



NSLPP MEETING HELD ON 06/11/2024

Attachments:

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

ADDRESS/WARD: 32 Milson Road, Cremorne Point

APPLICATION NO: DA87/24 (PAN-427733)

PROPOSAL: Alterations and additions to a dwelling house including a two-storey pavilion style addition, a spa pool, car parking and landscaping.

PLANS REF:

Plan No.	Date:	Description	Prepared by
DA_A_021 Rev I	29/08/2024	Proposed Site Plan	Quattro Architecture
DA_A_023 Rev I	29/08/2024	Proposed Earthworks	Quattro Architecture
DA_A_100 Rev I	29/08/2024	Proposed Plans – Lower Ground	Quattro Architecture
DA_A_101 Rev I	29/08/2024	Proposed Plans – Ground Floor	Quattro Architecture
DA_A_102 Rev I	29/08/2024	Proposed Plans – Level 1	Quattro Architecture
DA_A_103 Rev I	29/08/2024	Proposed Plans – Level 2 Garage	Quattro Architecture
DA_A_104 Rev I	29/08/2024	Proposed Plans – Roof	Quattro Architecture
DA_A_200 Rev I	29/08/2024	Proposed North Elevation	Quattro Architecture
DA_A_201 Rev I	29/08/2024	Proposed South Elevation	Quattro Architecture
DA_A_202 Rev I	29/08/2024	Proposed West Elevation	Quattro Architecture
DA_A_203 Rev I	29/08/2024	Proposed East Elevation	Quattro Architecture
DA_A_250 Rev I	29/08/2024	Proposed Sections	Quattro Architecture
DA_A_403 Rev I	29/08/2024	Heritage Review - Conservation	Quattro Architecture
DA_A_600 Rev I	29/08/2024	Exterior Finishes	Quattro Architecture

OWNERS: Deepal Sriyan Gunasekera and Sanjeevani Gunasekera

APPLICANT: Peter Hosking, Quattro Architecture

AUTHOR: Report of Robin Tse, Senior Assessment Officer

DATE OF REPORT: 21 October 2024

DATE LODGED: 23 April 2024

DATE AMENDED: 2 September 2024

RECOMMENDATION: Approval (Deferred Commencement)

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a dwelling house including a two-storey pavilion style addition, a spa pool, car parking and landscaping at No. 32 Milson Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to some demolition works to be carried out within a heritage listed item and a variation to the LEP maximum building height development standard by more than 10%. Therefore, the application is referred to the Local Planning Panel for determination in accordance with the Ministers Direction.

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

The proposed alterations and additions to an existing heritage listed dwelling that is a permissible form of development in an R2 Low Density Residential Zone.

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

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

The variation to DCP's site coverage is acceptable because the proposed site coverage would be consistent with the site coverage of existing single dwellings nearby along the western side of Milson Road.

Council's Conservation Planner has raised no objection to the proposal subject to the imposition appropriate conditions of consent.

The southern-western corner of the proposed rear addition is likely to affect the tree protection zone (TPZ) of a turpentine tree (*Syncarpia glomulifera*). A deferred commencement condition is recommended requiring the design of the rear addition be modified to minimise the encroachment onto the TPZ of T2 (Turpentine) (**Condition AA1**).

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to the imposition of deferred commencement and other appropriate conditions.

LOCATION MAP



 Property/Applicant ● Submitters - Properties Notified 

DESCRIPTION OF PROPOSAL

The applicant seeks approval for alteration and additions to a dwelling house including internal alterations of the main dwelling, a two-storey pavilion style addition, a spa pool, car parking and landscaping.

The proposed works are summarised as follows:

Main Dwelling:

Ground Floor:

- Demolition of timber panel on ground floor verandah;
- Demolition of internal wall and fireplaces between the existing front bedrooms to allow for the creation of a master bedroom suite with ensuite bathroom;
- Enclosure of three existing doorways;
- Partial demolition of wall recess directly to the left (north) of the ground floor entrance to allow for the creation of new entrance door from central hallway to rear northern bedroom. Note: The existing timber details and recess would be retained.
- Demolition of the existing kitchen and bathroom fitouts.
- Reconstruction existing staircase and balustrade and the removal of floor between ground floor and first floors;
- Construction of partition walls within front bedrooms to create master bedroom suite with ensuite and walk in robe, as well as a smaller front southern bedroom and partial demolition of existing decorative plaster ceilings;
- Conversion of the existing kitchen to provide a bathroom; and
- Conversion of an existing bathroom to the rear of bedroom 3 and the use of the room as the new ensuite bathroom for the master bedroom.

First Floor:

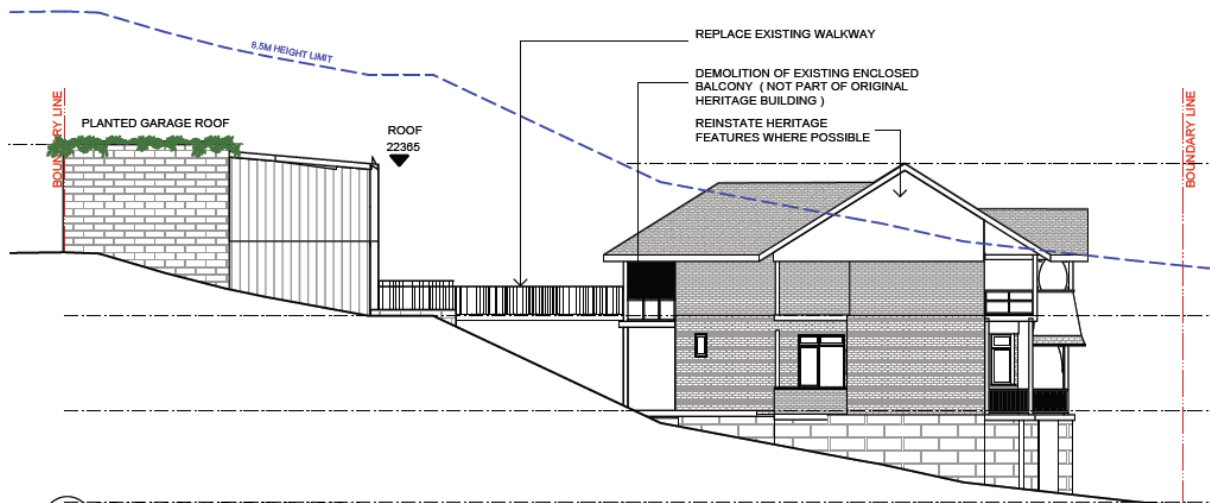
- Demolition of existing rear enclosed verandah to allow for the reinstatement of verandah;
- Demolition of existing enclosed sunroom to allow for the reinstatement of porch above main entrance;
- Demolition of existing kitchen and bathroom;
- Demolition of existing first floor entrance;
- Demolition of existing timber walkway from rear yard;
- Demolition of internal partition walls and construction of new partition walls to the rear of the first floor to provide a new kitchen, powder room and butlers pantry;
- Partial removal of internal walls to create new opening between the proposed living room, dining room and kitchen. Nibs and spandrels would be retained; and
- Construction of a new first floor entrance.

Rear Addition:

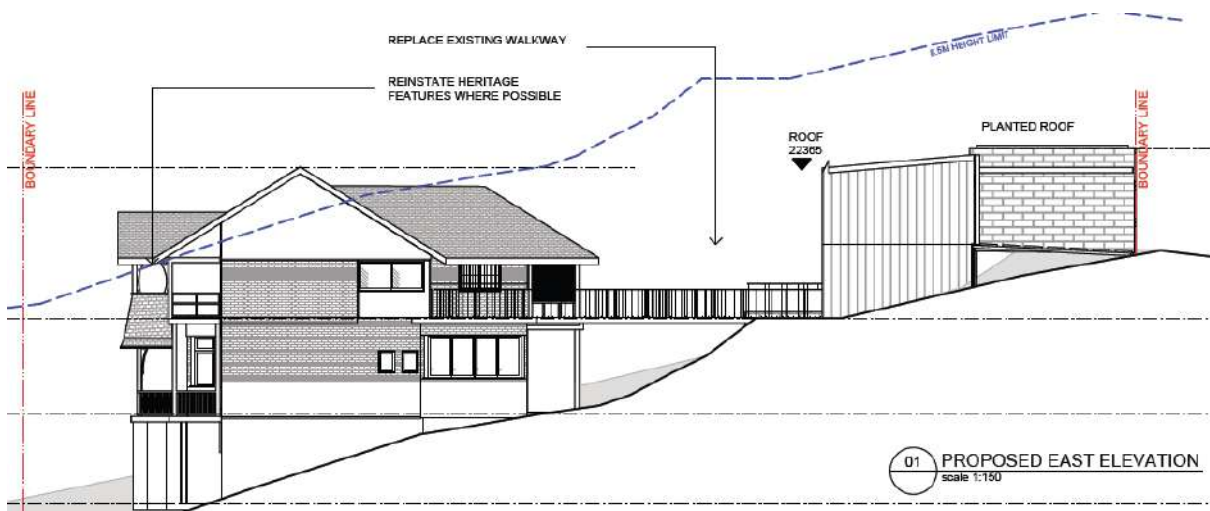
- Excavation works to the rear of the site to allow for the construction of the new pavilion style rear addition with a double garage;
- Construction of new first floor walkway to link original dwelling with rear pavilion.

Landscaping/External Works:

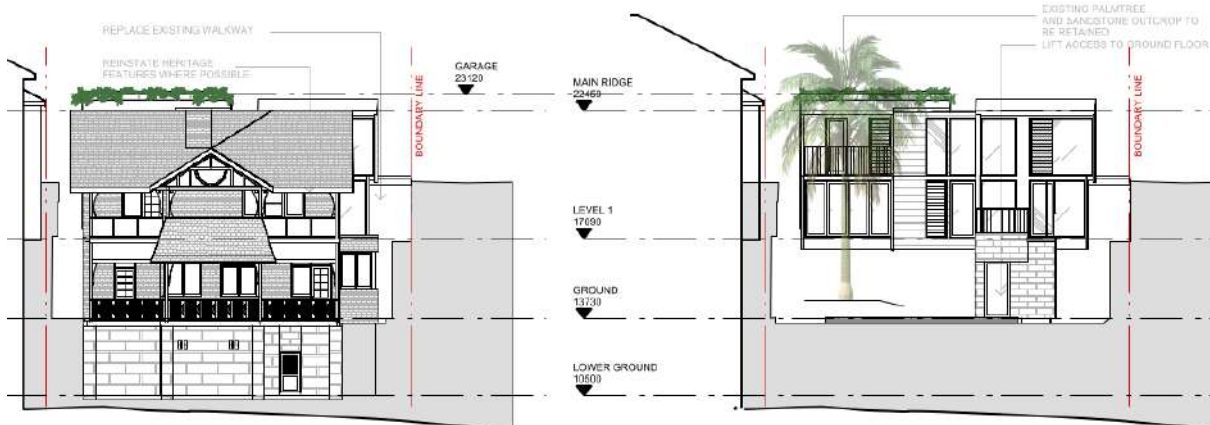
- Excavation works to the rear of the site to provide a spa pool and new landscaping;
- New contemporary landscaping to the rear yard.



West Elevation



East Elevation



South Elevation (Main Dwelling)

South Elevation (Rear Addition)



Figures 1 – 5: Proposed Development



Figure 6: Montage

STATUTORY CONTROLS

North Sydney LEP 2013

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

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Sustainability Building Index: BASIX) 2022

Local Development

POLICY CONTROLS

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

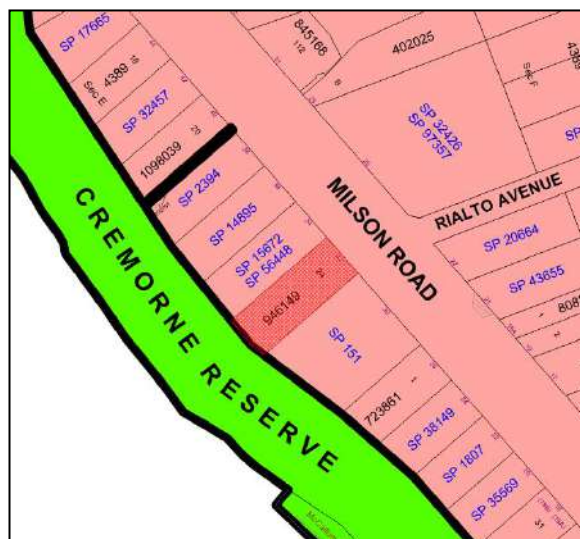


Figure 7: Zoning

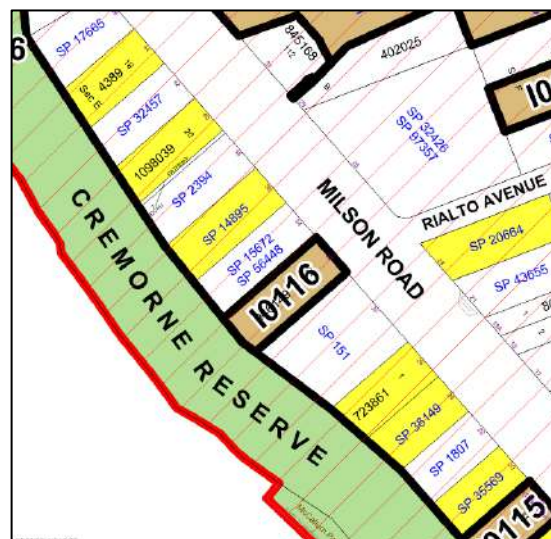


Figure 8: Heritage

DESCRIPTION OF LOCALITY

The site (Lot 24 DP 946149) is located on the eastern side of Milson Road with a total site area of 590.7m². The site has a frontage to both Milson Road to the north-east and the Cremorne Foreshore Reserve at the southwestern end. The site contains a two storey Federation Arts and Crafts style dwelling house, originally built in 1914 to a design by architect Frederick Winn, which is identified as a heritage item in *NSLEP 2013*.

The original dwelling has had various alterations over the years including the addition of ground floor bedroom extension and internal works in 1946, and a raised timber walkway in 1970. An original single garage added in 1924 was located on the Milson Road frontage but was demolished in 2005. The dwelling continues to exhibit a high degree of original fabric, including face brick walls, and timber windows and verandahs/balconies.

The buildings fronting the foreshore reserve along Milson Road are generally a mix of large detached two storey dwellings and apartment buildings.

To the east of the site is a six storey apartment building, known as Seaways, at No.30 Milson Road. A four storey apartment building occupies the adjoining property to the west at No.34 Milson Road.

To the north of the site is Milson Road and an apartment development further north at No. 25 Milson Road. To the south is Council's Cremorne Reserve.



Figure 9: Front (South) Elevation – Existing dwelling



Figure 10: Rear (Milson Road) Elevation – Existing dwelling



Figure 11: The Locality

RELEVANT HISTORY

Previous Applications

- **13 July 1914 - Building Application No. 14/413** (lodged 9 July 1914) was approved by Council for the erection of a cottage on the site for David Blashke, owner, Frederick Winn, architect; Samuel Gillett, builder.
- **25 March 1924 - Building Application No. 24/96** (lodged 10 March 1924) was approved by Council for the addition of a single garage and a raised driveway/brick retaining walls to the Milson Road frontage at a cost of £162, on. T. J. Hughes, builder.



