

**NSLPP MEETING HELD ON 02/02/22****Attachments:**

1. Site Plan
2. Architectural Plans
3. External Material and Finishes

ADDRESS/WARD: 30 Myrtle Street, North Sydney**APPLICATION No:** DA 279/21**PROPOSAL:** Alterations and additions to an existing semi-detached dwelling including first floor addition.**PLANS REF:**

Plan No.	Issue	Title	Drawn by	Received
DA-01	-	Site Plan	M Halmos – Architect	10 Sept 2021
DA-02	-	Site Analysis Plan	M Halmos – Architect	10 Sept 2021
DA-03	-	Building and Landscape Areas	M Halmos – Architect	10 Sept 2021
DA-04	-	Demolition Plan	M Halmos – Architect	10 Sept 2021
DA-05	-	Ground Floor Plan	M Halmos – Architect	10 Sept 2021
DA-06	-	First Floor Plan	M Halmos – Architect	10 Sept 2021
DA-07	-	Roof Plan	M Halmos – Architect	10 Sept 2021
DA-08	-	Sections S-01 and S-03	M Halmos – Architect	10 Sept 2021
DA-09	-	Section S-02	M Halmos – Architect	10 Sept 2021
DA-10	-	North and West Elevations	M Halmos – Architect	10 Sept 2021
DA-11	-	South and East Elevations	M Halmos – Architect	10 Sept 2021
DA-12	-	Sunshadow Plans – Dec	M Halmos – Architect	10 Sept 2021
DA-13	-	Sunshadow Plans – Jun	M Halmos – Architect	10 Sept 2021
DA-14	-	Landscape Plan	M Halmos – Architect	10 Sept 2021
DA-15	-	Landscape Details	M Halmos – Architect	10 Sept 2021
DA-16	-	Waste Management Plan, Erosion and Sediment Control Plan	M Halmos – Architect	10 Sept 2021
DA-17	-	Concept Stormwater Plan	M Halmos – Architect	10 Sept 2021
No. A397548	-	BASIX Certificate	M Halmos – Architect	10 Sept 2021
-	-	External Materials and Finishes	M Halmos – Architect	12 Jan 2022

OWNER: S. Pohlen**APPLICANT:** M. Halmos**AUTHOR:** Miguel Rivera, Senior Assessment Officer**DATE OF REPORT:** 14 January 2022**DATE LODGED:** 14 September 2021**ADD INFO:** 128 October 2021, 17 December 2021, 12-13 January 2022**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing semi-detached dwelling including first floor addition at land identified as 30 Myrtle Street, North Sydney.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, given over the course of the notifications of the development, more than 10 submissions were received.

Council's notification of the original plans has attracted a total of **twelve (12) submissions** from 10 individual addresses, raising concerns regarding excessive bulk and scale of the development, uncharacteristic built form, variations to setback controls, response to immediate streetscape and heritage conservation area, privacy and overshadowing impacts.

The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be satisfactory in the site circumstances.

The proposed alterations and additions will result in a built form that is considered to be appropriate to the context of the site and sympathetic to and in keeping with the established character of the immediate locality and the *Holtermann Estate C – Conservation Area (CA09)*.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application recommended for **approval** for the proposal given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts from the development of the adjoining properties

DESCRIPTION OF PROPOSAL

The proposal before the Panel is for alterations and additions to an existing semi-detached dwelling including first floor addition at 30 Myrtle Street, North Sydney.

The proposed development in detail is as follows:

Alterations and additions – ground floor

- Demolition of external and partition walls and re-configuration of front rooms to create an open plan kitchen, living and dining room;
- New bathroom to replace centralised kitchen;
- New bedroom 3/study at north-east corner;
- New skylights above living room, bathroom and bedroom 2/guest room;
- New doors and windows; and
- Stairwell on western side to access the first floor.

Addition – first floor

- Construction of first floor addition comprising main bedroom with walk-in-rob, ensuite and south-facing balcony.

Ancillary works

- New wrap-around timber deck in front of new entry and living room with awnings above.
- New garden beds on the southern and western perimeters of the property.

A site plan, demolition plan, ground floor and first floor plans, and elevations are shown in Figures 1 to 8 below.

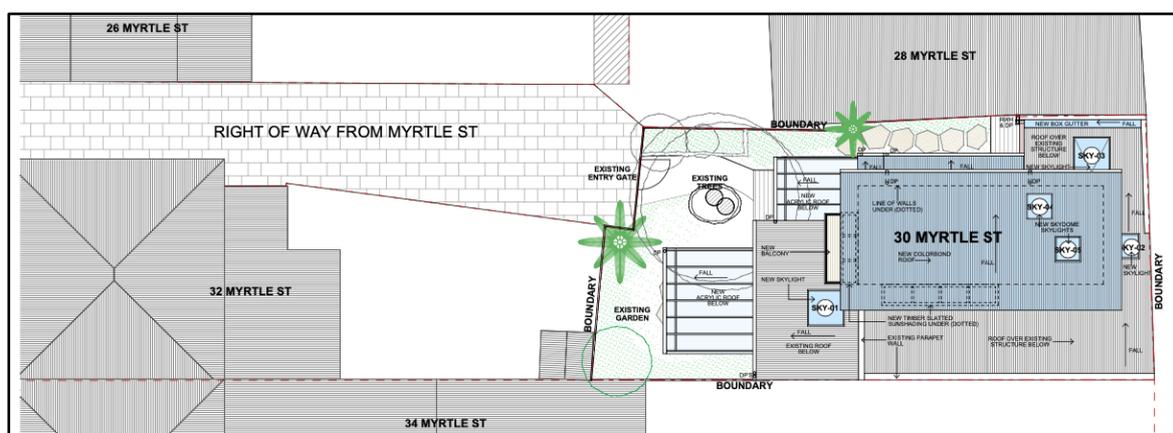


Figure 1 – Site Plan

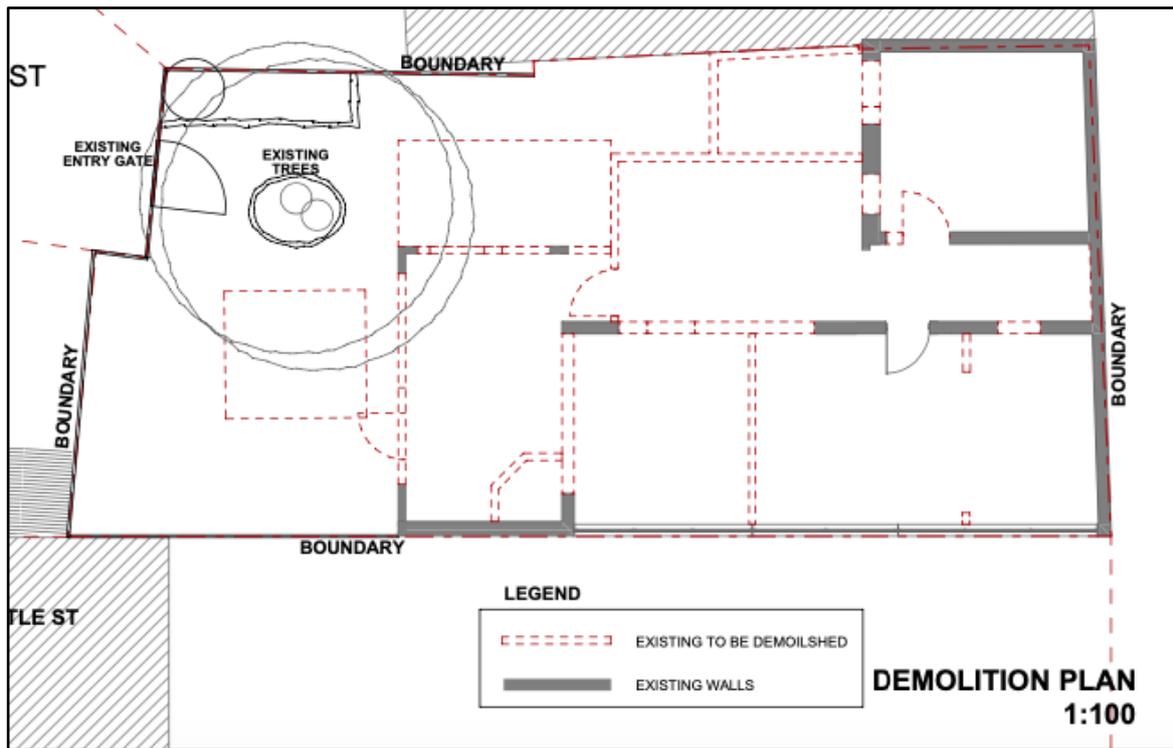


Figure 2 – Demolition Plan

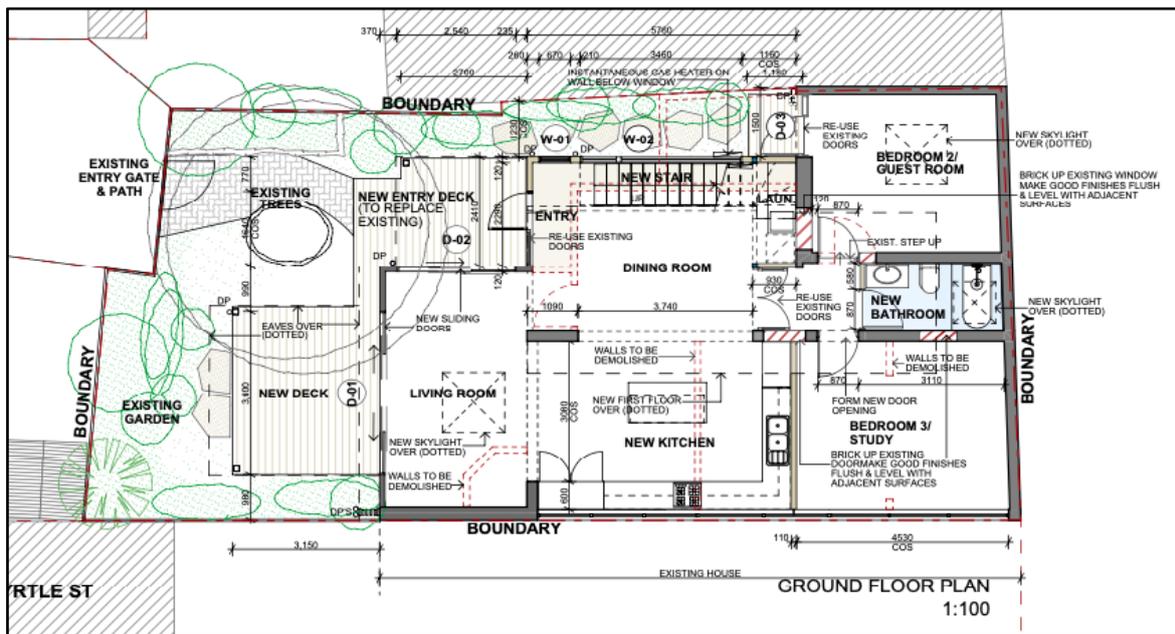


Figure 3 – Ground Floor Plan

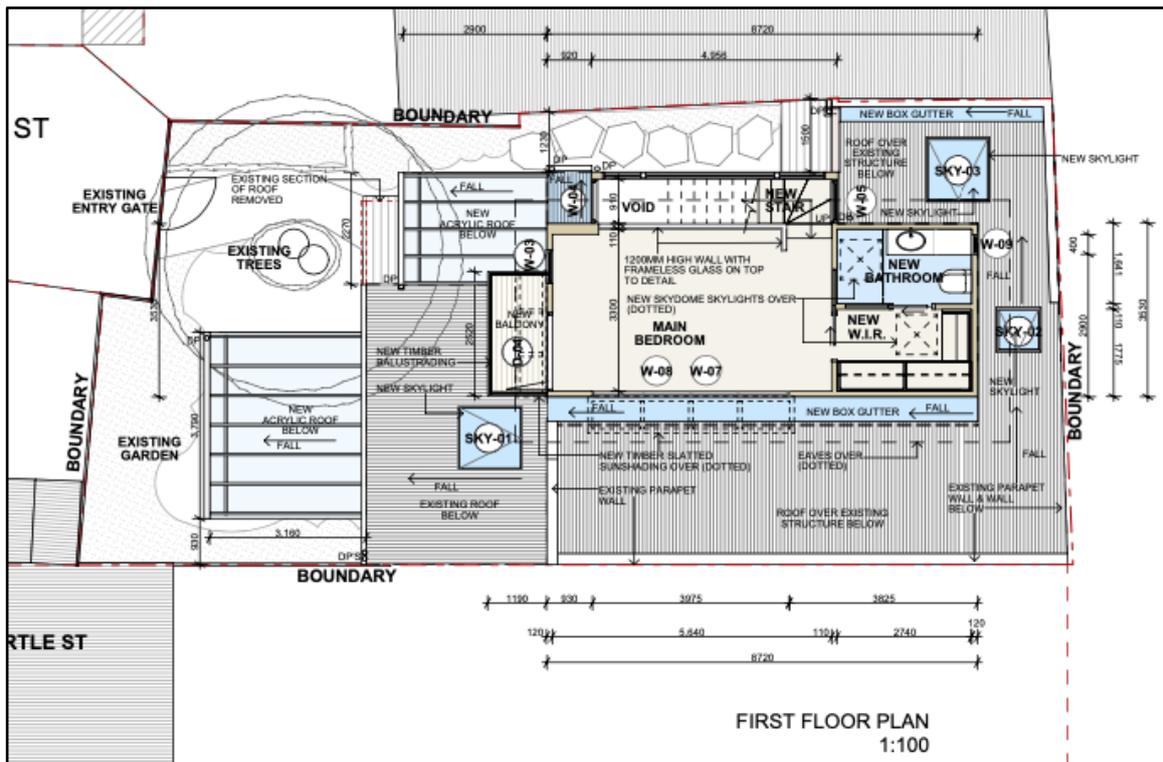


Figure 4 – First Floor Plan

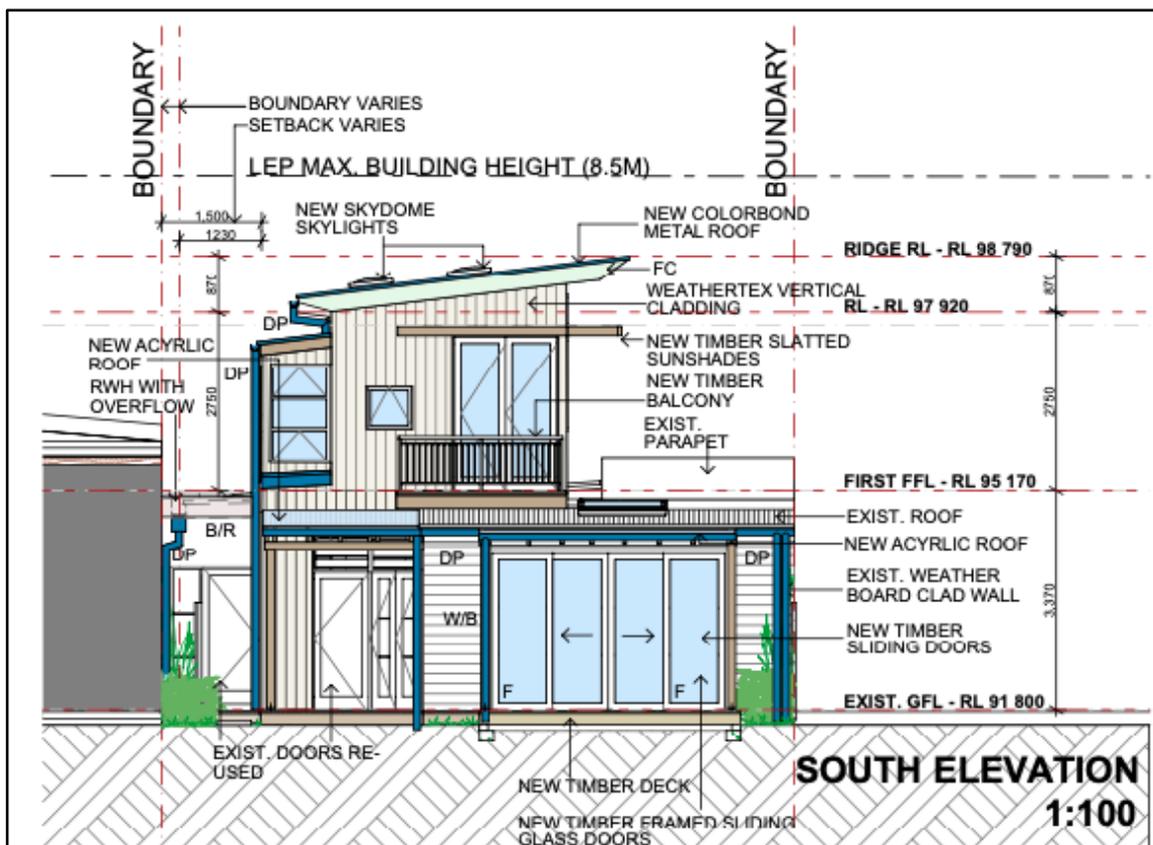


Figure 5 – South Elevation

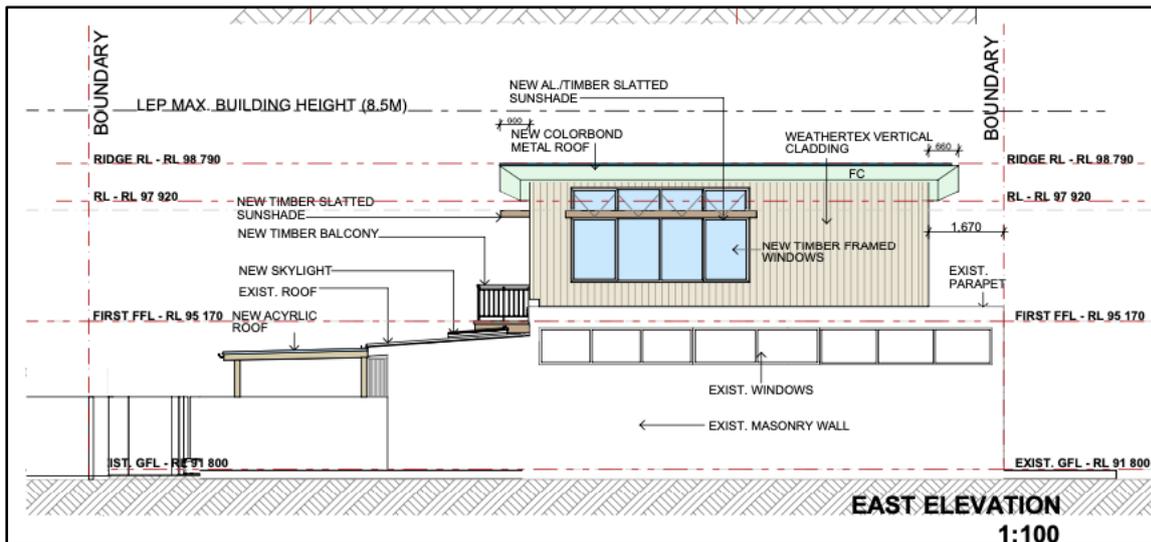


Figure 6 – East Elevation

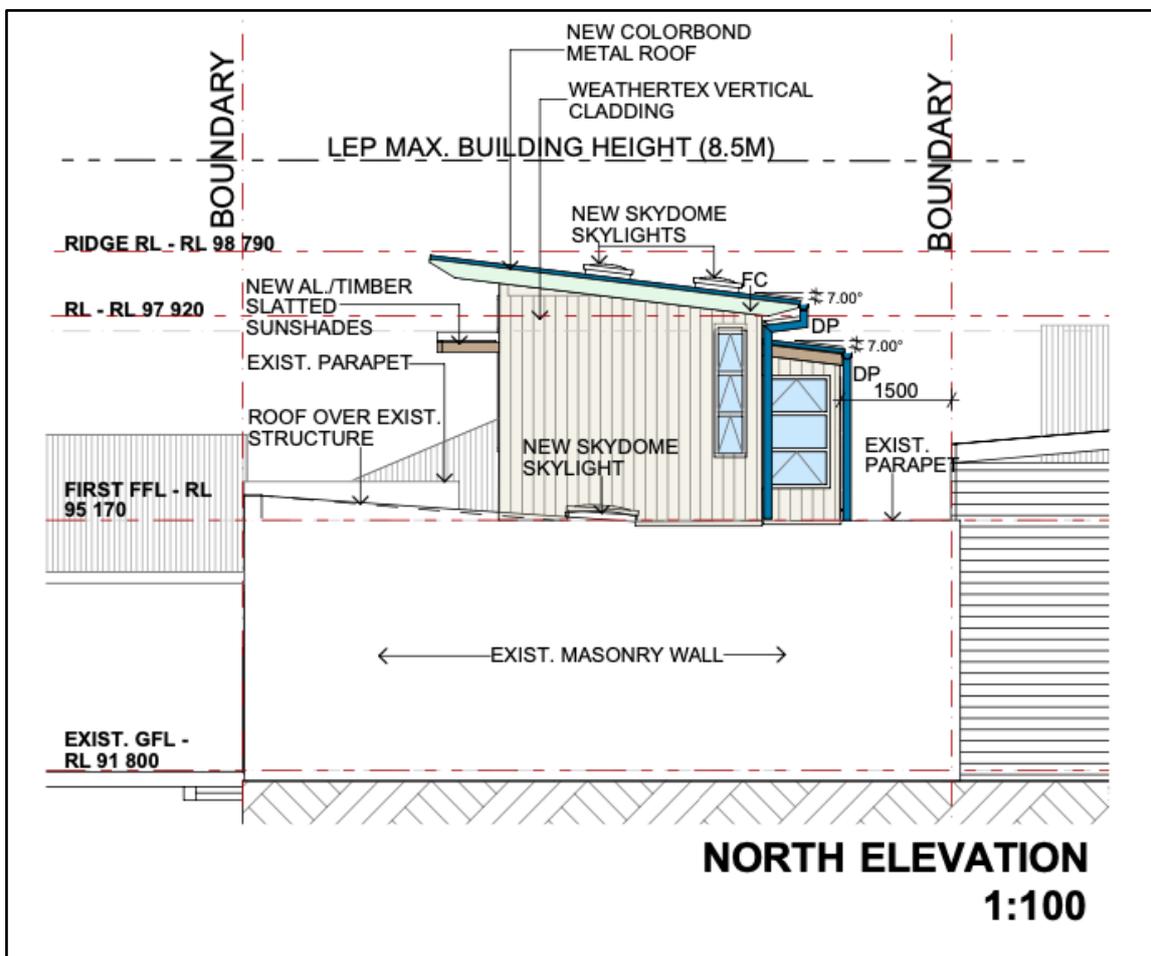


Figure 7 – North Elevation

DESCRIPTION OF LOCALITY

The subject site is commonly identified as No.30 Myrtle Street, North Sydney, and is legally described as Lot 1 in DP 865230. It is an irregular shaped, internal allotment, located on the northern side of Myrtle Street (refer to Figures 9 and 10).



