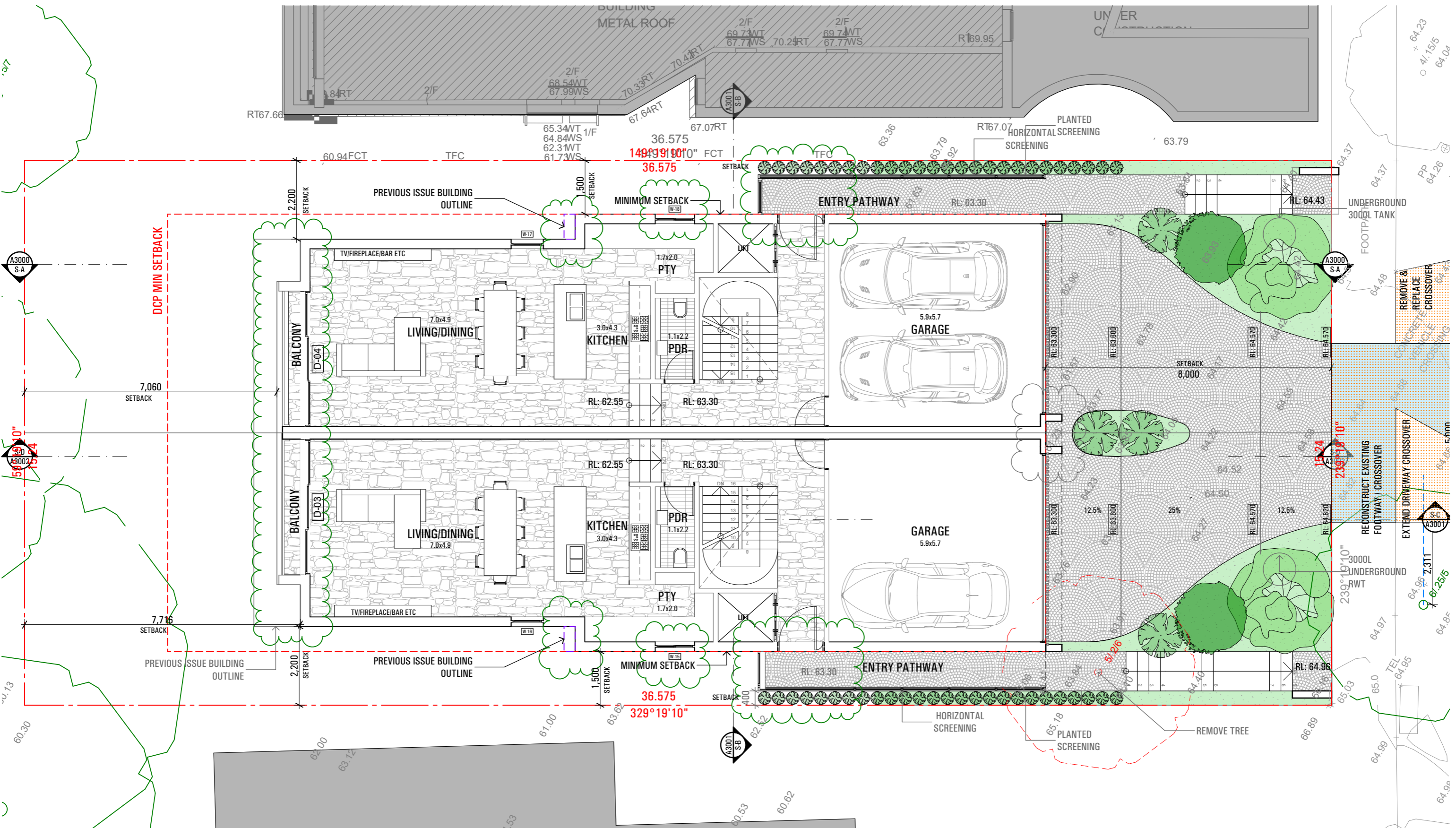
**MAP ARCHITECTS**

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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE
drawing	LOWER GROUND FLOOR
drawn RV	checked MA
date 27.09.24	scale 1:100 @ A3
project no 2_23_20	drawing no A1100
issue	C



**Proposed Ground Floor Plan**  
1:100

ISSUE AMENDMENT	DATE
A	ISSUE FOR DA 21.11.2023
B	RE-ISSUE FOR DA 15.08.2024
C	RE-ISSUE FOR DA 27.09.2024

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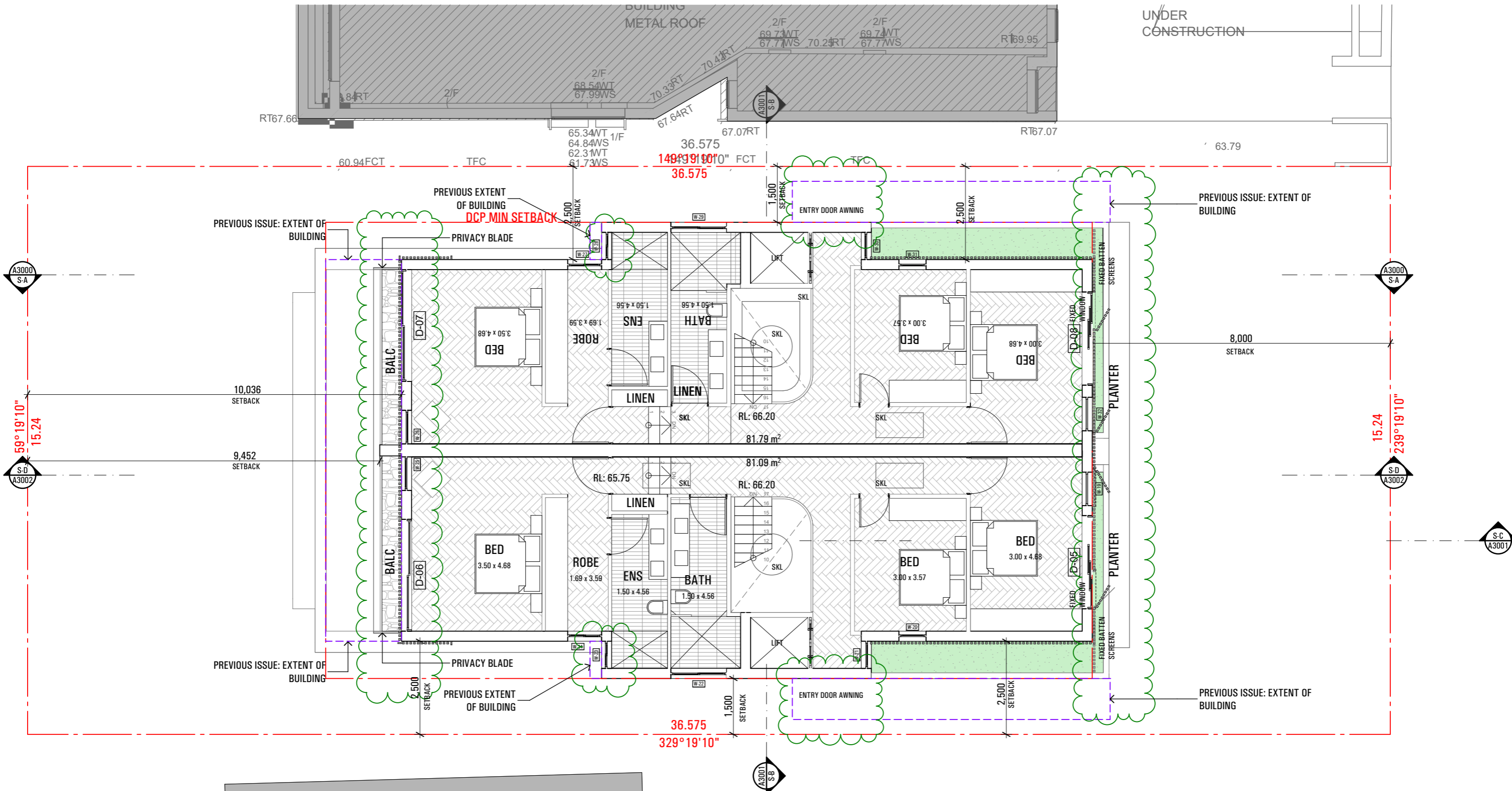
**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOP OF WALL

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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST
	CREMORNE
drawing	GROUND FLOOR PLAN
drawn RV	checked MA
date 27.09.24	scale 1:100 @ A3
project no 2_23_20	drawing no A1101
	issue C



**Proposed First Floor Plan**  
1:100

BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE AMENDMENT	DATE
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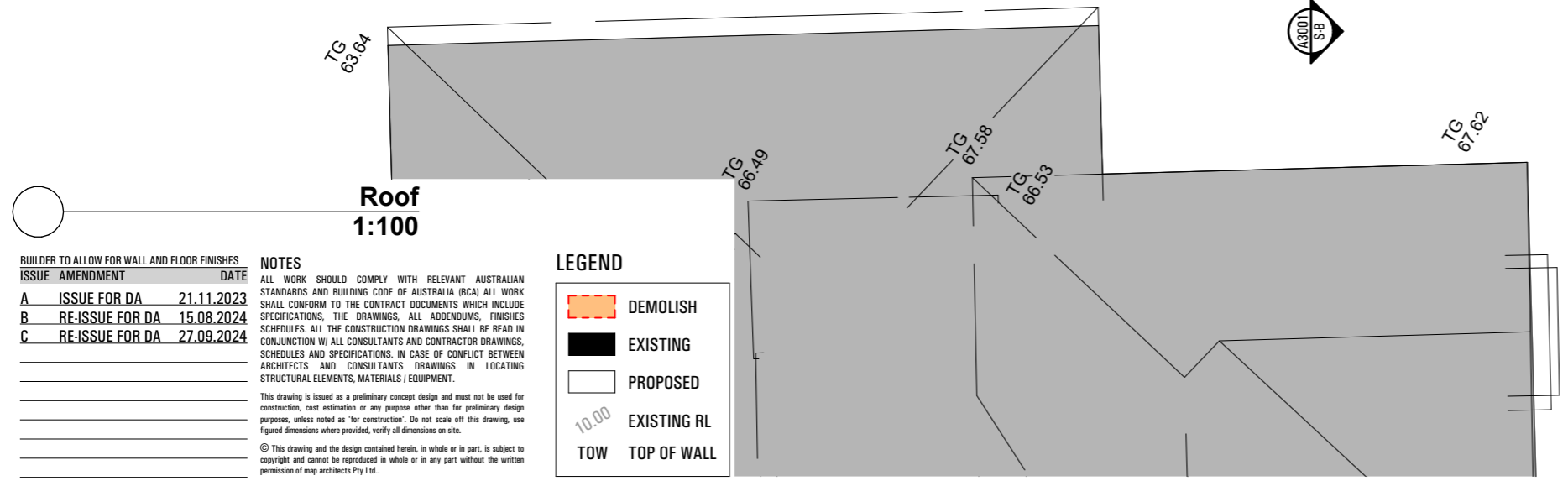
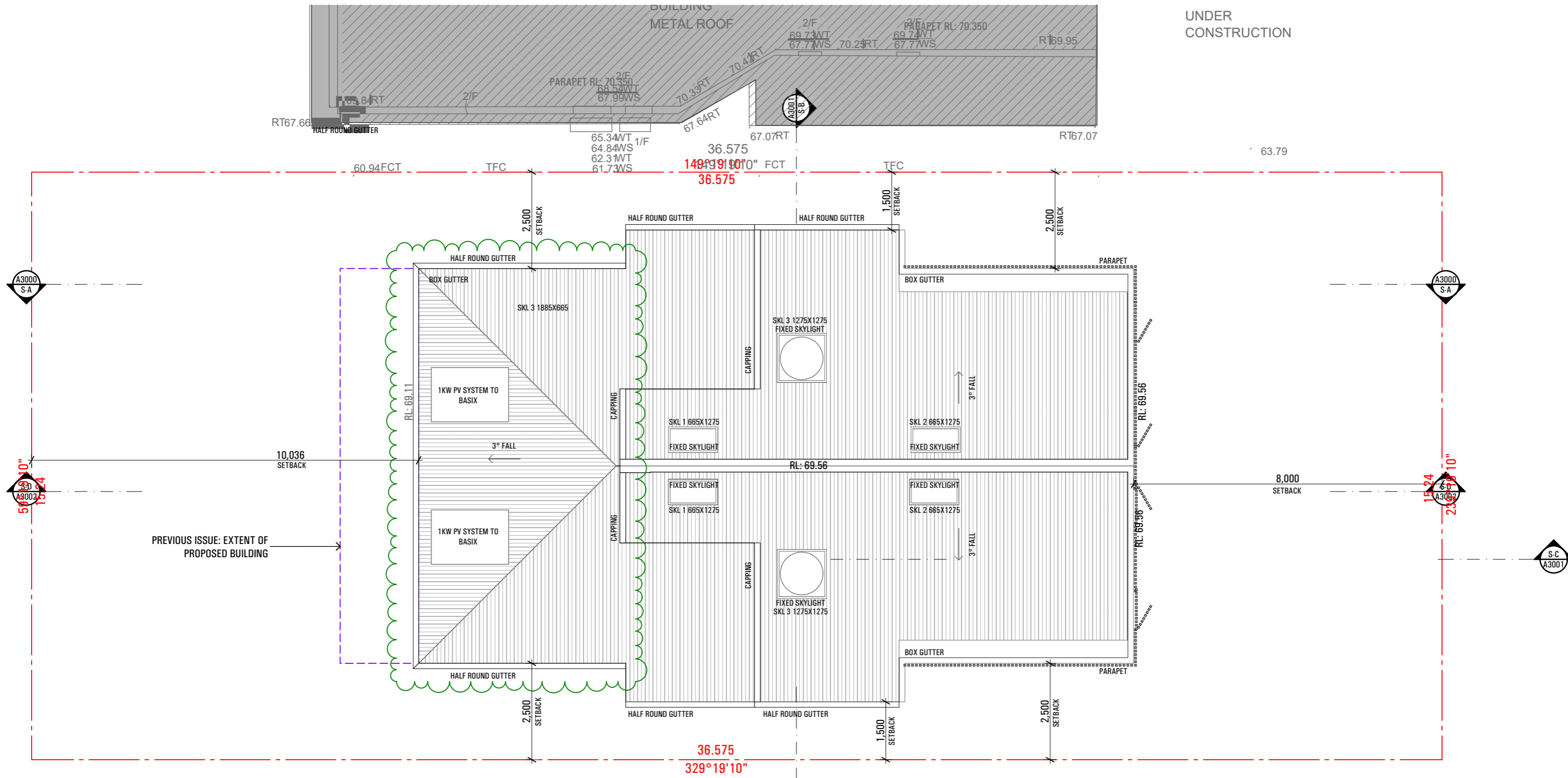
**LEGEND**

- DEMOLISH
- EXISTING
- PROPOSED
- EXISTING RL
- TOW TOP OF WALL

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DEVELOPMENT APPLICATION		
project	16 ILLILIWA ST CREMORNE	
drawing	FIRST FLOOR PLAN	
drawn RV	checked MA	
date 27.09.24	scale 1:100 @ A3	
project no 2_23_20	drawing no A1102	issue C