Figure 12. View of Cremorne Reserve frontage of 32 Milson Road, cropped from a larger photograph taken from Kurraba Point (circa 1921-22)

- **8 August 1946 - Building Application No. 46/213** (lodged 8 August 1946) was approved by Council for alterations and additions to the existing residence including a ground floor bedroom addition and various minor internal modifications was approved by Council. Donald Charles Maclurcan, architect.
- According to Council's rate records, at some point between 1942 and 1948 the existing building was converted into two flats, with one flat located on the first floor level and one flat on the ground floor level, with some minor modifications to effect this change including enclosing the internal staircase and the addition of a second kitchen in the enclosed first floor rear balcony area. However, there is no evidence of any approval for these works or the change of use. The property has subsequently been in use since this time as an attached dual occupancy.
- **29 May 1970 - Building Application No. 70/214** (lodged 20 May 1970) was approved by Council for the addition of a pedestrian ramp to the rear of the existing building at a cost of \$500.

Compliance Actions:

- **14 April 2005** - Council's Building Compliance Team issued an order for works to rectify dilapidated building elements on site, including the demolition of the brick garage on the Milson Road frontage, and the replacement of rotten original verandah timbers, and decayed gutters and downpipes. The garage was demolished by November 2005, and the completion of the works to rectify the timberwork and gutters/downpipes of the dwelling was acknowledged by Council on 23 June 2006.
- **30 January 2015** - Council's Building Compliance Team issued an order for works to rectify the dilapidated brick retaining wall at the Milson Road front of the site holding up the parking area and site access. The reconstruction of the retaining wall, including new Milson Road access stairs, and balustrade, was completed by mid-2016.

Current Application:

A brief history of the current application is summarised below: -

Date	Action
23 April 2024	The subject development application (D87/24) was lodged with Council.
1 May 2024	The subject application was notified to surrounding properties and the Cremorne Point Precinct Committee between 10 May 2024 and 24 May 2024. Eight (8) submissions were received.
10 July 2024	A site inspection was undertaken by Council Officers.
30 July 2024	Council sent the applicant a letter raising concerns regarding the impact of the proposed works upon heritage significance, the landscape context and significant trees, the extent of earthworks, excessive site coverage, the level of parking, the current use and status of the building, and potential amenity impacts upon adjoining sites.
20 August 2024	A meeting was held between the applicant and Council Officers to discuss draft amended plans provided to Council.
11 September 2024	Following consultation with Council officers, the applicant submitted amended plans on the NSW Planning Portal that adequately responded to the issues raised by Council.
4 to 18 October 2024	The amended plans were notified to the submitters for 14 days. Two (2) submissions were received.
10 October 2024	The applicant submitted an updated Clause 4.6 statement.
15 October 2024	The applicant submitted an updated arborist report.
18 October 2024	The applicant provided further comments in relation to the likely impacts on the existing trees.

INTERNAL REFERRALS

BUILDING

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

HERITAGE

The proposal, including the amended plans, has been referred to Council's Conservation Planner who provided the following comments:

The subject heritage item is an Arts and Crafts style single dwelling that has been converted in flats. The Rate and Valuation books (1910-1925) place the construction of the subject dwelling at c.1914 as the first reference to a building on the site is in the 1914 rates book. In 1946, additions designed by the architect Donald Charles Maclurcan were made to the eastern (rear) of the building (BA 46/213 North Sydney Council). The building's primary form and front façade however, are generally intact and there is a late twentieth century parking bay on its eastern side that is accessible from the slip road off Milson Road. The interior retains original Arts and Crafts style detailing with fireplaces, mantle pieces, pressed metal ceilings, heavy timber decorative joinery and leadlights. The proposal to return the building to a single dwelling will reinstate its original use and is a positive heritage outcome.

The amended plans have satisfactorily resolved previously raised issues regarding the detailing of the primary façade, the finishes, materials and retention of original interior decorative features, with the exception of the FC sheeting, however, this may be resolved by condition. The revised internal room configuration and the location of the proposed new kitchen and ensuite bathroom is satisfactory as the original detailing and spaces of the primary rooms will now remain as existing.

The proposed new wing element and elevated walkway are satisfactory. Although contemporary in detailing, they will not be readily seen from Cremorne Reserve in the context of the primary façade due to limited slot views and the steep topography. The new works that will be visible from Milson Road will have a neutral impact to the streetscape as the works will be limited to that of a single storey garage bedroom wing with a new area of soft landscaping.

Clause 5.10 of NSLEP 2013 and Part B Section 13 of NSDCP 2013 are now considered to be satisfied by the amended plans as the exterior of the Arts and Crafts dwelling will be restored, the primary rooms will remain intact with their original decorative features and the new studio/garage wing will have neutral impact to the streetscape.

The impact to the Cremorne Point Conservation Area will be positive as the primary façade facing Cremorne Reserve will be conserved with missing details reinstated. The resultant restored dwelling will be a positive contribution to the Cremorne Point Federation Houses Walk which comprises a section of NSW Tourism's Bondi to Manly Walk.

It is recommended that the following site specific condition be applied:

Heritage Requirements

C1 *The following heritage requirements are to be met:*

- a) *The new metal roof sheeting to have a traditional corrugated roof profile equal to Custom Orb/Custom Orb 35 (for 2 degree slopes) or copper or*

- zinc metal roof sheeting with a rolled seam. No approval is given for standing seam, min-orb or tray profile roof sheeting.*
- b) The weatherboard cladding on the new studio/garage is to be natural timber weatherboard or composite material cladding equal to 'Scyon Linear' cladding, with traditional profile and paint finish, 16mm thick and 180mm wide, laid in a horizontal pattern.*
 - c) Exposed brickwork on the original dwelling is not to be painted.*
 - d) New sandstone is to have a split or rock faced finish.*
 - e) New windows and doors on the original dwelling are to be timber-framed.*
 - f) The garage door is to be a panel lift door with a painted finish.*
 - g) The exterior colour scheme is to match the existing scheme or any new scheme, shall either be a traditional colour scheme appropriate to Arts and Crafts style dwelling, or shall use neutral tones.*
 - h) The Esse stove is to be retained in-situ or offered to Council's Historian for use in Council's historic collections.*

Plans and specifications which comply with this condition must be submitted for the written approval of Council's Team Leader Assessments 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 maintain the significance of the subject heritage item and the conservation area)

ENGINEERING

The application has been referred to Council's Development Engineer who raised no in-principle objection to the proposal subject to the imposition of appropriate conditions.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer who noted the amended plans, including the revised stormwater plans, have addressed some of the concerns raised in relation to adverse impacts on the root zones of a number of existing trees within the subject site and the adjoining property to the south.

It is however noted that the proposed rear addition would still have significant encroachment (in excess of 10%) onto the Tree Protection Zone (TPZ) of T2 (*Syncarpia glomulifera*) Turpentine located within No.30 Milson Road and immediately adjacent to the common property boundary with the subject site. Therefore, Council's Landscape Development Officer cannot support the proposal in its current form.

In addition, the revised stormwater plans show the proposed pit and pipework inside the Structural Root Zone (SRZ) of T6 *Olea africana* within the foreshore reserve adjacent to the southwestern boundary of 32 Milson Road. Whilst such a level of impact is usually unacceptable/unsustainable, it is however this is a non-prescribed species. Therefore, no objection is raised to this aspect of the stormwater management measures, subject to the removal of T6 by AQ3 arborist, removal of stump, and replacement planting of 1 x *Melaleuca linarifolia* (75l) in approximately the same location (all

relevant park access permits required prior). This replacement tree shall be watered and maintained by the applicant for a minimum 6 months period post planting.

Comment:

Council Landscape Development Officer's comments are noted.

Given that the proposal, as amended by the applicant, has substantially addressed the landscaping concerns, it is recommended that a deferred commencement condition be imposed requiring the design of the rear addition be modified with the setback of the Level 1 southern wall of the proposed rear addition from the common (southern) property boundary with No. 30 Milson Road be increased to 3.1m to minimise the encroachment onto the TPZ of T2 (*Syncarpia glomulifera*) Turpentine (**Condition AA1**).

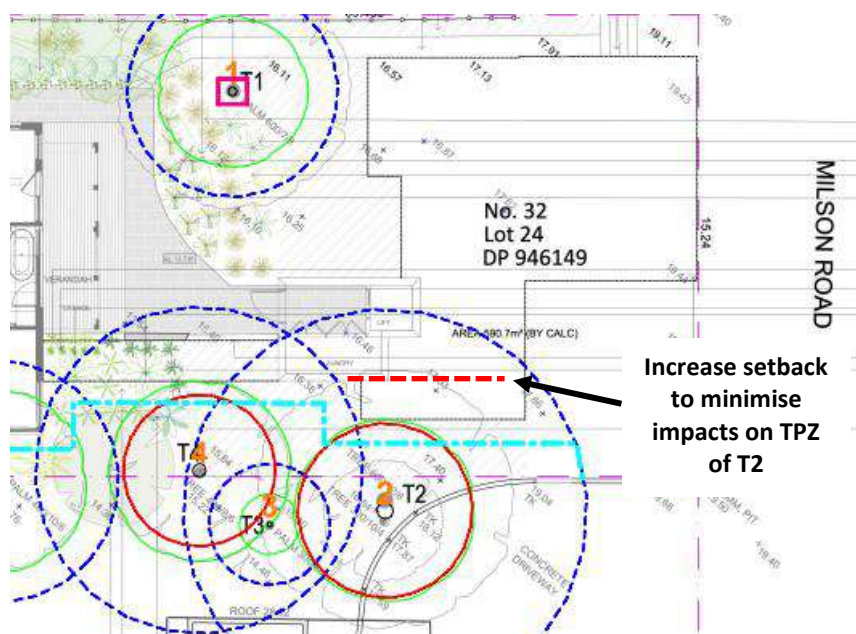


Figure 13: Design modifications to minimise impacts on Tree T2

Appropriate conditions are recommended for the removal of T6 *Olea Africana* and the requirement replacement planting as indicated in Council Landscape Development Officer's comments.

SUBMISSIONS

Original proposal

The subject application was notified to surrounding properties and the Cremorne Point Precinct Committee between 10 May 2024 and 24 May 2024. Eight (8) submissions were received.

The matters raised in the submissions are listed below:

Basis of Submission

- Excessive bulk and scale
- Overshadowing of an adjoining property
- Overlooking of an adjoining property
- Noise impacts
- Adverse heritage impacts on the existing dwelling and streetscape
- Adverse impacts on trees along property boundary
- Overshadowing of an adjoining property
- Overlooking of an adjoining property
- Adverse heritage impacts on the existing dwelling and streetscape
- Adverse impacts on trees along property boundary
- Concerns about excavation and subsidence
- Concerns raised about excavation and damage to the adjoining property. The need for geotechnical and dilapidation reports.
- Concerns raised about noise from pool pump and air conditioning units
- The need for proper strategies on traffic management through narrow roads during construction and possible impacts on accessibility of essential/emergency vehicles
- Potential impacts on the open air private parking spaces to the south.
- Concerns raised about excavation and damage to the adjoining property. The need for geotechnical/dilapidation reports and insurance against damages associated with the excavation works.
- Concerns raised about noise from air conditioning units
- No obstruction/access of construction vehicles to the private property to the south of the subject site.
- Possible adverse impacts from excavation works on the adjoining property to the north.
- Objection to the proposed garage due to the loss of natural light to an adjoining property to the north.
- Adverse visual privacy and noise impacts.
- The need for the submission of traffic management plan for the excavation/construction works.
- Enquiry about how the excavation works would affect the sandstone on site.
- The need for geotechnical report for excavation works.
- Enquiry about the retention of fabric within the heritage listed dwelling.
- The scale and risk of the proposed works causing damage to the adjoining property.
- Excessive bulk and scale causing the loss of natural light to skylights on the adjoining property.
- Adverse amenity impacts including noise from air conditioners.

Amended Proposal

The applicant submitted amended plans that were renotified to submitters, for 14 days between 4 to 18 October 2024. Council received three (3) submissions and the matters raised in submissions are listed below:

Basis of Submission

- Excessive bulk and scale
- Overshadowing of an adjoining property
- Overlooking of an adjoining property
- Noise impacts
- Adverse heritage impacts on the existing dwelling and streetscape
- Adverse impacts on trees along property boundary
- Adverse impacts from the proposed excavation works
- The adjoining apartment building must be protected by the developer with appropriate insurance policies
- Concerns raised about noise from pool pump and air conditioning units

- The need for proper strategies on traffic management through narrow roads during construction and possible impacts on accessibility of essential/emergency vehicles
- Potential impacts on the open air private parking spaces to the south during construction.

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.

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021

- *Chapter 2 Vegetation in non-rural areas*

The proposed development meets the aims outlined in Chapter 2 of this *SEPP (Vegetation in Non-Rural Areas)* with works involving works to the existing main dwelling, the construction of a new rear addition with a garage on top and landscaping work.

It is noted that the proposal, as amended by the applicant, has addressed a number of landscaping issues including impacts on a number of existing trees. The recommendation for the imposition of a deferred commencement condition requiring the design of the rear addition be modified with the setback of the Level 1 southern wall of the proposed rear addition from the common (southern) property boundary with No. 30 Milson Road be increased to 3.1m to minimise the encroachment onto the TPZ of T2 (*Syncarpia glomulifera*) Turpentine and should ensure the retention of this established native tree adjacent to the subject site (**Condition AA1**).

SEPP (Biodiversity & Conservation) 2021

- *Chapter 6 Water Catchments*

Consideration has been given to Chapter 6 of the SEPP and the Sydney Harbour Foreshores and Waterways Area DCP 2005. The proposed development would be visible from Shell Cove, however, the proposal would not significantly change the appearance of the existing dwelling and the new addition at the rear of the site would not be substantially screened by the existing dwelling and not highly visible from Shell Cove. Therefore, it is not considered to be detrimental to general scenic quality and the ecology of the Harbour and will not unduly impose upon the overall character of the foreshore given that the scale and the localised nature of the proposed development. Furthermore, the proposal would not adversely affect the environmental processes, including in relation to water quality and biodiversity.

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

SEPP (Resilience and Hazards) 2021

- *Chapter 4 Remediation of Land*

Chapter 4 of this SEPP requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements stipulated in Chapter 4 of this SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate: A1754329 for the proposal has been submitted with the application to satisfy the Aims of the SEPP. (See Condition No. C32, G9)

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed development for alterations and additions to an existing dwelling is permissible in R2 (Low Density Residential) zone with development consent from Council.

It is noted that the proposal involves the construction of a pavilion style rear addition. A condition is recommended that the use of the property is for a single occupancy only (**Condition A4**).