**Figure 9 – Cadastre Map showing subject site (outlined in blue) and surrounding properties
(Source: SIX Maps)**



Figure 11 – Front (southern) boundary of subject site showing fencing and gate



Figure 12 – Front of existing semi-detached dwelling



Figure 13 – Front courtyard



Figure 14 – Existing side courtyard/pedestrian entry with deck and garden on western side of dwelling



Figure 15 – Front entry, foyer and hallway of existing dwelling

The site is located at the edge of a low density residential area that is directly adjacent to a mixed use/commercial area. The streetscape of the immediate vicinity reflects this with Myrtle Street marking the border of the R2 and B4 zones (refer to Figures 16 and 17). The northern side of the street features predominantly semi-detached dwellings and some detached dwellings on slender, elongated lots and the southern side of the street featuring taller, more modern and multi-storey buildings of commercial and residential use. North Sydney Girls High School is situated less than 100m west of the site. The surrounding locality contains limited street views.

Most of the housing along Myrtle Street are cottages of modest scale and density and are single storey, feature a traditional late Victorian, Edwardian and early Federation style with a simple pitched, hipped roof with either terracotta tiles or corrugated metal sheeting, timber weatherboard/rendered brick façades and light colouration (white, beige, grey tones). Architectural roof features such as protruded chimneys frequently occur along the skyline. The front setbacks are dominated by front picket fencing and hedges.



Figure 16 – Front of No. 26 Myrtle Street and existing right of carriageway easement



Figure 17 – Streetscape of Myrtle Street – south and south-east of the site, and front of No. 32 Myrtle Street

RELEVANT HISTORY

There is no recent relevant history in Council's records regarding construction of the original dwelling on site. Please refer to the Heritage comments for further details of the history of the site.

Subject Application

The history of the current application is summarised as follows:

Please note, there was no pre-lodgement proposal undertaken for the proposed development.

Subject Application

The subject application was lodged on 14 September 2021.

An initial stop the clock letter was sent to the applicant on 22 September 2021 requesting:

- Building Code of Australia/National Construction Code Compliance Report;
- Revised cost of works;
- Additional documentation that would apply to a new dwelling, in this regard but not limited to, landscaping, engineering and BASIX commitments; and
- Preliminary Structural Engineers Report.

The application was notified from 1 to 15 October 2021. Twelve (12) submissions were received from 10 individual addresses during this period.

Information responding to the initial letter was submitted on 12 October 2021.

A site inspection of the premises occurred on 16 December 2021.

A detailed request for information letter was sent to the applicant on 11 January 2022 that described the following outstanding matters that required addressing:

- Privacy impacts in relation to windows; and
- Materials and Finishes Schedule.

Additional information was submitted by the applicant on 12 and 13 January 2022. This information forms the basis of this report. Given the nature of the changes to the final scheme, a second notification was not considered necessary.

REFERRALS

Building

The application was reviewed by Council's Building Officer who provided the following commentary:

"The building is classed under the NCC BCA 2019 as a Class 1a building. A review of the plans accompanying the application revealed that the proposed works are generally able to comply with the NCC BCA 2019, Volume 2.

A detailed assessment of compliance with the Building Code of Australia 2019 will be undertaken by an appropriately accredited certifier at the Construction Certificate Stage of the proposed development."

Planning response: Standard conditions requiring compliance with the NCC BCA can be imposed on any consent notice should the application be supported.

Heritage

The application was referred to Council's Heritage Planner for comment. The following comments were made in relation to the proposed development:

"An assessment of the proposed development has been undertaken in relation to NSDCP 2013 Part B: s 13. Heritage and conservation and NSLEP 2013 Clause 5.10(5) (c) Heritage assessment.

A site inspection was carried out on 16 December 2021.

The 1943 aerial image of the site confirms the subject dwelling is from a significant period of development relevant to the heritage conservation area. However, the site inspection confirmed that any earlier structures on the site have been extensively altered and there is no comprehensive remaining layout on which to base alterations to enable the dwelling to operate in a manner that is compatible with current living standards.

Due to the location of the site, being nestled between the existing dwellings with direct orientation to Myrtle Street and Emmett Street to the north, the proposed alterations and additions including a first floor addition will not be visible from any views within the public domain. The overall scale of the works is also of a modest scale, the outcome of which will have a minimal impact on the character and significance of the Holtermann Estate C conservation area.

There are no adverse heritage conservation implications arising from the subject development. The proposal is supported subject to recommended standard conditions of consent.

With reference to the above, an assessment of the proposal has been undertaken in terms of North Sydney LEP 2013 Clause 5.10 Heritage conservation and North Sydney DCP 2013 Part B: Section 13 Heritage and Conservation namely relating to clause 5.10(5)(c). The following conditions are recommended:

- A3 No demolition of Extra Fabric*
- C5 Colours, Finishes and Materials (Conservation areas)*
- E3 Removal of Extra Fabric"*

Planning response: The advice from Council's Heritage Planner are noted. The proposed development is considered to be fully supportable regarding heritage matters, subject to the imposition of the above recommended conditions.

Landscaping

Council's Landscaping Officer reviewed the proposed development and provided the following commentary:

"In the absence of an arborist report and TPMP the proposal is considered to be generally acceptable subject to the following conditions:

*A project arborist shall be appointed to supervise all works within the TPZ of 2 x *Leptospermum petersonii* (12m x 12m) within the front setback of the subject site.*

These 2 x trees shall be protected in accordance with AS4970, complying tree protection shall be in place and signed of by project arborist prior to CC.

Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers shall be carried out within the TPZ of protected trees, no roots greater than 30mm shall be cut.

Unidentified tree within the eastern setback of 28 Myrtle St shall be protected in accordance with AS4970, no canopy pruning shall be permitted to this or any other protected tree.

*Root Mapping (C89) shall be carried out to determine root locations of 2 x *Leptospermum petersonii* (12m x 12m) within the front setback of the subject site, prior to final location of any piers or trenches.*

*Certification of Tree Condition G21-2 x *Leptospermum petersonii* (12m x 12m) within the front setback of the subject site."*

Planning comment: The Landscape Officer's comments are noted and conditions will be imposed to ensure the existing site trees are retained and protected.

SUBMISSIONS

The application was notified to adjoining properties in accordance with NSDCP 2013 between 1 to 15 October 2021 in accordance with section A4 of the DCP. Twelve (12) submissions from 10 properties were received during this period. The key issues raised in these submissions were as follows:

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

Basis of Submissions

- *Streetscape compatibility;*
- *Response to/compatibility with heritage conservation area;*
- *First floor design;*
- *Privacy impacts – first floor windows and balcony;*
- *Side and rear setbacks;*

- *Lack of landscaping;*
- *Impacts on existing trees;*
- *Building height and floor to ceiling heights;*
- *Lot size and building separation;*
- *Site coverage;*
- *Quality of construction and aesthetic;*
- *Light spillage impacts;*
- *Overshadowing impacts; and*
- *Need for proposal.*

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:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) requires applications that propose residential alterations and additions with a cost of works that are at least \$50,000 to be accompanied by a BASIX certificate, detailing energy efficiency commitments to be undertaken with the proposed works.

The application includes a valid BASIX Certificate and the commitments where relevant are reflected on the application's plans. The application can therefore meet BASIX requirements.

State Environmental Planning Policy No. 55 and Contaminated Land Management Issues

The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site.

Given the residential history of the site, that the site does not appear to have been subject to large amounts of fill, and that there is no known source of contamination, there is unlikely to be any issues of soil contamination that would require remediation. It is also noted that the proposed development does not involve any significant ground disturbance or excavation works. Standard precautionary conditions can be imposed upon any approval notice.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Having regard to the SREP (Sydney Harbour Catchment) 2005 (gazetted on 28 September 2005), the subject site will not be visible from Sydney Harbour. The impact of the development upon the harbour-scape is not considered to be detrimental and will not unduly impose upon the character of the foreshore. As such, the development satisfies the provisions contained within SREP 2005.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of SEPP (Vegetation in Non-Rural Areas) 2017 is to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The proposed development does not involve the removal of any trees and other vegetation. Conditions are recommended to ensure the existing site trees are retained and protected. As such, having regard to this SEPP, the respective aims have been satisfied by the proposed development subject to the imposition of conditions.

NORTH SYDNEY LEP 2013

1. Permissibility within the zone

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

2. Residential Zone Objectives

Zone R2 – Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed works will result in a development, which would be considered acceptable with regard to the objectives of the *R2 – Low Density Residential Zone*.

The current use of the site as a semi-detached dwelling will be retained. The proposed first floor addition will be contained wholly within the existing footprint of this dwelling and will not result in a bulky development and built form that is not in-congruence with surrounding and adjacent residential development. The proposed development generally complies with applicable planning provisions and controls and will result in the retention of low density residential housing whilst improving the existing building with regard to provision of additional functionality, amenity and facilities for future occupants.

The proposed development will not unreasonably compromise the amenity of the surrounding area as it features a design and orientation that ensure a sympathetic response and contextually appropriate outcome are achieved for the site.

Compliance Table

NSLEP 2013 Compliance Table

North Sydney Local Environmental Plan 2013			
Site Area – 175.4m²	Proposed	Control	Complies
Clause 4.3 – Heights of Building Cl.4.3(2) Height of building not to exceed that shown on Building Heights Map	7.3 metres	8.5 metres maximum	Yes

Clause 5.10 Heritage conservation

The subject site is within the Holtermann Estate C Conservation Area, which is a heritage conservation of local significance under the NSLEP 2013.

Council's Heritage Planner assessed the proposed development against the relevant provisions under Clause 5.10 and has confirmed that the proposed development satisfies these provisions, subject to the imposition of conditions.

Clause 6.10 Earthworks

Clause 6.10 of NSLEP 2013 seeks to ensure that earthworks will not have any detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The only earthworks proposed involve construction of footings for sections of the ground floor and decking. Such excavation are considered minor and acceptable, and will not result in adverse impacts.

As per the provisions of Clause 6.10(3), the following matters are required to consider before consent can be issued.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- a) the likely disruption of, or any detrimental effect on:**
 - i. drainage patterns and soil stability in the locality of the development, and**
 - ii. natural features of, and vegetation on, the site and adjoining land,**

The proposed earthworks are wholly contained within modified hardstand areas or within the existing footprint of the semi-detached dwelling. Any necessary excavation is considered minor and will not affect drainage patterns and soil stability. With regard to natural features, there is no evidence of any natural surface rock outcropping occurring in the site. Accordingly, the proposed excavation is acceptable in this regard.

b) The effect of the development on the likely future use or redevelopment of the land,

The proposed development will maintain the residential (semi-detached dwelling) use of the land, at a scale and density that are in accordance with the R2 – Low Density Residential zoning and zone objectives applicable to the site.

c) the quality of the fill or the soil to be excavated, or both,

Given the extended residential history of the site it is unlikely that the site has experienced any significant contaminating activities which would give rise for concern relating to the quality of material to be excavated and disposed off site.

d) the effect of the development on the existing and likely amenity of adjoining properties,

Given the minor nature of the proposed earthworks it is unlikely that these works will result in adverse, unreasonable amenity impacts. Conditions can be imposed to manage construction and excavation impacts. The development and excavation are acceptable in this regard.

e) the source of any fill material and the destination of any excavated material,

No fill material is required for the proposed development.

f) the likelihood of disturbing Aboriginal objects or relics,

The site has an extended history of residential usage with no surface outcropping of rock occurring on site. The likelihood of disturbing any relics is very low. Standard precautionary conditions can be included in the consent.

g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The site does not supply any drinking water catchments. Appropriate sediment and erosion control measures can be included as conditions of development consent should NSLPP issue instruction for the proposed development to be approved and prevent sediment movement into adjoining properties.

In accordance with the provisions of Clause 6.10(3) this assessment has considered the impact of the excavation on site and to surrounding properties and found the excavation would be acceptable or could be adequately controls via the imposition of conditions of development consent. Accordingly, the development is supportable in this regard.

The proposal has also been assessed against the relevant provisions within the ADG as follows:

DEVELOPMENT CONTROL PLAN 2013

The proposed development has been assessed against the following relevant sections of NSDCP 2013

- Part B - Development Controls
 - Section 1 - Residential Development
 - Section 11 - Construction Management
 - Section 12 - Access
 - Section 13 - Heritage Conservation
 - Section 14 - Contamination and Hazardous Building Materials
 - Section 16 - Trees and Vegetation Management
 - Section 17 - Erosion and Sediment Control
 - Section 18 - Stormwater Management
 - Section 19 - Waste Management
 - Section 20 - Public Infrastructure
- Part C - Character Statements
 - Section 3 - St Leonards/Crows Nest Planning Area

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
Population mix	N/A	The proposed development does not involve any multi-dwelling housing and residential flat buildings.
Universal design and adaptable housing	N/A	The proposed development does not involve any new dwellings nor multi-dwelling housing and residential flat buildings.
Maintaining residential Accommodation	Yes	The proposed development retains the existing semi-detached dwelling use and will not reduce the existing residential density on site.
Affordable housing	N/A	The proposed development does not involve any affordable housing (nor any development made under the Affordable Rental Housing SEPP).
1.3 Environmental Criteria		
Topography	Yes	The proposed development involves additions and alterations that do not affect the topography of the site. The only ground disturbance works involve constructing the footings for the outdoor decking and removal of the existing garden edging and established plants as part of the ancillary landscaping works.
Views	Yes	The proposed development involves a first floor addition that may impede local roof-top outlooks from adjoining neighbours. However, there are no significant or important views that would be impacted given the location and orientation of the subject site and surrounding sites and the vicinity of taller buildings (and commercial areas) to the south. All building works are contained within the footprint of the existing dwelling and will not involve further encroachments to property boundaries.
Solar access	Yes	The proposed development involves update to the layout of the highly constrained existing dwelling that facilitates larger open plan living/dining/kitchen areas and assists in providing improved functionality and amenity for occupants. Providing sufficient amenity is a challenge given that the subject site is an internal lot that comprises a dwelling that is built to the boundary on three (3) sides, and is completely surrounded/adjoined by trees and buildings. Additional glazing and skylights proposed on the ground floor ensure improved solar access for future occupants. The proposed development introduces a first floor addition that is generally located at the centre of the site. The setbacks of this element, as well its scale and massing, the south-north orientation of the site and the configuration of the existing residence and surrounding residences ensures that the proposed development complies with the minimum three (3) hours of solar access provided to the living room windows and private

		open spaces of neighbouring properties during mid-winter.
Acoustic privacy	N/A	The subject site is not located near classified roads and railway corridors.
Vibration	N/A	The subject site is not situation on land that is subject to vibrations caused by the operation of railways and roadways.
Visual privacy	Yes – subject to design changes	<p>The proposed development does feature a number of new windows and openings including the sliding doors in the living room, the extensive glazing on the western side of the stairwell and all windows/ openings on the entire first floor.</p> <p>The sliding doors in the living room generally replace existing windows/openings. This space is at ground level and generally overlook the front porch and courtyard of the site. Any views to neighbours from these openings are obscured by an existing canopy tree and tall boundary fencing. As such, it is considered that the new openings will not result in unreasonable privacy impacts.</p> <p>The glazing along the western side of the stairwell face a blank wall of the neighbouring dwelling that forms part of the party wall to which the existing dwelling adjoins. Further, the stairwell is considered a transitional access area and not an area of high activity. Thus, despite the large amount of glazing proposed, it is unlikely that these windows will result in unreasonable privacy impacts.</p> <p>The first floor will involve a number of windows – from the stairwell and landing, main bedroom and bathroom. The windows on the western side face a blank wall. The windows on the eastern side have a generous setback of at least 3m from the eastern boundary. The north-facing windows from the landing and in the bathroom have a minimum 1m setback from the rear boundary.</p> <p>The spaces on the first floor are considered low activity rooms; however, design changes are recommended as follows:</p> <ul style="list-style-type: none"> • Frosted glazing for the north-facing windows (W-05 and W-09). • Re-design to have awning-style windows with frosted glazing to a 1.6m height for the windows in the main bedroom facing east (W-07 and W-08). <p>The south-facing first floor balcony is of a modest size (1.2m deep by 2.5m wide) and features generous setbacks from property boundaries. It is unlikely that any significant privacy impacts will result from the use of this space. However, to ensure overlooking from this space and sliding doors are minimised, a condition is recommended to ensure the design of balustrades are amended to be of a solid form.</p>
1.4 Quality built form		

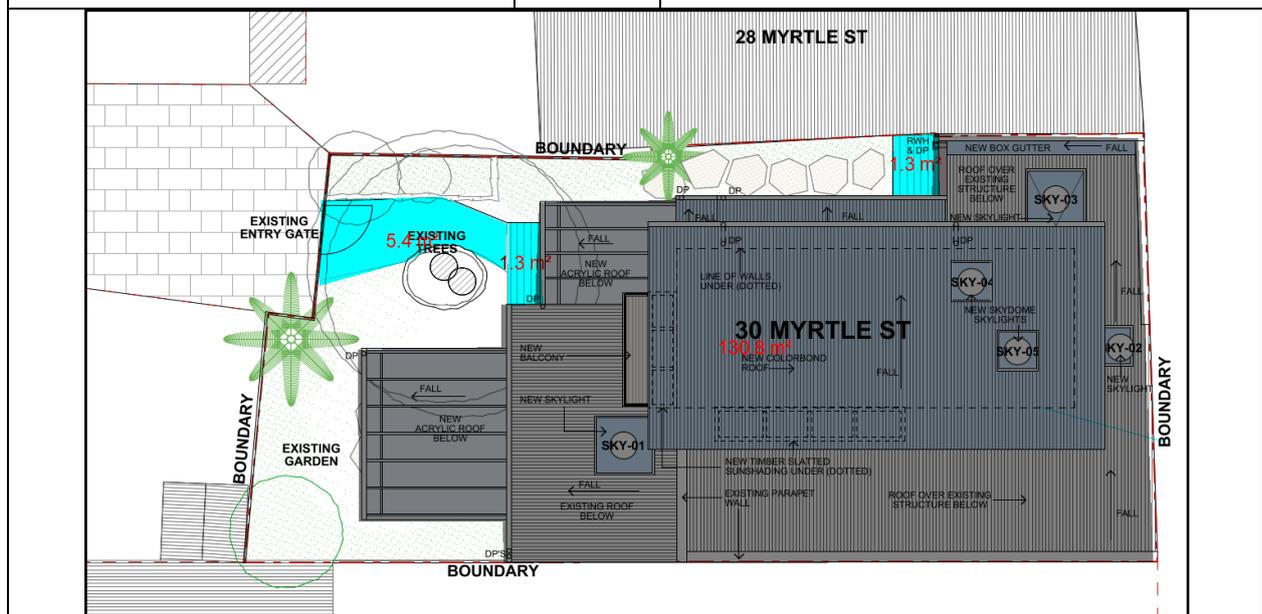
Context	Yes	<p>The proposed development involves changes to a unique building that is uncharacteristic of the area and is situated within an internal lot, which is also unique to the streetscape.</p> <p>In general, the proposed development will result in a built form that expresses an appropriate aesthetic and presentation that is in context with the surrounding area.</p> <p>The site, being an internal lot, ensures that as the built form is largely not visible from public domain. It is noted that whilst first floor additions and dual level housing are not common in the vicinity – the proposed development will not detrimentally impact the streetscape given its unique location within an internal lot and surrounded by residences on all sides.</p>
Subdivision pattern	N/A	The proposed development does not involve subdivision.
Streetscape	N/A	The proposed development does not involve any changes to the road reserve including kerb and gutter.
Siting	Yes	The proposed development does not change the orientation and siting of the existing semi-detached dwelling. The first floor addition is centrally contained within the dwelling footprint.
Setback – front	N/A	The proposed development will retain the same front setback as the existing semi-detached dwelling; however, it is noted that the lot does not have street frontage.
Setback – side	Yes	<p>The existing semi-detached dwelling features a 0m setback to both side boundaries and matches the adjoining residence it is attached to (No. 28 Myrtle Street). The proposed development retains these setbacks on the ground floor.</p> <p>The proposed first floor addition comprises side setbacks of 1.5m (western side) and 3m (eastern side).</p> <p>These setbacks are adequate in providing sufficient building separation and minimising potential bulk, scale, overshadowing and privacy impacts. As such, these demonstrate merit and are acceptable.</p>
Setbacks – rear	Yes	<p>The existing semi-detached dwelling has a 0m setback to the norther (rear) boundary and eastern (side) boundary with No. 34 Myrtle Street and matches the adjoining residence it is attached to (No. 28 Myrtle Street). The proposed development retains this setback on the ground floor.</p> <p>The proposed first floor addition comprises a rear setback of 1.5m. This setback is adequate in providing sufficient building separation and minimising potential bulk, scale, overshadowing and privacy impacts. As such, this demonstrates merit and is acceptable.</p>
Form, massing and scale	Yes	The proposed form, density and scale of the proposed development are comparable to the existing semi-detached dwelling. The only section that increases bulk is the first floor addition, which only comprises a master bedroom with ensuite, walk-in-robe and open balcony. This addition is not considered excessive in bulk and scale and features sufficient setbacks from all property boundaries. Notwithstanding that first floor additions

		and skillion roofing are not characteristic of the immediate streetscape, the proposed development will not be highly visible from public domain and will not detract from prevailing architecture that is characteristic of the vicinity and heritage conservation area.
Built form character	Yes	As mentioned above, the proposed development introduces a unique built form; however, given its siting within an internal lot – any views of the development will be obscured by trees and existing buildings. The built form character presented is acceptable and supportable.
Roofs	Yes	The proposed skillion roof for the first floor addition is not commonly found in the vicinity nor in the conservation area. However, the DCP allows for skillion roofs to be considered, where they are provided to the rear of buildings and not seen from the primary street frontage. In this instance, the new roof is acceptable as the proposal is within an internal lot and the development will not be visible from Myrtle Street.
Materials	Yes	The proposed development comprises materials that are suitable and reinforce the existing and desired character of the locality.