UNDER  
CONSTRUCTION



**BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES**

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOW TOP OF WALL

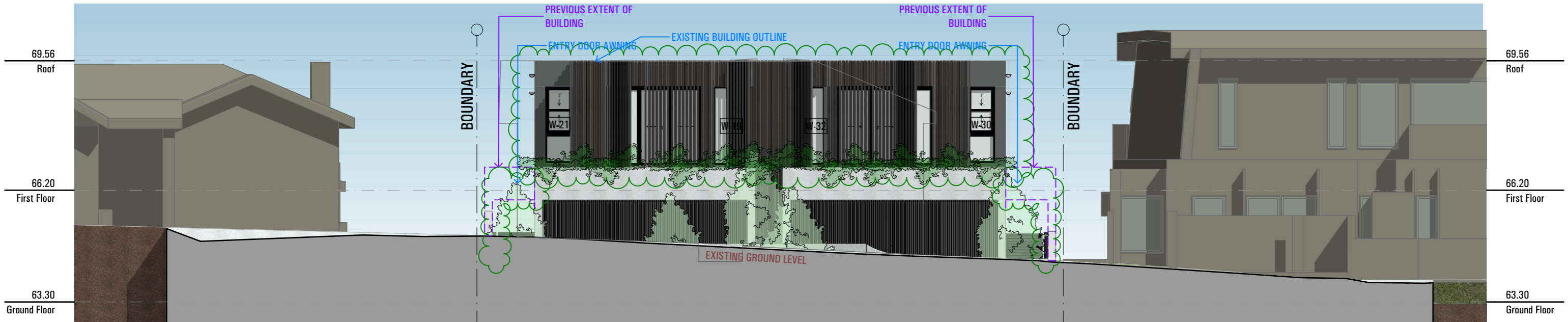
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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE		
drawing			
drawn	RV	checked	MA
date	27.09.24	scale	1:100 @ A3
project no	2_23_20	drawing no	A1103
issue			C



**Front Elevation (S)**  
1:100



**Rear (N)**  
1:100

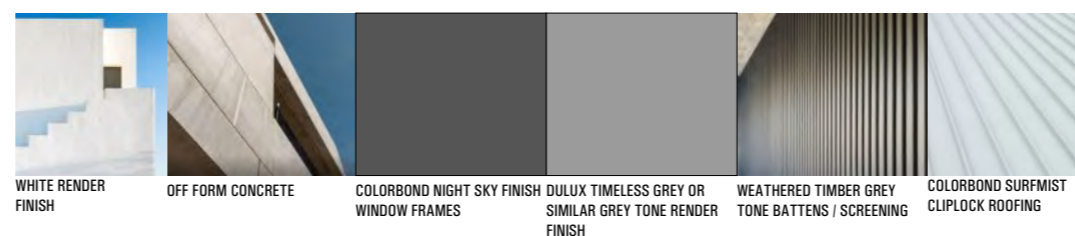
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**LEGEND**

- DEMOLISH
- EXISTING
- PROPOSED
- 10.00 EXISTING RL
- TOW TOP OF WALL

**FINISHES SCHEDULE**



**MAP ARCHITECTS**

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**DEVELOPMENT APPLICATION**

project 16 ILLILIWA ST  
CREMORNE

drawing FRONT & REAR ELEVATION (N/S)

drawn RV checked MA

date 27.09.24 scale 1:100 @ A3

project no 2\_23\_20 drawing no A2000 issue C



**Side Elevation (E)**  
1:100

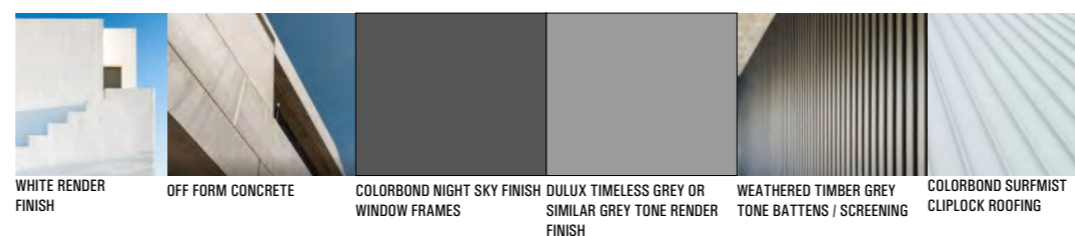
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**LEGEND**

- DEMOLISH
- EXISTING
- PROPOSED
- EXISTING RL
- TOW TOP OF WALL

**FINISHES SCHEDULE**



**MAP ARCHITECTS**

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**DEVELOPMENT APPLICATION**

project 16 ILLILIWA ST  
CREMORNE

drawing SIDE ELEVATION (E)

drawn RV checked MA

date 27.09.24 scale 1:100 @ A3

project no 2\_23\_20 drawing no A2001 issue C



**Side Elevation (W)**  
1:100

BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE AMENDMENT	DATE
A	ISSUE FOR DA	21.11.2023
B	RE-ISSUE FOR DA	15.08.2024
C	RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOW TOP OF WALL

**FINISHES SCHEDULE**

WHITE RENDER FINISH	OFF FORM CONCRETE	COLORBOND NIGHT SKY FINISH WINDOW FRAMES	DULUX TIMELESS GREY OR SIMILAR GREY TONE RENDER FINISH	WEATHERED TIMBER GREY TONE BATTENS / SCREENING	COLORBOND SURFMIST CLIPLOCK ROOFING

**MAP ARCHITECTS**

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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE
drawing	SIDE ELEVATION (W)
drawn RV	checked MA
date 27.09.24	scale 1:100 @ A3
project no 2_23_20	drawing no A2002
	issue C



**2 FRONT ELEVATION AT BUILDING LINE**  
1:100

ISSUE AMENDMENT	DATE
A ISSUE FOR DA	21.11.2023
B RE-ISSUE FOR DA	15.08.2024
C RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOP OF WALL

**FINISHES SCHEDULE**

WHITE RENDER FINISH	OFF FORM CONCRETE	COLORBOND NIGHT SKY FINISH WINDOW FRAMES	DULUX TIMELESS GREY OR SIMILAR GREY TONE RENDER FINISH	WEATHERED TIMBER GREY TONE BATTENS / SCREENING	COLORBOND SURFMIST CLIPLOCK ROOFING

**MAP ARCHITECTS**

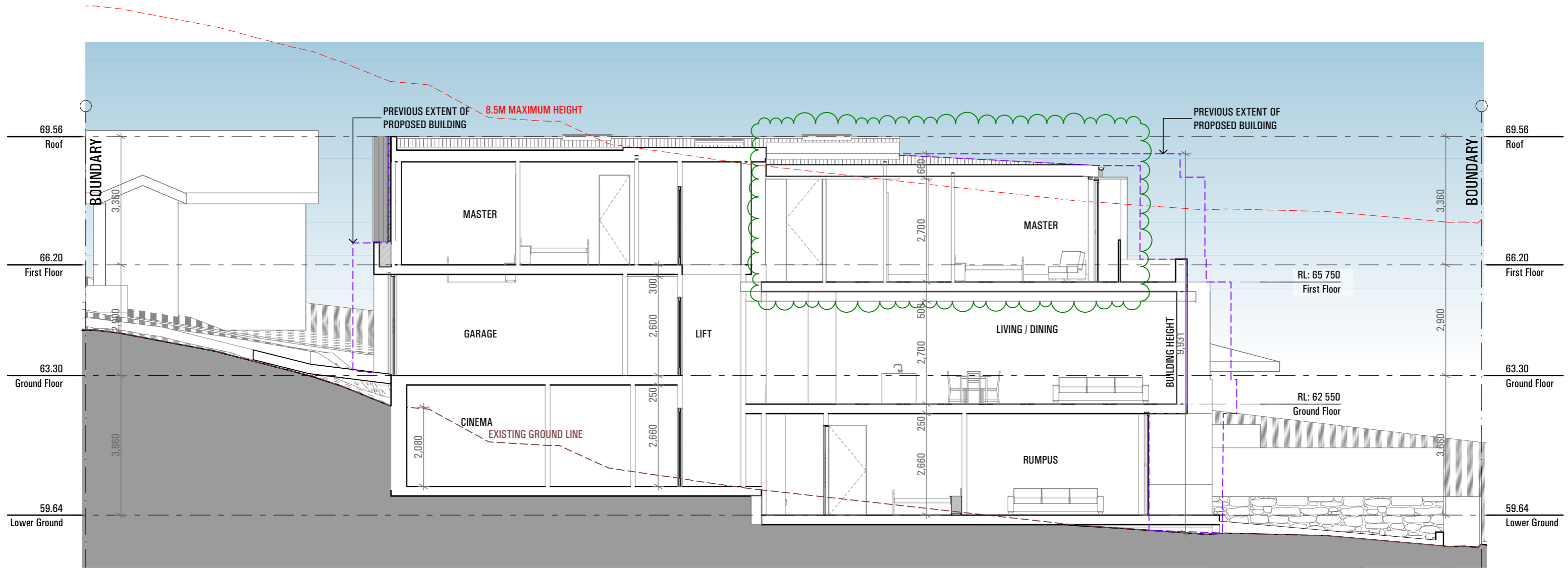
Nominated NSW Architects Reg. 9401 - Mark P. Alves  
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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST
	CREMORNE
drawing	
FRONT ELEVATION	
drawn RV	checked MA
date 27.09.24	scale 1:100 @ A3
project no 2_23_20	drawing no A2003
	issue C





**Section A**  
1:100

ISSUE AMENDMENT	DATE
A ISSUE FOR DA	21.11.2023
B RE-ISSUE FOR DA	15.08.2024
C RE-ISSUE FOR DA	27.09.2024

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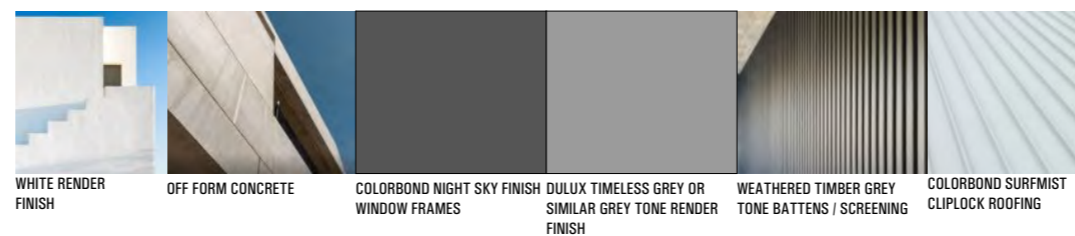
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**LEGEND**

- DEMOLISH
- EXISTING
- PROPOSED
- EXISTING RL
- TOP OF WALL

**FINISHES SCHEDULE**

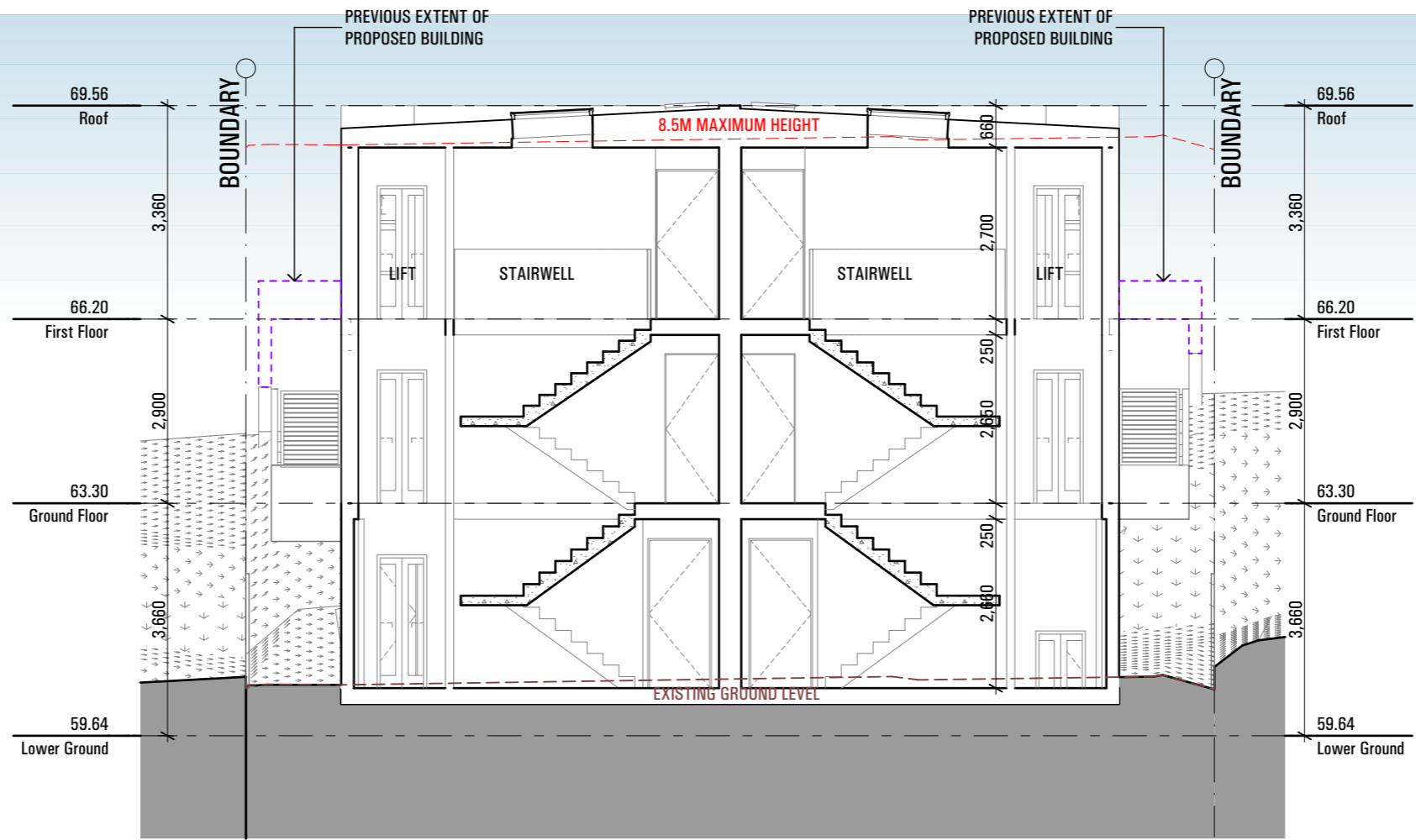


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ABN: 37 615 694 356  
Suite 4, Building B, 37 Alexandra St. Hunters Hill 2110