2. Objectives of the zone

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

Part 4 – Principal Development Standards

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013				
Site Area – 590.7m ²	Existing	Proposed	Control	Complies
Clause 4.3 – Heights of Building	11m	10.9m	8.5m	NO (Clause 4.6 variation received)

3. Height of Building

The maximum height of the proposed works within the main dwelling at 10.9m would breach the 8.5m LEP building height control by up to 2.4m as illustrated below:

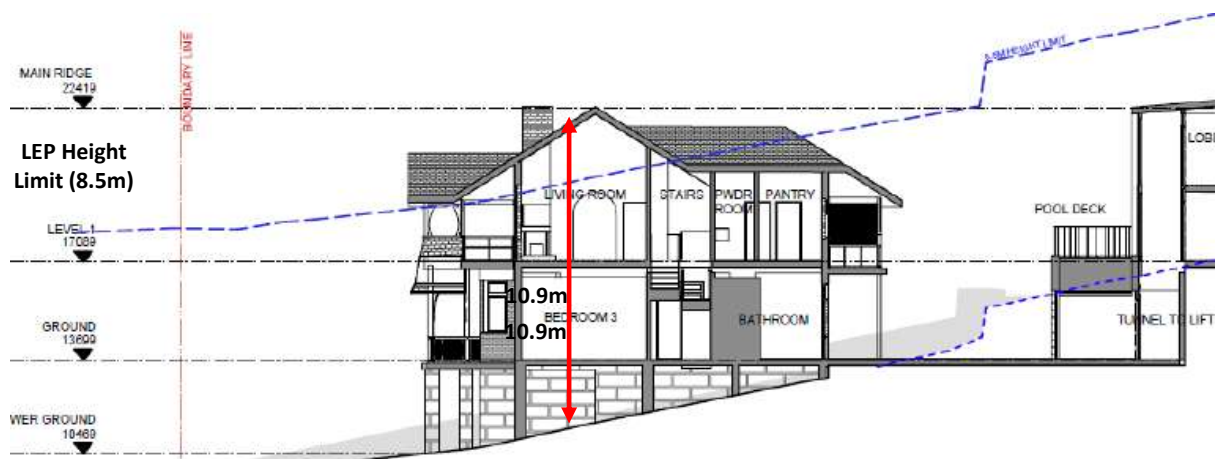


Figure 14: Proposed development and LEP height limit

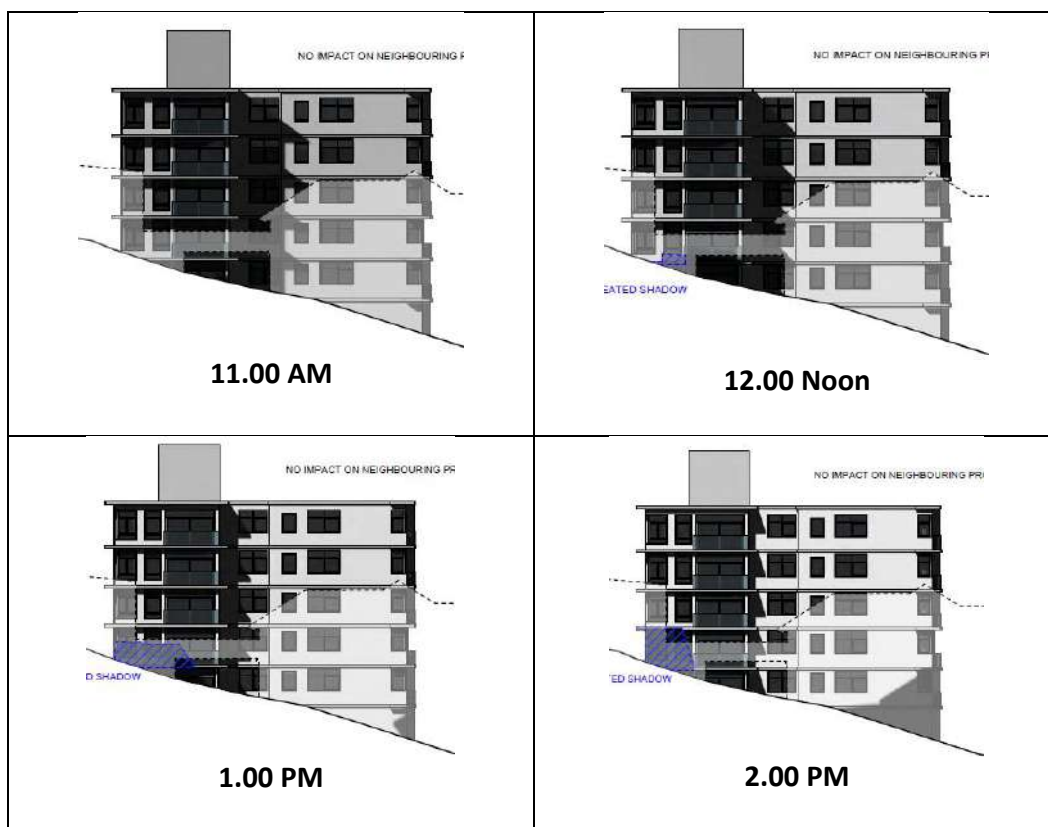
The applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of *NSLEP 2013*.

4. Clause 4.6 Exceptions to Development Standards

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

- (1)(a) *To promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient*** – The design of the proposed works generally respects the overall form of the existing building and the sloping landform of the subject site.
- (1)(b) *To promote the retention and, if appropriate, sharing of existing views*** - The new works that are in breach of the LEP building height limit would be located on the inside the roof of the existing dwelling. Therefore, there would be no change to the building envelope of the existing heritage listed dwelling and no material impacts on the significant water/district views towards Shell Cove as seen from the adjoining properties at Nos. 30 and 34 Milson Road.

- (1)(c) **To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access to future development** – The internal works above the maximum building height limit would not cause new shadows that would affect the adjoining properties. The proposed rear addition would cause some additional shadows on the apartment building to the south during mid winter, however, the shadows would be caused by new building elements that complies with the LEP building height development standard and DCP’s setback controls (**Figures 15-18**).



Figures 15-18: Elevational mid-winter shadow diagrams for the northern elevation of the apartment building at No. 30 Milson Road

- (1)(d) **To maintain privacy for residents of existing dwelling and to promote privacy for residents of new buildings** – The proposed works over the LEP maximum building height limit would primarily be internal and do not involve the creation of new openings. Therefore, there would be no material privacy impacts associated with the works above the LEP building height limit.

- (1)(e) **To ensure compatibility between development, particularly at zone boundaries**

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

The design of the proposed development, as amended by the applicant, is generally consistent with the characteristic height, bulk, scale and built form of other properties within the Conservation Area. Council’s Conservation Planner has raised no objection to the proposal on heritage grounds and found the design of the proposed structures are generally acceptable as detailed earlier in this report subject to the imposition of appropriate conditions.

Furthermore, the proposal would be generally consistent with the development density and residential character with a design which would generally retain the built form of the subject heritage item and streetscape within the locality.

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

The proposal would generally maintain the characteristic two storey built form on the street frontage. The three (3) storey western (front) elevation of the existing heritage listed dwelling would be maintained and this building height is generally consistent with the nearby dwellings along Cremorne Reserve.

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

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

Whether the proposed development will be in the public interest?

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

Conclusion

It is concluded that the proposal would have no material impact on neighbouring properties in terms of the built forms within the locality and the general amenity of adjoining properties. Having regard to the above, the request under Clause 4.6 of NSLEP 2013 seeking a variation to the LEP building height control is considered well-founded and strict compliance with the standards is unnecessary.

5. Heritage Conservation

The proposal has been assessed against Clause 5.10 of NSLEP 2013 and Part B Section 13 of NSDCP 2013. As indicated in the comments of Council's Conservation Planner, the proposal, as amended by the applicant, is considered to satisfactory as the exterior of the Arts and Crafts dwelling will be restored, the primary rooms will remain intact with their original decorative features and the new studio/garage wing will have neutral impact to the streetscape.

6. Earthworks

The proposal would involve some excavation within the rear yard for the lift shaft of the proposed rear addition with a total cut volume of 28 cubic metres.

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

In addition, conditions requiring dilapidation survey for the adjoining properties have been recommended to record the conditions of properties prior to the commencement of works (**Conditions C5 and C6**).

The proposed excavation work is unlikely to cause adverse impacts on the amenity of the adjoining properties during the construction phase of the proposed development with the recommendation for the imposition of appropriate conditions of consent relating to construction hours, air quality, noise/vibration, health and safety (**Conditions E8, E9, E16 and E20**).

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.2 Social Amenity		
1.2.1 Population Mix	No change	The proposal would not change the population mix, the supply of residential accommodation, affordable housing and housing for senior/persons with disabilities within the locality.
1.2.2 Maintaining Residential Accommodation		
1.2.3 Affordable Housing		
1.2.4 Housing for Seniors/Persons with disability		
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposed development generally respects the existing landform of the subject site.
1.3.2 Bushland	N/A	The subject site is not in close proximity to bushland or natural reserves.
1.3.3 Bush Fire Prone Land	N/A	The subject site is not affected by any bushfire prone land as identified in Bushfire Prone Land map for the North Sydney LGA.
1.3.6 Views	Yes	As indicated earlier in the report, the proposed development would have no material impacts on significant views as seen from the adjoining properties.

<p>1.3.7 Solar Access</p>	<p>Yes</p>	<p>The proposal would cause some additional shadowing on the adjoining property to the south at No.30 Milson Road during mid winter between 9am and 3pm.</p> <p>As indicated earlier in this report, the building elements on the main dwelling above the maximum building height limit would have no additional shadowing impacts because there would be no significant changes to the building height and building envelope of the main dwelling from existing.</p> <p>The submitted elevational shadow diagrams have indicated that an apartment on the northern elevation of the apartment building at No. 30 Milson Road would be affected by additional shadows between 11.30am and 2.30pm during mid winter (Figures 15-18). A further analysis of the shadow diagram and the floor plans of the affected apartment has revealed that the new shadow would primarily fall on a bedroom window and solar access to the living room openings of the affected apartment would generally be maintained.</p> <p>Furthermore, solar access to the adjoining property at No.34 Milson Road during mid winter should not be materially affected given the northerly aspect of this adjoining property.</p> <p>It is therefore considered that the proposal is acceptable having regard to solar access.</p>
<p>1.3.8 Acoustic Privacy</p>	<p>Yes (via conditions)</p>	<p>The proposal is unlikely to cause unreasonable noise nuisance for the adjoining properties because the proposal would continue the use as a single dwelling.</p> <p>It is also noted that the outdoor spaces would continue be used for passive recreation that is unlikely to generate excessive noise.</p> <p>Furthermore, the swimming pool in the original proposal has been amended to a spa pool with reduced impacts for the adjoining properties.</p> <p>Appropriate conditions are also recommended in relation to the operation of air conditioners and pool pumps in order to maintain the residential amenity (Conditions C25 & C26).</p> <p>It is considered that the proposal is acceptable having regard to acoustic privacy.</p>
<p>1.3.10 Visual Privacy</p>	<p>Yes (via condition)</p>	<p>The proposal does not involve significant changes to the location and size of the openings on the main dwelling. Therefore, the additional visual privacy impacts are considered to be minimal. In addition, the applicant has indicated a privacy screen on the northern edge of the Level 1 terrace at the rear of the main dwelling, a condition is recommended accordingly (Condition C2).</p> <p>The proposed rear addition does not have openings on the side elevations. The window/doors and balconies on the western elevation would overlook the garden at the rear of the main dwelling.</p> <p>It is noted that there is a degree of mutual overlooking from the adjoining properties into the subject site and vice versa. It is considered that the proposal would not significantly change the existing condition with the screening provided by the retention of existing vegetation and new planting as shown on the submitted landscape plan.</p>

		Furthermore, the swimming pool in in the original proposal has been amended to a smaller spa pool. The visual privacy impacts from the use of the spa pool are considered to be acceptable given the separation between the pool and the nearest habitable room within the apartment development to the south in excess of 12m and the screening to be provided by vegetation.																									
1.4 Quality built form																											
1.4.1 Context	Yes	The proposed development would maintain the overall form of the existing building and is generally consistent with the context of the locality with a mixture of building typologies.																									
1.4.2 Subdivision Pattern 1.4.5 Siting	No Change	The proposal would not change the subdivision pattern of the subject site and the siting/orientation of the subject building.																									
1.4.6 Setback – Side	No (acceptable on merit)	<p>A compliance table relating to side boundary setbacks is provided below:</p> <table border="1"> <thead> <tr> <th>Elevation</th> <th>Existing</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Ground Floor (Main dwelling): - N Elevation (No.34) - S Elevation (No.30)</td> <td>1.5m 1.5m</td> <td>1.5m 1.5m</td> <td>900mm - 1.5m*</td> <td>Yes Yes</td> </tr> <tr> <td>Level 1 (Main dwelling): - N Elevation (No.34) - S Elevation (No.30)</td> <td>1.5m 3m</td> <td>1.5m 3m</td> <td>1.5m - 2.5m*</td> <td>Yes Yes</td> </tr> <tr> <td>Level 1 (Addition) - N Elevation (No.34) - S Elevation (No.30)</td> <td>N/A N/A</td> <td>1.4m 1.7m</td> <td>900mm - 1.5m*</td> <td>No Yes</td> </tr> <tr> <td>Level 2 (Addition) - N Elevation (No.34) - S Elevation (No.30)</td> <td>N/A N/A</td> <td>1.4m 1.7m</td> <td>900mm - 1.5m*</td> <td>No Yes</td> </tr> </tbody> </table> <p>* Variable setback due to sloping landform</p> <p>The proposed works within the main dwelling do not result in non-compliances with DCP’s side boundary setback controls.</p> <p>The western side of the proposed addition would result in some non-compliances with DCP’s side boundary setback controls due to the sloping landform of the subject site.</p> <p>As indicated in the discussion earlier in this report, the proposed addition would not cause unreasonable amenity impacts for the adjoining properties. Furthermore, the property would retain its single occupancy use and no significant increase in density.</p> <p>The proposed built form is also considered to be appropriate in terms of bulk and scale having regard to the sloping landform of the site.</p>	Elevation	Existing	Proposed	Control	Complies	Ground Floor (Main dwelling): - N Elevation (No.34) - S Elevation (No.30)	1.5m 1.5m	1.5m 1.5m	900mm - 1.5m*	Yes Yes	Level 1 (Main dwelling): - N Elevation (No.34) - S Elevation (No.30)	1.5m 3m	1.5m 3m	1.5m - 2.5m*	Yes Yes	Level 1 (Addition) - N Elevation (No.34) - S Elevation (No.30)	N/A N/A	1.4m 1.7m	900mm - 1.5m*	No Yes	Level 2 (Addition) - N Elevation (No.34) - S Elevation (No.30)	N/A N/A	1.4m 1.7m	900mm - 1.5m*	No Yes
Elevation	Existing	Proposed	Control	Complies																							
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Level 2 (Addition) - N Elevation (No.34) - S Elevation (No.30)	N/A N/A	1.4m 1.7m	900mm - 1.5m*	No Yes																							

		The non-compliances with DCP's side property boundary controls are considered to be acceptable.
P1 Front setback	Yes	The proposed works would not change the overall building setback from the front (Cremorne Reserve) property boundary.
P5 Rear Setback – Rear	Yes	The rear property boundary setback for the proposed garage above the rear addition is generally consistent with those of the existing garages along Milson Road. The proposed soft landscaping to the south of the new garage would provide visual relief and improve streetscape.
1.4.7 Form Massing Scale 1.4.8 Built Form Character	Yes	As indicated in Council's Conservation Planner's comments earlier in this report, the proposed works for the main dwelling would generally maintain its original three storey form, bulk and scale of the building. In addition the design of the proposed rear addition would have a neutral impact on the significance and character of the existing heritage listed building and the conservation area.
1.4.10 Roofs	Yes	The proposal would not change the overall roof form of the main dwelling. The flat/shallow skillion roof form for the new rear addition is considered to be acceptable because of the location of the building away from the main dwelling. The single storey form and the green roof design would also reduce its visual impact as seen from the street.
1.4.9 Dwelling Entry	Yes	A new entrance is proposed off Milson Road at the middle of the street frontage conveys a strong sense of address of the subject site.
1.4.12 Materials	Yes	The proposed colours and materials for the proposed development are considered to be generally acceptable subject to the further requirements as detailed in Condition C1 in order to ensure the use of characteristic/sympathetic materials/colours.
1.5 Quality Urban Environment		
1.5.4 Vehicle Access and Parking	Yes	The proposed would replace the existing open parking area with a double garage off Milson Road. The proposed parking complies with DCP's parking requirements. Furthermore, the proposed landscaping to replace hard paving to the south of the garage is supported and would enhance streetscape.