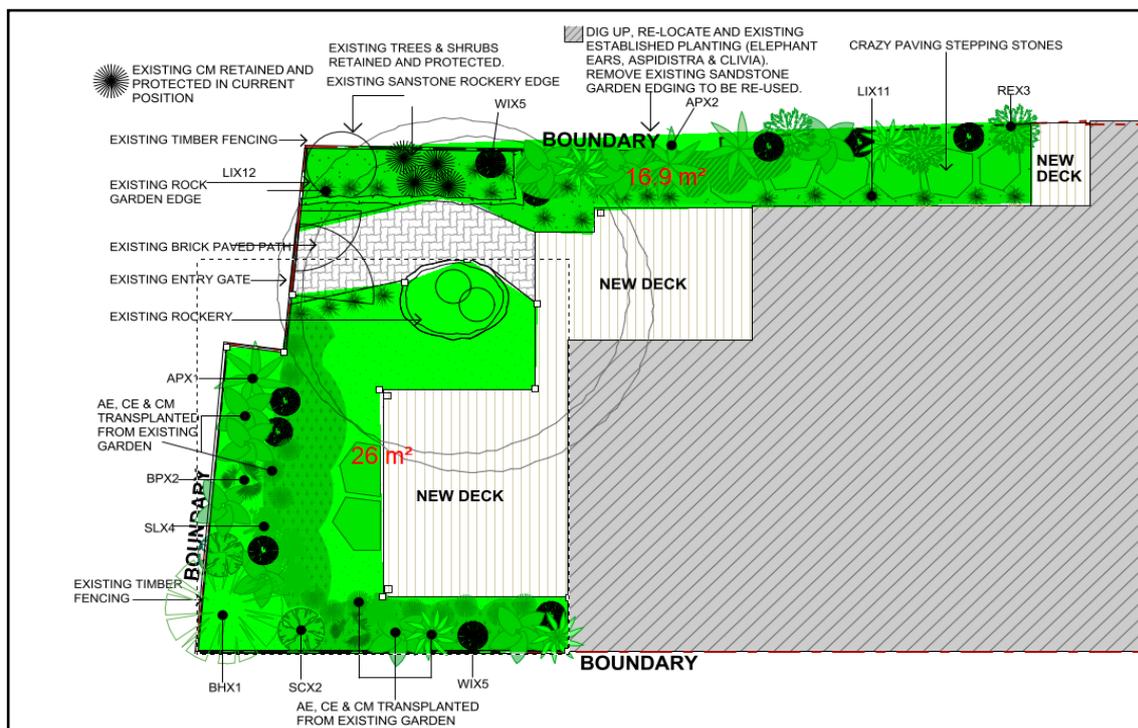
1.5 Quality Urban Environment

Vehicle Access and Parking (Inclusive of considerations required under Part B Section 10 Car Parking and Transport of NSDCP 2013)	N/A	The access off a right of way carriageway via Myrtle Street are unchanged by the proposed development. The semi-detached dwelling does not have any parking onsite. This arrangement also remains unchanged.
Site Coverage Site area: 175.4m ² Site coverage requirements for detached, attached or semi-detached dwellings:		A maximum of 60% site coverage (105.24m ²) is allowed for attached dwellings on the subject site. The proposed building footprint is calculated to be 130.8m ² , which is 74.6% of the site area and therefore does not comply. The variation is considered acceptable given that the footprint of proposed development (including the first floor addition) is wholly contained within the existing footprint of the building.

Lot Size (m ²)	Site Coverage (max.)
0-229	60%
230-499	50%
500-749	40%
750-999	35%
1000+	30%



Compliance diagram – site coverage (shaded in grey) an un-built upon area (shaded in blue)														
<p>Landscape Area</p> <p>Site area: 175.4m²</p> <p>Landscape area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="248 517 641 739"> <thead> <tr> <th>Lot Size (m²)</th> <th>Landscaped area (min.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>30%</td> </tr> <tr> <td>500-749</td> <td>40%</td> </tr> <tr> <td>750-999</td> <td>45%</td> </tr> <tr> <td>1000+</td> <td>50%</td> </tr> </tbody> </table>	Lot Size (m ²)	Landscaped area (min.)	0-229	20%	230-499	30%	500-749	40%	750-999	45%	1000+	50%	<p>Yes</p>	<p>A minimum landscaped area of 20% (35.08m²) of the site area is required.</p> <p>The total landscaped area proposed is 42.9m² or 24.5% of the site area. The proposed development is compliant with this requirement.</p>
Lot Size (m ²)	Landscaped area (min.)													
0-229	20%													
230-499	30%													
500-749	40%													
750-999	45%													
1000+	50%													



Compliance diagram – landscaped area (Shaded in green)														
<p>Un-built upon area</p> <p>Site area: 175.4m²</p> <p>Un-built upon area requirements for detached, attached and semi-detached dwellings:</p> <table border="1" data-bbox="248 1756 641 1982"> <thead> <tr> <th>Lot Size (m²)</th> <th>Un-built upon area (max.)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>25%</td> </tr> <tr> <td>1000+</td> <td>20%</td> </tr> </tbody> </table>	Lot Size (m ²)	Un-built upon area (max.)	0-229	20%	230-499	20%	500-749	20%	750-999	25%	1000+	20%	<p>Yes</p>	<p>A maximum un-built upon area of 20% (35.08m²) of the site area is allowed.</p> <p>The total un-built upon area proposed is 8m² or 4.6% of the site area. The proposed development is compliant with this requirement.</p>
Lot Size (m ²)	Un-built upon area (max.)													
0-229	20%													
230-499	20%													
500-749	20%													
750-999	25%													
1000+	20%													
<p>Excavation</p>	<p>Yes</p>	<p>The proposed development does not involve any major ground disturbance and cut. The only elements of relevance with regard to this is the construction of footings for the new decking. Such excavation is considered minor and therefore, acceptable.</p>												

Landscaping	Yes	Acceptable.
Private and Communal Open Space	Yes	Generally unchanged in siting, orientation and dimension as per the existing development.
1.6 Efficient Use of Resources		
Energy Efficiency	Yes	The applicant has provided a BASIX Certificate in support of the development application which requires suite of energy efficiency measures such as: <ul style="list-style-type: none"> • Energy efficient internal appliances • Energy efficient lighting • Thermal insulation levels for glazing, walls and ceilings A condition can be imposed to ensure that the measures contained within the BASIX Certificate are undertaken at all stages of the development process.
Passive Solar Design	Yes	The development will perform adequately in this regard. The proposed development provides ample skylights and glazed openings throughout the building that offer improved solar access to the already constrained dwelling. Some of the glazing can be modified to minimise potential privacy concerns yet still allow for adequate solar access to future occupants.
Natural Ventilation	Yes	As per above, the proposed development facilitates additional openings that provide improved ventilation to the building.
Hot Water Systems	N/A	Compliance as required with BASIX Certificate
Water Conservation	N/A	Compliance as required with BASIX Certificate
Stormwater Management	Yes	The proposed development does not result in additional hardscaped areas or roofing as any constructed elements are wholly contained within the footprint of the dwelling. Stormwater management will be as per the existing development.
Waste Management and Minimisation	Yes	A waste management plan is provided, which adequately details the management of waste generated from demolition and construction works.
Green Roofs	N/A	The proposed development does not trigger the relevant controls for green roofs.
Wind Turbines	N/A	Wind turbines are not proposed.

Relevant Planning Area – Section 3 – St Leonards/Crows Nest Planning Area (Section 3.6 Holtermann Estate C Conservation Area)

Consideration has been given to Part C of NSDCP 2013 and in particular Section 3.6 of the Character Statement for the Holtermann Estate C Conservation Area. The table below provides a summary of the assessment against relevant controls under this section of Part C of NSDCP 2013.

North Sydney Development Control Plan 2013 – Part C Section 3 – Holtermann Estate C Conservation Area		
Control	Compliance	Comments
3.6.4 Significant elements		
Topography Generally level, slight falls to the north and west with stepped street.	Yes	The proposed development involves primarily internal works or works within the building footprint and do not result in changes to the natural topography of the site.
Subdivision Long narrow lots with frontages to street and laneway (where they occur). Semi- detached houses and some detached house.	N/A	The proposed development does not involve any subdivision or land consolidation.
Streetscape Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Lanes have an open, low scale and service character with lines of timber fences.	N/A N/A N/A	The proposed development is within an internal lot that does not address any street and will not be visible nor prominent in its presentation, when viewed from public domain. The proposed development will result in the streetscape being appropriately maintained.
3.6.5 Characteristic buildings		
Detached, late Victorian, Federation and Edwardian semi-detached dwelling houses.	No – as per existing	The proposed development involves additions and alterations to a semi-detached dwelling that has no resemblance to any contributory items and elements in the conservation area and features no late Victorian, Federation and Edwardian characteristics. The proposed development maintains the uncharacteristic design. This is considered acceptable given the development will not be visible from public domain.
3.6.6 Characteristic built elements		
Siting Located towards the front of the block, with gardens to rear. Consistent setbacks.	No – as per existing Yes	The existing semi-detached is unique in its setting as it is built to the side and rear boundaries and has garden beds/front courtyard at the front and western extent (rather than to the rear). The proposed development does not involve changes to the siting of the dwelling and maintains the ground floor setbacks.

<p>Form, massing and scale</p> <p>Predominantly single storey.</p> <p>Rear extensions located within a single storey roof line of reduced height and scale to the main dwelling.</p> <p>Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.</p> <p>Dwelling houses in groups of identical design (detached, semi-detached and attached) with continuous front verandahs.</p> <p>Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes and following the natural changes in landform.</p>	<p>No – acceptable on merit</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>The first floor addition is an acceptable outcome. Its design is sympathetic to the streetscape and conservation area and will not be highly visible from public domain.</p> <p>No rear extensions are proposed.</p> <p>The proposed development does not involve a dwelling house with a wide frontage.</p> <p>The site is not street-front lot and does not contribute to terrace housing or groups of cottages visible along Myrtle Street.</p> <p>See above.</p>
<p>Roofs</p> <p>Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.</p> <p>Gabled ends for projecting bays to the street, skillion roofs to rear extensions.</p> <p>Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p>	<p>The existing semi-detached dwelling does not feature a hipped roof.</p> <p>A skillion roof is proposed for the first floor addition.</p> <p>No chimneys proposed.</p>
<p>Materials</p> <p>Walls: face brick, timber weatherboards or sandstone on sandstone foundations.</p> <p>Roofing materials: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.</p>	<p>Yes</p> <p>Yes</p>	<p>Vertical metal cladding that will have a timber weatherboard appearance.</p> <p>Metal skillion roof proposed for first floor addition and acrylic roofing proposed for the front entry and decking.</p>
<p>Windows and doors</p> <p>Late Victorian, Federation and Edwardian.</p>	<p>Yes</p>	<p>The proposed windows and doors are of an acceptable design.</p>

Fences Rusticated sandstone base walls, face brick, timber (vertical pickets and horizontal railing and wire fences) or metal palisade. Face brick or sandstone piers and base with metal palisade panels. Higher timber fences to rear.	N/A	No new fencing proposed.
Car accommodation Located off rear lanes.	N/A	Car accommodation is unchanged.
3.6.6 Characteristic built elements		
Uncharacteristic elements Modern additions; loss of original detail, painting and rendering of face brickwork; modern infill developments removal of original detailing, front and side dormers and rooflights.	No – acceptable on merit	The proposed first floor addition carries modern architectural features including metal cladding, skillion roof form and numerous glazing treatments. Given that the development will not be visible from public domain – any impacts resulting from these uncharacteristic elements are considered minimal.

On balance, the proposed development is considered to be appropriate and sympathetic to the heritage context of the site, and does not detract from the established character of the heritage conservation area.

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. Section 7.12 levy is applicable and is calculated in accordance with the plan. The contribution payment has been calculated in accordance with Council’s Contributions Plan as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost: \$380,000.00	Cost summary reports are needed for ALL applications EXCEPT solely residential accommodation (i.e. not mixed use) and that results in a net population increase (s7.11 applies).
<i>(payment amount subject to indexing at time of payment)</i>	Contribution: \$3,800.00	N/A as the 7.11 Contribution would be higher

Accordingly, should the application be supported, a condition will be imposed requiring the payment of the above contribution amount.

APPLICABLE REGULATIONS

Clause 92(1)(b) of the EPA Regulation 2000 require that council take into consideration *Australian Standard AS 2601-1991: The Demolition of Structures*, as in force at 1 July 1993. As demolition is proposed, suitable conditions can be included for any approval recommendation.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	N/A
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant 4.15 considerations of <i>Environmental Planning and Assessment (Amendment) Act 1979</i>	Yes

SUBMITTERS CONCERNS

The relevant issues raised by submitters have largely been addressed within this report. To provide further clarify, the following commentary relates to the issues raised in the submissions:

- ***Streetscape compatibility***

Comment: The proposed development is within an internal lot – ensuring that this development does not address any street frontage and will not be visible from public domain. As such, its design, whilst unique and differs from the prevailing architecture along Myrtle Street, will have little impact on the streetscape. This has been expressed previously in this report.

- ***Response to/compatibility with heritage conservation area***

Comment: As mentioned above, the proposed development features characteristics that are not commonly occurring within the heritage conservation area. Notwithstanding this, the existing semi-detached dwelling also comprises unique elements that are not characteristic of the conservation area. Further, its position being within an internal lot ensures that the built form does not contribute to the conservation area and will therefore, generate minor impacts.

- ***First floor design***

Comment: The first floor design is considered reasonable and acceptable – for the reasons mentioned above. It features sufficient separation from property boundaries, is wholly contained within the existing footprint of the dwelling and is appropriate with regard to its massing and scale. Any privacy impacts associated with the first floor can be resolved through the imposition of design change conditions.

- ***Privacy impacts - first floor windows and balcony***

Comment: This issue has been assessed and addressed in preceding sections of this report.

- ***Side and rear setbacks***

Comment: The ground floor of the proposed development features the same setbacks as the existing dwelling. The first floor addition complies with the relevant setback controls in the DCP.

- ***Lack of landscaping***

Comment: The proposed development demonstrates compliance with the minimum landscaped area requirement under the DCP.

- ***Impacts on existing trees***

Comment: The proposed development does not involve the removal any trees. Some pruning of the eastern tree on site may be required to facilitate the low roof above the front deck. Council's Landscape Officer recommended conditions to be imposed to ensure the existing trees are appropriately retained and protected. These conditions will be included in the consent (if supported).

- ***Building height and floor to ceiling heights***

Comment: The proposed development is below the maximum building height provision under the NSLEP 2013. To further reduce the bulk of the first floor addition, a condition is recommended to lower the floor to ceiling height of the ensuite and walk-in-robe by 600mm. This minimises its presentation when viewed from the north-adjointing neighbour. The floor to ceiling height of the master bedroom on the first floor is 2.75m – which is considered reasonable and not excessive.

- ***Lot size and building separation***

Comment: The proposed development does not involve any subdivision or land consolidation. It does not result in any changes to the land size; however, it is noted that the current site area is less than the minimum lot size provision under the LEP 2012.

The proposed building separation (setbacks) of the development are considered acceptable. This has been expressed previously in this report.

- ***Site coverage***

Comment: The proposed site coverage fails to comply with the maximum control as per the DCP; however, the variation demonstrates sufficient merit given it is primarily attributed to the current site coverage of the dwelling. The proposed development does result in further increase of the site coverage. It is further noted that the proposed development complies with the minimum landscaped area and maximum un-built upon area controls under the DCP.

- ***Quality of construction and aesthetic***

Comment: The proposed construction, materiality, finishes and colouration are considered reasonable and acceptable. It is further noted that the development will not be visible from public domain and will not detract from the prevailing character and quality of the heritage conservation area.

- ***Light spillage impacts***

Comment: There is no external lighting proposed on the first floor. Given the lighting within this space is wholly internal, it is unlikely that any light spillage impacts will be generated by the proposed development.

- ***Overshadowing impacts***

Comment: The south-north orientation of the site and the proposed height and setbacks of the first floor addition combined with its skillion roof ensures that a minimum of three (3) hours of solar access can be facilitated for adjoining and surrounding properties during mid-winter. This ensures the proposed development meets the requirements (for solar access) under the DCP and that any overshadowing impacts are considered reasonable.

- ***Need for proposal***

Comment: Assessing the need for a proposal is not necessary as it is not a matter of consideration under Clause 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Notwithstanding this, the proposed development results in a reasonably sized family home comprising three (3) bedrooms, two (2) bathrooms and a combined living/dining/kitchen room. Its form and density as well as its design, are not considered reflective of an overdevelopment of the site.

As detailed within this report, the non-compliances identified throughout the report are considered to be reasonable in the circumstances and suitable with regard to the unique siting and context of the site as well as its constraints. The proposed development is adequately located and allows for the preservation of existing trees on site and facilitates new planting in the front courtyard.

PUBLIC INTEREST

The proposed development is considered to be in the public interest for the reasons provided throughout this report.

HOW HAVE THE COMMUNITY VIEWS BEEN TAKEN INTO ACCOUNT

The application has been notified on a single occasion. The concerns as raised in the submissions have been considered throughout the scope of this report.

CONCLUSION

The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be satisfactory in the site circumstances.

The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979* (as amended), the application recommended for **approval** given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts on the redevelopment of the adjoining properties.

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 Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for Building Height, grant consent to Development Application No. 279/21 for alterations and additions to an existing semi-detached dwelling including first floor addition at land known as 30 Myrtle Street, North Sydney, subject to the following site specific condition and the attached standard conditions:

Floor to Ceiling Height – First Floor Ensuite (Bathroom) and Walk-in-Robe

C15. The roof over the first floor ensuite (bathroom) and walk-in-must be reduced by 600mm, at the same pitch, with no eaves overhang. The floor to ceiling height of these spaces must also be reduced by 600mm to reflect the amended roof height.