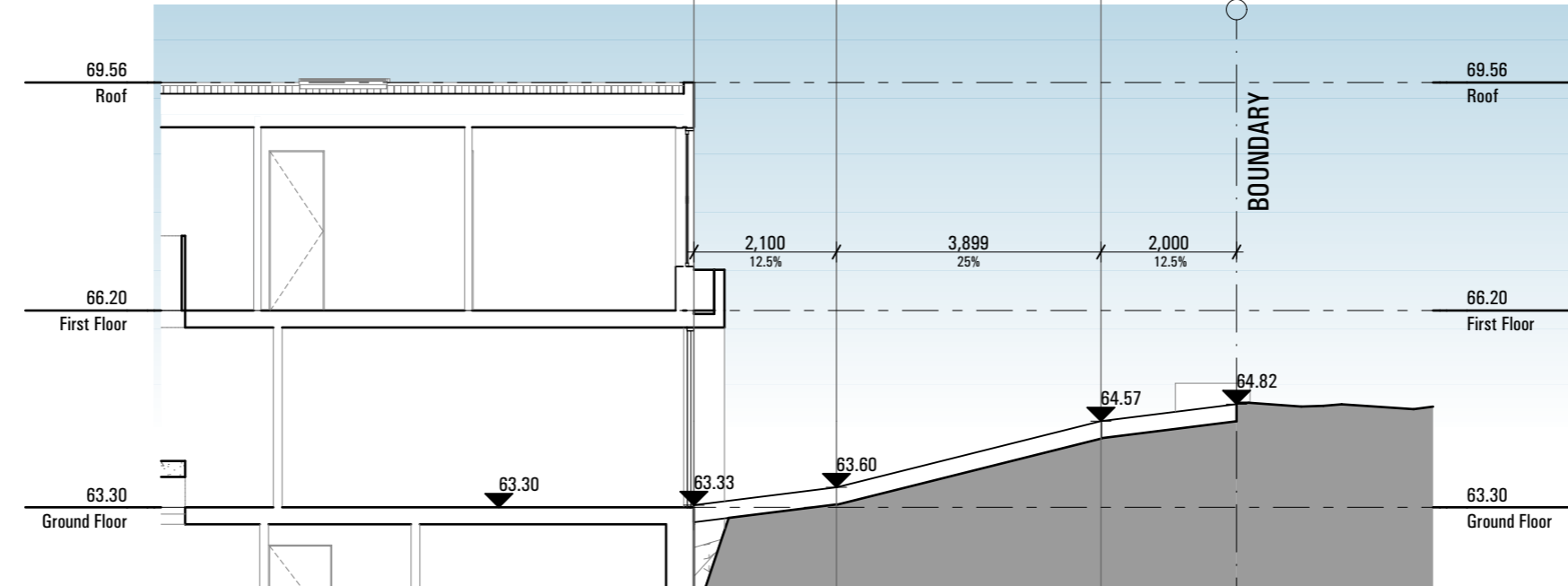
ph: 02 8065 6975  
e: mark@maparch.com.au  
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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE	
drawing	SECTION A	
drawn RV	checked MA	
date 27.09.24	scale 1:100 @ A3	
project no 2_23_20	drawing no A3000	issue C



**Section B**  
1:100



**S-C Driveway Section**  
1:100

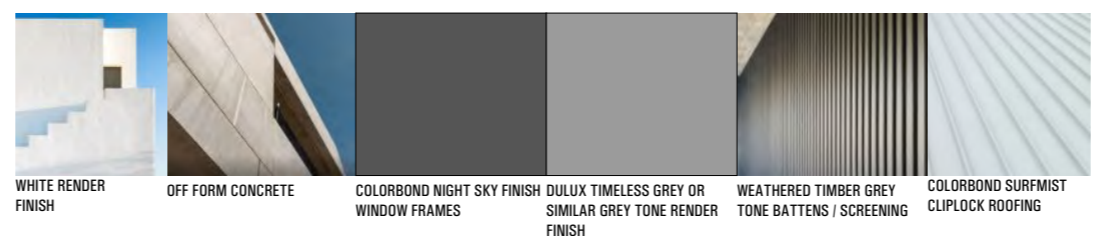
ISSUE AMENDMENT	DATE
A ISSUE FOR DA	21.11.2023
B RE-ISSUE FOR DA	15.08.2024
C RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOP OF WALL

**FINISHES SCHEDULE**



**MAP ARCHITECTS**

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**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE	
drawing	SECTION B	
drawn	RV	checked MA
date	27.09.24	scale 1:100 @ A3
project no	2_23_20	drawing no A3001
issue		C



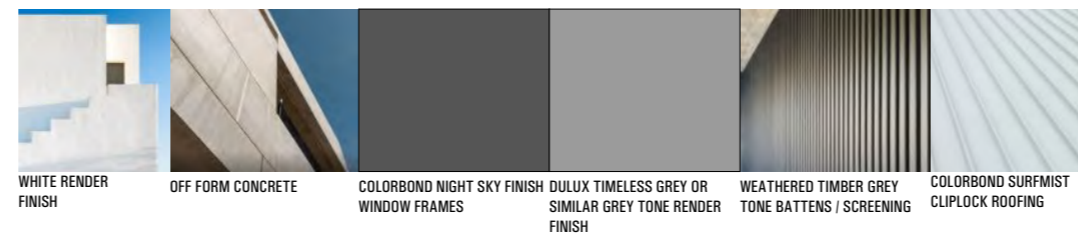
ISSUE AMENDMENT	DATE
A ISSUE FOR DA	21.11.2023
B RE-ISSUE FOR DA	15.08.2024
C RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	10.00 EXISTING RL
	TOW TOP OF WALL

**FINISHES SCHEDULE**

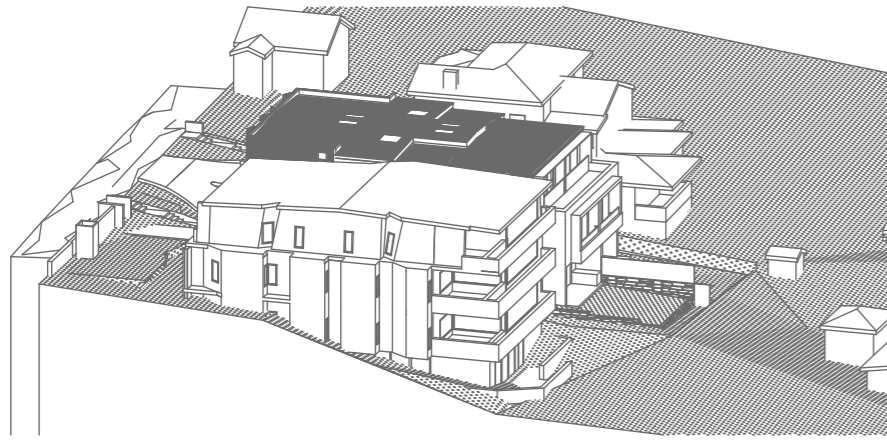


**MAP ARCHITECTS**

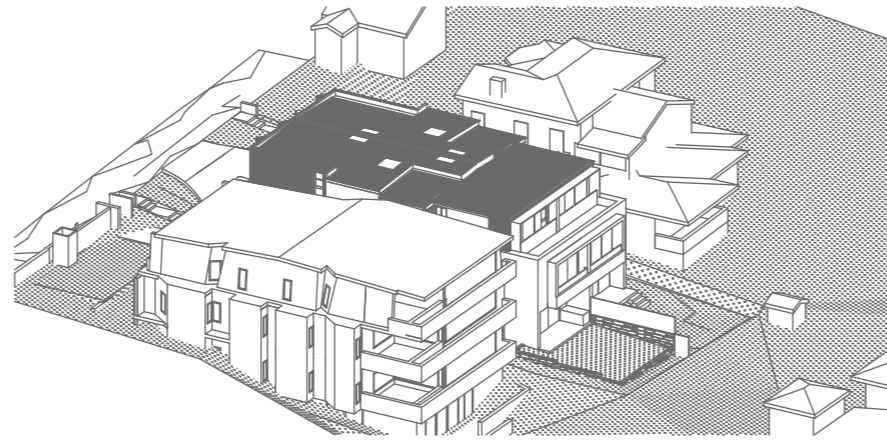
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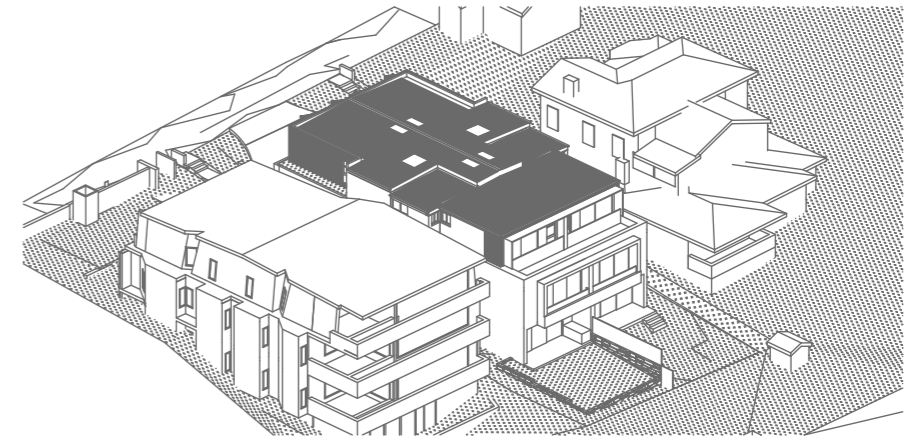
DEVELOPMENT APPLICATION	
project	16 ILLILIWA ST CREMORNE
drawing	SECTION D
drawn RV	checked MA
date 27.09.24	scale 1:100 @ A3
project no 2_23_20	drawing no A3002
issue	C



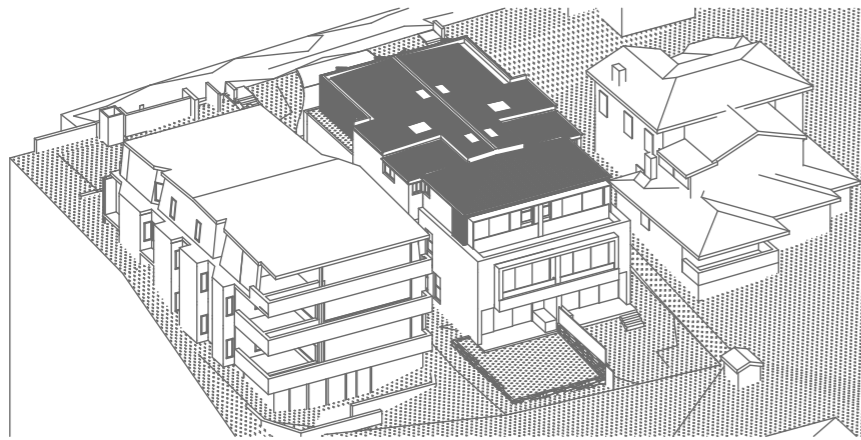
1 9 AM VIEW FROM SUN 21ST OF JUNE 1:500



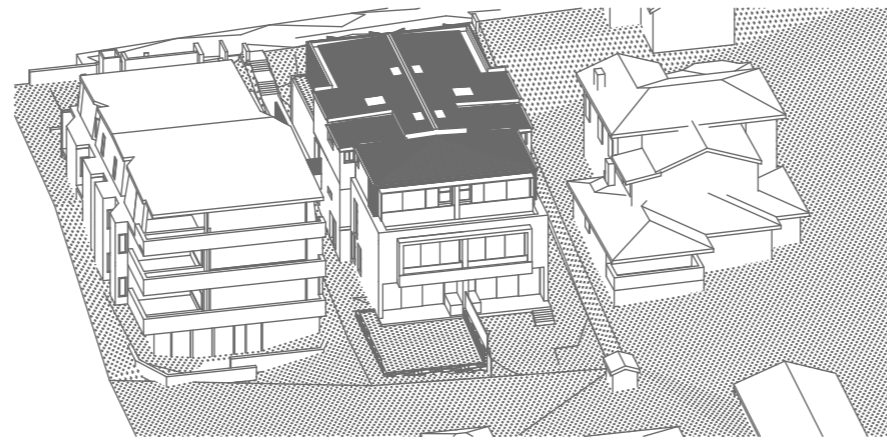
2 10 AM VIEW FROM SUN 21ST OF JUNE 1:500



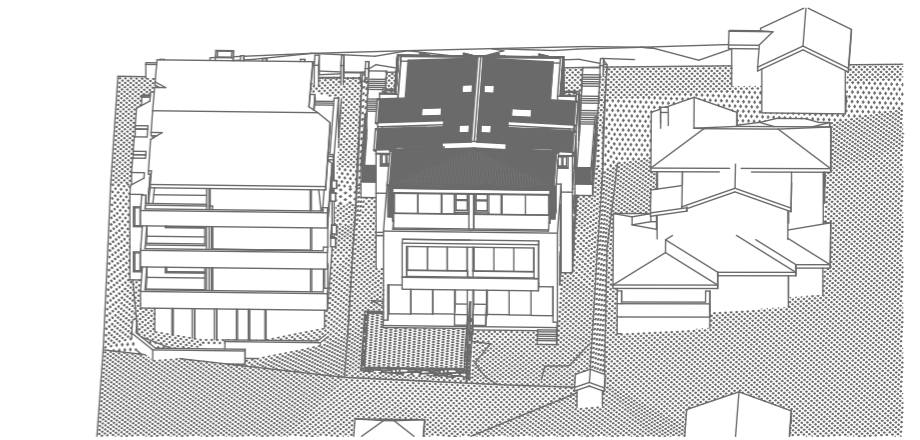
3 11 AM VIEW FROM SUN 21ST OF JUNE 1:500



4 12 PM VIEW FROM SUN 21ST OF JUNE 1:500



5 1 PM VIEW FROM SUN 21ST OF JUNE 1:500



6 2 PM VIEW FROM SUN 21ST OF JUNE 1:500



7 3 PM VIEW FROM SUN 21ST OF JUNE 1:500

BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE	AMENDMENT	DATE
	A	ISSUE FOR DA	21.11.2023
	B	RE-ISSUE FOR DA	15.08.2024
	C	RE-ISSUE FOR DA	27.09.2024

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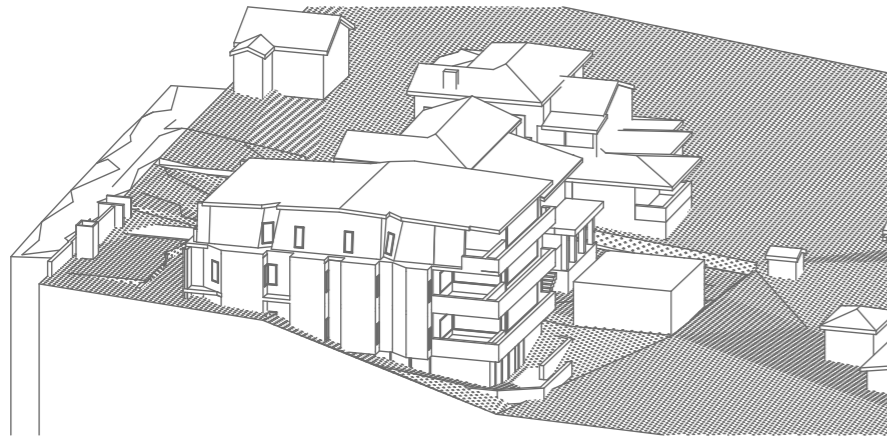