<p>1.5.5 Site Coverage 1.5.6 Landscape Area</p>	<p>No (acceptable on merit)</p>	<p>A table is provided below showing the level of compliance with DCP's site coverage, unbuilt upon area and landscaped area requirements:</p> <table border="1" data-bbox="762 324 1401 609"> <thead> <tr> <th>Site Area : 590.7sqm</th> <th>Proposed</th> <th>Control</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage</td> <td>273sqm (46.2%)</td> <td>40%</td> <td>No</td> </tr> <tr> <td>Unbuilt-upon area</td> <td>45sqm (7.6%)</td> <td>20%</td> <td>Yes</td> </tr> <tr> <td>Landscaped area</td> <td>272.7sqm (46.2%)</td> <td>40%</td> <td>Yes</td> </tr> </tbody> </table> <p>The proposed development does not comply with the DCP site coverage requirements. It is however noted that the proposal complies with DCP requirements for unbuilt upon and landscaped areas.</p> <p>It is also noted that developments fronting Cremorne Reserve comprise of large residential buildings including apartment buildings, dual occupancies and single dwellings.</p> <p>Consideration has been given to the site coverage of the existing single dwellings fronting Cremorne Reserve to ascertain whether the site coverage of the proposed development would be consistent with similar developments nearby.</p> <p>This table provides an overview of site coverage for nearby existing single dwelling developments fronting Cremorne Reserve:</p> <table border="1" data-bbox="874 1131 1289 1326"> <thead> <tr> <th>Address:</th> <th>Site coverage:</th> </tr> </thead> <tbody> <tr> <td>12A Milson Road</td> <td>44%</td> </tr> <tr> <td>14 Milson Road</td> <td>53%</td> </tr> <tr> <td>16 Milson Road</td> <td>65%</td> </tr> <tr> <td>44 Milson Road</td> <td>54%</td> </tr> </tbody> </table> <p>It is considered that the proposed site coverage of 46.2% would be consistent with the prevailing site coverage for nearby single dwelling developments.</p> <p>Furthermore, the proposal would maintain a good landscaping outcome for the subject site with the retention/protection of existing trees and new landscaping opportunity along the Milson Road frontage.</p> <p>The proposal is therefore considered to be acceptable having regard to the site circumstances and prevailing site coverage for single dwellings nearby.</p>	Site Area : 590.7sqm	Proposed	Control	Compliance	Site coverage	273sqm (46.2%)	40%	No	Unbuilt-upon area	45sqm (7.6%)	20%	Yes	Landscaped area	272.7sqm (46.2%)	40%	Yes	Address:	Site coverage:	12A Milson Road	44%	14 Milson Road	53%	16 Milson Road	65%	44 Milson Road	54%
Site Area : 590.7sqm	Proposed	Control	Compliance																									
Site coverage	273sqm (46.2%)	40%	No																									
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12A Milson Road	44%																											
14 Milson Road	53%																											
16 Milson Road	65%																											
44 Milson Road	54%																											
<p>1.5.8 Landscaping</p>	<p>Yes (via Condition)</p>	<p>Council's Landscape Development Officer has reviewed the submitted landscape plan and was found generally satisfactory subject to imposition of appropriate conditions.</p> <p>It is recommended that a revised landscape plan be submitted together with the modified design for the proposed rear addition as part of the deferred commencement requirement to ensure consistency between architectural and landscaping designs for the proposed development (Condition C2).</p>																										

<p>1.5.11 Swimming Pools</p>	<p>Yes</p>	<p>Consideration has been given to the relevant DCP requirements as follows:</p> <table border="1" data-bbox="794 322 1369 607"> <thead> <tr> <th>Control</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Setback 1.2m min</td> <td>1.2m</td> <td>Yes</td> </tr> <tr> <td>Height -500m max</td> <td>1m</td> <td>No</td> </tr> <tr> <td>Nearest habitable room – 6m min.</td> <td>8.5m</td> <td>Yes</td> </tr> </tbody> </table> <p>The western edge of the proposal spa pool would be 1.1m above the existing ground level. The proposed variation is considered to be acceptable because of the sloping landform of the subject site and the spa pool would not be highly visible from the adjoining properties due to its location away from the property boundary and screening from vegetation.</p>	Control	Proposed	Compliance	Setback 1.2m min	1.2m	Yes	Height -500m max	1m	No	Nearest habitable room – 6m min.	8.5m	Yes
Control	Proposed	Compliance												
Setback 1.2m min	1.2m	Yes												
Height -500m max	1m	No												
Nearest habitable room – 6m min.	8.5m	Yes												
<p>1.5.13 Garbage Storage</p>	<p>Yes (via condition)</p>	<p>A standard condition requiring the provision of adequate storage for general waste and recyclable materials can be imposed should approval be granted for the proposed development.</p>												
<p>1.6 Efficient Use of Resources</p>														
<p>1.6.1 Energy Efficiency</p>	<p>Yes</p>	<p>The applicant has submitted a valid BASIX certificate.</p>												

**South Cremorne Planning Area - Part C of NSDCP 2013
 Cremorne Point Conservation Area**

The proposal, as amended by the applicant, is generally consistent with Part C of North Sydney DCP 2013 in particular Section 6 of the Character Statement for South Cremorne Planning Area and Section 6.4 for Cremorne Point Conservation Area.

The proposed development is generally consistent with characteristic building elements within the neighbourhood.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan 2020.

It is noted that the proposed development does not involve an increase in population, therefore the proposal is subject to a S7.12 levy in accordance with Sections 1.3.3 and 1.4 of North Sydney Local Infrastructure Contribution Plan 2020 because the cost of the development is over \$100,000.00.

The required contribution has been calculated in accordance with the applicable contribution rates as follows:

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 1,766,716.00
(payment amount subject to indexing at time of payment)	Contribution:	\$17,667.16

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

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

SUBMITTERS CONCERNS

The original proposal was notified to surrounding properties and the Cremorne Point Precinct Committee between 10 May 2024 and 24 May 2024. Eight (8) submissions were received.

The applicant submitted amended plans that were renotified to submitters, for 14 days between 4 to 18 October 2024. Council received three (3) submissions.

The issues raised relating to bulk/scale, overshadowing/solar access, noise, visual privacy and heritage have been addressed throughout this report. The other matters raised in submissions are addressed below:

- ***Concerns raised about excavation and damage to the adjoining property.***
- ***The need for geotechnical and dilapidation reports.***
- ***Appropriate protection measures for the adjoining properties from the proposed works.***

Comment:

The application has been referred to Council's Development Engineer who raised no in-principle objection to the proposed development subject to the imposition of appropriate engineering conditions including the requirement for the submission of geotechnical report and dilapidation report to ensure the structural integrity of the subject site and adjoining properties as well as the recording of property conditions prior to the commencement of works (**Conditions C5, C6, C8**).

Other measures such as insurance or other agreements would be a civil matter between the relevant parties.

- ***The need for proper strategies on traffic management through narrow roads during construction and possible impacts on accessibility of essential/emergency vehicles***
- ***Potential impacts on the open air private parking spaces to the south.***

Comment:

A condition requiring the submission of a construction traffic management plan has been recommended to ensure proper management of construction traffic and to minimise impacts on the amenity of the adjoining properties during construction.

In addition, it is recommended that the standard condition relating to parking restrictions is to be modified to include the open air private parking area at No.30 Milson Road (**Condition E3**).

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located in a R2 (Low Density Residential) where alterations and additions to a single dwelling are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The original proposal was notified to surrounding properties and the Cremorne Point Precinct Committee between 10 May 2024 and 24 May 2024. Eight (8) submissions were received. The amended plans that were renotified to submitters, for 14 days between 4 to 18 October 2024. Council received two (2) submissions.

The issues raised by the submitters have been addressed throughout this report. It is considered that the proposal warrants approval subject to the imposition of deferred commencement and appropriate conditions of consent.

CONCLUSION

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

The proposed alterations and additions to an existing heritage listed dwelling that is a permissible form of development in an R2 Low Density Residential Zone.

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

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

The variation to DCP's site coverage is acceptable because the proposed site coverage would be consistent with the site coverage of existing single dwellings nearby along the western side of Milson Road.

Council's Conservation Planner has raised no objection to the proposal subject to the imposition appropriate conditions of consent.

The southern-western corner of the proposed rear addition is likely to affect the tree protection zone (TPZ) of a turpentine tree (*Syncarpia glomulifera*). A deferred commencement condition is recommended requiring the design of the rear addition be modified to minimise the encroachment onto the TPZ of T2 (Turpentine (**Condition AA1**)).

Having regard to the provisions of Section 4.15(1) of the *EP&A Act 1979* the application is considered to be satisfactory and therefore can be approved subject to the imposition of deferred commencement and other appropriate conditions.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, assume the concurrence of the Secretary of The Department of Planning, Housing, and Infrastructure and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 (Maximum Building Heights) and grant consent to Development Application No. D84/24 for alterations and additions to a single dwelling including a rear addition on land at No.32 Milson Road, Cremorne Point subject to the following deferred commencement and site specific conditions:-

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement conditions have been satisfied.

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

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

Deferred Commencement Matters

Design Modifications

AA1. The design of the proposed rear addition shall be modified as follows:

- (a) The Level 1 southern wall of the proposed rear addition shall provide 3.1m setback from the southern property boundary with No. 30 Milson Road to minimise the encroachment of the proposed building onto the tree protection zone of T2 (*Syncarpia glomulifera*);
- (b) The internal layout of the rear addition be modified to reflect the design modifications as required in item (a) of this condition;
- (c) The existing ground level of the area affected by the design modifications as required in item (a) of this condition shall remain unchanged;
- (d) Appropriate soft landscaping shall be provided on the area affected by the design modifications as required in item (a) of this condition;
- (e) The arborist report shall be amended in accordance with the design modifications as required by item (a) of this condition and sensitive construction measures be used.

(Reason: To minimise impacts on T2 (*Syncarpia glomulifera*.)

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

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

Single Occupancy

A4. Approval is granted for the use of the development, including the pavilion style rear addition, as a single occupancy only. No approval is granted or implied for the use of approved development other than a single occupancy.

(Reason: To ensure that the terms of consent is clear for a single occupancy.)

Heritage Requirements

- C1 The following heritage requirements shall be apply to the proposed development:
- (a) The new metal roof sheeting to have a traditional corrugated roof profile equal to Custom Orb/Custom Orb 35 (for 2 degree slopes) or copper or zinc metal roof sheeting with a rolled seam. No approval is given for standing seam, min-orb or tray profile roof sheeting;
 - (b) The weatherboard cladding on the new studio/garage is to be natural timber weatherboard or composite material cladding equal to 'Scyon Linear' cladding, with traditional profile and paint finish, 16mm thick and 180mm wide, laid in a horizontal pattern;
 - (c) Exposed brickwork on the original dwelling is not to be painted;
 - (d) New sandstone is to have a split or rock faced finish;
 - (e) New windows and doors on the original dwelling are to be timber-framed;
 - (f) The garage door is to be a panel lift door with a painted finish;
 - (g) The exterior colour scheme is to match the existing scheme or any new scheme, shall either be a traditional colour scheme appropriate to Arts and Crafts style dwelling, or shall use neutral tones; and
 - (h) The Esse stove is to be retained in-situ or offered to Council's Historian for use in Council's historic collections.

Plans and specifications which comply with this condition must be submitted the for the written approval of Council's Team Leader Assessments 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 maintain the significance of the subject heritage item and the conservation area)

Revised Landscape Plan

- C2. The applicant must submit a revised landscape plan, based on the submitted landscape plan (Drawing numbered L01 Rev D and L02 Rev D prepared by Space Landscape Design and dated 27 August 2024) incorporating the following:
- (a) Revision of the landscape plan to match the approved architectural plans to reflect the design modifications as required in Condition AA1; and
 - (b) Soft landscaping shall be provided on the areas affected by design modifications as required by Condition AA1; and
 - (c) The removal of T6 *Olea Africana* with replacement planting of 1 x *Melaleuca linarifolia* (75l) in approximately the same location.

The revised landscape plan, architectural plans and specifications complying with this condition must be submitted for the written approval Council's Team Leader Assessments 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.

(Reasons: To ensure a desirable landscaping outcome for the subject site and the locality.)

ROBIN TSE
SENIOR ASSESSMENT OFFICER

ISOBELLA LUCIC
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
32 MILSON ROAD, CREMORNE POINT
DEVELOPMENT APPLICATION NO. 87/24

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition has been satisfied.

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

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

Deferred Commencement Matters

Design Modifications

AA1. The design of the proposed rear addition shall be modified as follows:

- (a) The Level 1 southern wall of the proposed rear addition shall provide 3.1m setback from the southern property boundary with No. 30 Milson Road to minimise the encroachment of the proposed building onto the tree protection zone of T2 (*Syncarpia glomulifera*);
- (b) The internal layout of the rear addition be modified to reflect the design modifications as required in item (a) of this condition;
- (c) The existing ground level of the area affected by the design modifications as required in item (a) of this condition shall remain unchanged;
- (d) Appropriate soft landscaping shall be provided on the area affected by the design modifications as required in item (a) of this condition; and
- (e) The arborist report shall be amended in accordance with the design modifications as required by item (a) of this condition and sensitive construction measures be used.

(Reason: To minimise impacts on T2 (*Syncarpia glomulifera*.)