(Reason: To reduce the visual prominence of the first floor addition – northern elevation)

Miguel Rivera
SENIOR ASSESSMENT OFFICER

David Hoy
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
30 MYRTLE STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 279/21

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 and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
DA-01	-	Site Plan	M Halmos – Architect	10 Sept 2021
DA-02	-	Site Analysis Plan	M Halmos – Architect	10 Sept 2021
DA-03	-	Building and Landscape Areas	M Halmos – Architect	10 Sept 2021
DA-04	-	Demolition Plan	M Halmos – Architect	10 Sept 2021
DA-05	-	Ground Floor Plan	M Halmos – Architect	10 Sept 2021
DA-06	-	First Floor Plan	M Halmos – Architect	10 Sept 2021
DA-07	-	Roof Plan	M Halmos – Architect	10 Sept 2021
DA-08	-	Sections S-01 and S-03	M Halmos – Architect	10 Sept 2021
DA-09	-	Section S-02	M Halmos – Architect	10 Sept 2021
DA-10	-	North and West Elevations	M Halmos – Architect	10 Sept 2021
DA-11	-	South and East Elevations	M Halmos – Architect	10 Sept 2021
DA-12	-	Sunshadow Plans – Dec	M Halmos – Architect	10 Sept 2021
DA-13	-	Sunshadow Plans – Jun	M Halmos – Architect	10 Sept 2021
DA-14	-	Landscape Plan	M Halmos – Architect	10 Sept 2021
DA-15	-	Landscape Details	M Halmos – Architect	10 Sept 2021
DA-16	-	Waste Management Plan, Erosion and Sediment Control Plan	M Halmos – Architect	10 Sept 2021
DA-17	-	Concept Stormwater Plan	M Halmos – Architect	10 Sept 2021
No. A397548	-	BASIX Certificate	M Halmos – Architect	10 Sept 2021
-	-	External Materials and Finishes	M Halmos – Architect	12 Jan 2022

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

Plans on Site

- A2. A copy of all stamped approved plans, 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 Certifying Authority.

**30 MYRTLE STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 279/21**

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

A4. External finishes and materials must be in accordance with the submitted schedule as approved and referenced in Condition A1 of this consent unless otherwise modified by Council in writing.

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

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***Structural Adequacy (Semi-detached and Terrace Buildings)**

C1. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property at No. 28 Myrtle Street, North Sydney; which certifies their ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

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

Structural Adequacy of Existing Building

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

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

Sediment Control

- C3. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The 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.

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

Waste Management Plan

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

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

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

Colours, Finishes and Materials (Conservation Areas)

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

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

Skylight(s)

- C6. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply 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 fully satisfy the requirements of this condition.

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

Reflectivity Index of Glazing

- C7. The reflectivity index (expressed as a per centum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Plans and specifications which comply 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.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

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

Roofing Materials - Reflectivity

- C8. 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 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: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

Stormwater Disposal

- C9. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply 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: To ensure appropriate provision for disposal and stormwater management arising from the development)

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

- C10. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$2,000.00 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 six months after the work is completed.

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 Engineers.

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 Certifying Authority 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 Measures to be shown on Construction Drawings

- C11. A project arborist must be appointed to supervise all works within the tree protection zone (TPZ) of two (2) x *Leptospermum petersonii* (12m x 12m) within the front setback of the subject site. These two (2 x trees must be protected in accordance with AS4970, complying tree protection must be implemented and signed off by the project arborist prior to the release of any construction certificate.

Sensitive construction techniques including hand excavation, pier and beam construction, and flexible location of piers must be carried out within the TPZ of protected trees. No roots greater than 30mm must be cut.

The unidentified tree within the eastern setback of No. 28 Myrtle St must be protected in accordance with AS4970. No canopy pruning is permitted to this or any other protected tree except as required for the proposed roofing above the new decking.

The tree protection measures must be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority 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

- C12. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height (m)
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12

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

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

- C13. 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:

Tree	Location	Height (m)
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12

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)

Privacy

- C14. The following privacy devices are to be provided:

- a) Frosted glazing for portions of the stairwell or reduce the amount of extensive glazing along the western elevation.
- b) Frosted glazing for the north-facing windows of the first floor.
- c) Modify the windows in the main bedroom facing east to be awning-style windows with frosted glazing to a 1.6m height.
- d) Modify the balustrades of the south-facing first floor balcony to be a solid form that is designed to minimise overlooking from this space and the sliding doors.

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: To ensure an adequate level of privacy is provided to adjoining properties)

Floor to Ceiling Height – First Floor Ensuite (Bathroom) and Walk-in-Robe

- C15. The roof over the first floor ensuite (bathroom) and walk-in-must be reduced by 600mm, at the same pitch, with no eaves overhang. The floor to ceiling height of these spaces must also be reduced by 600mm to reflect the amended roof height.

(Reason: To reduce the visual prominence of the first floor addition – northern elevation)

Section 7.12 Contributions

- C16. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$3,800.00.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C17. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage bond	\$2,000.00
TOTAL BONDS	\$2,000.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$3,800.00
TOTAL FEES	\$3,800.00

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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

C18. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. (A397548) for the development are fulfilled. 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: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Root Mapping

C19. Non-invasive/non- destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) of the existing trees in the front courtyard to determine the size and depth of the tree roots prior to the design of the required footings for approved dwelling alterations and additions.

Root mapping is to be undertaken under the direct supervision of an AQF level 5 arborist. The said consulting/ project arborist is to prepare a written report, with images, addressing the following:

- a) describing the results of the root mapping;
- b) providing an assessment of potential tree impacts of the excavation; and
- c) making recommendations of protection measures to be implemented for the duration of excavation and construction activity to ensure the ongoing health and viability of the tree.

The report is to be provided to the Certifying Authority for approval (with a copy provided to Council) prior to the issue of any Construction Certificate. Plans and Specifications submitted to the Certifier for approval must comply with the recommendations of the arborist report referred to in this condition, and the development must be carried out in accordance with the said report.

(Reason: To ensure the protection of significant trees)

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 Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

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

Commencement of Works' Notice

- D2. 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**Temporary Disposal of Stormwater Runoff**

- E1. 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 Certifying Authority.

(Reason: Stormwater control during construction)

Progress Survey

- E2. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:
- a) at the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries;

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- b) at the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials; and
- c) at completion, the relationship of the building, and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at the time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the Applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

(Reason: To ensure compliance with approved plans)

Removal of Extra Fabric

- E3. 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

- E4. 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.
 - (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

- E5. 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)

Protection of Trees

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

Construction Hours

- E7. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

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

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

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

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

Out-of-Hours' Work Permits

E8. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

Site Amenities and Facilities

- E9. 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 workplace determines the type of amenities required.

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

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

Health and Safety

- E10. 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.

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

Community Information

- E11. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Plant and Equipment Kept Within Site

- E12. 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.

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

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

Waste Disposal

E13. 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

E14. 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)

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 Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

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

i) the name and licence number of the principal contractor, and

- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority 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 a Principal Certifying Authority (PCA)

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

- F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

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

Excavation/Demolition

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

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

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Protection of Public Places

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

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

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

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority 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

Damage to Adjoining Properties

- G1. 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)

Asbestos Clearance Certificate

- G2. 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 Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

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

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

Certification of Tree Condition

- G3. 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 Certifying Authority, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height (m)
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12
<i>Leptospermum petersonii</i>	Front setback of No. 30 Myrtle Street	12

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

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

BASIX Completion Certificate

G4. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

(Reason: To ensure compliance with the specified BASIX Certificate)

Landscaping

G5. The landscaping shown in the approved landscape plan numbered prepared by M Halmos, Architect, drawing number DA-14 and received by Council on 10 September 2021 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Damage to Adjoining Properties

G6. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

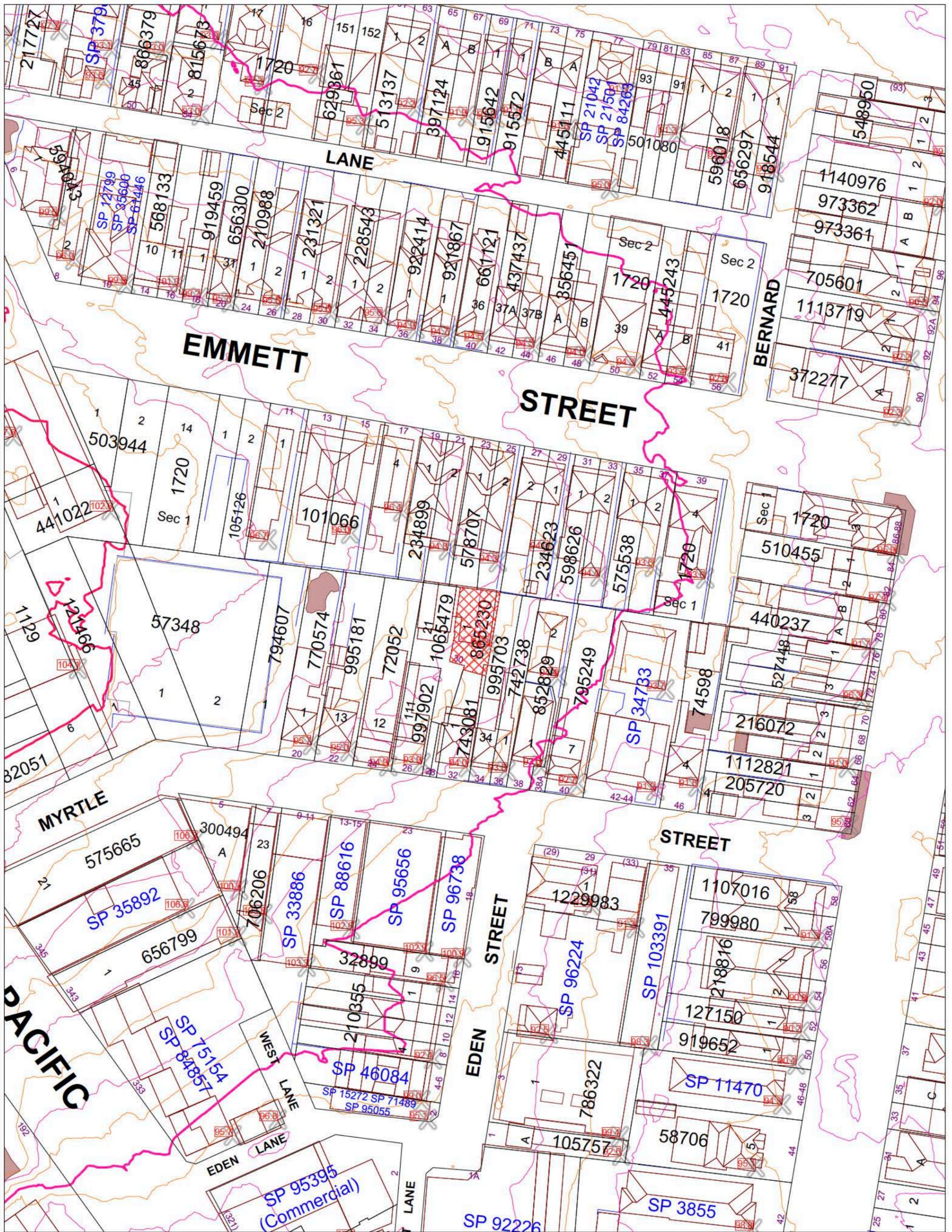
The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

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Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

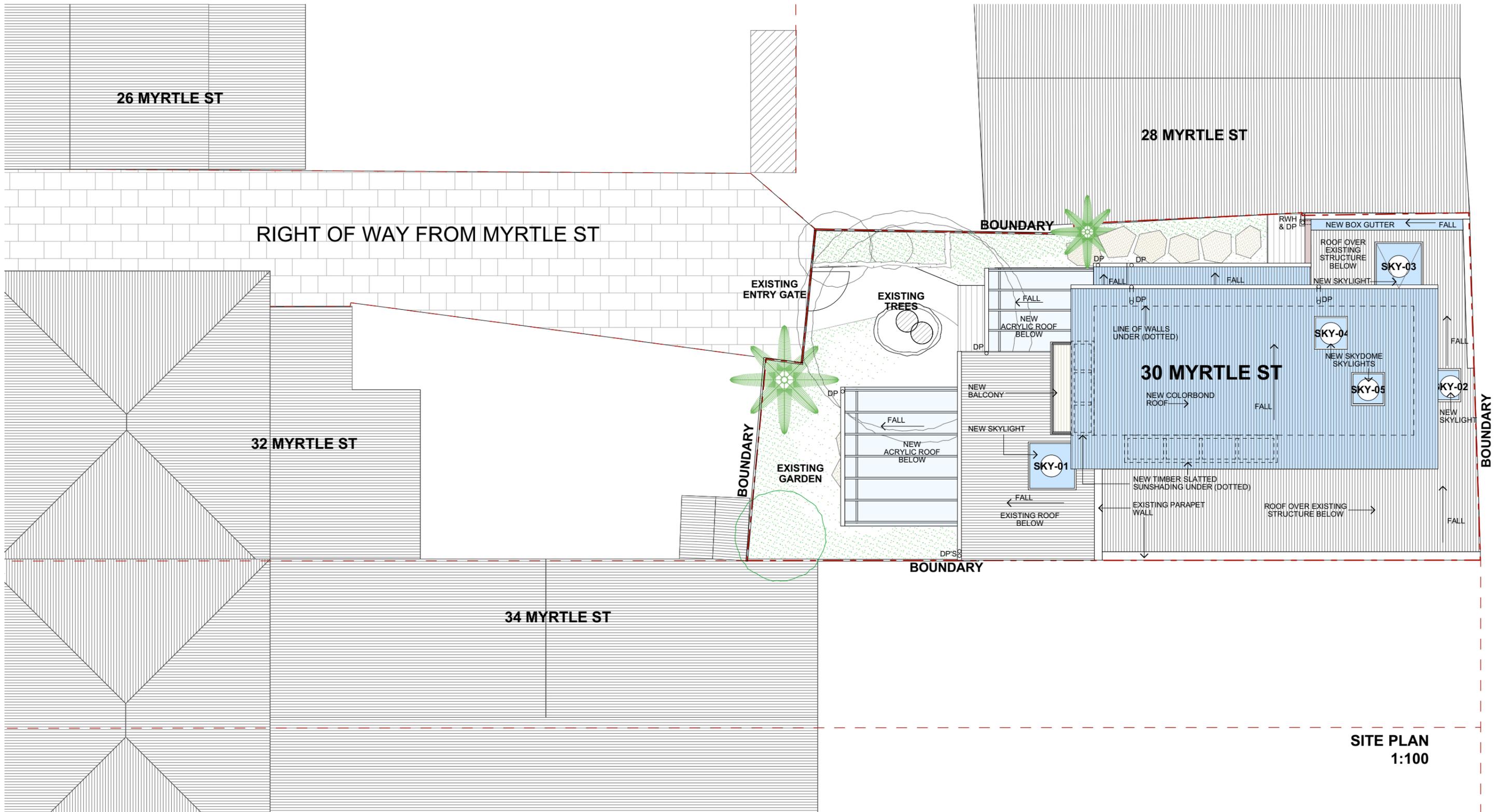
(Reason: To ensure adjoining owner's property rights are protected in so far as possible)



North Sydney Council

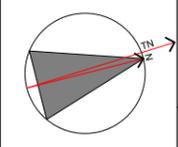
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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.



**SITE PLAN
1:100**

No.	DATE	AMENDMENTS	MARIANNE HALMOS ARCHITECT		Project	Scale	Drawing		
			<p>MARIANNE HALMOS ARCHITECT SUITE 209, 3 EDEN STREET, NORTH SYDNEY, NSW 2060 Mob: 0418 208 089 REG. NO. 4719 Email: marianne@mariannahalmos.com.au Tel: (02) 9929 2716</p>		<p>ALTERATIONS + ADDITIONS TO RESIDENCE AT: 30 MYRTLE ST, CROWS NEST, NSW, 2065 FOR: SARAH POHLEN</p>	1:100	SITE PLAN		
						Date drawn 30/08/2021		Job No: 20.02	Drawing No. Amd DA-01
							Drawn MB		
							Checked		



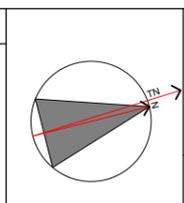
The Architect is not responsible for any discrepancies occurring on site. All discrepancies shall be reported to the Architect prior to commencement of any construction work or shop drawings.
 This drawing is not to be scaled for dimensioning purposes. Use figured dimensions only.
 © Copyright Marianne Halmos Architect



**MYRTLE ST VIEW
AT ENTRY TO RIGHT OF WAY**



No.	DATE	AMENDMENTS



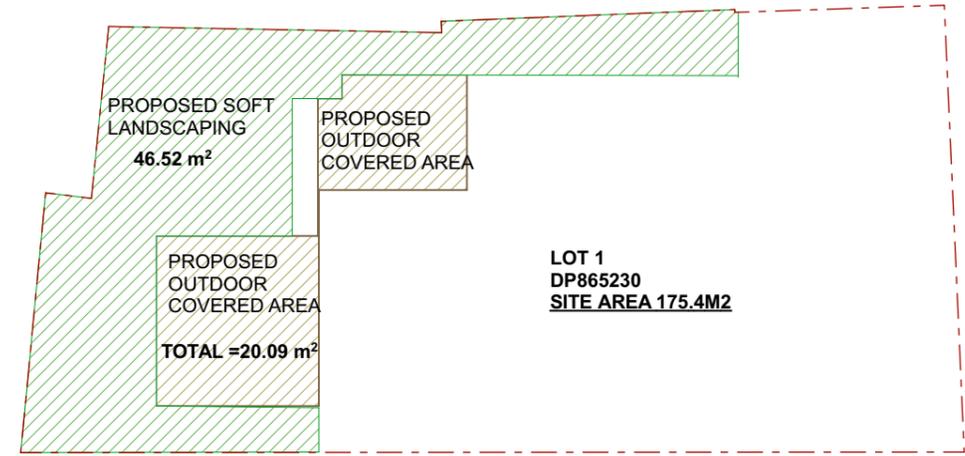
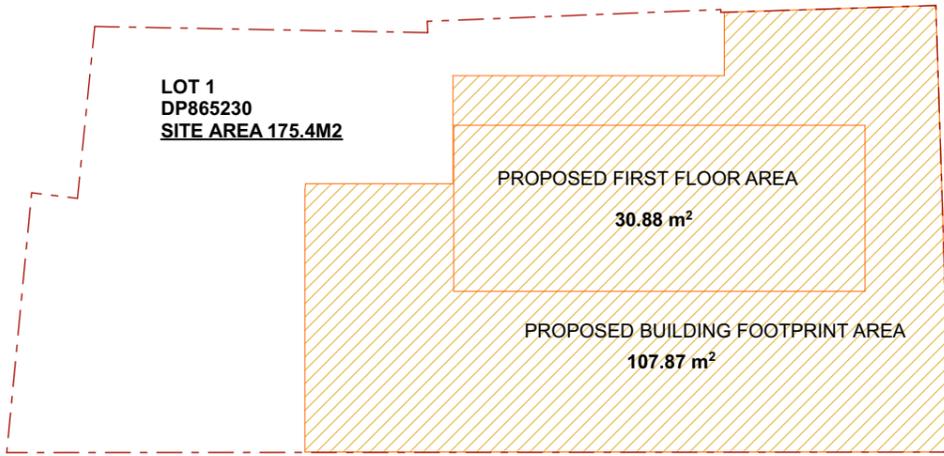
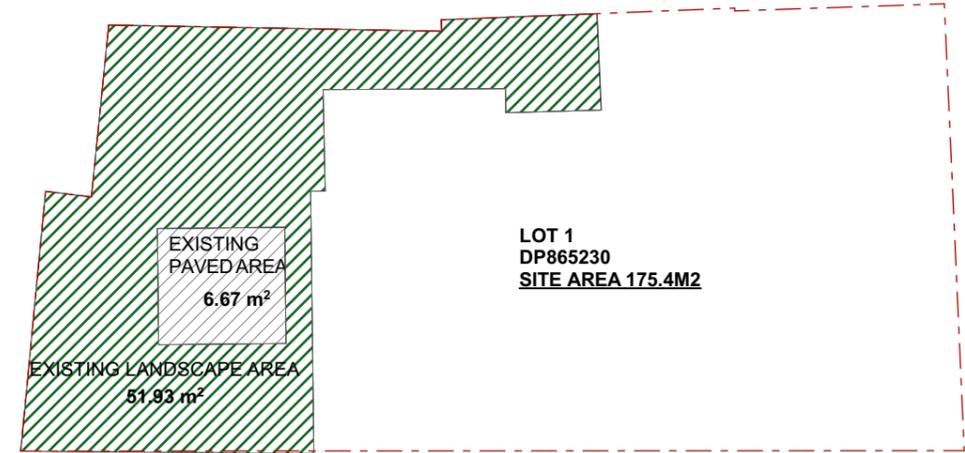
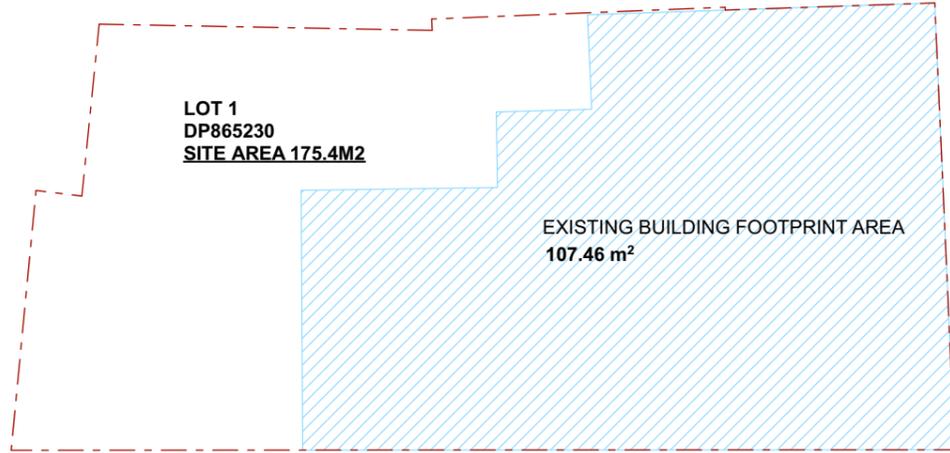
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Project
ALTERATIONS + ADDITIONS TO RESIDENCE AT:
30 MYRTLE ST, CROWS NEST, NSW, 2065
FOR: SARAH POHLEN