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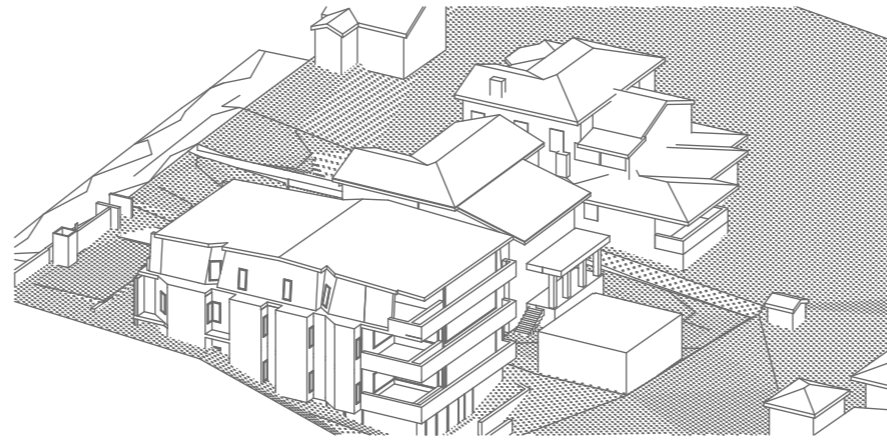
ph: 02 8065 6975  
 e: mark@maparch.com.au  
 www.maparch.com.au

**DEVELOPMENT APPLICATION**

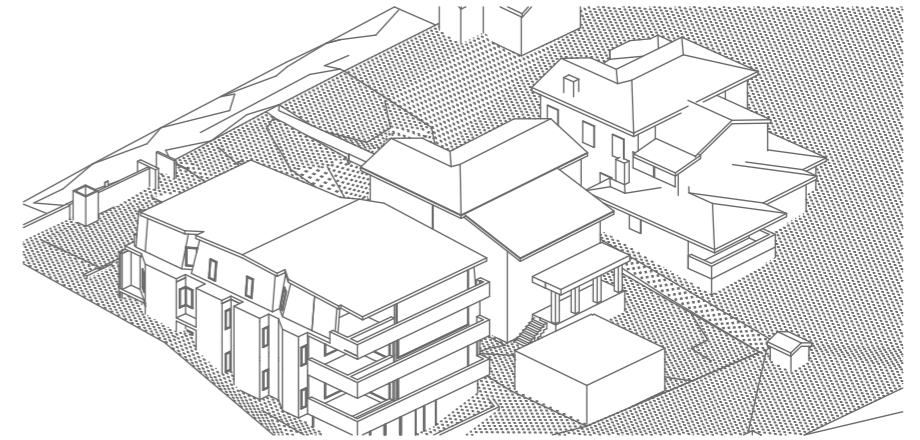
project	16 ILLILIWA ST CREMORNE		
drawing	PROPOSED VIEW FROM THE SUN DIAGRAMS		
drawn	RV	checked	MA
date	27.09.24	scale	1:500 @ A3
project no	2_23_20	drawing no	A4001
issue			C



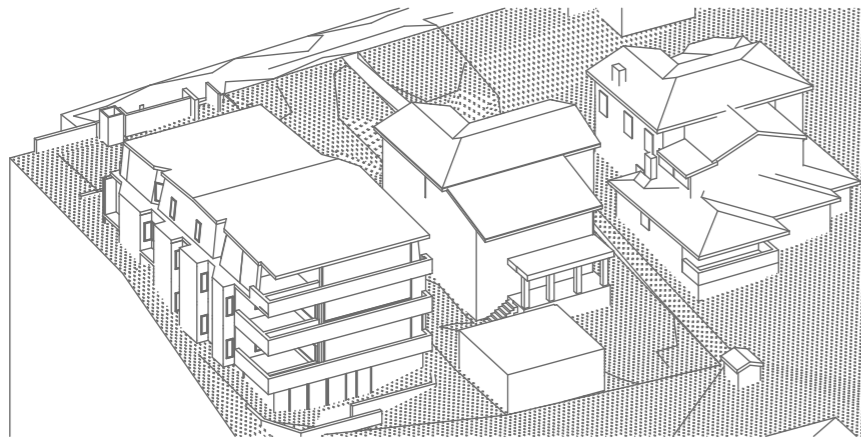
1 9 AM VIEW FROM SUN 21ST OF JUNE 1:500



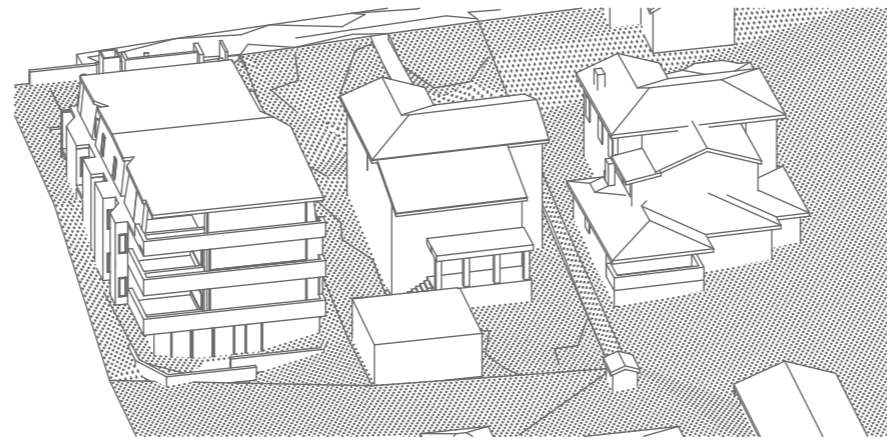
2 10 AM VIEW FROM SUN 21ST OF JUNE 1:500



3 11 AM VIEW FROM SUN 21ST OF JUNE 1:500



4 12 PM VIEW FROM SUN 21ST OF JUNE 1:500



5 1 PM VIEW FROM SUN 21ST OF JUNE 1:500



6 2 PM VIEW FROM SUN 21ST OF JUNE 1:500



7 3 PM VIEW FROM SUN 21ST OF JUNE 1:500

BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE AMENDMENT	DATE
A	ISSUE FOR DA	21.11.2023
B	RE-ISSUE FOR DA	15.08.2024
C	RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	10.00 EXISTING RL
	TOW TOP OF WALL

**MAP ARCHITECTS**  
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 www.maparch.com.au

**DEVELOPMENT APPLICATION**

project	16 ILLILIWA ST CREMORNE	
drawing	EXISTING VIEW FROM THE SUN DIAGRAMS	
drawn	RV	checked MA
date	27.09.24	scale 1:500 @ A3
project no	2_23_20	drawing no A4002
issue		C



BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE	AMENDMENT	DATE
	A	ISSUE FOR DA	21.11.2023
	B	RE-ISSUE FOR DA	15.08.2024
	C	RE-ISSUE FOR DA	27.09.2024

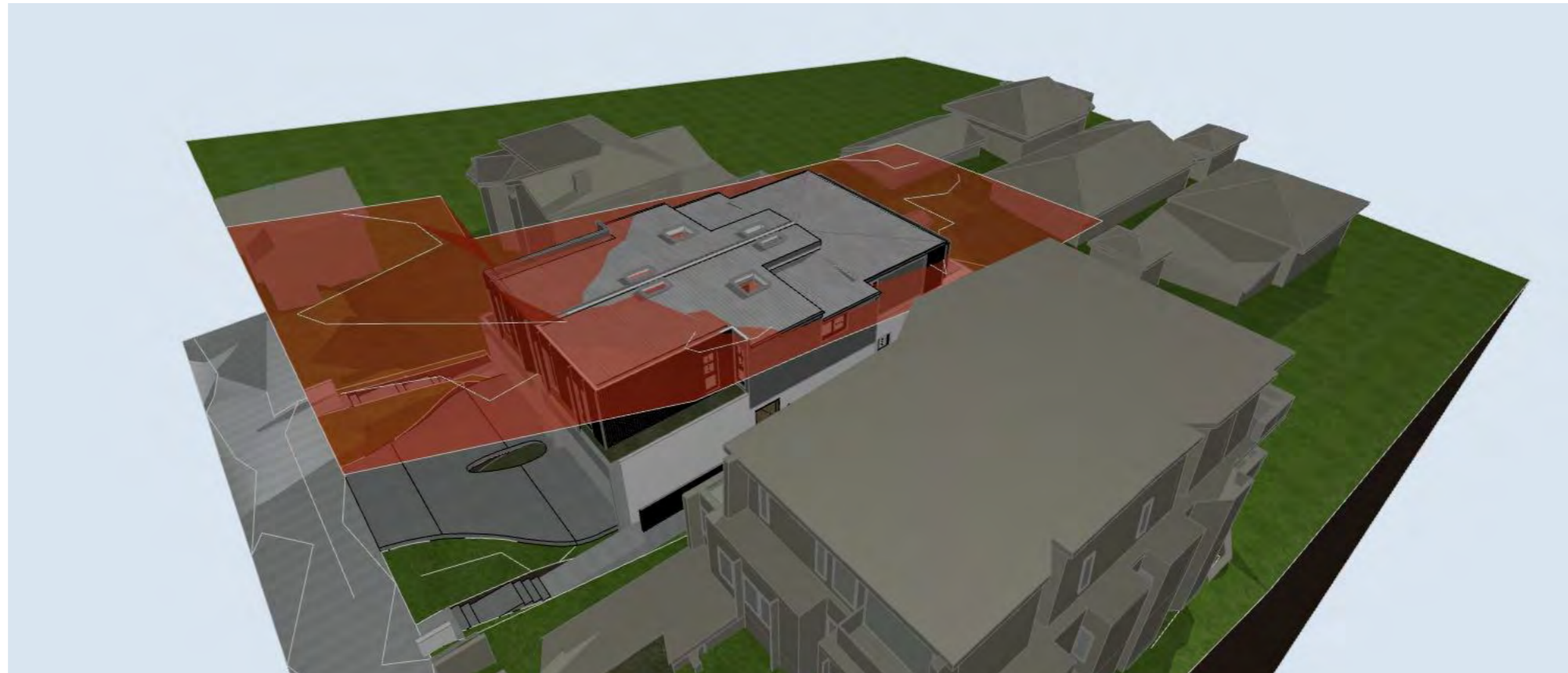
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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	10.00 EXISTING RL
	TOW TOP OF WALL

**MAP ARCHITECTS**  
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 www.maparch.com.au

DEVELOPMENT APPLICATION		
project	16 ILLILIWA ST CREMORNE	
drawing		
drawn	RV	checked MA
date	27.09.24	scale 1:100 @ A3
project no	2_23_20	drawing no A5000
issue	C	



BUILDER TO ALLOW FOR WALL AND FLOOR FINISHES	ISSUE	AMENDMENT	DATE
	A	ISSUE FOR DA	21.11.2023
	B	RE-ISSUE FOR DA	15.08.2024
	C	RE-ISSUE FOR DA	27.09.2024

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**LEGEND**

	DEMOLISH
	EXISTING
	PROPOSED
	EXISTING RL
	TOP OF WALL

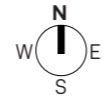
MAP ARCHITECTS  
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 ph: 02 8065 6975  
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 www.maparch.com.au

DEVELOPMENT APPLICATION		
project	16 ILLIWA ST CREMORNE	
drawing		
drawn	RV	checked MA
date	27.09.24	scale 1:200 @ A3
project no	2_23_20	drawing no A5001
issue		C

# 16 ILLILIWA STREET, CREMORNE

## LANDSCAPE DA DOCUMENTATION

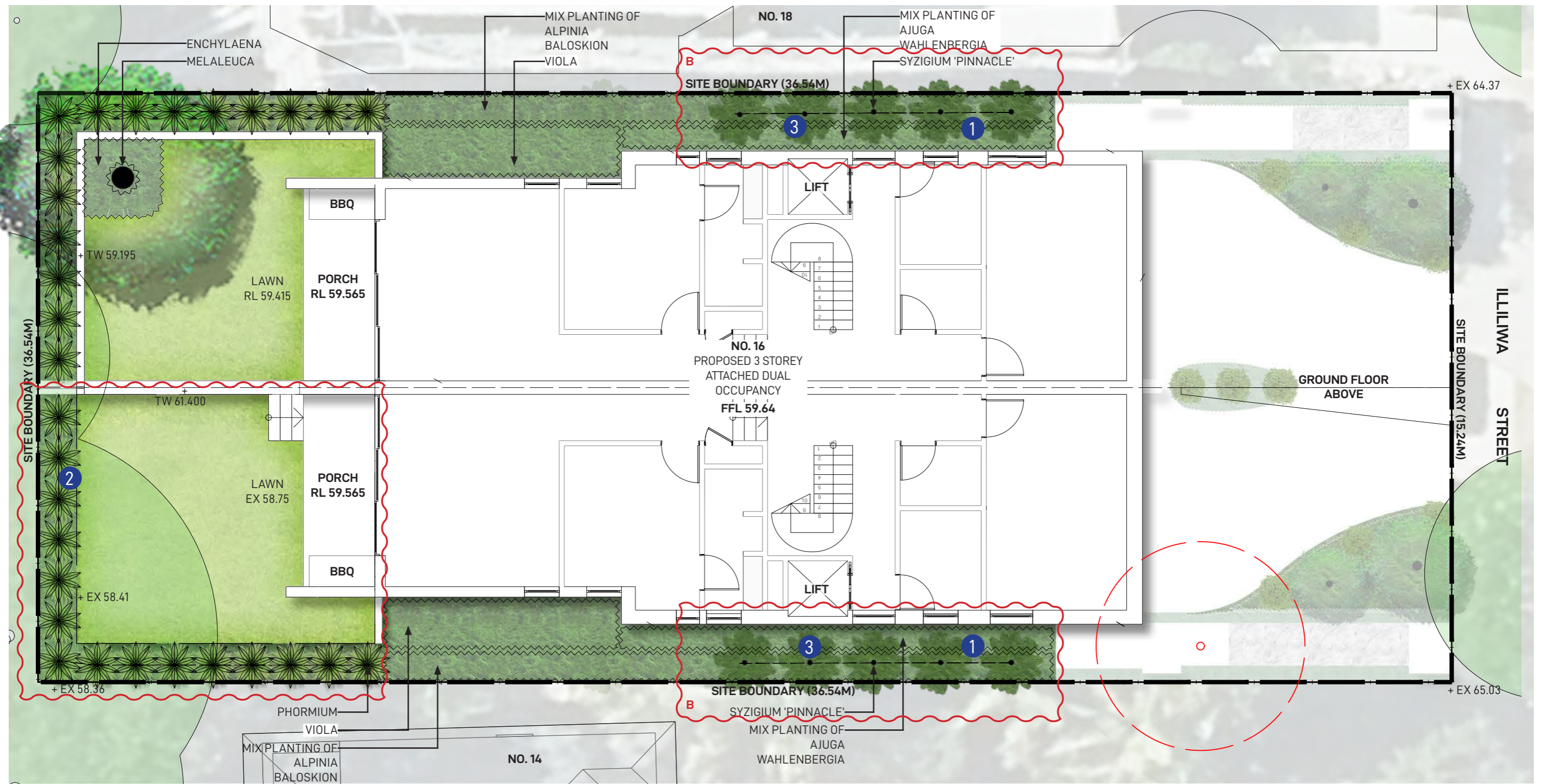
### SITE CONTEXT PLAN



### DRAWING REGISTER

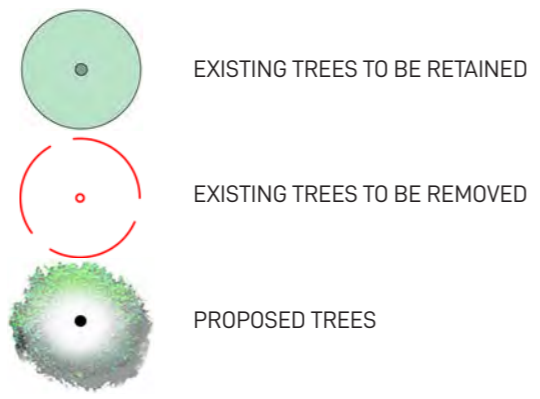
DRAWING NUMBER	DRAWING NAME	SCALE / SIZE
LDA-01	LANDSCAPE COVER SHEET	N/A
LDA-02	LOWER GROUND FLOOR LANDSCAPE PLAN	1:100 @A3
LDA-03	GROUND FLOOR LANDSCAPE PLAN	1:100 @A3
LDA-04	FIRST FLOOR LANDSCAPE PLAN	1:100 @A3
LDA-05	PLANTING PALETTE & SCHEDULE	N/A
LDA-06	LANDSCAPE DETAILS & SPECIFICATIONS	1:20 @A3