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

**32 MILSON ROAD, CREMORNE POINT
DEVELOPMENT APPLICATION NO. 87/24**

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

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

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

Plan No.	Date:	Description	Prepared by
DA_A_021 Rev I	29/08/2024	Proposed Site Plan	Quattro Architecture
DA_A_023 Rev I	29/08/2024	Proposed Earthworks	Quattro Architecture
DA_A_100 Rev I	29/08/2024	Proposed Plans – Lower Ground	Quattro Architecture
DA_A_101 Rev I	29/08/2024	Proposed Plans – Ground Floor	Quattro Architecture
DA_A_102 Rev I	29/08/2024	Proposed Plans – Level 1	Quattro Architecture
DA_A_103 Rev I	29/08/2024	Proposed Plans – Level 2 Garage	Quattro Architecture
DA_A_104 Rev I	29/08/2024	Proposed Plans – Roof	Quattro Architecture
DA_A_200 Rev I	29/08/2024	Proposed North Elevation	Quattro Architecture
DA_A_201 Rev I	29/08/2024	Proposed South Elevation	Quattro Architecture
DA_A_202 Rev I	29/08/2024	Proposed West Elevation	Quattro Architecture
DA_A_203 Rev I	29/08/2024	Proposed East Elevation	Quattro Architecture
DA_A_250 Rev I	29/08/2024	Proposed Sections	Quattro Architecture
DA_A_403 Rev I	29/08/2024	Heritage Review - Conservation	Quattro Architecture
DA_A_600 Rev I	29/08/2024	Exterior Finishes	Quattro Architecture

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

Plans on Site

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

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

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

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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)

Single Occupancy

- A4. Approval is granted for the use of the development, including the pavilion style rear addition, as a single occupancy only. No approval is granted or implied for the use of approved development other than a single occupancy.

(Reason: To ensure that the terms of consent is clear for a single occupancy.)

B. *Matters to be Completed before the lodgement of an Application for a Construction Certificate*

Construction and Traffic Management Plan (Major DAs and sites with difficult access)

- B1 Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following:
- i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).

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- ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all times.

A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.

- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;

- (e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;

- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and

- (g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

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A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) To apply for certification under this condition, an *'Application to satisfy development consent'* must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

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

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

Heritage Requirements

C1. The following heritage requirements shall be apply to the proposed development:

- (a) The new metal roof sheeting to have a traditional corrugated roof profile equal to Custom Orb/Custom Orb 35 (for 2 degree slopes) or copper or zinc metal roof sheeting with a rolled seam. No approval is given for standing seam, min-orb or tray profile roof sheeting;
- (b) The weatherboard cladding on the new studio/garage is to be natural timber weatherboard or composite material cladding equal to 'Scyon Linear' cladding, with traditional profile and paint finish, 16mm thick and 180mm wide, laid in a horizontal pattern;
- (c) Exposed brickwork on the original dwelling is not to be painted;
- (d) New sandstone is to have a split or rock faced finish;
- (e) New windows and doors on the original dwelling are to be timber-framed;
- (f) The garage door is to be a panel lift door with a painted finish;
- (g) The exterior colour scheme is to match the existing scheme or any new scheme, shall either be a traditional colour scheme appropriate to Arts and Crafts style dwelling, or shall use neutral tones; and
- (h) The Esse stove is to be retained in-situ or offered to Council's Historian for use in Council's historic collections.

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Plans and specifications which comply with this condition must be submitted the for the written approval of Council's Team Leader Assessments 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 maintain the significance of the subject heritage item and the conservation area)

Revised Landscape Plan

C2. The applicant must submit a revised landscape plan, based on the submitted landscape plan (Drawing numbered L01 Rev D and L02 Rev D prepared by Space Landscape Design and dated 27 August 2024) incorporating the following:

- (a) Revision of the landscape plan to match the approved architectural plans to reflect the design modifications as required in Condition AA1;
- (b) Soft landscaping shall be provided on the areas affected by design modifications as required by Condition AA1; and
- (c) The removal of T6 *Olea Africana* with replacement planting of 1 x *Melaleuca linarifolia* (75l) in approximately the same location.

The revised landscape plan, architectural plans and specifications complying with this condition must be submitted for the written approval Council's Team Leader Assessments 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.

(Reasons: To ensure a desirable landscaping outcome for the subject site and the locality.)

Dilapidation Report Damage to Public Infrastructure

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

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

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

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

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

Dilapidation Report Private Property (Excavation)

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

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

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

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

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

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

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Dilapidation Survey Private Property (Neighbouring Buildings)

- C5. A photographic survey and dilapidation report of adjoining property No. 30 and 34 Milson Road detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, MUST BE submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy of Adjoining Properties - Excavation Works

- C6. A report prepared by an appropriately qualified and practising structural engineer detailing the structural adequacy of adjoining property No. 30 and 34, which certifies their ability to withstand the proposed excavation and outlines any measures required to be implemented to ensure that no damage will occur to adjoining properties during the course of the works, must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

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Structural Adequacy of Existing Building

- C7. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Geotechnical Report

- C8. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) the existing groundwater levels in relation to the basement structure, where influenced;
 - e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and

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

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

Sediment Control

- C9. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

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Waste Management Plan

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

- C11. A traditional palette of finishes, materials and colour schemes, other than those specified in drawing DA_A_600, Rev H, dated 15 August 2024 and prepared by Quattro Architecture and as modified by Condition C1 in this consent, must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

Skylight(s)

- C12. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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

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

Roofing Materials - Reflectivity

- C13. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

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

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

Work Zone

C14. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

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

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

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

(Reason: Amenity and convenience during construction)

Stormwater Management and Disposal Design Plan - Construction Issue Detail

C15. Prior to issue of any Construction Certificate, the applicant shall have a site drainage management plan (based on the submitted stormwater plans No. SW-100, Rev D and SW-101, Rev E Adcar Consulting, dated 14 October 2024) prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.

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- b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to the existing stormwater connection point.
- c) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.

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

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

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

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

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

- C16. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$4,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.
 - d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

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.

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

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

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

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

Arborist to be commissioned

- C17. An experienced AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters.

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

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

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

Tree Protection

- C18. To ensure the protection of all trees to be retained, the following measures are to be undertaken:
- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.

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- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

Tree Bond for Public Trees

- C19. Prior to the issue of any construction certificate, security in the sum of \$15,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

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

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SCHEDULE

Tree Species	Location	Bond
All trees/vegetation	Central road reserve in front of 28-32 Milson Road	\$15,000

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

Tree Protection Measures to be shown on Construction Drawings

C20. The tree protection measures contained in the arborist report prepared by Urban Arbor, Rev 3, dated 15 October 2024, as amended by conditions contained herein shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Protection of Trees

C21. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
T1 <i>Phoenix canariensis</i>	front setback of 32 Milson Road	7x8m
T2 <i>Syncarpia glomulifera</i> (2 trees)	front setback-north boundary 30 Milson Road	12x8m
T3 <i>Archontophoenix alexandrae</i>	front setback-north boundary 30 Milson Road	6x4m
T4 <i>Glochidion ferdinandii</i>	Boundary-30 & 32 Milson Road (front)	8x6m
T5 <i>Phoenix canariensis</i>	Northern Boundary-30 Milson Road	
All trees/vegetation	Central road reserve in front of 28-32 Milson Road	variable

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

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

(Reason: Protection of existing environmental and community assets)

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Approval for Removal of Trees

- C22. The following tree(s) are approved for removal in accordance with the development consent:

Tree	Location	Height
<i>T6 Olea Africana</i>	Reserve frontage adjacent Southern Boundary – 32 Milson Road	6 x 7m

The removal of the tree, including the stump, shall be supervised by an AQ3 Arborist.

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

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

(Reason: Protection of existing environmental and community assets)

Pruning of Trees

- C23. 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
<i>T2 Syncarpia glomulifora (2 trees)</i>	Front setback north boundary – 30 Milson Road	12 x 8m

Branches/fronds shall be carefully tied back by the project arborist rather than pruned where possible. Scaffolding and any associated building works shall be designed to minimise the need for any pruning.

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

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

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

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Garbage and Recycling Facilities

C24. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Asbestos and Hazardous Material Survey

C25. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Air Conditioners in Residential Premises

C26. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

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

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

(Reason: To maintain residential amenity)

Swimming Pool Pumps on Residential Premises

C27. The Principal Certifier must be satisfied that the swimming pool pump to be installed on the premises must not:

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

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

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

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

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Details demonstrating compliance with the requirements of this condition must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Pool Access

- C28. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

- C29. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of the relevant Construction Certificate. Plans and specifications complying with this condition and any conditions/ requirements of Sydney Water must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

- C30. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

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Section 7.12 Development Contributions

- C31. A monetary contribution pursuant to the provisions of Section 7.12 of *the Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$17,667.16.

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C32. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$15,000.00
Infrastructure Damage Bond	\$4,000.00
TOTAL BONDS	\$19,000.00

Note: The following fees applicable

Fees	
Section 7.12 Development Contributions:	\$17,667.16
TOTAL FEES	\$17,667.16

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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

C33. Under clause 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1754329 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Root Mapping

C34. Non-invasive/non-destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) of any protected tree to determine the size and depth of the tree roots prior to the design of all works that encroach within the TPZ.

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 Principal Certifier for approval (with a copy provided to Council) prior to the issue of the relevant 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.

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

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

Project Arborist Engaged

- D2.
- The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
 - The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
 - The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
 - Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.

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- The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Protection of Public Trees

- D3. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Protection
All trees/vegetation	Central road reserve in front of 28-32 Milson Road	Branch protection as required

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

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

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the commencement of construction works.

(Reason: Protection of existing environmental and community assets)

Temporary Fences and Tree Protection

- D4. All protected trees on-site that are specifically nominated as per Condition C21 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Principal Certifier prior to demolition or commencement of any works and must be maintained for the duration of the works-

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

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Public Liability Insurance - Works on Public Land

- D5. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Commencement of Works' Notice

- D6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. *During Demolition and Building Work***Reuse of Sandstone**

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

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

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

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Parking Restrictions

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

- E5. It is the full responsibility of the Developer and their contractors to: -
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifier and Council (if it is not the Principal Certifier) must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

- E6. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

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

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

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Removal of Extra Fabric

- E7. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E8. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
 - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
 - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
 - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E9. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E10. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

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Developer's Cost of Work on Council Property

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

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

No Removal of Trees on Public Property

- E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Protection of Trees

- E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by Urban Arbor, Rev 3, dated 15 October 2024, as amended by conditions contained herein must be implemented for the duration of the works.

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

Notes:

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

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

Special Permits

- E14. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) On-street mobile plant

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

(Reason: Proper management of public land)

2) Hoardings

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

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

(Reason: Proper management of public land)

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Noxious Plants

- E15. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

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

Construction Hours

- E16. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

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

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

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

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

Installation and Maintenance of Sediment Control

- E17. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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

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

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Sediment and Erosion Control Signage

E18. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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

Site Amenities and Facilities

E19. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work-place determines the type of amenities required.

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

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

Health and Safety

E20. 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

E21. 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)

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Prohibition on Use of Pavements

E22. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

E23. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Imported Fill Material

E24. The only waste derived fill material that may be received at the development site is:

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

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

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

Waste Disposal

E25. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

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Asbestos Removal

- E26. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

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

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

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

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

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

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

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

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

Construction Certificate

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

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

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Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works' Notice

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

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

Excavation/Demolition

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

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

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.

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- 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 Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

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- a. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Pool Access

- G2. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G3. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions of artificial resuscitation methods.
 - b) A warning stating:
 - (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

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Damage to Adjoining Properties

- G4. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

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

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

Asbestos Clearance Certificate

- G6. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

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

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

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

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

Certification of Tree Condition

- G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

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Tree	Location	Height
T1 <i>Phoenix canariensis</i>	front setback of 32 Milson Road	7x8m
T2 <i>Syncarpia glomulifera</i> (2 trees)	front setback-north boundary 30 Milson Road	12x8m
T3 <i>Archontophoenix alexandrae</i>	front setback-north boundary 30 Milson Road	6x4m
T4 <i>Glochidion ferdinandii</i>	Boundary - 30 & 32 Milson Road (front)	8x6m
T5 <i>Phoenix canariensis</i>	Northern Boundary-30 Milson Road	
All trees/vegetation	Central road reserve in front of 28-32 Milson Road	variable

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)

Required Tree Planting

- G8. On completion of works and prior to the issue of the Occupation Certificate for the whole of the building, trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath:

Schedule

Tree Species	Location	Pot Size
1 x <i>Melaleuca linarifolia</i>	Reserve frontage adjacent southern boundary – 32 Milson Road	75L

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Disposal Information

- G9. Upon completion of works and prior to occupation, a report including the following information must be provided to Council's Open Space and Environmental Services Department:
- (a) the total tonnage of all waste and excavated material disposed of from the site (including any tipping dockets); and

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(b) the disposal points and methods used.

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

BASIX Completion Certificate

G10. In accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, prior to issuing a final occupation certificate the Principal Certifier must provide a BASIX completion certificate.

(Reason: To ensure compliance with the Regulations)

Landscaping

G11. The landscaping shown in the approved landscape plans as amended by Condition C2 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain Conditions

G12. Prior to the issue of any Occupation Certificate, Condition C1 must be certified as having been implemented on site and complied with.

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

I. Ongoing/Operational Conditions

Pool Filter

I1. The swimming pool pump installed at the premises must not operate so as to:

(a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);

- (j) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
- (ii) before 7.00am or after 8.00pm on any other day

(b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.

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

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

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

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Single Occupancy

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

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

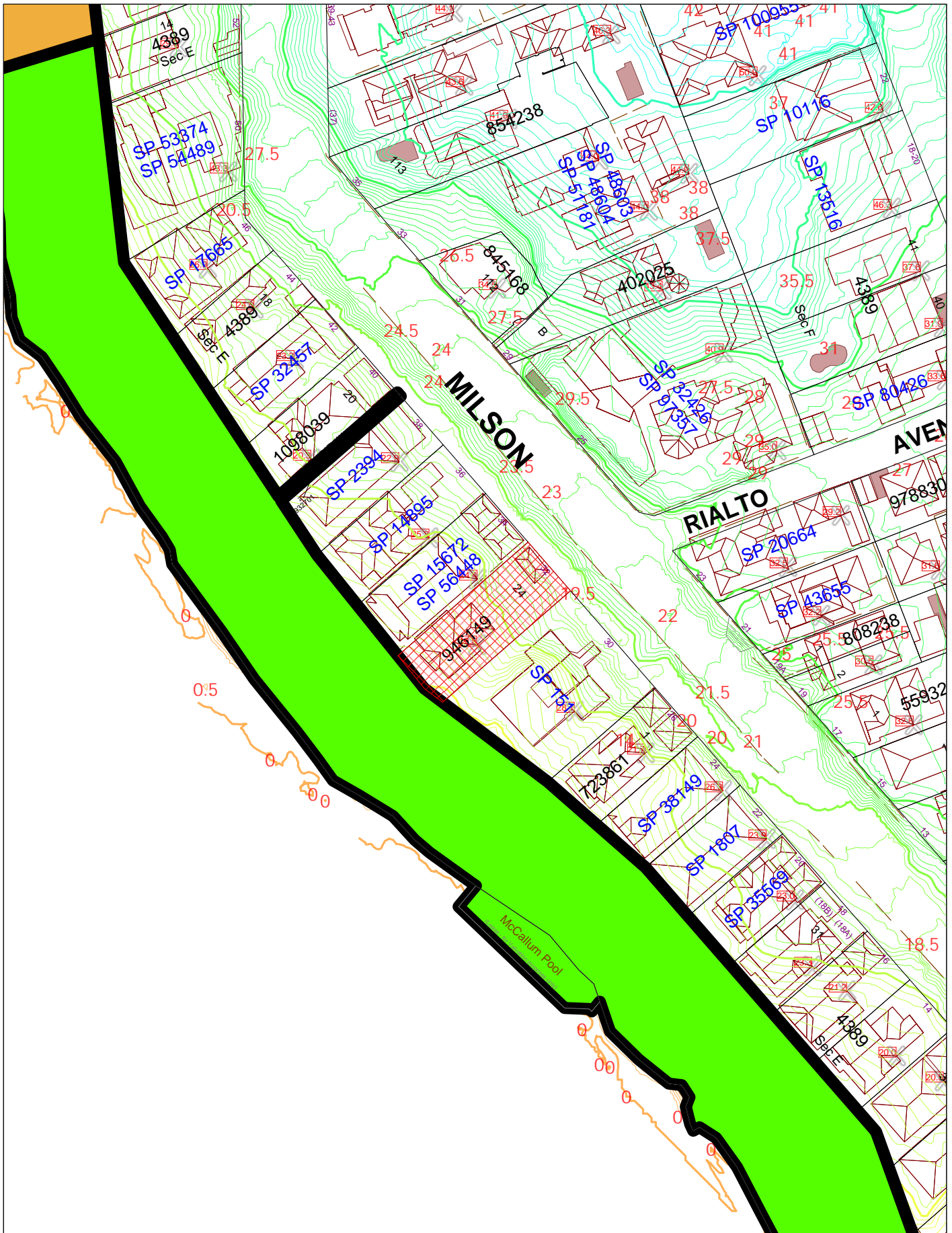
Maintenance of Approved Landscaping

13. The owner of the premises at 32 Milson Road is to maintain the landscaping approved by this consent generally in accordance with approved plans as modified by Conditions C2 and C21.