Scale
NTS
Date drawn 30/08/2021
Drawn MB
Checked

Drawing
SITE ANALYSIS
Job No: 20.02
Drawing No. DA-02
Amd



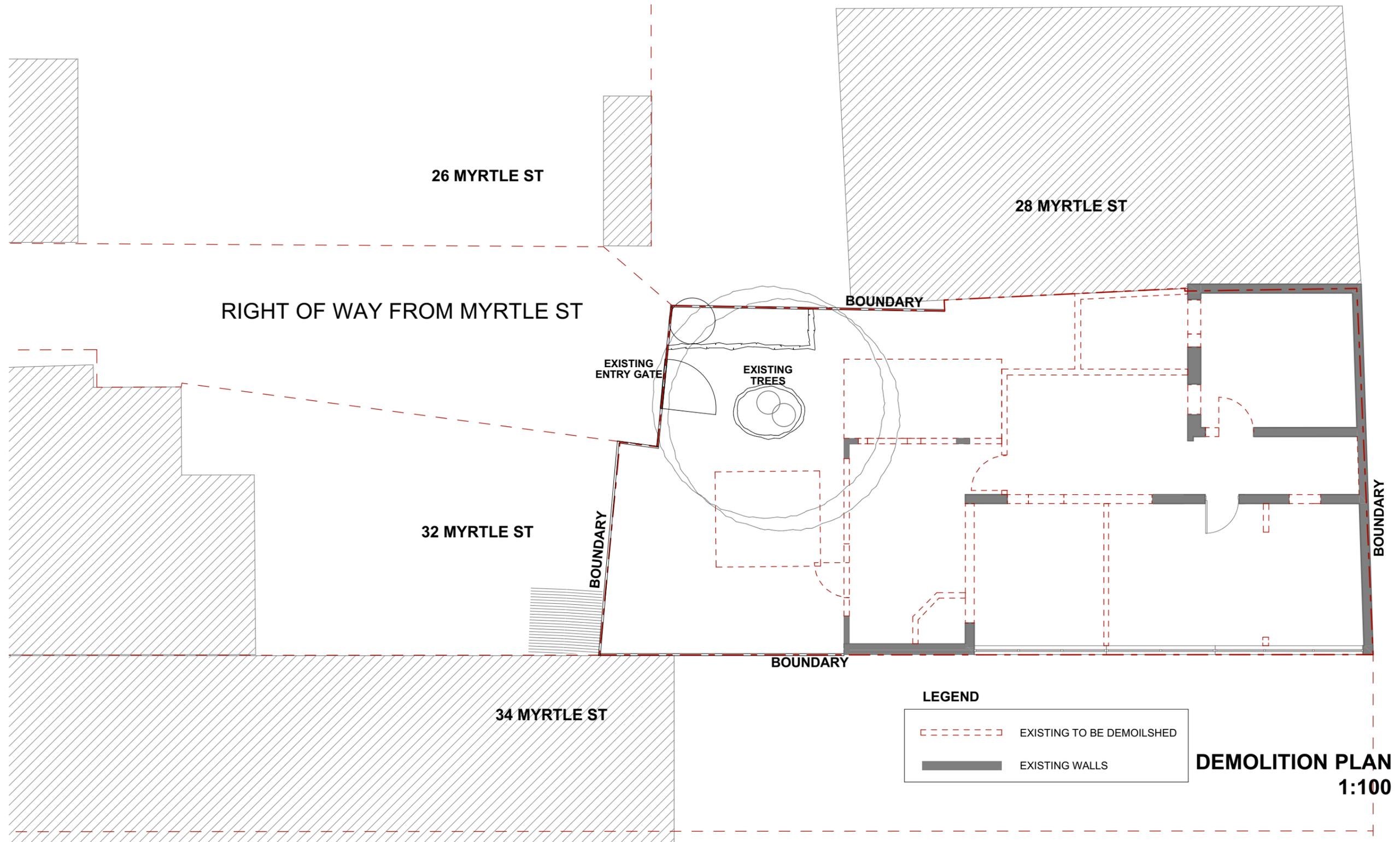
TOTAL SITE AREA = 175.4M2
TOTAL PROPOSED FLOOR AREA = 138.75M2

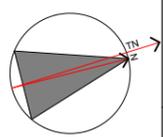
PROPOSED OUTDOOR COVERED AREA = 20.09M2
PROPOSED SOFT LANDSCAPING = 46.53M2

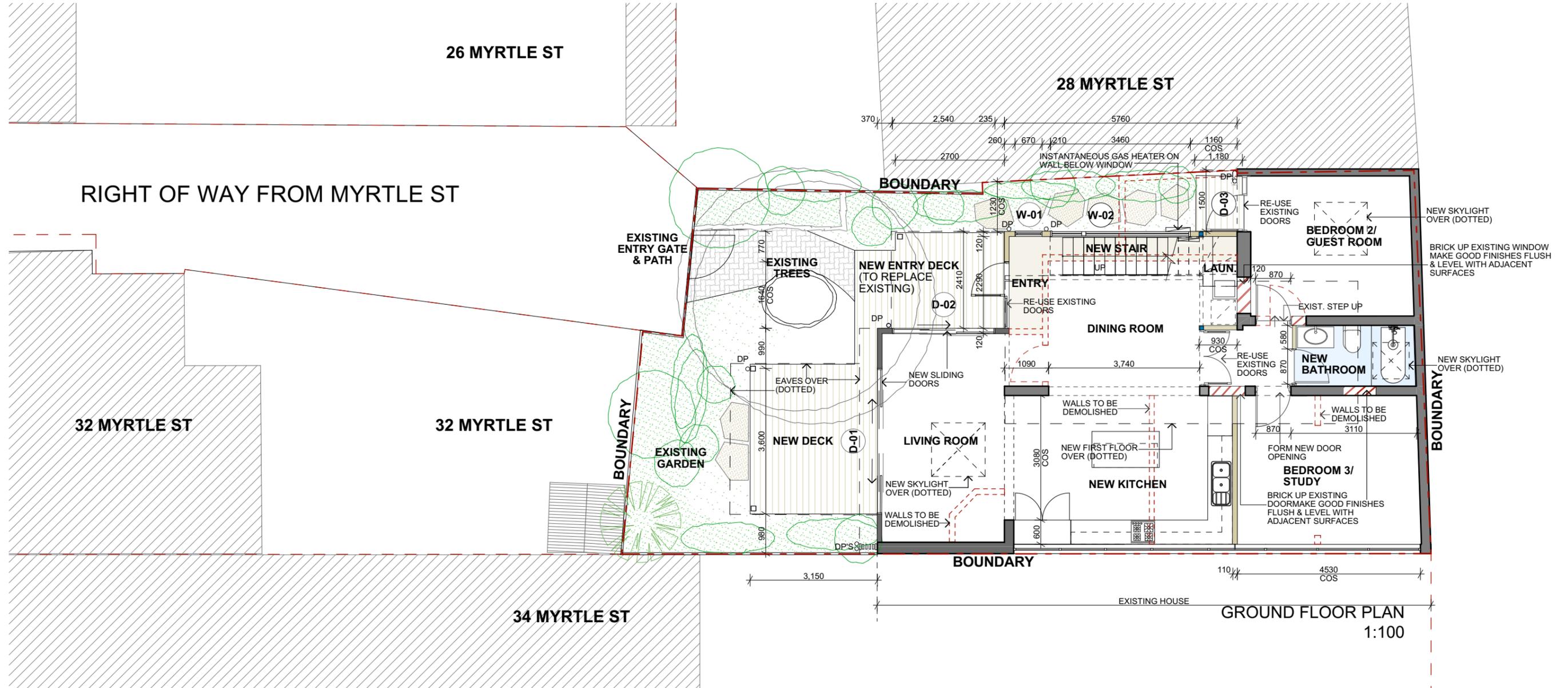
LEGEND

	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT
	EXISTING PAVED AREA
	PROPOSED OUTDOOR COVERED AREA
	EXISTING LANDSCAPE AREA
	PROPOSED SOFT LANDSCAPING

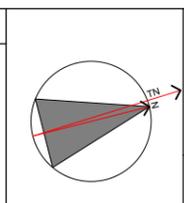
No.	DATE	AMENDMENTS			Project	Scale	Drawing
			<p>The Architect is not responsible for any discrepancies occurring on site. All discrepancies shall be reported to the Architect prior to commencement of any construction work or shop drawings. This drawing is not to be scaled for dimensioning purposes. Use figured dimensions only.</p> <p>© Copyright Marianne Halmos Architect</p>	<p>MARIANNE HALMOS ARCHITECT SUITE 209, 3 EDEN STREET, NORTH SYDNEY, NSW 2060 Mob: 0418 208 089 REG. NO. 4719 Email: marianne@mariannehalmos.com.au Tel: (02) 9929 2716</p>	<p>ALTERATIONS + ADDITIONS TO RESIDENCE AT: 30 MYRTLE ST, CROWS NEST, NSW, 2065 FOR: SARAH POHLEN</p>	1:150	<p>BUILDING AND LANDSCAPE AREAS</p> <p>Job No: 20.02 Drawing No. DA-03 Amd</p>
						Date drawn 30/08/2021	
						Drawn MB	
						Checked	



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						Date drawn	30/08/2021	
						Drawn	MB	
						Checked		



No.	DATE	AMENDMENTS



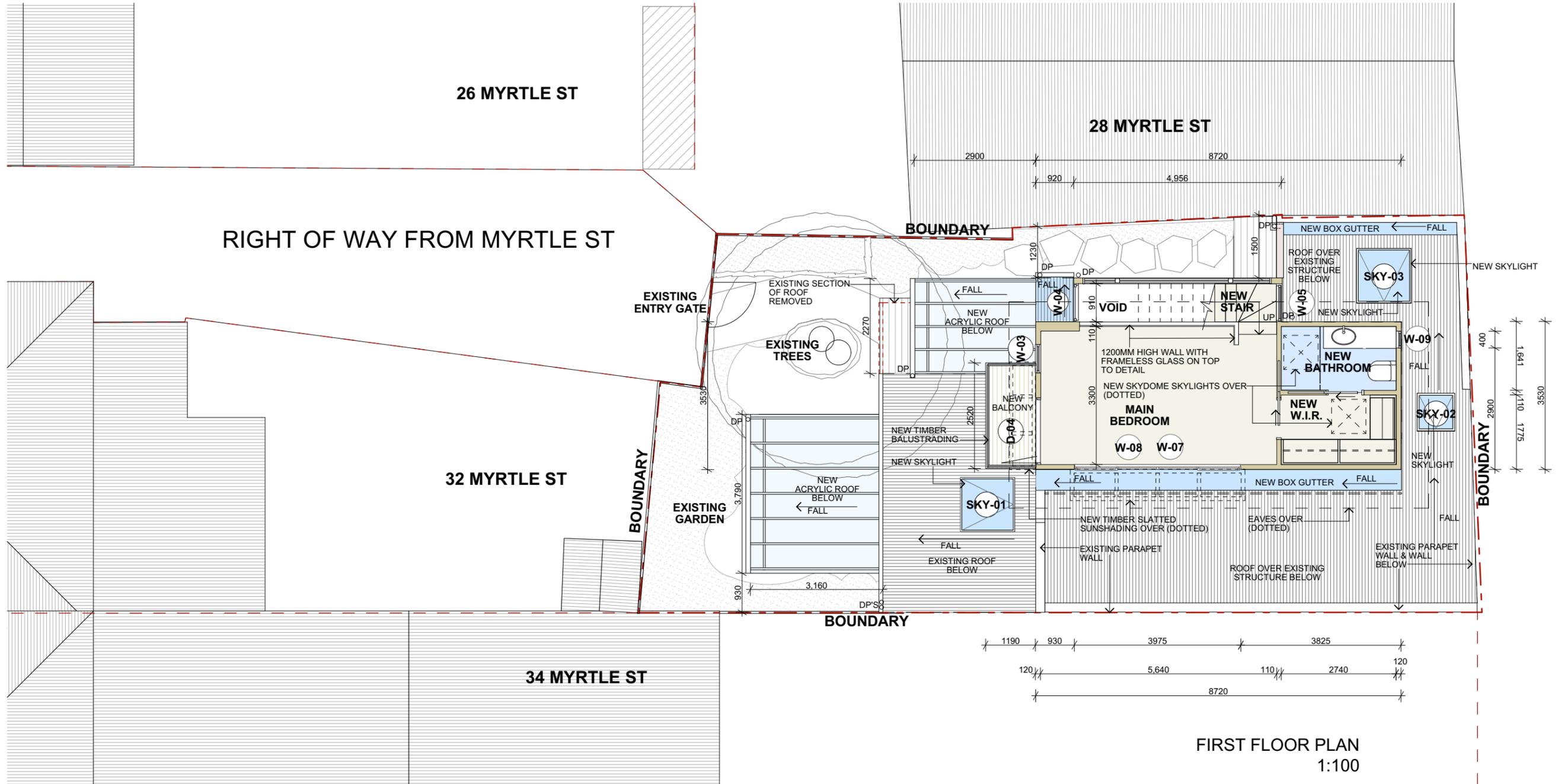
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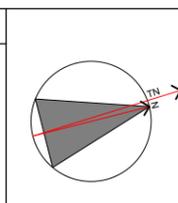
Project
ALTERATIONS + ADDITIONS TO RESIDENCE AT:
30 MYRTLE ST, CROWS NEST, NSW, 2065 FOR: SARAH POHLEN

Scale 1:100
 Date drawn 30/08/2021
 Drawn MB
 Checked

Drawing
GROUND FLOOR PLAN
 Job No: 20.02
 Drawing No. DA-05
 Amd



No.	DATE	AMENDMENTS



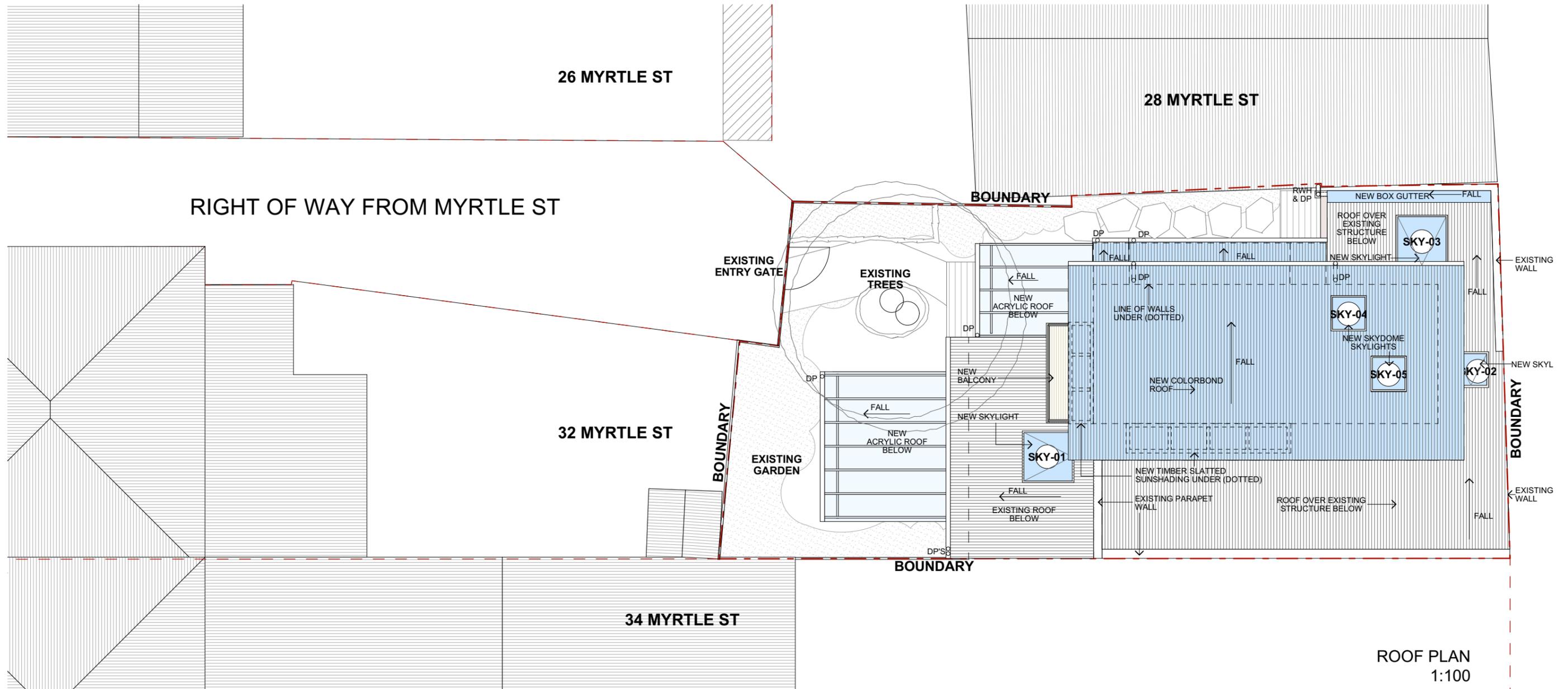
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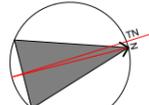
Project
ALTERATIONS + ADDITIONS TO RESIDENCE AT:
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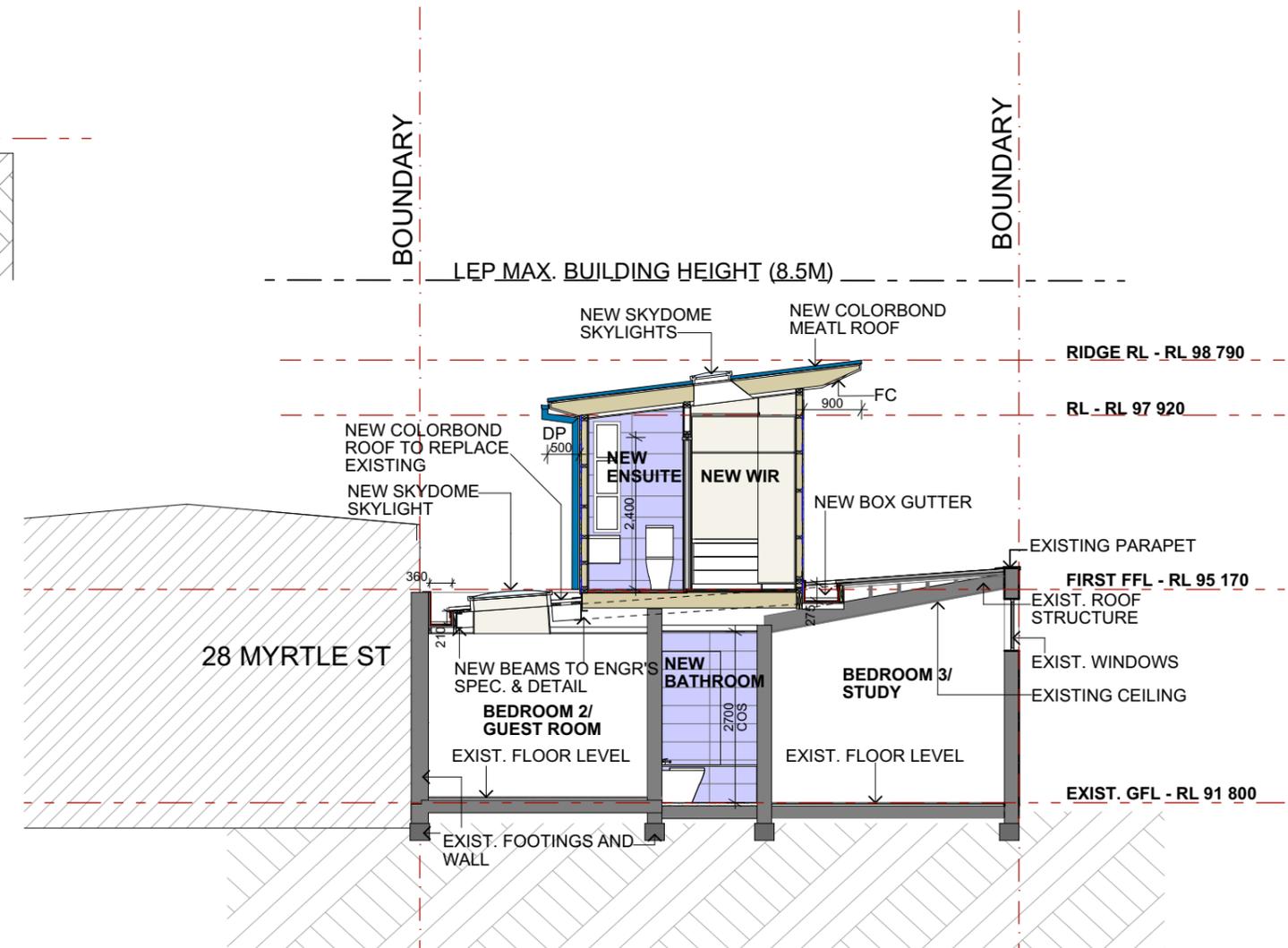
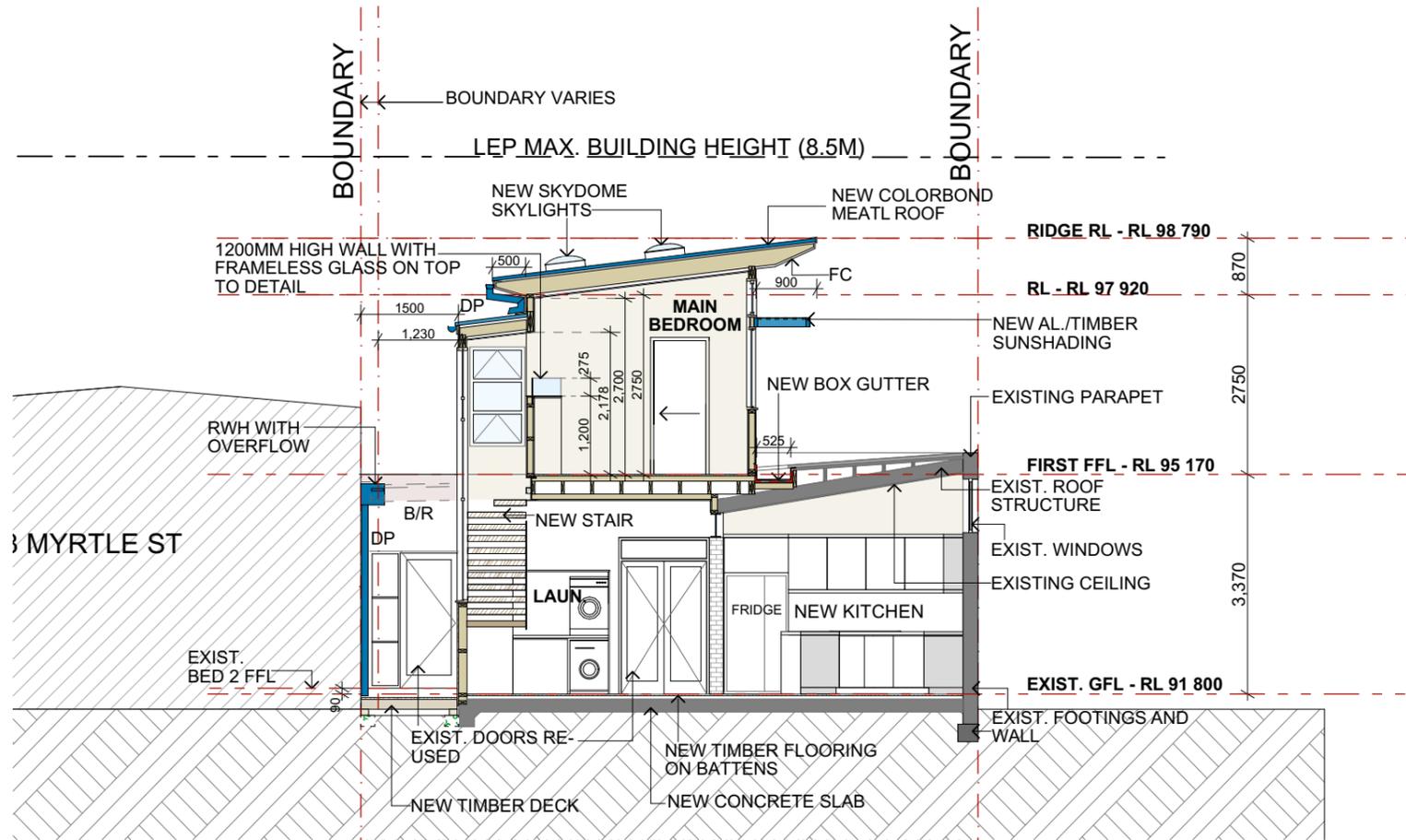
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 Drawn MB
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Drawing
FIRST FLOOR PLAN
 Job No: 20.02
 Drawing No: DA-06
 Amd