**LEGEND**

- FFL 59.00 FINISHED FLOOR LEVEL
- + EX 59.00 EXISTING LEVEL
- + RL 59.00 PROPOSED SPOT LEVEL
- + TW 59.00 PROPOSED TOP OF WALL
- SITE BOUNDARY
- LINE OF BUILDING ABOVE
- PLANT JOIN LINE

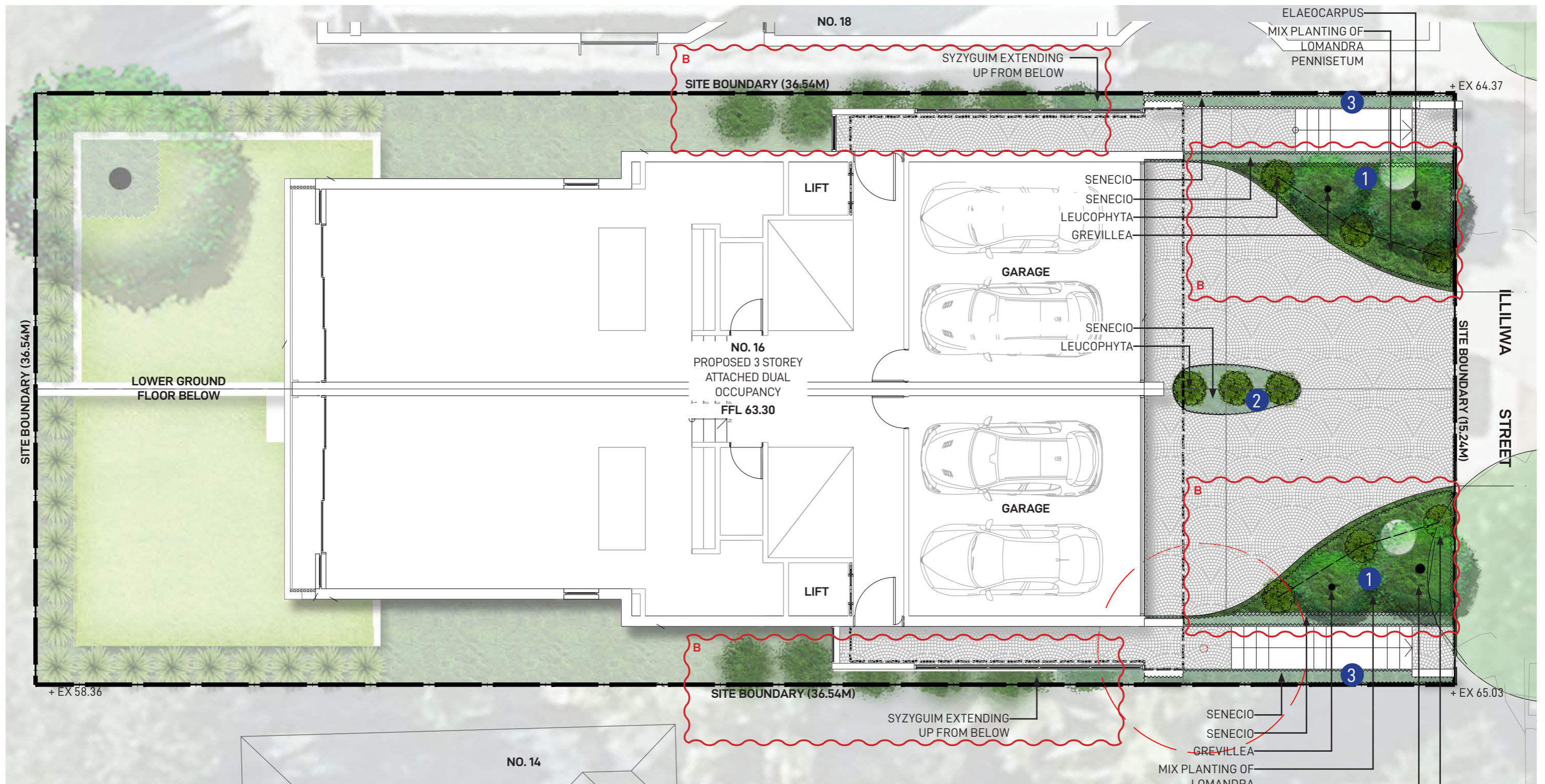


**LOWER GROUND FLOOR LANDSCAPE PLAN**

**LDA-02**

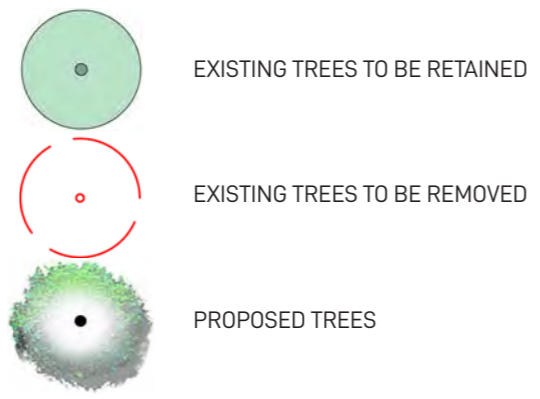
**GROUND INK**





**LEGEND**

- FFL 59.00 FINISHED FLOOR LEVEL
- + EX 59.00 EXISTING LEVEL
- + RL 59.00 PROPOSED SPOT LEVEL
- + TW 59.00 PROPOSED TOP OF WALL
- SITE BOUNDARY
- LINE OF BUILDING ABOVE
- PLANT JOIN LINE



- SENECIO
- SENECIO
- GREVILLEA
- MIX PLANTING OF LOMANDRA PENNISETUM
- ELAEOCARPUS
- LEUCOPHYTA

**GROUND FLOOR LANDSCAPE PLAN  
LDA-03**

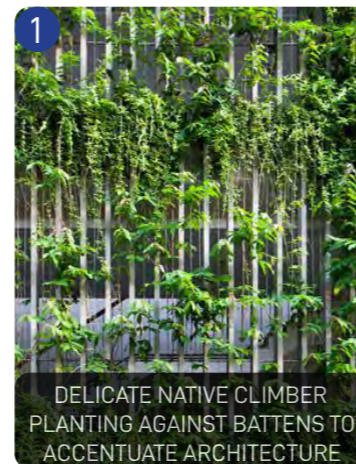
**GROUND INK**

SCALE 1:100 @ A3  
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**LEGEND**

- FFL 59.00 FINISHED FLOOR LEVEL
- + EX 59.00 EXISTING LEVEL
- +— SITE BOUNDARY
- - - LINE OF BUILDING ABOVE



TREES



ELAEOCARPUS



GREVILLEA 'HONEY GEM'



MELALEUCA

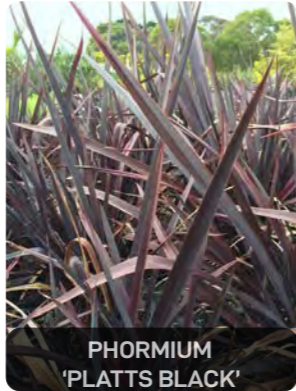
SHRUBS



ENCHYLAENA



LEUCOPHYTA



PHORMIUM 'PLATTS BLACK'



SYZYGIUM 'PINNACLE'

GRASSES & GROUNDCOVERS



AJUGA



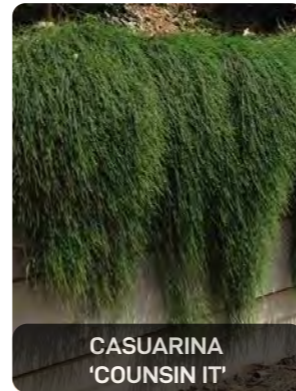
ALPINIA



BALOSKION



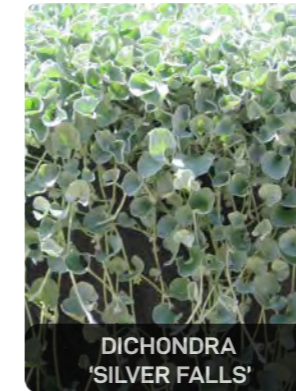
BILLARDIERA



CASUARINA 'COUSIN IT'



DIANELLA 'SPLICE'



DICHONDRA 'SILVER FALLS'



GOODENIA 'EDNA WALLING COVERUP'



LOMANDRA 'WINGARRA'



PENNISETUM 'PENNSTRIFE'



SENECIO



WAHLENBERGIA



VIOLA

BOTANICAL NAME (COMMON NAME)	MATURE HEIGHT	NATIVE	POT SIZE	SPACING	QUANTITY
<b>TREES</b>					
ELAEOCARPUS RETICULATUS (BLUEBERRY ASH)	8-10M	✓	100L	AS SHOWN	-
GREVILLEA 'HONEY GEM'	3-4M	✓	45L	AS SHOWN	-
MELALEUCA STYPHELIODES (PRICKLY PAPERBARK)	5-10M	✓	100L	AS SHOWN	-
<b>SHRUBS</b>					
ENCHYLAENA TOMENTOSA (RUBY SALTBUSH)	0.5-1M	✓	200MM	4/M2	-
LEUCOPHYTA BROWNII (CUSHION BUSH)	1M	✓	200MM	AS SHOWN	-
PHORMIUM 'PLATTS BLACK'	1.5M		200MM	AS SHOWN	-
<b>B</b> SYZYGIUM 'PINNACLE'	6-10M	✓	45L	AS SHOWN	-
<b>GRASSES &amp; GROUNDCOVERS</b>					
AJUGA AUSTRALIS (AUSTRALIAN BUGLE)	0.3-0.6M	✓	140MM	6/M2	-
ALPINIA CAERULEA (NATIVE GINGER)	1-2M	✓	140MM	4/M2	-
BALOSKION TETRAPHYLLUM (TASSEL CORD RUSH)	0.5-1.8M	✓	140MM	4/M2	-
BILLARDIERA SCANDENS (APPLE BERRY)	0.3-1.5M	✓	140MM	5/M2	-
CASUARINA 'COUSIN IT'	0.2M	✓	140MM	5/LIN M	-
DIANELLA 'SPLICE'	0.6M	✓	200MM	4/LIN M	-
DICHONDRA 'SILVER FALLS'	0.1M		140MM	5/LIN M	-
GOODENIA 'EDNA WALLING COVERUP'	0.5M	✓	200MM	5/LIN M	-
LOMANDRA 'WINGARRA'	0.3M	✓	140MM	6/M2	-
PENNISETUM 'PENNSTRIFE'	0.45M	✓	140MM	6/M2	-
SENECIO SERPENS (BLUE CHALK STICKS)	0.3M		140MM	5/LIN M	-
WAHLENBERGIA 'WHITE MIST'	0.6M	✓	140MM	6/M2	-
VIOLA HEDERACEA (NATIVE VIOLET)	0.1M	✓	140MM	6/M2	-

MAINTENANCE SCHEDULE

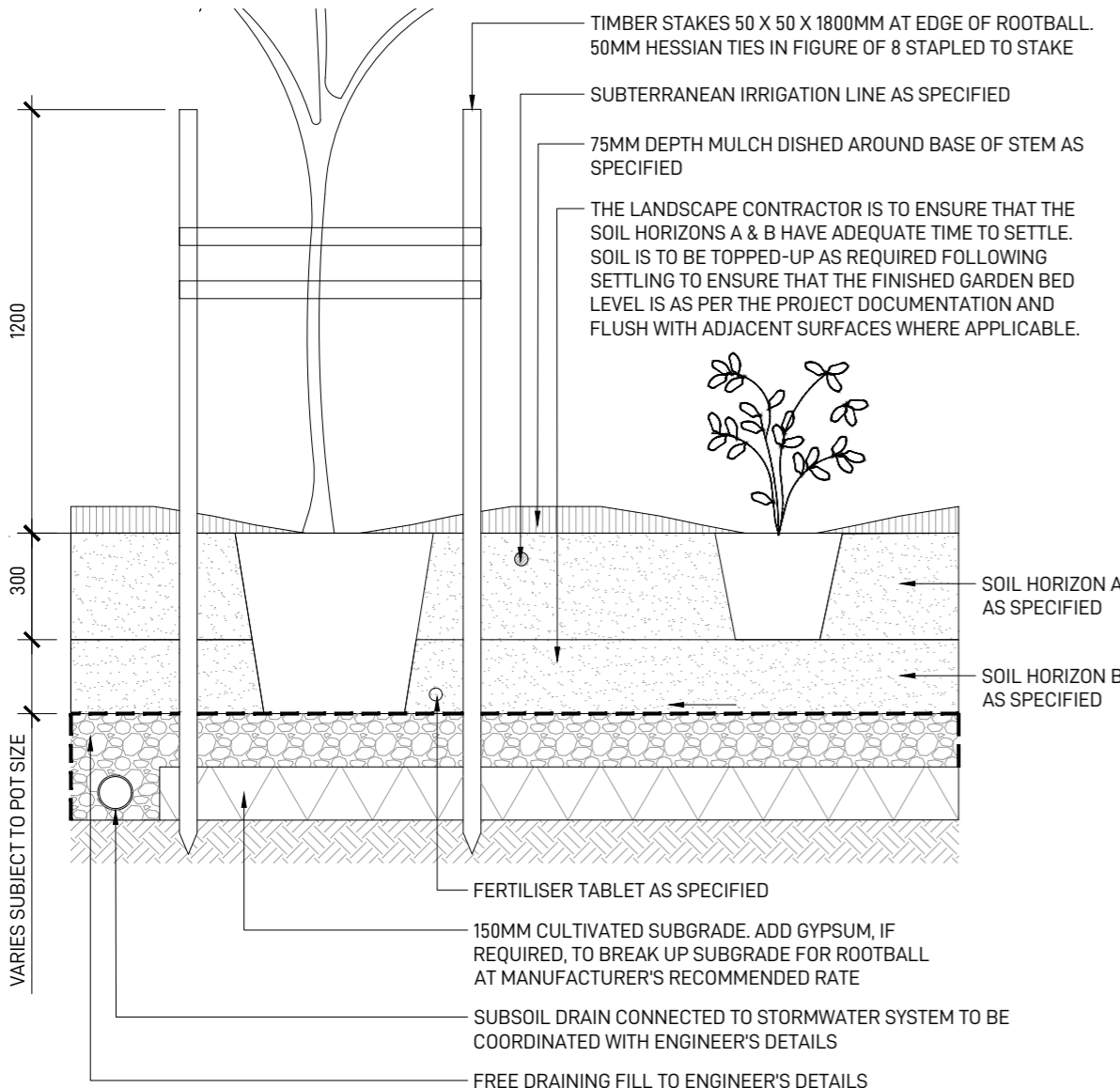
MAINTENANCE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
INSPECTIONS	2M		2M		2M		2M		2M		2M	
WATERING	W	W	W	W	W	W	W	W	W	W	W	W
WEED AND PEST MANAGEMENT	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR
LITTER REMOVAL	2M		2M		2M		2M		2M		2M	
REMOVAL OF DEAD/DYING TREE LIMBS	2M		2M		2M		2M		2M		2M	
PLANT REPLACEMENT IF REQUIRED	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR
MULCHING	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR
TREE STAKE ADJUSTMENTS	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR
FERTILISING	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR