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

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

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



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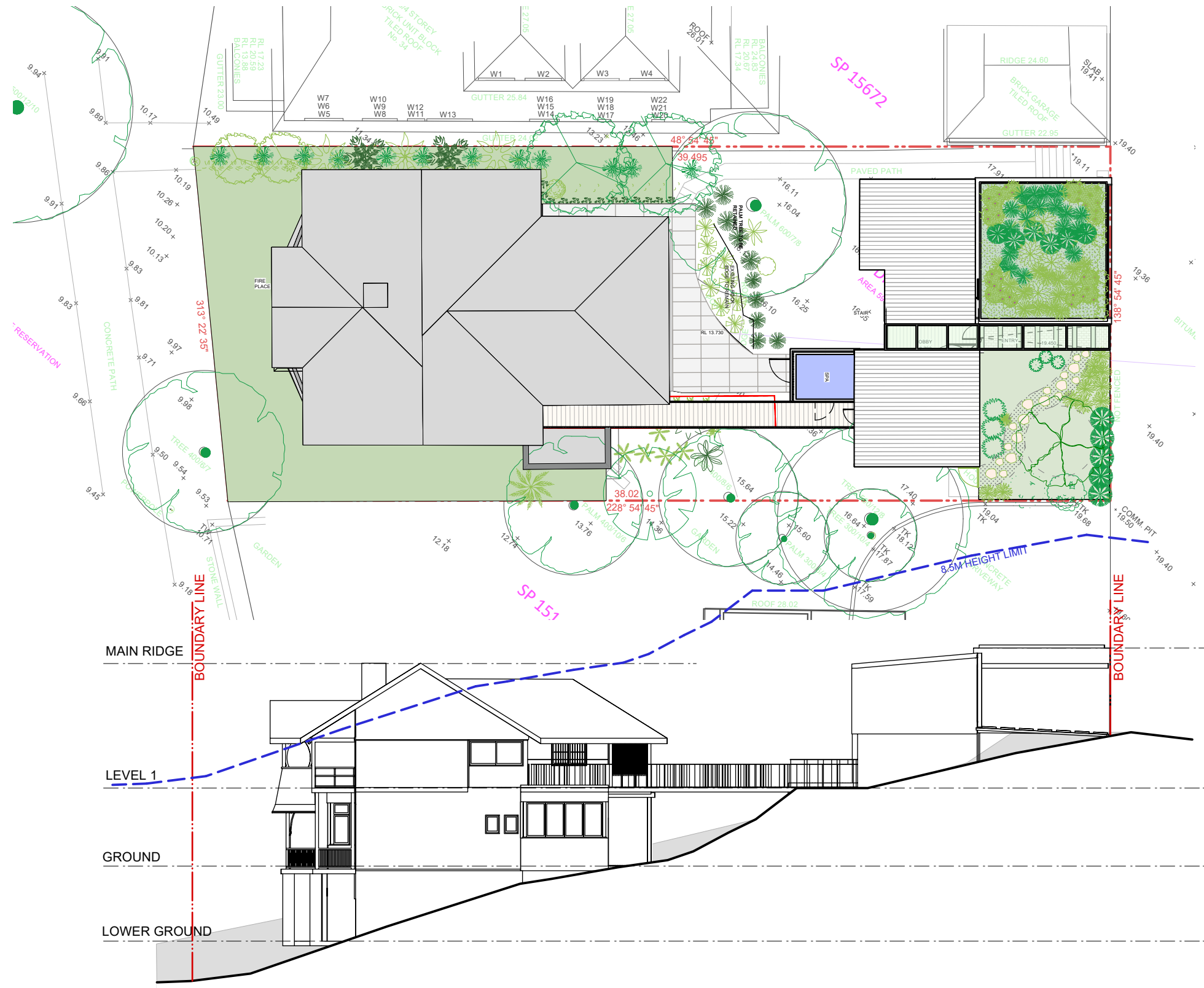
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ALTERATIONS AND ADDITIONS

32 Milson Rd, Cremorene Point

Lot 24 in Deposited Plan 946149



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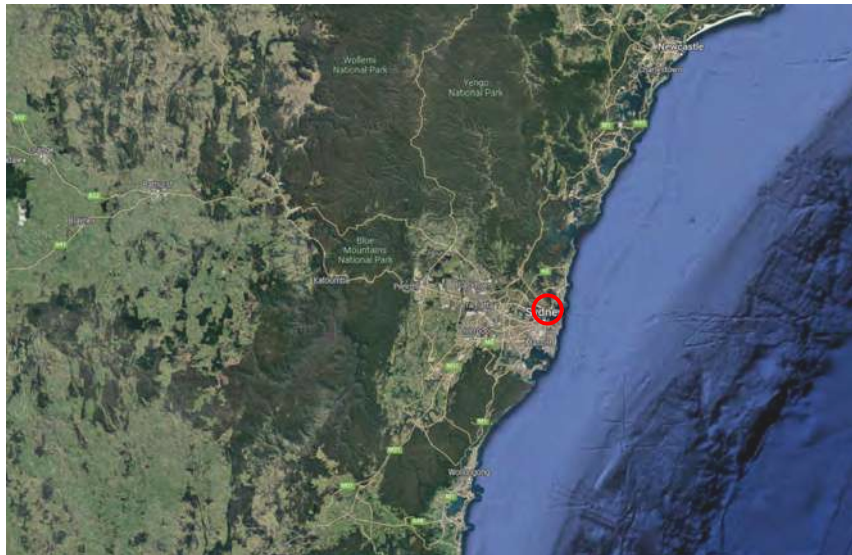
PROJECT
ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorene Point

DRAWING
NEIGHBOUR NOTIFICATION

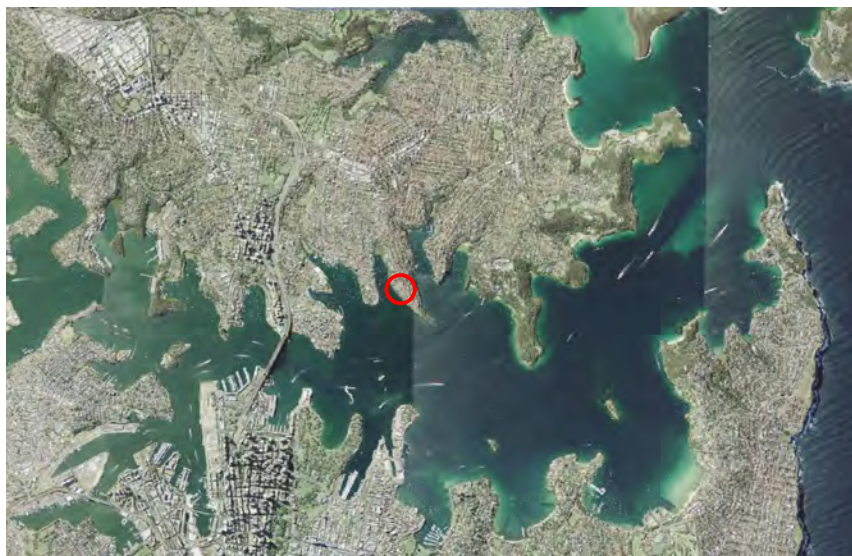
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REGIONAL VIEW



CITY VIEW



CONTEXTUAL VIEW



01 EXISTING SURVEY
scale 1:200

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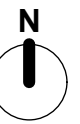
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ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point

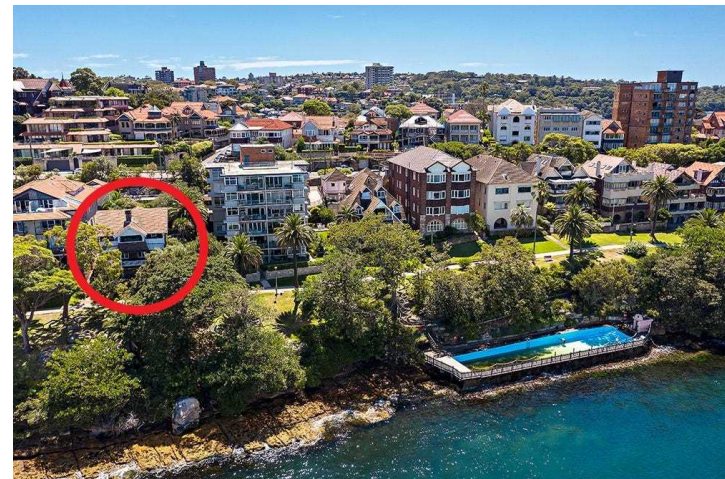
DRAWING
SURVEY AND EXISTING SITE PLAN

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STREET VIEW



AERIAL VIEW



AERIAL VIEW



01 PROPOSED SITE ANALYSIS
scale 1:200

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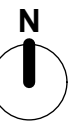
PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED SITE PLAN

Scale at A3 1:200

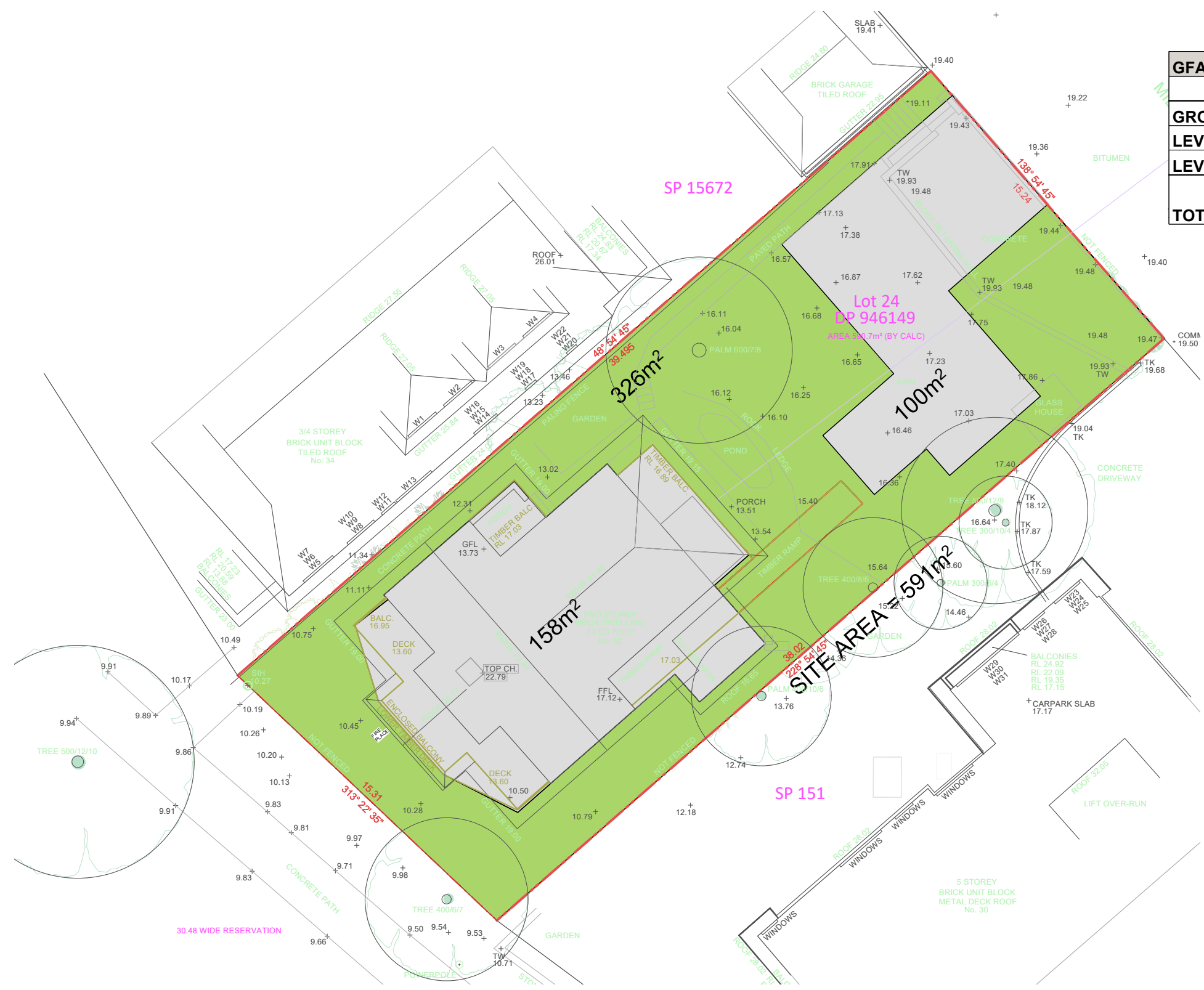
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GFA CALCULATIONS			
	EXISTING HOUSE	PROPOSED HOUSE	POOL HOUSE
GROUND FLOOR	105	105	11
LEVEL 1	84	83	50
LEVEL 2			46
TOTAL	189	188	61

- SITE AREA :**
590.7 m²
- LANDSCAPED AREA :**
326 m² = 55 % OF SITE AREA
EXTRA 31 m² FOR THE
PLANTED ROOF
- BUILDING FOOTPRINT :**
258 m² = 44 % OF SITE AREA



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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