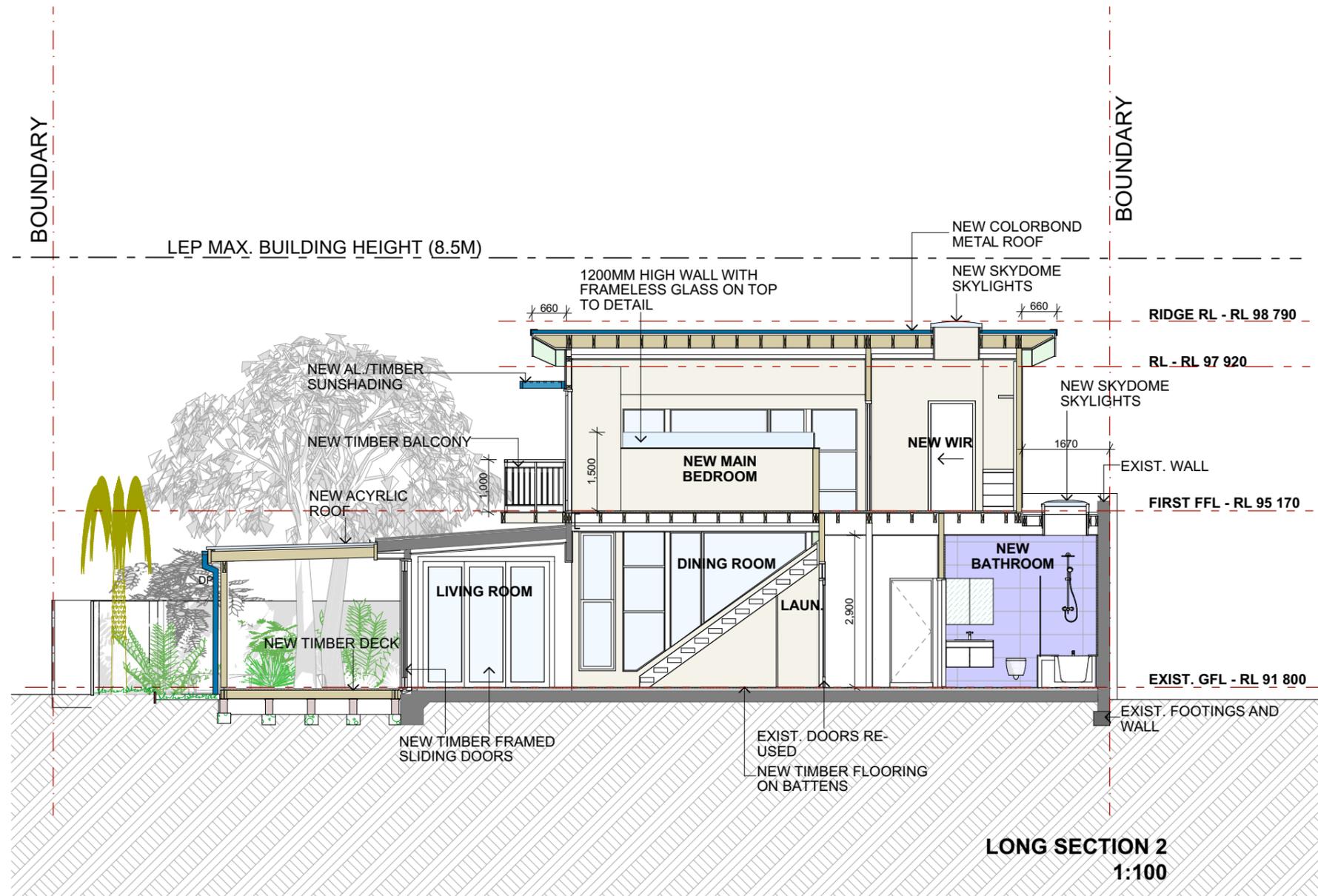
ROOF PLAN
1:100

No.	DATE	AMENDMENTS			Project	Scale	Drawing	
			 <p>The Architect is not responsible for any discrepancies occurring on site. All discrepancies shall be reported to the Architect prior to commencement of any construction work or shop drawings. This drawing is not to be scaled for dimensioning purposes. Use figured dimensions only. © Copyright Marianne Halmos Architect</p>	<p>MARIANNE HALMOS ARCHITECT SUITE 209, 3 EDEN STREET, NORTH SYDNEY, NSW 2060 Mob: 0418 208 089 REG. NO.4719 Email: marianne@mariannahalmos.com.au Tel: (02) 9929 2716</p>	ALTERATIONS + ADDITIONS TO RESIDENCE AT:	1:100	ROOF PLAN	
					30 MYRTLE ST, CROWS NEST, NSW, 2065 FOR: SARAH POHLEN	Date drawn 30/08/2021		Job No: 20.02
							Drawn MB	Amd
							Checked	

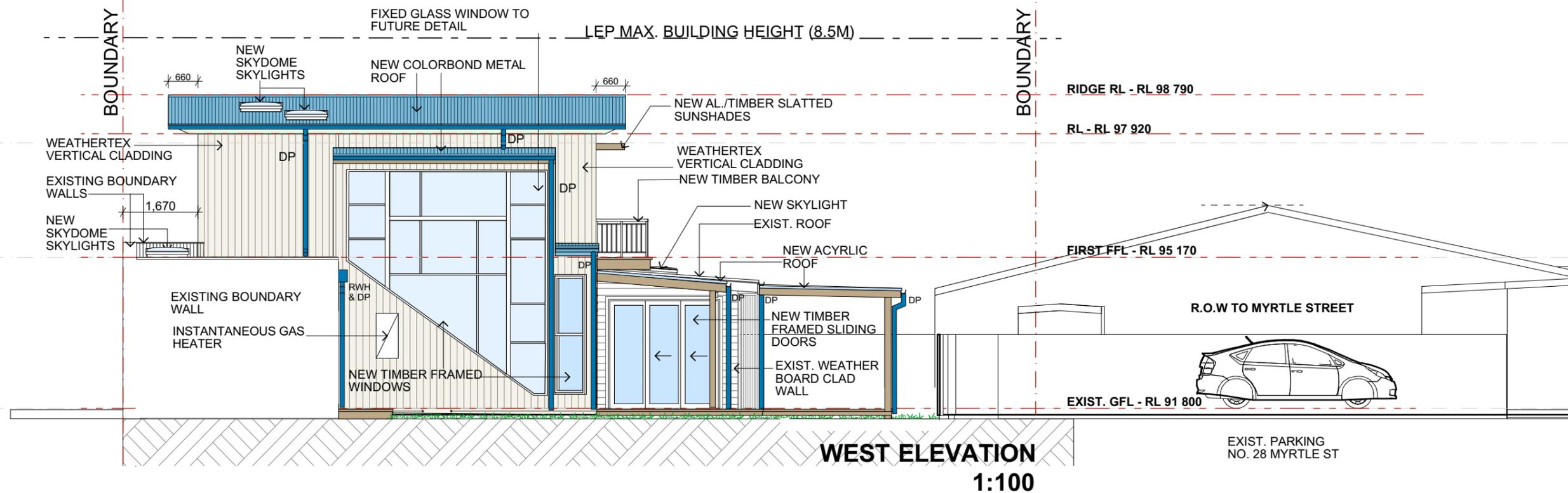
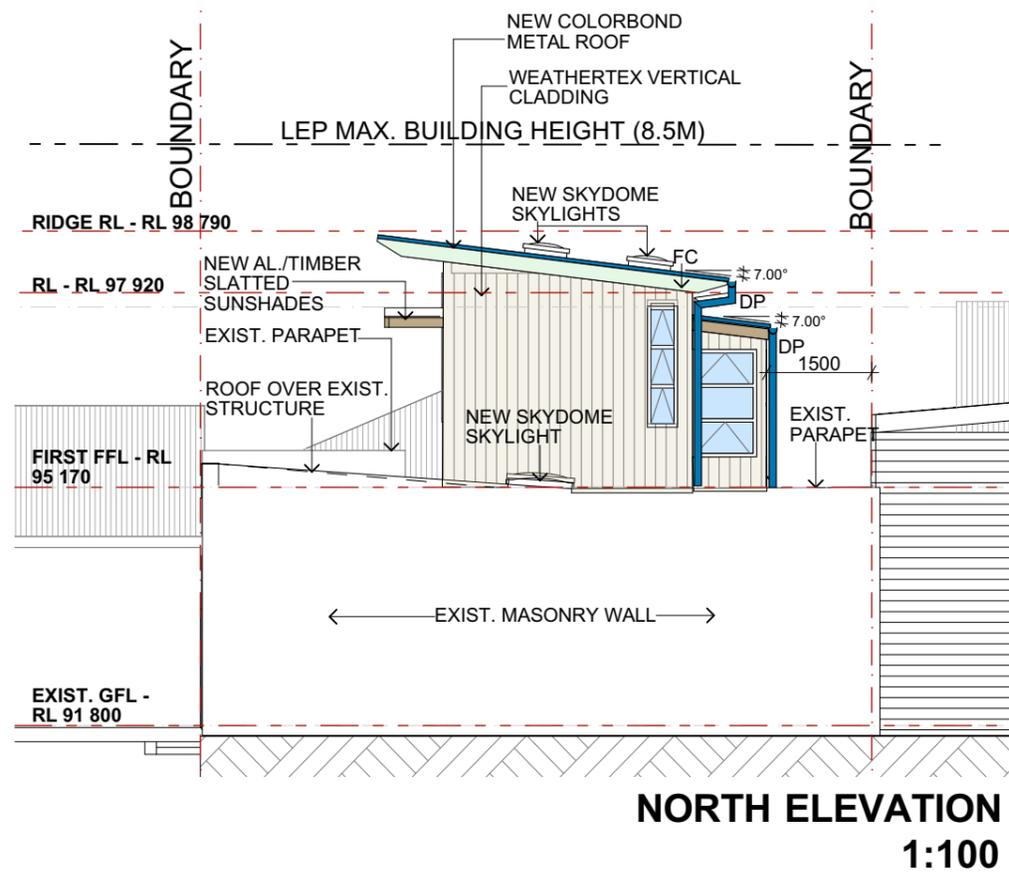


CROSS SECTION S-03 (1)
1:100

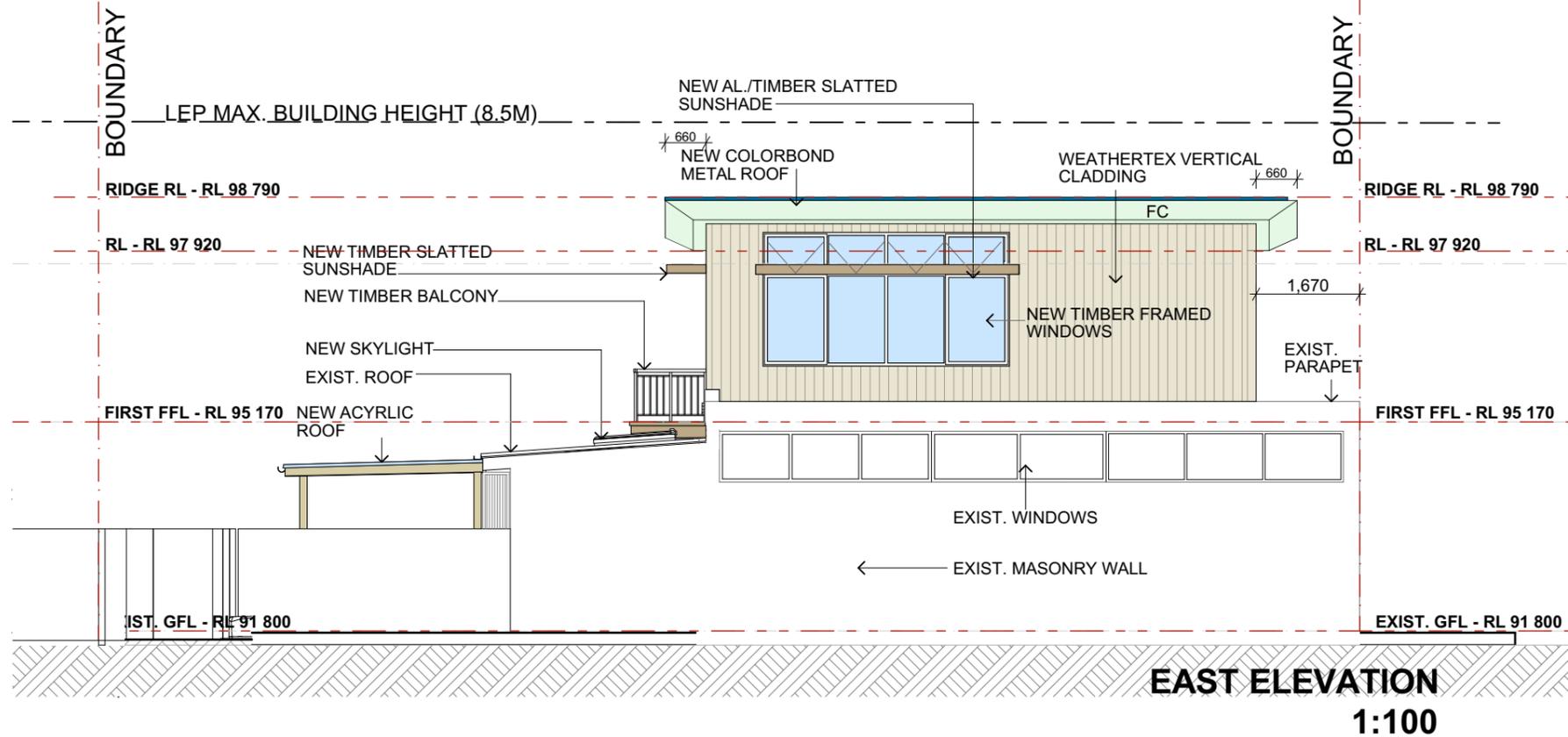
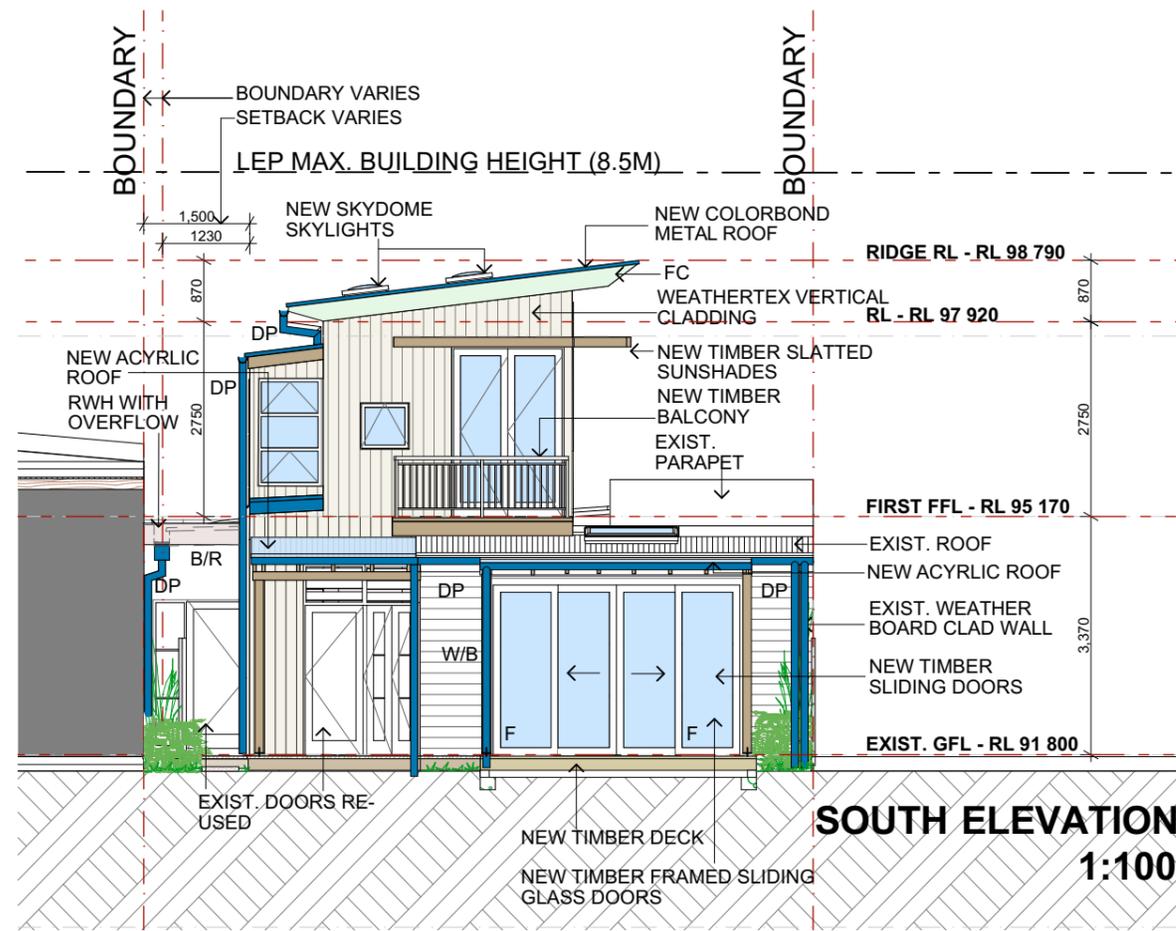
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			© Copyright Marianne Halmos Architect			Date drawn 30/08/2021	
						Drawn MB	
						Checked	