PLANTING ESTABLISHMENT PERIOD - 12 MONTHS  
LANDSCAPE MATERIAL ESTABLISHMENT - 12 MONTHS  
KEY = **W**-WEEKLY, **2M**- EVERY TWO MONTHS, **AR**- AS REQUIRED

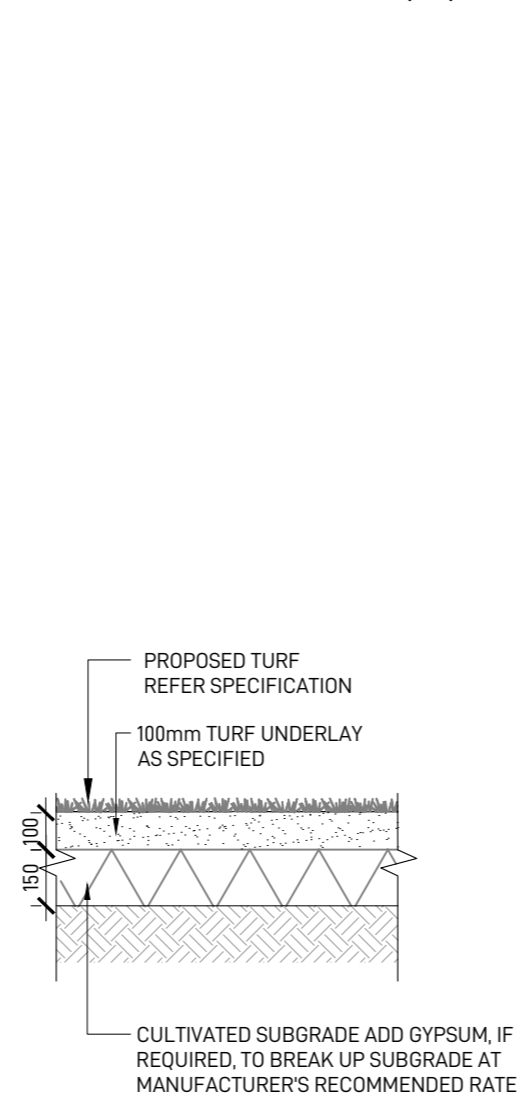
THE CONTRACTOR IS TO ALLOW 52 WEEKS PLANTING ESTABLISHMENT PERIOD FROM THE DATE OF PRACTICAL COMPLETION. CONTRACTOR TO MAINTAIN A LOG BOOK TO KEEP A RECORD OF MAINTENANCE EVERY MONTH. REPLACEMENTS OF FAILED, DAMAGED OR STOLEN PLANTS TO BE CARRIED OUT DURING THE MAINTENANCE PERIOD. IRRIGATION SYSTEMS TO BE INSTALLED AND MAINTAINED DURING THE MAINTENANCE PERIOD. LANDSCAPE MAINTENANCE REPORT SHALL BE SUBMITTED TO THE PRINCIPLE CERTIFYING AUTHORITY BY THE CONTRACTOR.

PLANTING PALETTE & SCHEDULE

LDA-05



**MASS PLANTING**  
TYPICAL SECTION 1:20 @ A3



**TURF ON NATURAL GROUND**  
TYPICAL SECTION 1:20 @ A3

**OUTLINE LANDSCAPE SPECIFICATION**

**GENERAL**  
MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THE LANDSCAPE CONTRACTOR SHALL ATTEND THE SITE ON A WEEKLY BASIS TO MAINTAIN THE LANDSCAPE WORKS FOR THE FULL TERM APPROVED AT CC STAGE OF THE MAINTENANCE PERIOD (COMMENCING FROM PRACTICAL COMPLETION).

**RUBBISH REMOVAL**  
DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL UNDERTAKE RUBBISH REMOVAL FROM THE SITE ON A WEEKLY BASIS TO ENSURE THE SITE REMAINS IN TIDY CONDITION.

**WEED ERADICATION**  
WEED GROWTH THAT MAY OCCUR IN, PLANTED OR MULCHED AREAS IS TO BE REMOVED USING ENVIRONMENTALLY ACCEPTABLE METHODS I.E. NON-RESIDUAL GLYPHOSATE HERBICIDE, (E.G. 'ROUNDUP', APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS) OR HAND WEEDING.

**TREE REPLACEMENT**  
TREES SHALL SHOW SIGNS OF HEALTHY VIGOROUS GROWTH AND BE FREE FROM DISEASE AND NOT EXHIBIT SIGNS OF STRESS PRIOR TO HANDOVER TO THE CLIENT. ANY TREES OR PLANT THAT DIE OR FAIL TO THRIVE, OR ARE DAMAGED OR STOLEN WILL BE REPLACED. REPLACEMENT MATERIAL SHALL HAVE THE MAINTENANCE PERIOD EXTENDED IN ACCORDANCE WITH THE LANDSCAPE CONTRACT CONDITIONS. TREES AND PLANT MATERIALS SHALL BE EQUAL TO THE MINIMUM REQUIREMENTS OF SPECIES SPECIFIED AND APPROVED MATERIAL DELIVERED TO SITE. SHOULD THE CONDITION DECLINE FROM THE APPROVED SAMPLE THE SUPERINTENDENT RESERVES THE RIGHT TO REJECT THE TREE / PLANTS. FREQUENCY: AS REQUIRED.

**PRUNING**  
SELECTIVE PRUNING MAY BE REQUIRED DURING THE ESTABLISHMENT PERIOD TO PROMOTE A BALANCED CANOPY STRUCTURE. THESE ACTIVITIES SHALL BE CARRIED OUT TO THE BEST HORTICULTURAL AND INDUSTRY PRACTICE. ALL PRUNED MATERIAL IS TO BE REMOVED FROM SITE.

**IRRIGATION**  
A LOW VOLUME DRIP IRRIGATION SYSTEM MAY BE INSTALLED AT THE DISCRETION OF THE DEVELOPER. POSITION OF CONTROL BOX, SOLENOIDS AND IRRIGATION CONDUITS TO BE DESIGNED BY QUALIFIED IRRIGATION ENGINEER AT CC STAGE. CONTROLLERS SHALL BE MOUNTED ON A STABLE WALL, POWER RACK, OR FORMED AND CONSTRUCTED CONCRETE BASED PEDESTAL MOUNT. PERFORMANCE SPECIFICATION TO BE PROVIDED BY LANDSCAPE ARCHITECT, NOMINALLY 25MM DELIVERED TO PLANT AREAS EACH WEEK DURING ESTABLISHMENT (DEPENDING ON WEATHER CONDITIONS). AFTER ESTABLISHMENT, IRRIGATION RATES CAN BE DECREASED IN CERTAIN AREAS OF THE LANDSCAPE DEPENDING ON THE SPECIES.

**WATERING**  
IMPLEMENT AN APPROPRIATE HAND WATERING REGIME IN AREAS NOT IRRIGATED IN ASSOCIATION WITH CURRENT WATERING PROGRAMME TO MAINTAIN PLANT HEALTH AND VIGOUR. THE PROGRAM SHALL REFLECT SEASONAL CONDITIONS AND PLANT SPECIES. FREQUENCY: WEEKLY OR AS REQUIRED.

**DRAINAGE**  
ALL LANDSCAPE AREAS ARE TO HAVE POSITIVE DRAINAGE TO SW SYSTEMS. IF AREAS OF POOR DRAINAGE ARE IDENTIFIED ON SITE THEN THIS SHOULD BE BROUGHT TO THE SITE SUPERINTENDENTS ATTENTION. INSTALL AGG LINES IF REQUIRED.

**SOILS**  
HORIZON A - GARDEN BEDS ON NATURAL GROUND  
A SANDY LOAM TO CLAY LOAM TOPSOIL MIX DESIGNED FOR GENERAL PURPOSE, ON-GRADE LANDSCAPE GARDEN BED PLANTING OF GRASSES, WOODY AND HERBACEOUS ANNUALS AND PERENNIALS THAT HAVE HIGH NUTRIENT REQUIREMENT FOR SUSTAINED OPTIMUM GROWTH, AND ARE NOT SUBJECT TO COMPACTION BY PEDESTRIAN AND OTHER FOOT TRAFFIC. HEAVIER TEXTURED SOILS IN THIS SPECIFICATION MAY REQUIRE ENGINEERED SOLUTIONS WHERE EXCESSIVE WETNESS IS ANTICIPATED. NOTE THAT ORGANIC SOIL VARIANT SHOULD NOT BE CHOSEN FOR LOW PLANTINGS AND SHOULD NOT BE USED BELOW 300MM. PLANTING METHODS INCLUDE DIRECT SEEDING, TUBE AND POTTED SPECIMENS UP TO 45L

HORIZON B - GARDEN BEDS ON SLAB  
THIS SPECIFICATION DESCRIBES THE FORMULATION OF AN OPEN GRANULAR WELL DRAINED GROWING MEDIA WITH A SATURATED DENSITY OF LESS THAN 2400 KG/M3 (2.4KG/L) FOR USE IN ON-SLAB APPLICATIONS, INCLUDING GREEN ROOFS WITH AN EXPECTATION OF LONGEVITY. IT IS A TOPSOIL FORMULATION TO BE USED IN THE SURFACE 300MM OF ALL ON-SLAB INSTALLATIONS INCLUDING PLANTER BOXES, CONTAINERS AND GARDEN BEDS. IN ORDER TO MAINTAIN STRUCTURE AND POROSITY OVER EXTENDED PERIODS, AND TO AVOID SLUMPING AND VOLUME LOSS OVER TIME, THE FORMULATION MUST EMPLOY LOW DENSITY MINERAL COMPONENTS SUCH AS ASH, PERLITE, SCORIA, PUMICE AND DIATOMACEOUS EARTH, OR ARTIFICIAL COMPONENTS SUCH AS UREA FORMALDEHYDE AND STYROFOAM. PHYSICALLY THE MEDIA PROPERTIES OF A POTTING MEDIA AND IS ASSESSED USING THE METHODOLOGY OF AS 3743.

**CULTIVATION**  
ALL GARDEN BEDS TO BE CULTIVATED TO A MIN DEPTH OF 150MM AND TREE PITS TO THE DEPTH OF THE ROOT BALL ONLY. IF ADDITIVES SUCH AS GYPSUM ARE REQUIRED CONDUCT THIS AFTER CULTIVATION INTO THE TOP 100MM OF SOIL.

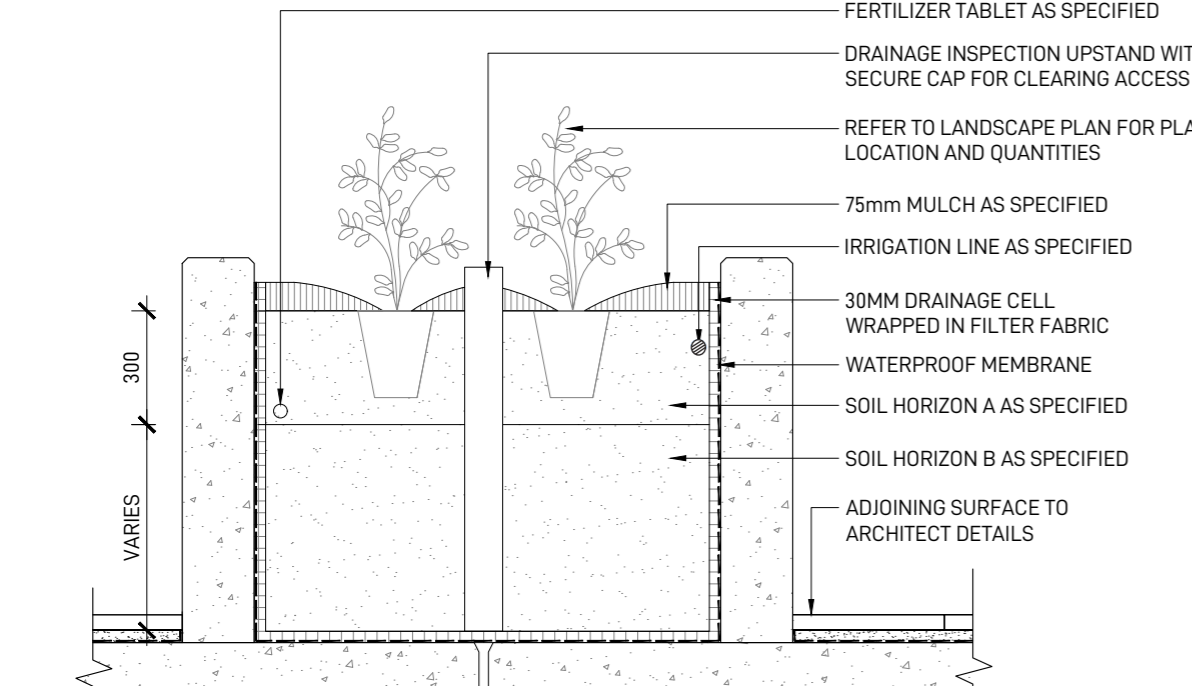
**PLANTING**  
ALL PLANTING TO BE GROWN TO NATSPEC SPECIFICATIONS. CONTRACTOR TO PREPARE SITE FOR PLANTING INCLUDING WATERING, HANDLING, SETTING OUT AND EXCAVATION. EXCAVATE A HOLE FOR EACH PLANT LARGE ENOUGH TO PROVIDE NOT LESS THAN 100MM ALL AROUND THE ROOT SYSTEM OF THE PLANT. FOR TREE PLANTING EACH HOLE SHALL BE DUG WITH A SHOVEL, BACKHOE OR SIMILAR TOOL. INDIVIDUAL HOLES SHALL BE EXCAVATED TO ALLOW ROOT SYSTEM TO SIT FLAT ON THE EXCAVATED HOLE AND 400MM TO EACH SIDE OF THE ROOT SYSTEM. BACKFILL PLANTING HOLES WITH EXISTING SITE SOIL AND TOPSOIL AS DESCRIBED IN SECTION 'SOIL'. PLANT / TREE SHALL BE SET PLUMB, WITH THE ROOT BALL SET SLIGHTLY BELOW THE FINAL SOIL LEVEL.