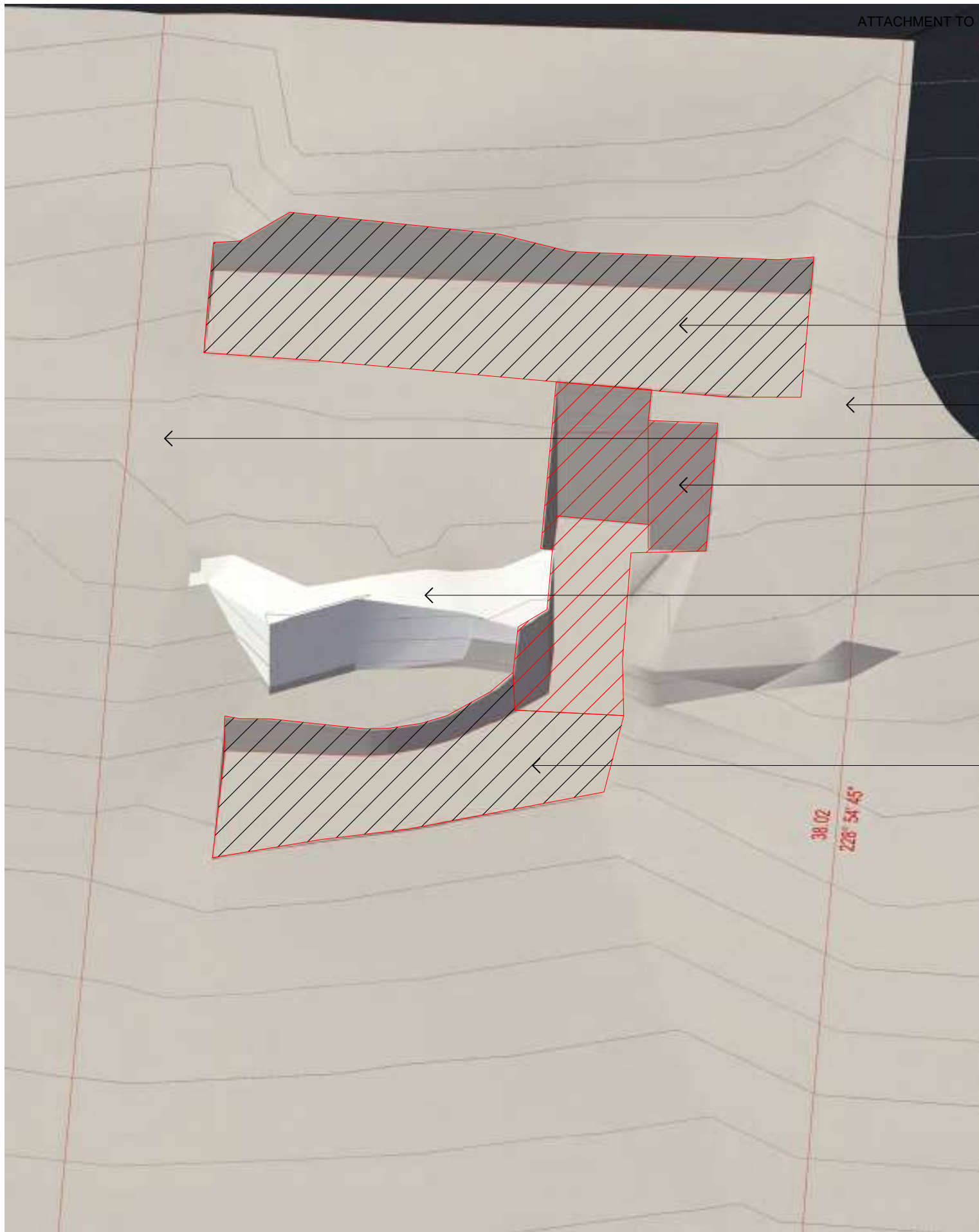
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PROPOSED LANDSCAPED AREA

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PROPOSED EARTHWORKS :
TOTAL CUT VOLUME 28 m³



LEVEL 1 AND GARAGE ABOVE
ONLY EXISTING FILL REMOVED

SIDE BOUNDARY GROUND REMAIN INTACT
TO PROTECT TREE ROOT ZONE

EXCAVATION REQUIRED FOR LIFT ACCESS TO GROUND FLOOR

EXISTING SANDSTONE ROCK CROP TO REMAIN

EXISTING TERRACE CUT - REMAINS

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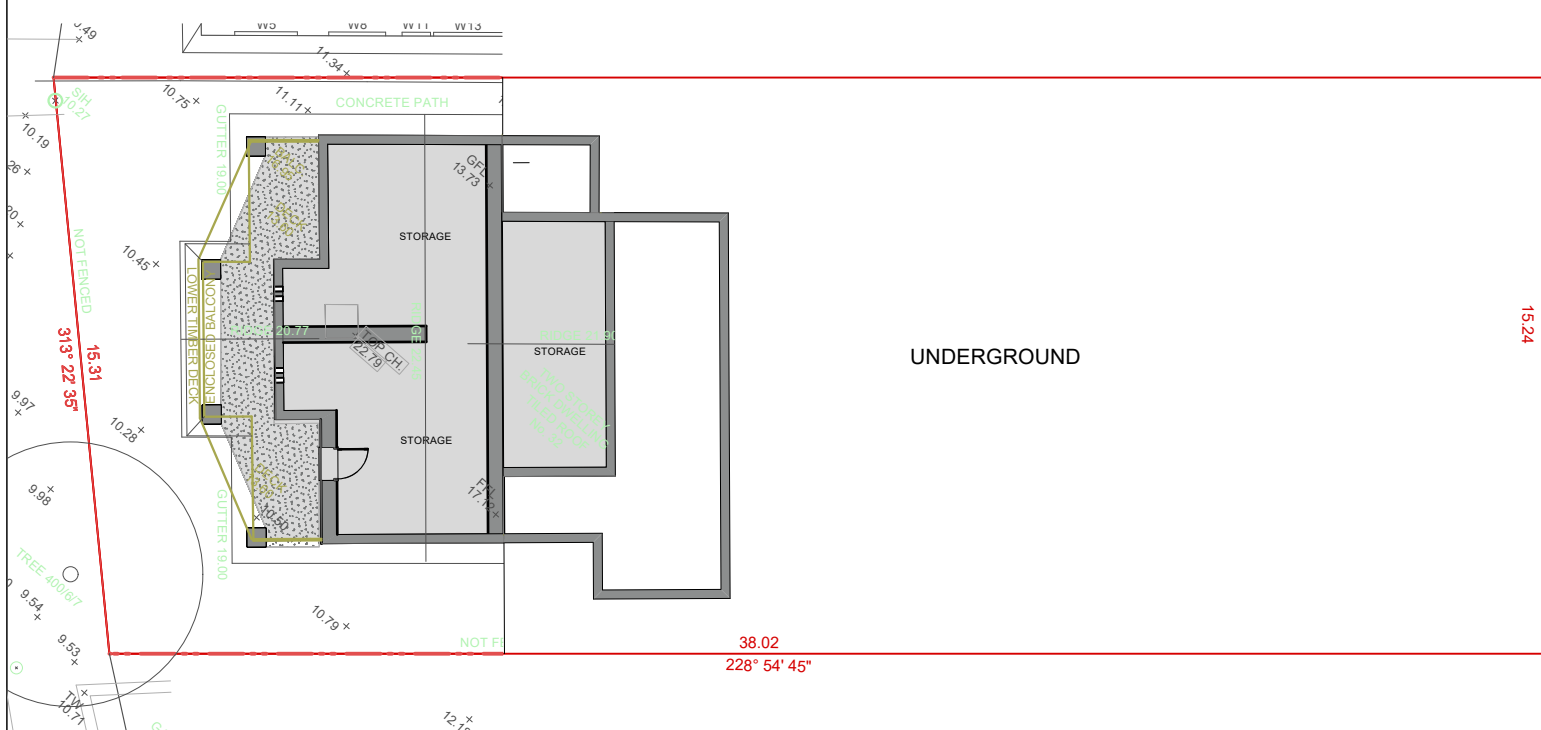
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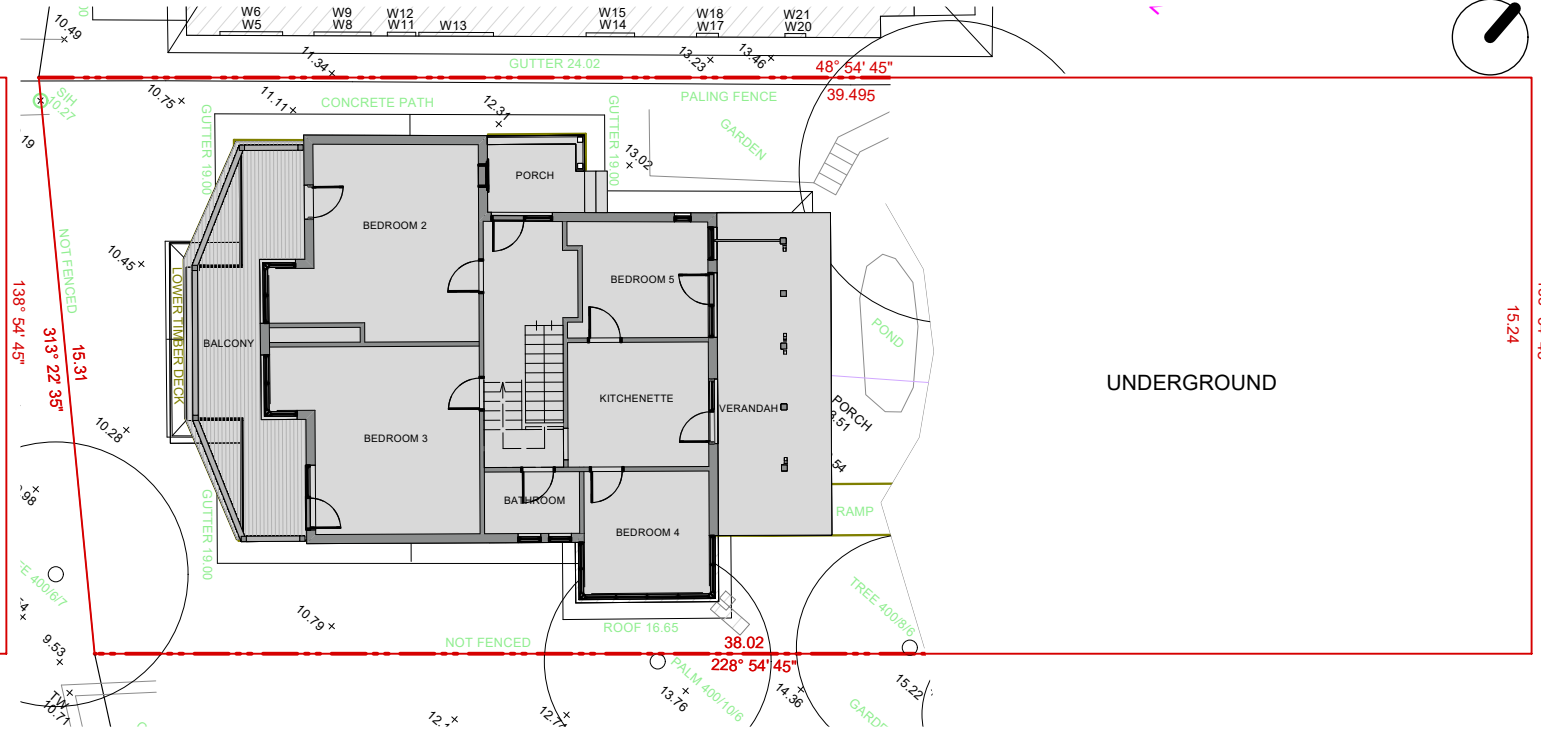
DRAWING
PROPOSED EARTHWORKS

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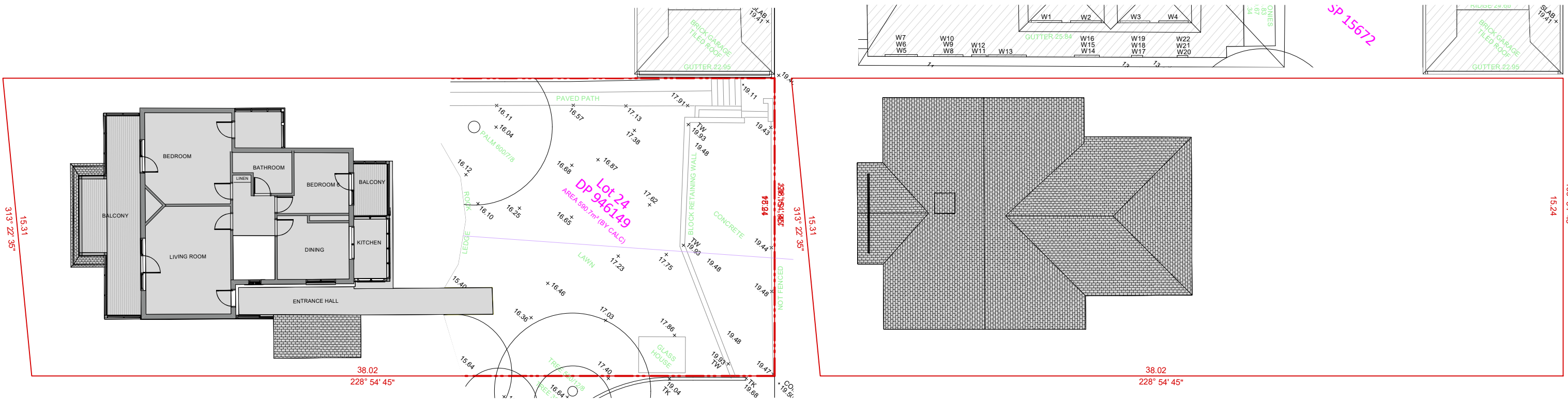
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23-0753	DA_A_023	I