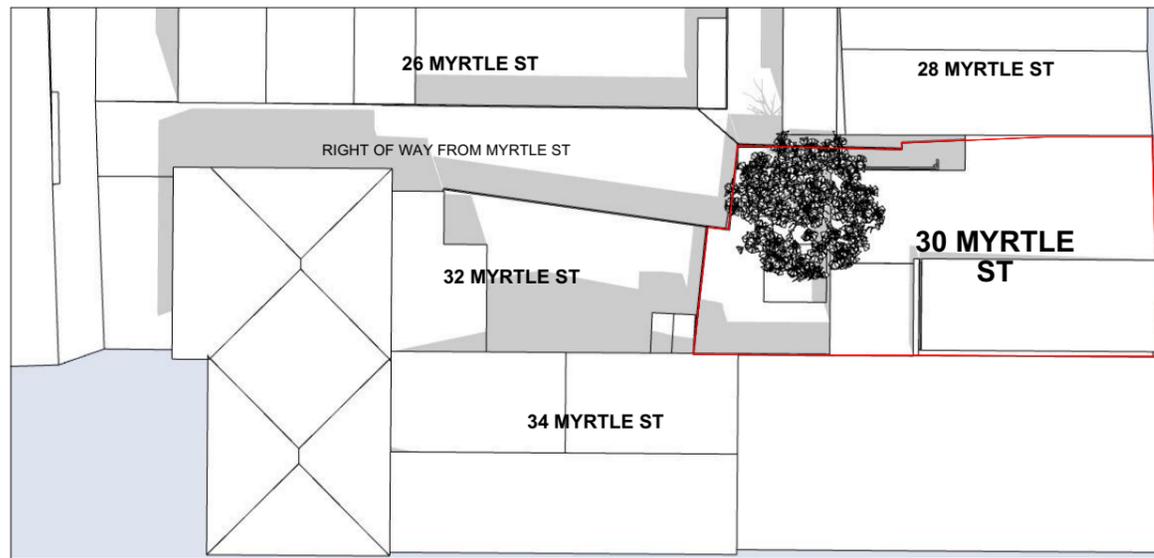
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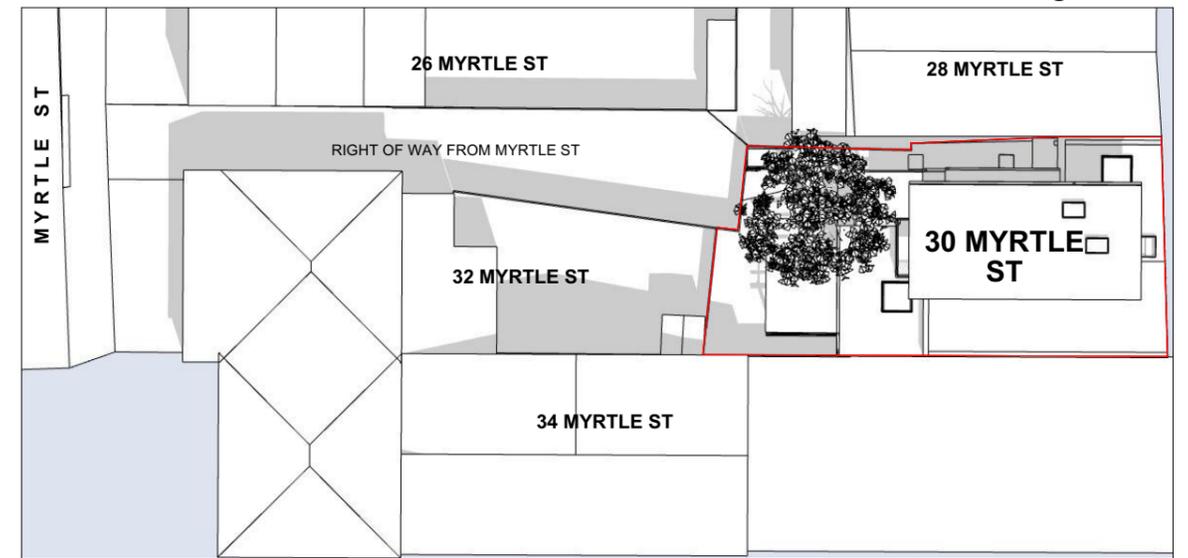
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			© Copyright Marianne Halmos Architect			Date drawn 30/08/2021	Job No: 20.02
						Drawn MB	Drawing No. DA-10
						Checked	Amd



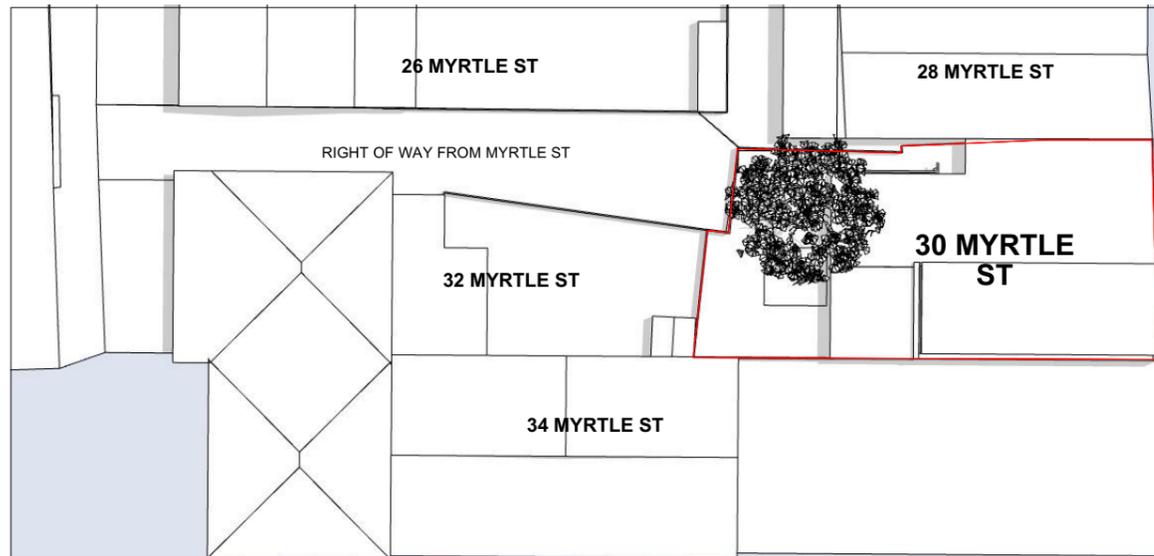
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			© Copyright Marianne Halmos Architect			Date drawn 30/08/2021	Job No: 20.02
						Drawn MB	Drawing No. DA-11
						Checked	Amd



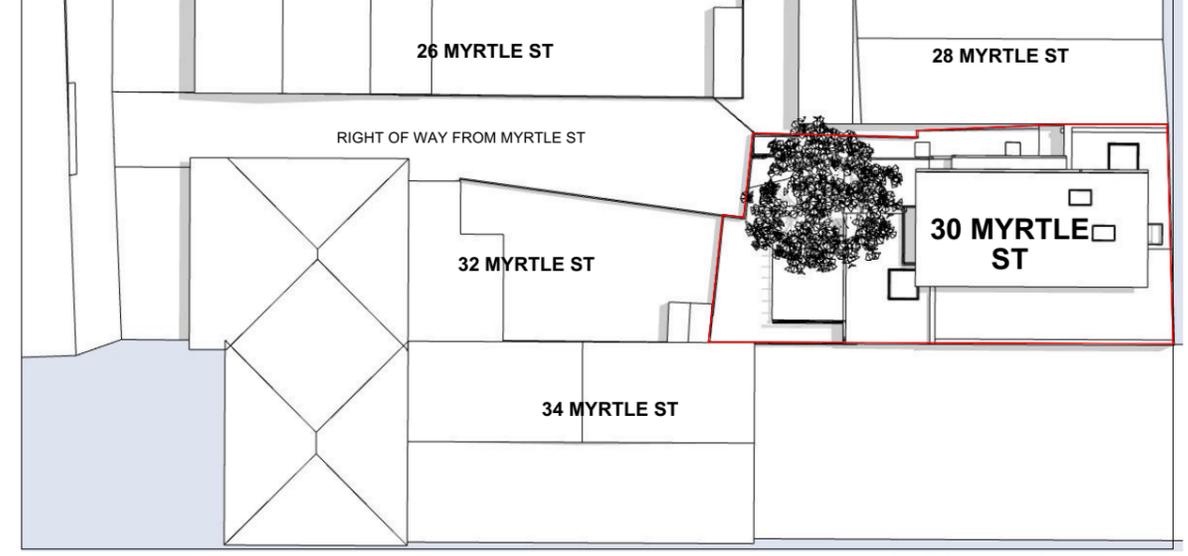
DEC 21 - EXISTING 9AM



PROPOSED DEC 21 -9AM



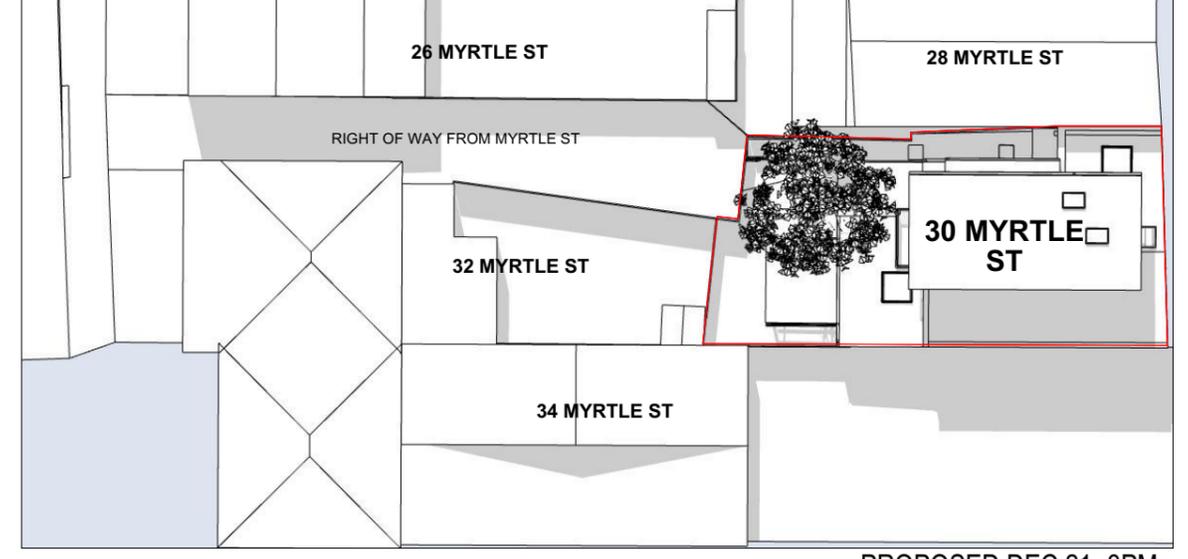
DEC 21 - EXISTING 12PM



PROPOSED DEC 21 -12PM

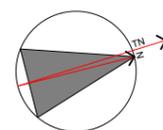


DEC 21 - EXISTING 3PM



PROPOSED DEC 21 -3PM

No.	DATE	AMENDMENTS



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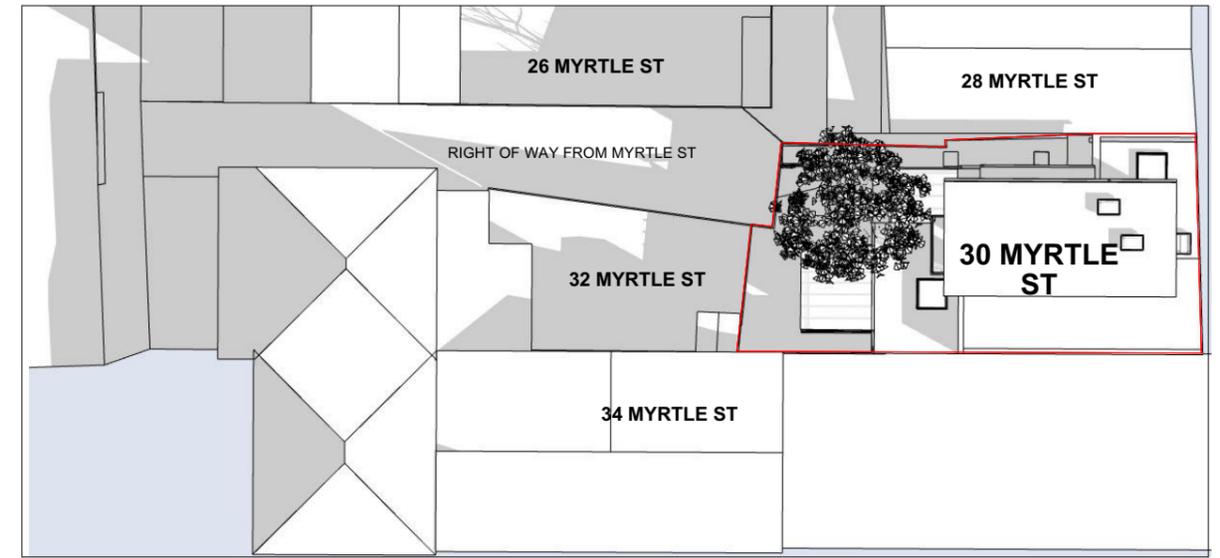
Project
ALTERATIONS + ADDITIONS TO RESIDENCE AT:
 30 MYRTLE ST, CROWS NEST, NSW, 2065
 FOR: SARAH POHLEN

Scale
 NTS
 Date drawn 30/08/2021
 Drawn MB
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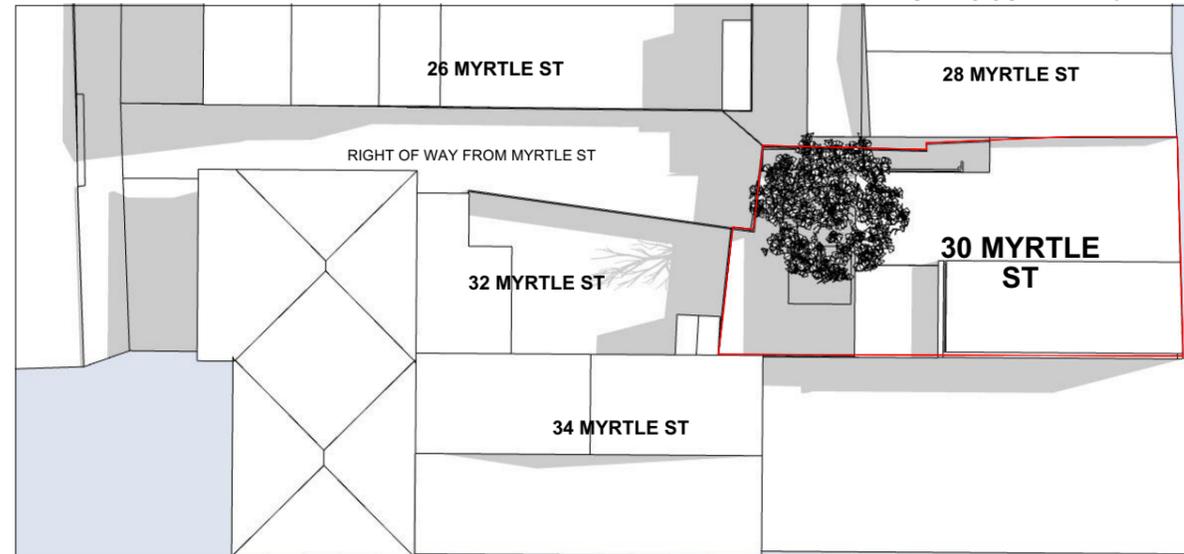
Drawing
SUNSHADOW PLANS - DEC 21
 Job No: 20.02
 Drawing No. **DA-12**
 Amd