**MULCHING**  
THE LANDSCAPE CONTRACTOR SHALL SUPPLY AND INSTALL 10MM PINE BARK MULCH TO ALL GARDEN BEDS SHOWN ON THE LANDSCAPE PLANS, TO A MINIMUM DEPTH OF 75MM. ALL MULCH IS TO BE FREE OF DELETERIOUS MATTER SUCH AS SOIL, WEEDS AND STICKS. MULCHED SURFACES ARE TO BE KEPT CLEAN AND TIDY AND FREE OF ANY DELETERIOUS MATERIAL AND FOREIGN MATTER. REINSTATE DEPTHS TO A UNIFORM LEVEL OF 75MM WITH MULCH AS SPECIFIED, MULCH TO BE FREE OF ANY WOOD MATERIAL IMPREGNATED WITH CCA OR SIMILAR TOXIC TREATMENT. MAINTAIN WATERING RINGS AROUND TREES. TOP UP MULCH LEVELS PRIOR TO HANDOVER TO CLIENT.

**TURFING**  
THE LANDSCAPE CONTRACTOR SHALL SUPPLY AND INSTALL SAPPHIRE BUFFALO TURF IN STRETCHER PATTERN TO ALL TURF AREAS SHOWN ON THE LANDSCAPE PLANS AND IS TO FINISH FLUSH WITH ADJACENT SURFACES. TURF TO BE A MIN THICKNESS OF 50MM WITH A 40MM MOWING HEIGHT. CONTRACTOR TO ALLOW FOR FERTILISING, LAYING, TAMPING, WATERING, TOP DRESSING, MAINTENANCE AND MOWING. THE LANDSCAPE CONTRACTOR SHALL SUPPLY AND INSTALL TURF UNDERLAY UNDER ALL TURF AREAS, CONSISTING OF 100MM THICK LAYER OF SCREENED TOP SOIL.

**PEST AND DISEASE CONTROL**  
THE LANDSCAPE CONTRACTOR SHALL SPRAY FOR PESTS AND DISEASE INFESTATIONS WHEN THE PEST AND FUNGAL ATTACK HAS BEEN POSITIVELY IDENTIFIED AND WHEN THEIR POPULATIONS HAVE INCREASED TO A POINT THAT WILL BECOME DETRIMENTAL TO PLANT GROWTH. APPLY ALL PESTICIDES TO MANUFACTURER'S DIRECTIONS. FREQUENCY: WEEKLY INSPECTION

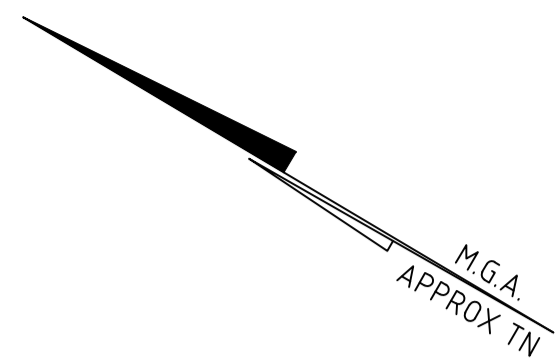
**FERTILISING**  
PELLETS SHALL BE IN THE FORM INTENDED TO UNIFORMLY RELEASE PLANT FOOD ELEMENTS FOR A PERIOD OF APPROXIMATELY NINE MONTHS EQUAL TO SHIRLEYS KOKEI PELLETS, ANALYSIS 6.3:1.8:2.9 OR SIMILAR APPROVED. KOKEI PELLETS SHALL BE PLACED AT THE TIME OF PLANTING TO THE BASE OF THE PLANT, 50MM MINIMUM FROM THE ROOT BALL AT A RATE OF TWO PELLETS PER 300MM OF TOP GROWTH TO A MAXIMUM OF 8 PELLETS PER TREE. GENERALLY CHECK FOR SIGNS OF NUTRIENT DEFICIENCIES (YELLOWING OF LEAVES, FAILURE TO THRIVE), AND ADAPT FERTILISER REGIME TO SUIT. FERTILISER SHOULD BE APPLIED AT THE BEGINNING AND THE END OF THE (SUMMER) GROWING SEASON.



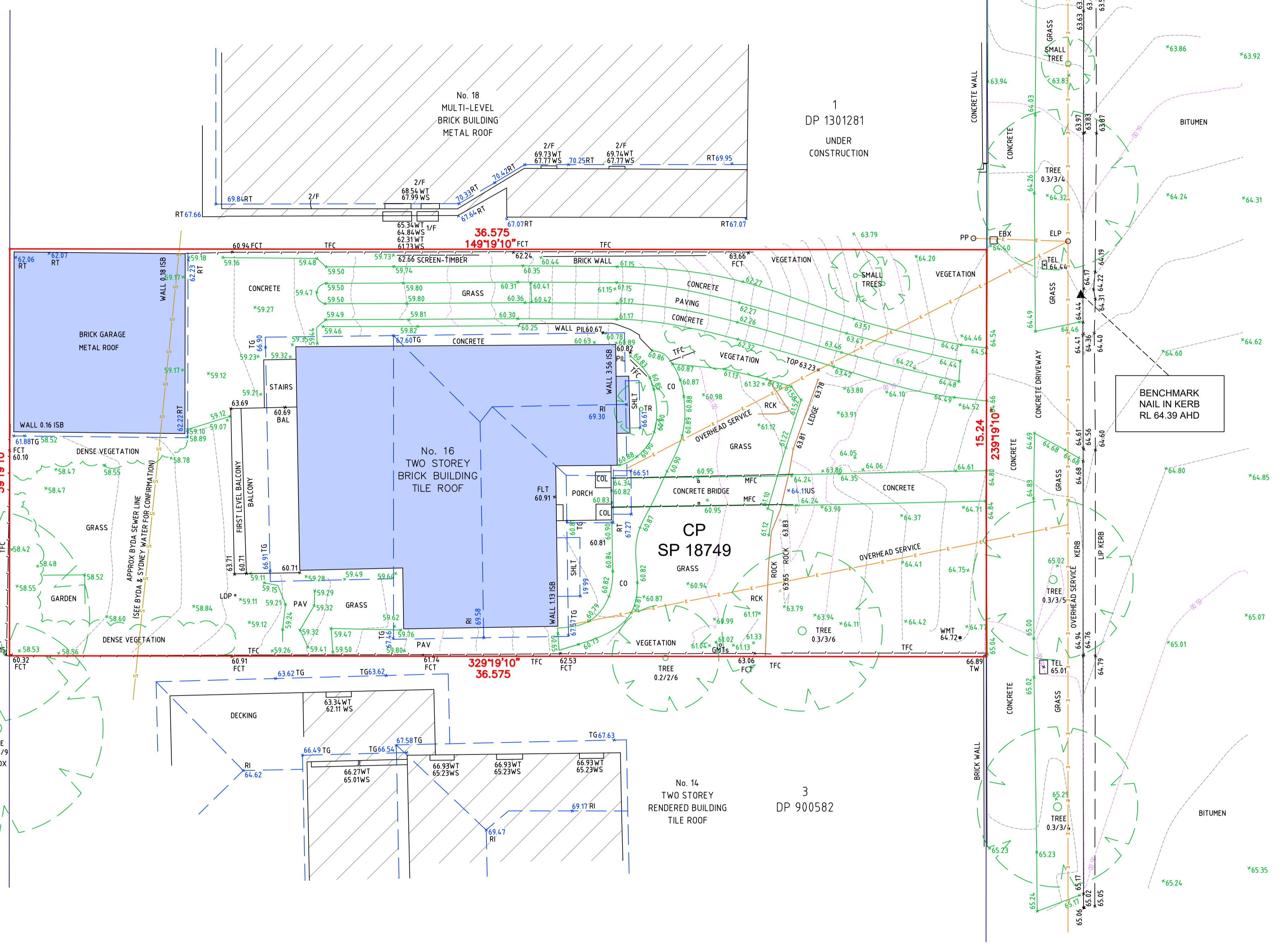
**PLANTING ON SLAB**  
TYPICAL SECTION 1:20 @ A3

**LANDSCAPE DETAILS & SPECIFICATIONS**

**LDA-06**



M.G.A. APPROX 1/IN



**GENERAL / SPECIFIC NOTES**

THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN. THE INFORMATION SHOWN ON THIS PLAN OR IN THE ASSOCIATED CAD FILE IS SUPPLIED ON THE CONDITION THAT THESE GENERAL NOTES ARE ALWAYS SHOWN / KEPT ON ANY COPY OR EXTRACT OF THE HARD COPY / DATA FILE.

INFORMATION SHOWN ON THE SUPPLIED HARD COPIES TAKES PRECEDENCE OVER ANY DIGITAL OR ELECTRONIC DATA.

THIS PLAN HAS BEEN PREPARED FOR DETAIL & LEVELS SURVEY PURPOSE ONLY OVER THE SUBJECT SURVEY AREA. COPYRIGHT TO ROSEVILLE SURVEYORS.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM 71 (AHD), THE ORIGIN OF WHICH IS SSM 88084 RL 65.6 AHD. (SOURCE: SCIMS).

THE BOUNDARIES HAVE BEEN IDENTIFIED FROM SURVEY MEASUREMENTS TO MARKS & MONUMENTS RECORDED ON EXISTING REGISTERED SURVEY PLANS OF THE SUBJECT & ADJOINING LANDS & REPRESENT TITLE DIMENSIONS. ANY CONSTRUCTIONS OR WORKS RELYING ON CRITICAL SETBACKS FROM BOUNDARIES WILL REQUIRE ADDITIONAL BOUNDARY SURVEY & PLACEMENT OF BOUNDARY / SETOUT MARKS PRIOR TO COMMENCEMENT OF ANY WORKS. ROSEVILLE SURVEYORS WILL NOT BE HELD RESPONSIBLE FOR ANY ISSUES RESULTING FROM NON COMPLIANCE WITH THIS ADVICE.

THE LOCATION & LEVELS OF BUILDING RIDGES AND ROOF FEATURES HAVE BEEN DETERMINED BY INDIRECT METHODS (WHERE VISIBLE) & ACCURATE TO APPROXIMATELY +/- 0.03 m.

THE RECORDS OF THE SERVICE AUTHORITIES HAVE NOT BEEN INVESTIGATED. ONLY THOSE SERVICES VISIBLE / APPARENT AT THE TIME OF SURVEY HAVE BEEN SHOWN.

INVESTIGATIONS HAVE NOT BEEN CARRIED OUT TO SUBSTANTIATE.

CONTOURS HAVE BEEN INTERPOLATED FROM SPOT HEIGHTS TAKEN AND ARE AN APPROXIMATION ONLY.

ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE.

VEHICLES PARKED FURK OFF STREET AT TIME OF SURVEY.

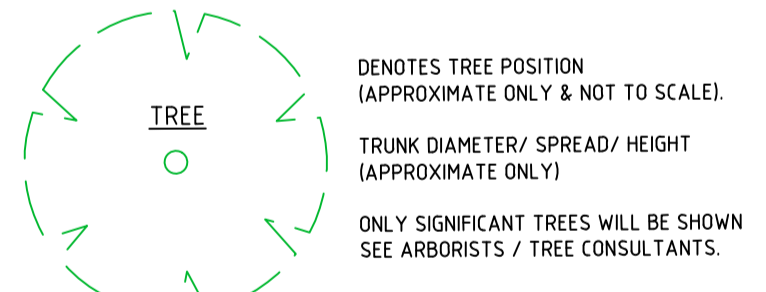
SECOND SCHEDULE NOTIFICATIONS

- RESERVATIONS AND CONDITIONS IN THE SUBJECT LANDS

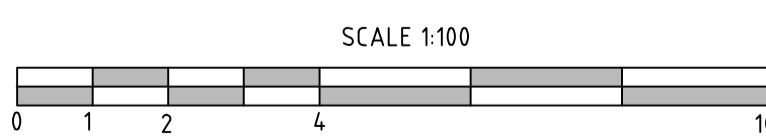
NO EASEMENTS BENEFITING / BURDENING THE SUBJECT LAND. SEE CERTIFICATE OF TITLE OF ALL INTERESTS & ENCUMBRANCES.

**SITE AREA :**  
 SP 18749  
 557.4 m<sup>2</sup> (BY CALCULATION)

- SCHEDULE OF ABBREVIATIONS**
- BAL - BALCONY
  - CO - CONCRETE
  - COL - COLUMN
  - EBX - ELECTRICAL BOX
  - ELP - LIGHT / POWER POLE
  - FCT - FENCE TOP
  - FLT - FLOOR LEVEL THRESHOLD
  - GMT - GAS METER
  - ISB - INSIDE SUBJECT PROPERTY BOUNDARY
  - LDP - LAUNDRY POLE
  - MFC - METAL FENCE
  - PAV - PAVING
  - PIP - PIPE INVERT
  - PP - POWER POLE
  - RCK - ROCK
  - RI - ROOF RIDGE
  - RT - ROOF TOP
  - SHLT - SHELTER
  - TEL - TELE-COMMUNICATION PIT
  - TFC - TIMBER FENCE
  - TG - TOP ROOF GUTTER
  - TR - SMALL TREE
  - TW - TOP WALL
  - WMT - WATER METER
  - WT - WINDOW TOP/HEAD
  - WS - WINDOW SILL
  - 1/F - FIRST LEVEL
  - 2/F - SECOND LEVEL



ILLILIWA STREET



ROGER LUNG REGISTERED SURVEYOR (8992)

DESCRIPTION: <b>PLAN SHOWING DETAIL &amp; LEVELS SURVEY</b>  COMMON PROPERTY IN STRATA PLAN 18749 No. 16 ILLILIWA STREET, CREMORNE, NSW	DATE	REV.	COMMENTS	PLAN PREPARED FOR:  MAPLEVIEW PROJECTS	DATUM : A.H.D.	SCALE : 1:100 @ A1	DATE : 02/07/2024	Land Surveying Specialists   Development Consultants Cadastral   Engineering  <b>rvs. ROSEVILLE SURVEYORS</b> ph: 0402 766 328 e: info@rosevillesurveyors.com Po Box 3133 North Willoughby LPO NSW
						ORIGIN OF LEVELS : SSM 88084	LOCALITY : CREMORNE	
					CONTOUR INTERVAL : 0.2 m	L.G.A. : NORTH SYDNEY	DRAWN : RL	
					SHEET No. 1 OF 1	REF: 6763	CHECKED : DL	

**UPDATED CLAUSE 4.6 VARIATION REQUEST TO BUILDING HEIGHT DEVELOPMENT  
STANDARD PURSUANT TO CLAUSE 4.3 OF NORTH SYDNEY LEP 2013**

**No. 16 Illiliwa Street, Cremorne**

*Demolition of the existing dual occupancy and construction of a dual occupancy development*

PREPARED BY

ABC PLANNING PTY LTD

SEPTEMBER 2024

**CLAUSE 4.6 VARIATION REQUEST TO BUILDING HEIGHT DEVELOPMENT STANDARD  
PURSUANT TO CLAUSE 4.6(3) OF NORTH SYDNEY LEP 2013**

This Clause 4.6 variation request has been prepared to accompany the development application that seeks demolition of the existing dual occupancy and construction of a two/ three-storey, attached dual occupancy development comprising four (4) bedrooms, plus two (2) garage car parking spaces for each dwelling, at Lot 1 & 2 in Strata Plan 18749, commonly known as No. Illiliwa Street, Cremorne.