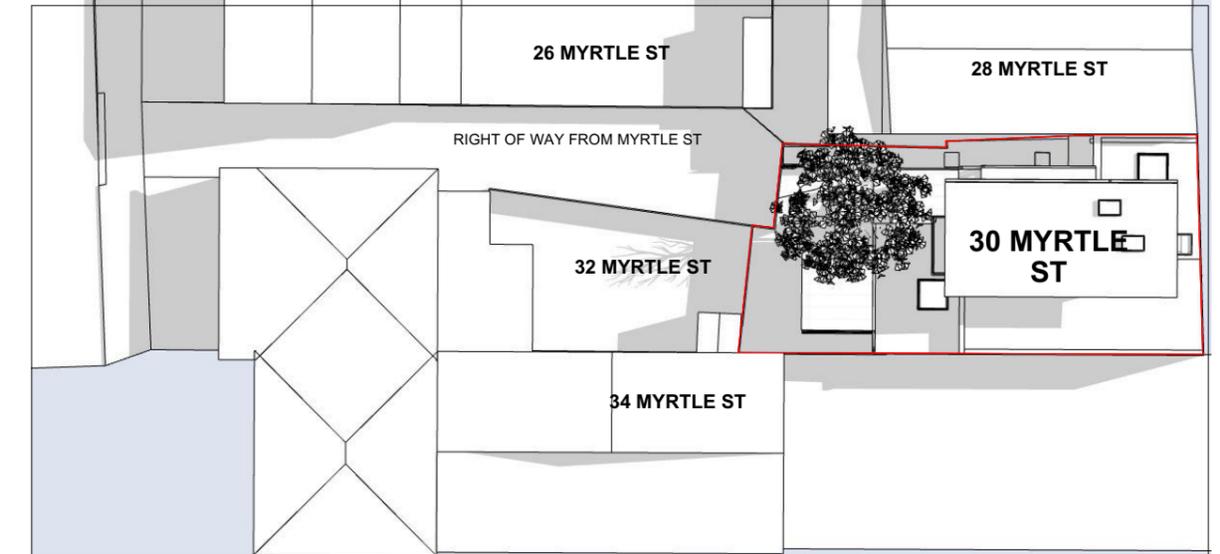
EXISTING JUNE 21 - 9AM



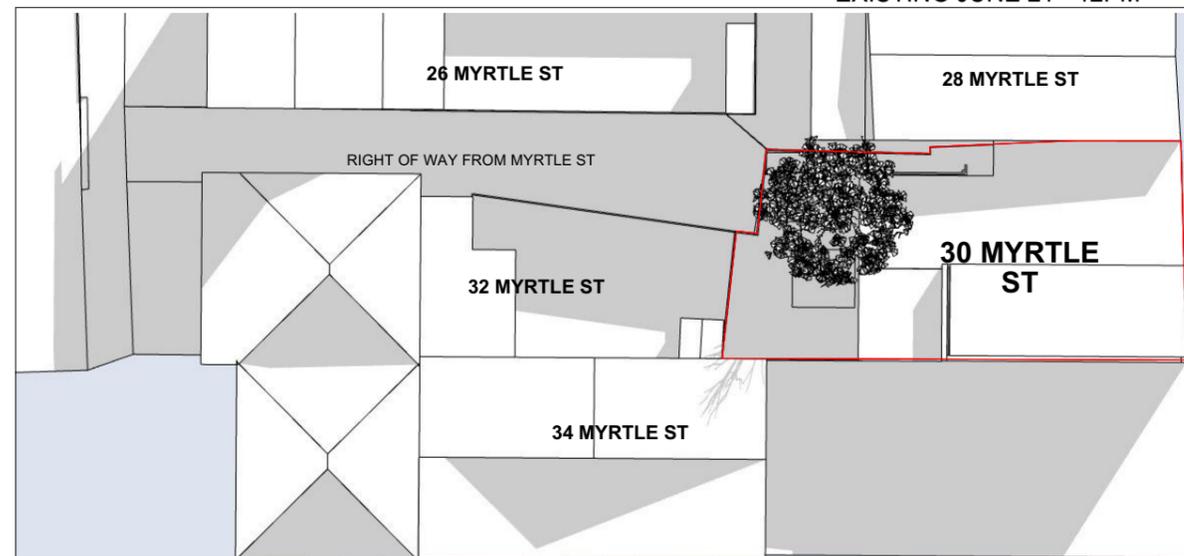
JUNE 21 PROPOSED 9AM



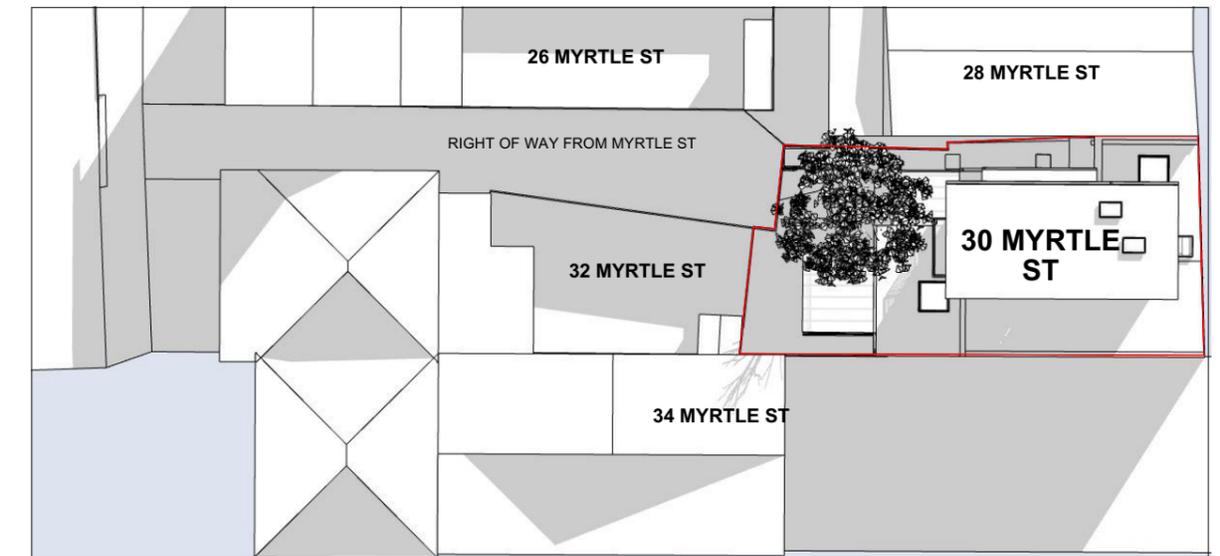
EXISTING JUNE 21 - 12PM



JUNE 21 PROPOSED 12PM

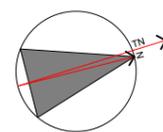


EXISTING JUNE 21 - 3PM



JUNE 21 PROPOSED 3PM

No.	DATE	AMENDMENTS



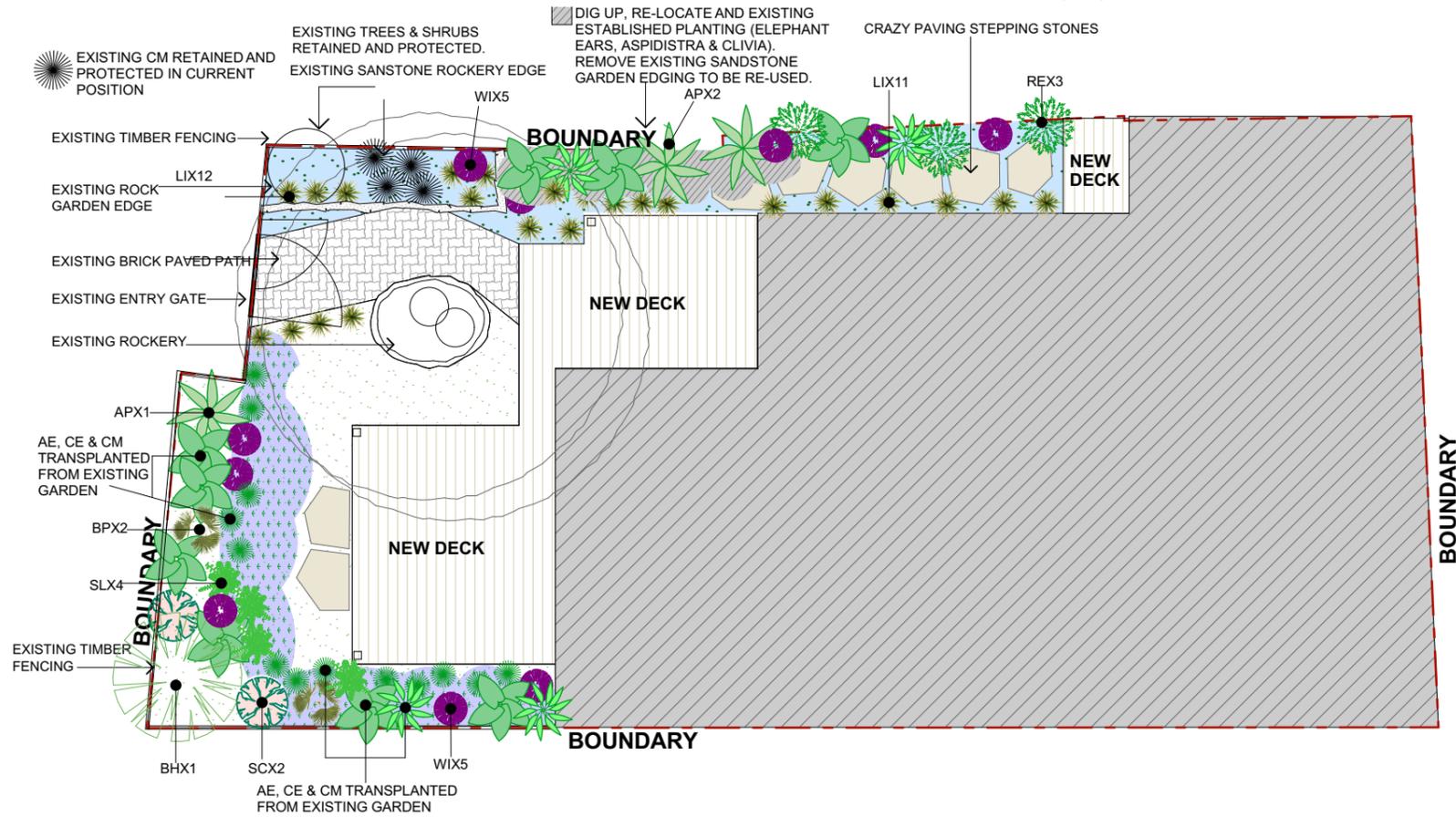
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Scale
 NTS
 Date drawn 30/08/2021
 Drawn MB
 Checked

Drawing
SUNSHADOW PLANS - JUNE 21
 Job No: 20.02
 Drawing No. DA-13
 Amd



PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	MATURE SIZE	POT SIZE	SPACING	QUANTITY
	LI	LIRIOPE MASCARI EVERGREEN GIANT	GIANT LILY TURF	0.5 X 0.5M	140MM	0.5M	10
	SL	BLECHNUM GIBBON SILVER LADY	SILVER LADY FERN	0.7 X 0.7M	140MM	0.8M	6
	WI	NEOMARICA NORTHIANA	WALKING IRIS	0.5 X 0.5M	140MM	0.5M	
	SC	SYZYGIUM CASCADE	WEEPING LILLY PILLY	2-4M(H) x 2-3 M (W)	300MM	1.0M	7
	CM	CLIVIA MINIATA	CLIVIA	0.5 X 0.5M	N/A		EXISTING TRANSPLANTED
	RE	RHAPIS EXCELSA PALM	LADY PALM	1.0 X 1.0M	200MM	0.7M	6
	BP	CHAMAEDOREA MICROSPADIX	BAMBOO PALM	1.5(H)X 1.5(W)	140MM		2
	AE	ASPIDISTRA ELATOR	ASPIDISTRA	1.0 X 1.0M	N/A		EXISTING TRANSPLANTED
	CE	COLOCASIA ESCULENTA	ELEPHANTS EARS	1.5(H)X 1.5(W)	N/A		EXISTING TRANSPLANTED
	PO	PLECTRANTHUS OERTENDAHLLI	EMERALD LACE	0.15M(H)	140MM		10
	VH	VIOLA HEDERACEA	NATIVE VIOLET	0.15M(H)	140MM		8
	AP	ARCHONTOPHOENIX ALEXANDRAE	ALEXANDER PALM		200MM		3
	BH	BUCKINGHAMIA CELSISSIMA	IVORY CURL TREE	8 M(H) x 1-3 M (W)	200MM		1



LANDSCAPE NOTES

THIS PLAN SHOULD BE READ IN CONJUNCTION WITH THE ARCHITECTURAL AND HYDRAULIC PLANS. WORK SPECIFIC TO THOSE PLANS SHOULD BE PREPARED IN ACCORDANCE WITH THOSE PLANS INCLUDING SPECIFICATIONS AND DETAILS PRIOR TO THE INSTALLATION OF LANDSCAPING AND SHOULD NOT BE ALTERED OR COMPROMISED DURING LANDSCAPE CONSTRUCTION

RETAINING WALLS TO ENGINEERS DETAILS
ELEMENTS SUCH AS DRAINAGE SWALES MAY BE INCORPORATED INTO GARDEN BED AREAS USING NON-FLOATABLE MULCH WITHOUT COMPROMISING CAPACITY AND FORM

THIS PLAN HAS BEEN PREPARED FOR DEVELOPEMENT APPLICATION PURPOSES ONLY, NOT FOR CONSTRUCTION
PLANTING PROPOSED USING ONLY COMMERCIALY AVAILABLE PLANT SPECIES
ALL NOXIOUS WEEDS LISTED IN COUNCILS WEED LIST AND LOCATED ON THE SITE SHALL BE CONTINUALLY REMOVED AND SUPPRESSED
POLLUTION SEDIMENT AND EROSION CONTROL DEVICES AS SPECIFIED, SHALL BE IN PLACE AND MAINTAINED DURING THE DURATION OF THE CONSTRUCTION PERIOD
EXISTING ESTABLISHED TREES TO BE SUPERVISED BY AN ARBORIST

1. ALL FINAL PLANT QUANTITIES INDICATED ON THE PLANS SHALL BE CHECKED AND VERIFIED BY THE SUCCESSFUL LANDSCAPE CONTRACTOR
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED BY THE ARCHITECT PRIOR TO PURCHASING
3. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER AND DRAINAGE SERVICES
4. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS

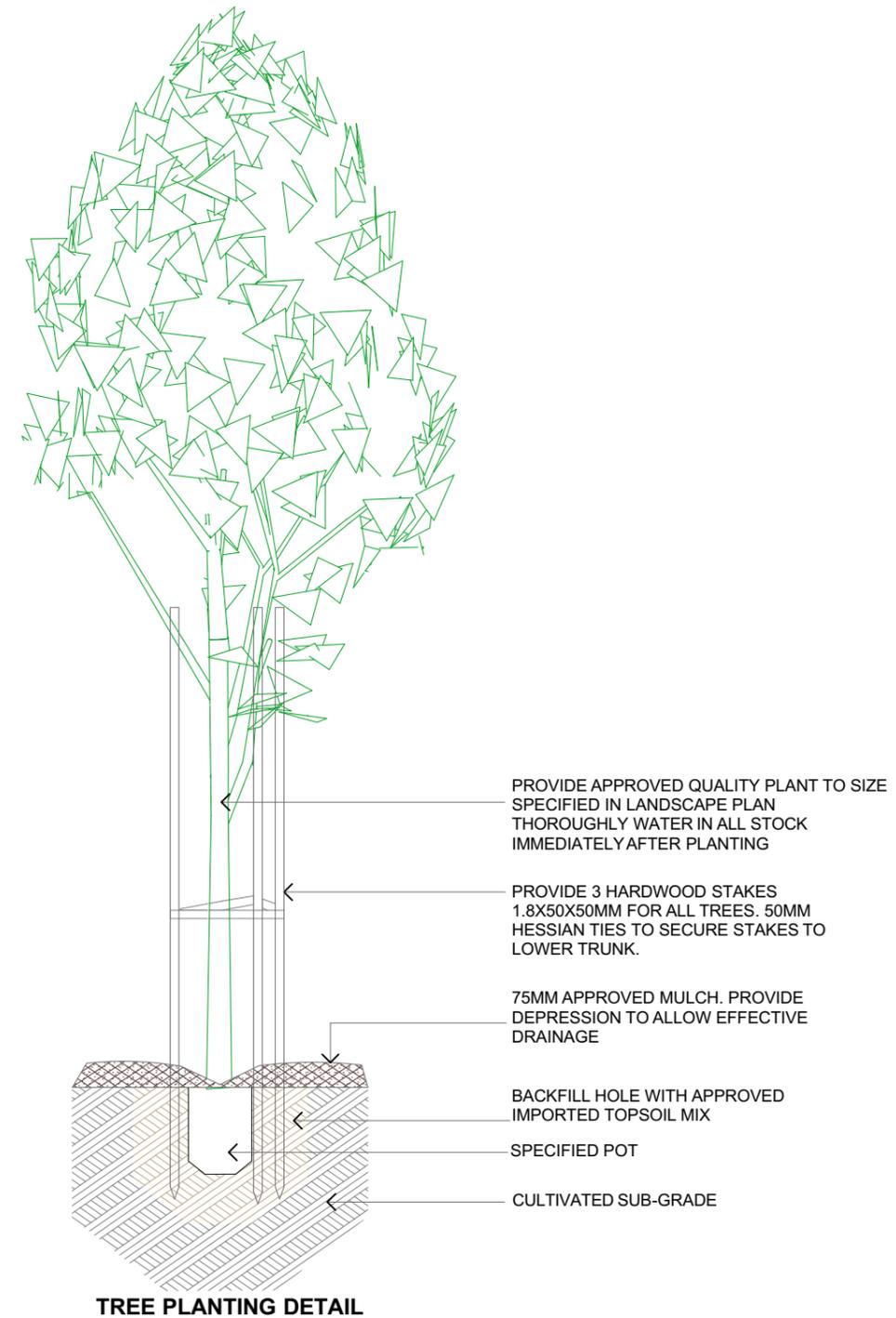
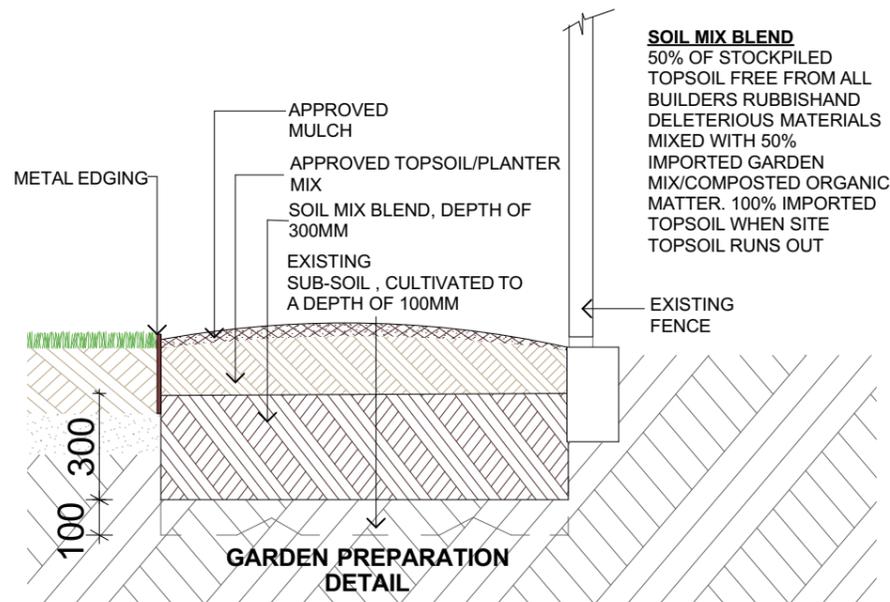
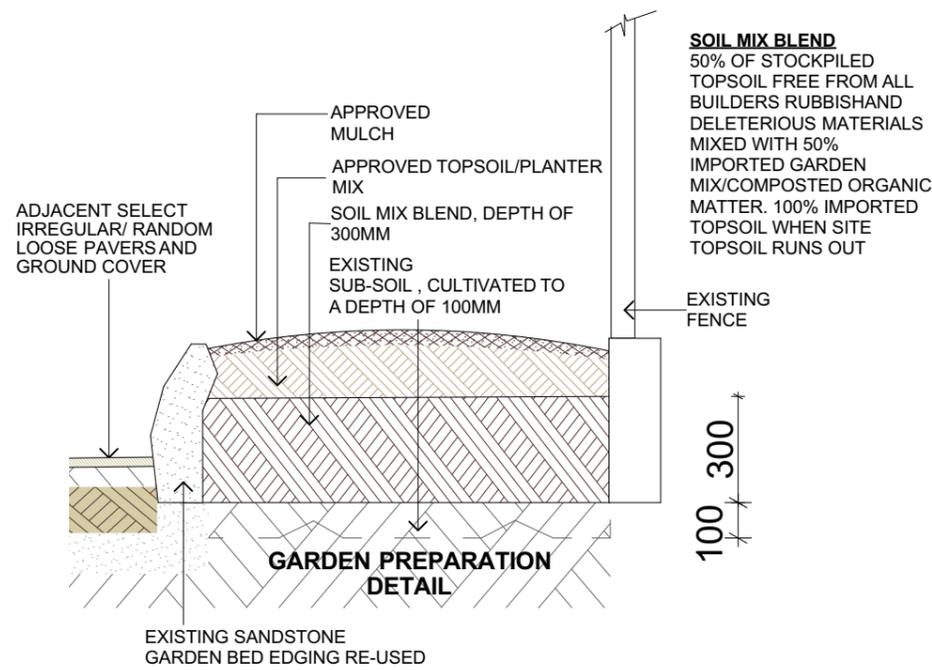
No.	DATE	AMENDMENTS

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FOR: SARAH POHLEN

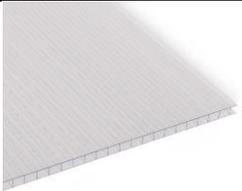
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Date drawn	30/08/2021	LANDSCAPE PLAN	
Drawn	MB	Job No:	Drawing No.
Checked		20.02	DA-14



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						Date drawn	30/08/2021	LANDSCAPE DETAILS	
						Drawn	MB	Job No:	Drawing No.
						Checked		20.02	DA-15

30 MYRTLE STREET NORTH SYDNEY - EXTERNAL MATERIALS AND FINISHES SCHEDULE

AREA	MATERIAL	COLOUR	SAMPLE
EXISTING WALLS TO LIVING ROOM	EXISTING WEATHERBOARD CLADDING	DULUX VIVID WHITE	
EXISTING BOUNDARY WALLS	RENDERED MASONRY	AS EXISTING	
NEW WALLS	VERTICAL WEATHERTEX CLADDING	DULUX GRID	
NEW WEST WINDOW - STAIRWELL	TIMBER WINDOW FRAME, COLOURED TRANSLUCENT GLASS	DULUX VIVID WHITE	
NEW NORTH WINDOW - STAIRWELL	TIMBER WINDOW FRAME, TRANSLUCENT GLASS	DULUX VIVID WHITE	

NEW GROUND FLOOR WINDOWS -LIVING, DINING ROOMS	TIMBER WINDOW FRAME, CLEAR GLASS	DULUX VIVID WHITE	
NEW GROUND FLOOR HIGHLIGHT WINDOWS TO REPLACE EXISTING HIGHLIGHT WINDOWS -	FIRE RATED WINDOWS	DULUX VIVID WHITE	
NEW WINDOWS AND ROOFS TO MAIN BEDROOM – FIRST FLOOR	TIMBER WINDOW FRAME, CLEAR GLASS	DULUX VIVID WHITE	
NEW ROOF OVER ENTRY AND DECK OFF LIVING AREA	POLYCARBONATE ROOF (SIMILAR TO SUNLITE 10MM TWIN WALL FROM PALRAM)	CLEAR	
POST AND BEAM OVER ENTRY AND FRONT DECK	TIMBER	DULUX VIVID WHITE	

ALL OTHER NEW ROOFS	ZINCALUME COLORBOND KLIPLOK PROFILE	'SHALE GREY'	
EAVES	PAINTED FC	DULUX DIESKAU	
GUTTERS, BARGE-BOARDS + TRIMS	ZINCALUME COLORBOND	'IRONSTONE'	
DOWNPIPES	ALUMINIUM	TO MATCH WALL COLOUR	
NEW SUNSHADES OVER BED 1 DOOR AND WINDOWS	ALUMINIUM	DULUX VIVID WHITE	
BALCONY BALUSTRADE	ALUMINIUM	DULUX VIVID WHITE	