Clause 4.6 of the *North Sydney Local Environmental Plan 2013* (NSLEP2013) allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide appropriate flexibility in applying certain development standards.

The proposal results in non-compliance with Clause 4.3 of the North Sydney LEP 2013, which relates to the height of buildings. As such, this Clause 4.6 variation request has been prepared in accordance with Clause 4.6 of the North Sydney LEP 2013:

- 1) *The objectives of this clause 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.*
- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- 3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
  - a. *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - b. *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**Note—**

*The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

- 4) *The consent authority must keep a record of its assessment carried out under subclause (3).*
- 5) *(Repealed)*
- 6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
  - a. *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - b. *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note—**

*When this Plan was made it did not include all of these zones.*

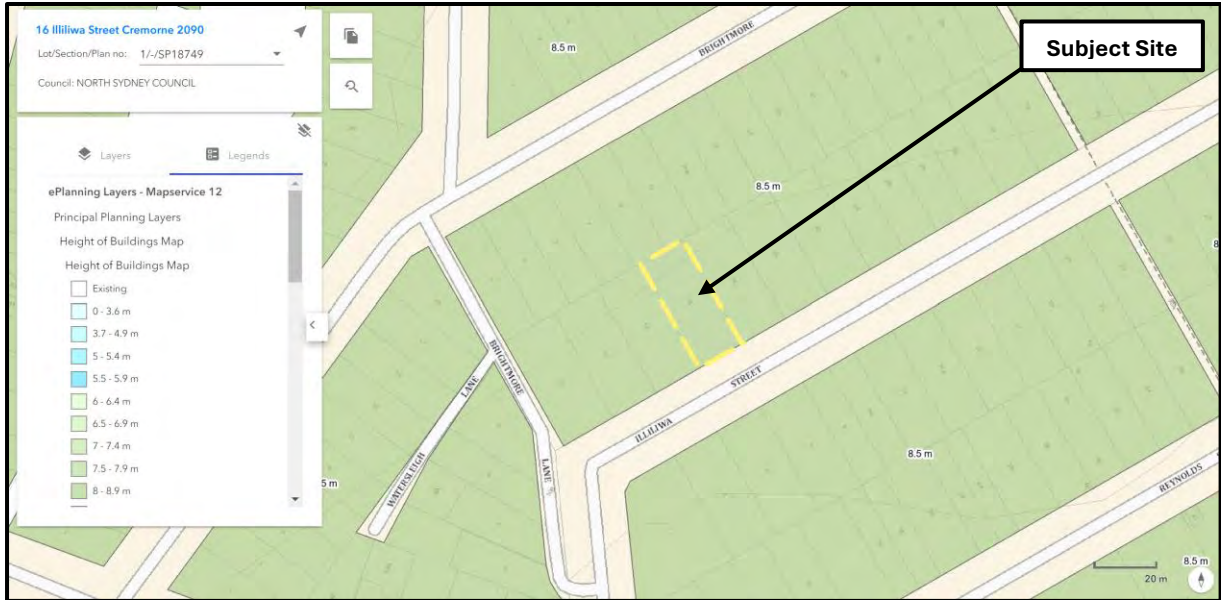
- 7) *(Repealed)*



- 8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- a) a development standard for complying development,*
  - b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - c) clause 5.4,*
- (caa) clause 5.5,*
- (ca) clause 4.3 in relation to land identified as “Area 1” on the Special Provisions Area Map, other than subject land within the meaning of clause 6.19C,*
- (cab) clause 4.4, 5.6 or 6.19C in relation to land identified as “Area 1” on the Special Provisions Area Map,*
- (cb) clause 6.3(2)(a) and (b),*
- (cba) clause 6.19A.*
- (cc) (Repeated)*
- 8A) (Repeated)*

**Development Standard to be Varied**

The proposal seeks a variation to the development standard contained within Clause 4.3 of the NSLEP2013 – maximum height 8.5m, as demonstrated on the LEP map in **Figure 1**.



**Figure 1: Building Height**

Pursuant to Clause 4.3 of the NSLEP2013, the site is subject to a maximum building height of 8.5m, with the proposal for a maximum roof height of 9.84m, which is a 15.7% (1m) variation from the numerical development standard, as illustrated below (**Figures 2 & 3**).



**Figure 2: Excerpt Western Elevation Plan, illustrating maximum building height.**



**Figure 3: Excerpt Height Plane Diagram, illustrating maximum building height to the northeast corner of the built form.**

### Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by Clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

*4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances*

#### 5-Part test

As outlined in the 'Guide to Varying Development Standards' prepared by the Department of Planning and Environment in 2023, the common ways to establish whether compliance with the development standard is unreasonable or unnecessary is known as the '5-Part Test' (from the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The 5-Part Test is summarised as follows:

*Compliance with the development standard is unreasonable or unnecessary if the:*

- 1. objectives of the development standard are achieved notwithstanding the non-compliance**
2. *underlying objective or purpose is not relevant to the development*
3. *underlying objective or purpose would be defeated or thwarted if compliance was required*
4. *development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard*
5. *zoning of the land on which the development is proposed was unreasonable or inappropriate.*

An applicant only needs to satisfy at least one part of the 5-Part Test, not all 5 parts.

**Assessment:** It is considered that strict compliance with the development standard for height on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposal complies with the objectives of the development standard and the R2 Low-Density Residential zone, indicated in the assessment in **Table 1**. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it is consistent with the objectives for development within the zone.

### Streetscape

- The numeric variation will not be readily evident from the streetscape along Illiliwa Street as the predominant component over the height limit is sited towards the rear (as shown on the western elevation excerpt above). The two-storey scale of the development as it presents to Illiliwa Street is consistent and compatible with the character of properties along this section of Illiliwa Street and within the surrounding local area. The following images confirm that the height (notwithstanding the variation) will be consistent with the height of the existing attached dual occupancy on the subject site and will be subservient to the height of the adjoining residential flat building to the northeast at 18 Illiliwa Street. The height will also be consistent and compatible with the adjoining dwelling to the south-west at 14 Illiliwa Street (left side of the image below)



**Figure 4: Excerpt Street Elevation of proposed dual occupancy, illustrating the two-storey street presentation and the subservient nature of the height when compared with the flat building to the right (northeast). The above image also shows that the proposed height is consistent with the existing maximum height of the dual occupancy that exists on the site.**

On this basis, the proposed height variation will not generate any incompatibility with the streetscape along Illiliwa Street.

### Visual bulk

The proposed height variation will not generate any adverse visual bulk impacts from adjoining dwellings on either side or to the rear (Brightmore Street properties). Established and proposed planting within the rear setback also ensures that the height variation will not generate any adverse visual bulk impacts, noting that these properties have their primary aspect northwards, not south towards the subject site.



**Figure 5: View of the rear of the northern neighbouring property showing the lack of interrelationship between the dwellings at 9 and 11 Brightmore Street**

The following excerpt of the rear elevation confirms the compatible nature of the built form despite the height variation as viewed from the rear:



**Figure 6: Excerpt of the northern elevation, which confirms that the height is less than the adjoining residential flat building (left side of the elevation above) whilst being compatible with the height and scale of the built form to the south-west at 14 Illiliwa Street (right side of the elevation above)**

Similarly, the adjoining units within the residential flat building at 18 Illiliwa Street to the north-east have their primary orientation to the rear, not sideways to the subject site, as shown in the photo below:

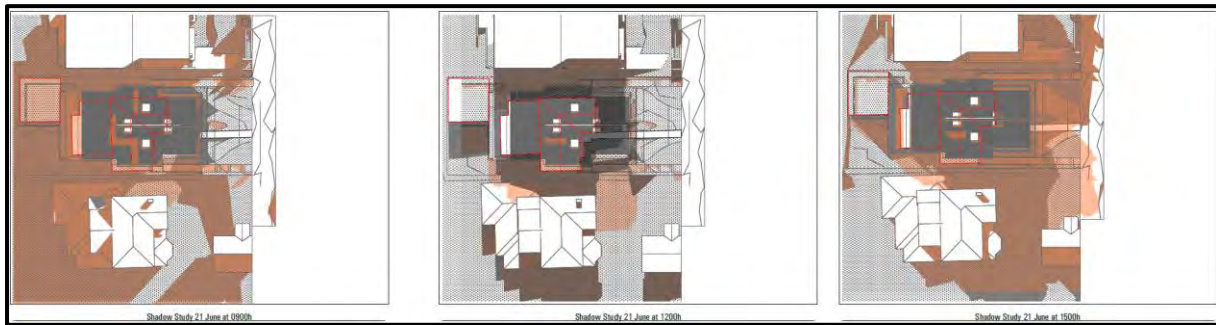


**Figure 7: Photo of the southwestern elevation of the residential flat building under construction at 18 Illiliwa Street, noting the lack of openings, which avoids any visual bulk impacts associated with the height variation.**

Furthermore, the primary orientation of the adjoining dwelling to the southwest at 14 Illiliwa Street is also to the rear towards district views. It is acknowledged that the dwelling has some north-eastern facing windows towards the subject site. However, its primary aspect is to the rear.

### **Overshadowing**

- Some overshadowing of the adjoining lots to the southeast and northwest is associated with the proposed development. However, given the site orientation shadow diagrams accompanying this application indicate that the overshadowing impact from the 11.7% (1m) height variation is not significant, with more than three (3) hours of sunlight maintained to northwest-facing living areas and a portion of the rear yard private open space for the adjoining neighbours. On this basis, the height variation does not generate any adverse or unreasonable shadow impacts as the rear-facing primary living and balcony areas of 14 Illiliwa Street will continue to receive abundant solar access.



**Figure 8: Excerpt Shadow Diagrams illustrating the retention of sunlight to adjoining neighbours.**

### Visual and Acoustic Privacy

- Visual and acoustic privacy impacts to adjoining neighbours from the 1m of additional height have also been carefully considered, with the proposal designed and cited to ensure adequate visual and acoustic privacy.
- Windows and balconies have been appropriately sited and designed with privacy screens and high windows to provide access to sunlight and minimise potential overlooking while providing opportunities for passive surveillance of the street.

### View Impacts

- In terms of view loss, the proposed height variation does not generate any view impacts beyond that of a building envelope with compliant height.
- Furthermore, the property opposite No. 7 Illiliwa Street is significantly higher than the subject site. In contrast, the adjoining property to the north is significantly lower, with views to the north retained.

Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning, as demonstrated in the following table:

**Table 1: Assessment against the Objectives of the Development Standard and Land Use Zone.**

Consistency with the objectives of the height standard in the LEP	
Objectives	Assessment
(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>• The proposal is for a two/ three-storey dual occupancy, with a two-storey presentation to Illiliwa Street and three storeys to the rear to step down with the slope of the land.</li> </ul>





	<p>the balconies to the rear of the bedrooms are narrow in nature and will not allow for any gathering.</p> <ul style="list-style-type: none"> <li>The 9.45m rear setback to the balcony and 10-metre rear balcony to the glazing are consistent with the rear alignment of the residential flat building, noting that the property has upper-level living and private open space areas.</li> <li>On this basis, the height variation does not compromise the achievement of the objective.</li> </ul>
<i>(e) to ensure compatibility between development, particularly at zone boundaries</i>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>The two-storey scale of the development as it presents to Illiliwa Street is consistent and compatible with the character of properties along this section of Illiliwa Street and the surrounding local area.</li> <li>The site is not at a zone transition.</li> </ul>
<i>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area</i>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>The two-storey scale of the development as it presents to Illiliwa Street is consistent and compatible with the character of properties along this section of Illiliwa Street and the surrounding local area.</li> <li>On this basis, the height variation does not compromise the achievement of the objective.</li> </ul>
<i>(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 C4 Environmental Living.</i>	<ul style="list-style-type: none"> <li>The two-storey scale of the development to the street elevation is consistent with the built form contemplated by the R2. It is compatible with the other dwellings in the street and surrounding local area. At the same time, the three-storey presentation at the rear is also consistent with the existing built form on the site. It is also consistent with the character of properties along this section of Illiliwa Street.</li> </ul>
<b>Consistency with the objectives of the R2 Low-Density Zone</b>	
<b>Objectives</b>	<b>Assessment</b>
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>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</li> </ul>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>The proposed height variation is associated with constructing a dual occupancy development permissible in the R2 Low-Density zone.</li> <li>The proposed four-bedroom dual occupancy dwellings provide for a variety of residential accommodations and housing choices within a low-density context.</li> <li>The proposal provides a high level of internal amenity as demonstrated by compliance with the key amenity criteria within the DCP, including front and rear setbacks, landscaped deep soil, site coverage, unbuilt upon area, solar access, private open space, plus vehicle access and car parking controls.</li> </ul>

<p><i>the natural or cultural heritage of the area.</i></p> <ul style="list-style-type: none"> <li><i>To ensure that a high level of residential amenity is achieved and maintained.</i></li> </ul>	<ul style="list-style-type: none"> <li>The proposal will provide high-quality contemporary residential accommodation with exceptional internal amenity for residents with no additional external amenity impacts to adjoining neighbours.</li> <li>The proposed height variation is therefore not considered to generate any inconsistency with the zone objectives.</li> </ul>
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Based on the above assessment, it is considered that strict compliance with the LEP height standard is unreasonable and unnecessary in this instance.

**4.6(3)(b) there are sufficient environmental planning grounds to justify contravening the development standard**

As outlined in the ‘Guide to Varying Development Standards’ prepared by the Department of Planning and Environment in 2023, the term ‘environmental planning grounds’, while not defined in the EP&A Act or the Standard Instrument, refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the EP&A Act. The scope of environmental planning grounds is wide as exemplified by the court cases (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [10]).

**Assessment:** The assessment under the unreasonable and unnecessary section of this Clause 4.6 variation demonstrates that there are sufficient environmental grounds to permit the variation in this instance, including:

It is considered that the primary environmental ground is the sloping nature of the site as it falls away from Illilwa Street. The height variation occurs towards the middle and rear of the built form, where the site drops steeply in topography. Such an outcome is consistent with the height of the existing dwelling and those nearby, whilst it is also reiterated that the height is subservient to the adjoining residential flat building.

Other sufficient environmental grounds are considered to include:

- Streetscape
- Compatibility with built form
- Overshadowing
- Privacy
- Views

as outlined above.

The proposal will provide a suitable design and amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act and the building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site. On the

above basis, it is considered that there are sufficient environmental grounds to permit the building height variation in this instance.

### **Conclusion**

This Clause 4.6 variation request is considered to adequately address the relevant matters under Clause 4.6 and demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances (Clause 4.6(3)(a)) and that there are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

For reasons mentioned herein, this Clause 4.6 variation is forwarded in support of the development proposal at No. 16 Illiliwa Street and is requested to be looked upon favourably by the consent authority.