01 EXISTING LOWER GROUND FLOOR PLAN scale 1:200



02 EXISTING GROUND FLOOR PLAN scale 1:200



03 EXISTING LEVEL 1 FLOOR PLAN scale 1:200

04 EXISTING ROOF PLAN scale 1:200

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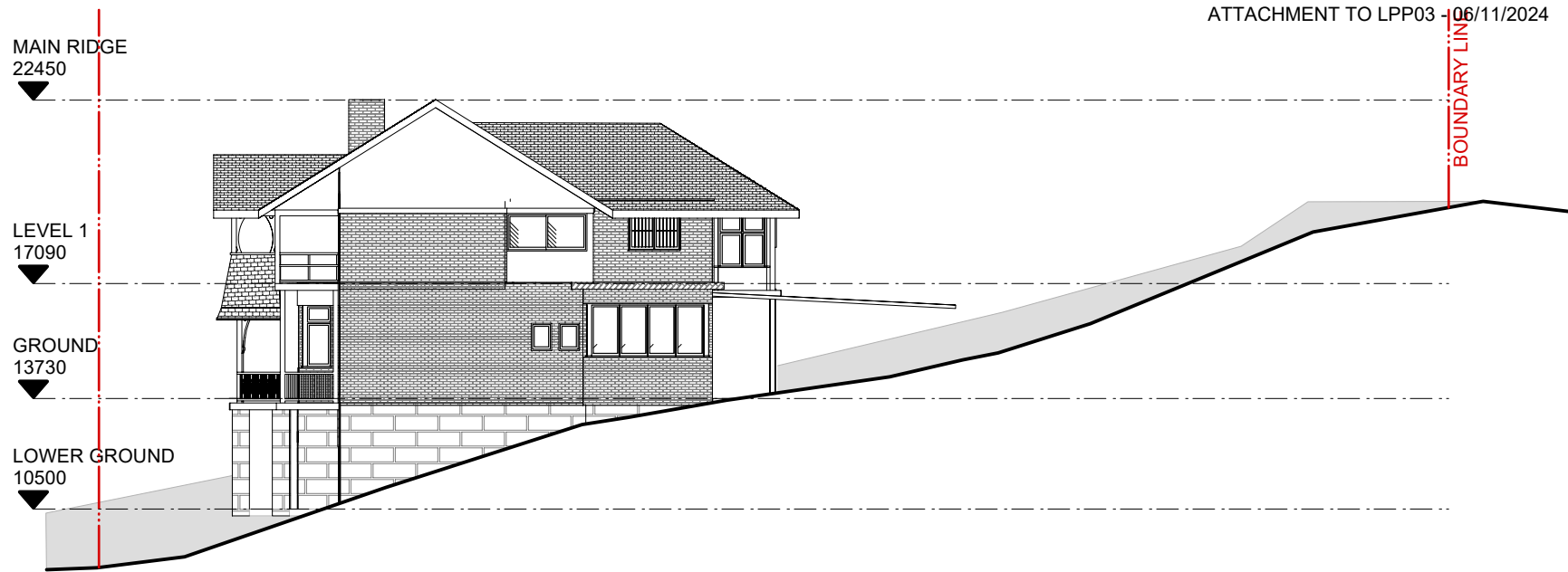
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A	5/05/2023	BASE SET	FP
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CLIENT
S & D Szerenga
PROJECT
ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point

DRAWING
EXISTING PLANS
Scale at A3 1:100
0m 500 1m 2.5m 4m
Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

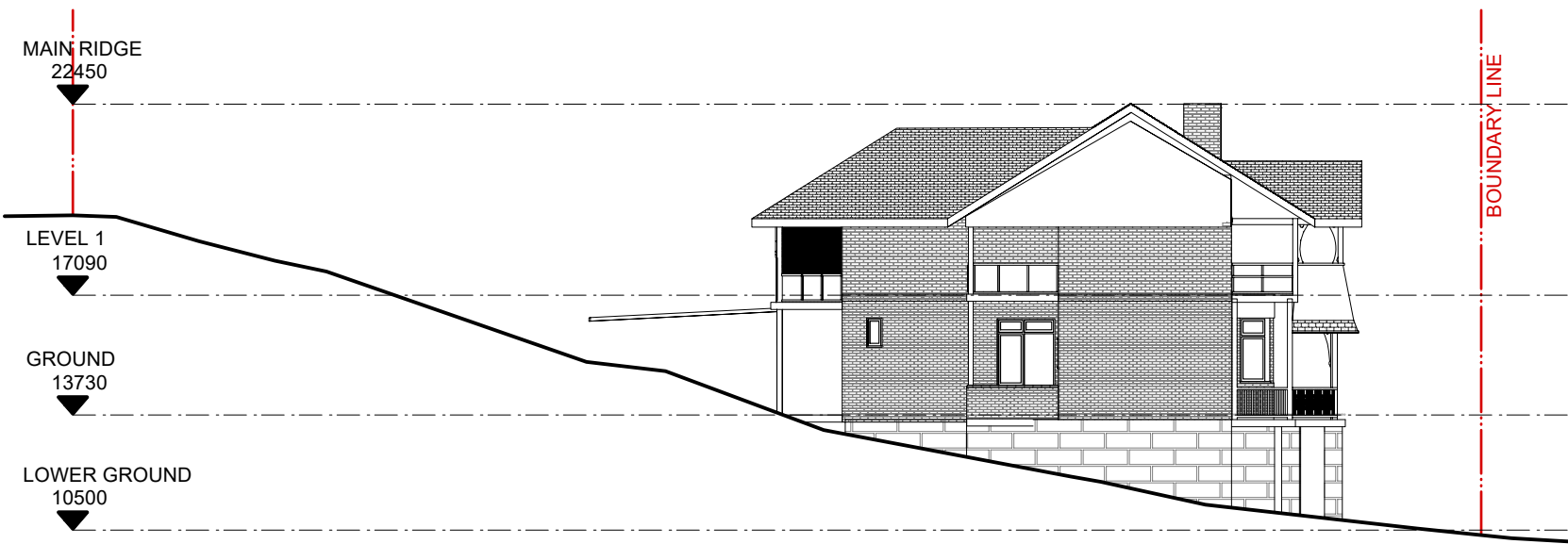
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PROJECT #: 23-0753 SHEET #: DA_A_050 REVISION #: I



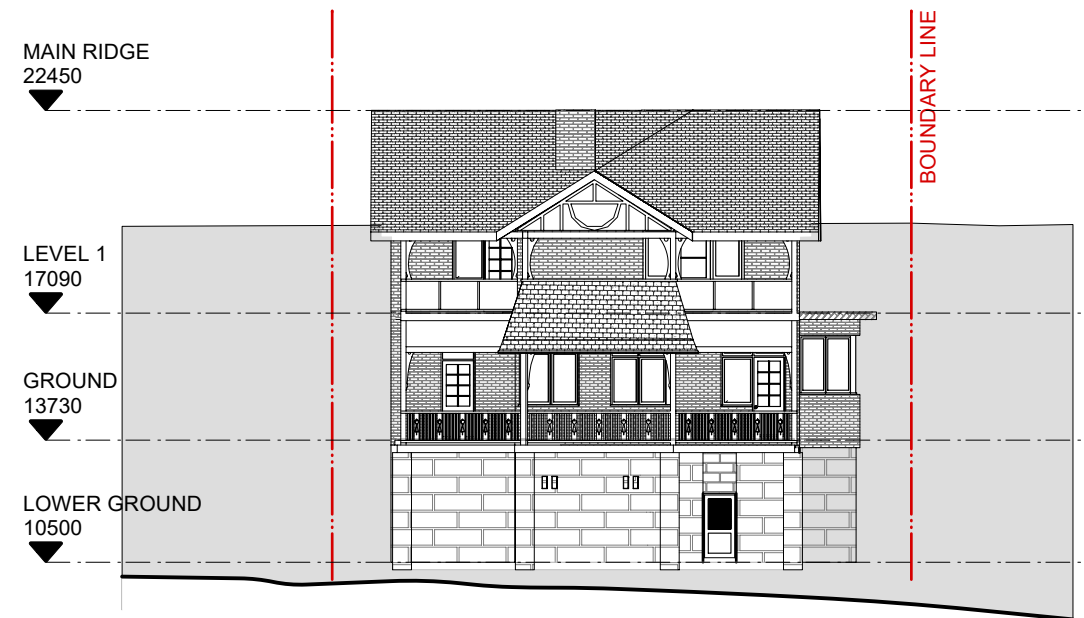
01 EXISTING EAST ELEVATION
scale 1:200



02 EXISTING LEVEL NORTH ELEVATION
scale 1:200



03 EXISTING WEST ELEVATION
scale 1:200



04 EXISTING SOUTH ELEVATION
scale 1:200

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ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point

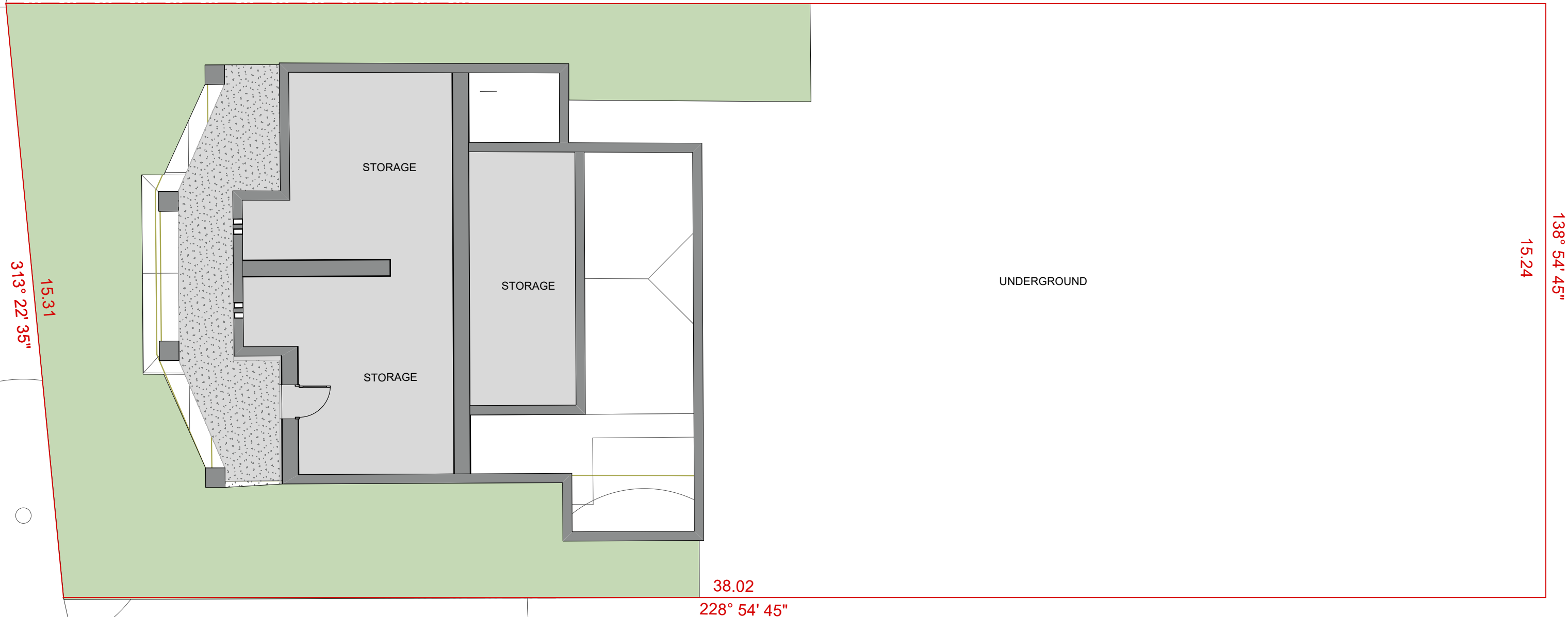
DRAWING
EXISTING ELEVATIONS

Scale at A3 1:200
0m 1 2 3 4 5
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W5 W8 W11 W13



01 PROPOSED LOWER GROUND FLOOR PLAN
scale 1:100

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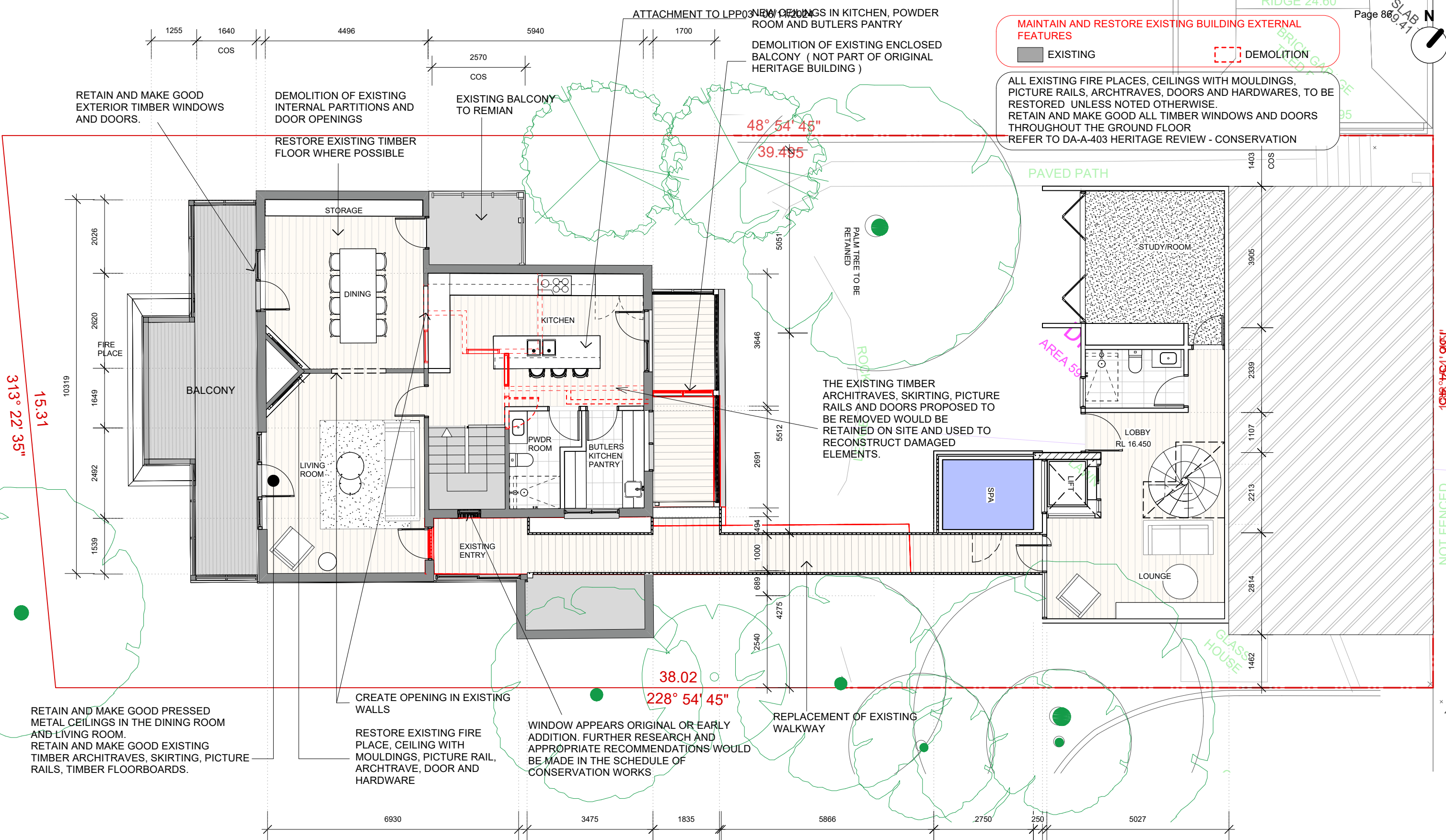
PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED PLANS - LOWER GROUND

Scale at A3 1:100

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01 PROPOSED LEVEL 1 PLAN
scale 1:100

NOTE: PROPOSED NEW STORMWATER PIPES TO RUN WITHIN THE CONSTRAINTS OF NEW THE CONSTRUCTION AND TO AVIOD ALL TREE ROOT ZONES

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED PLANS - LEVEL 1

Scale at A3 1:100

0m 500 1m 2.5

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DRAWN DATE CHKD
MH 20/04/2023 PH

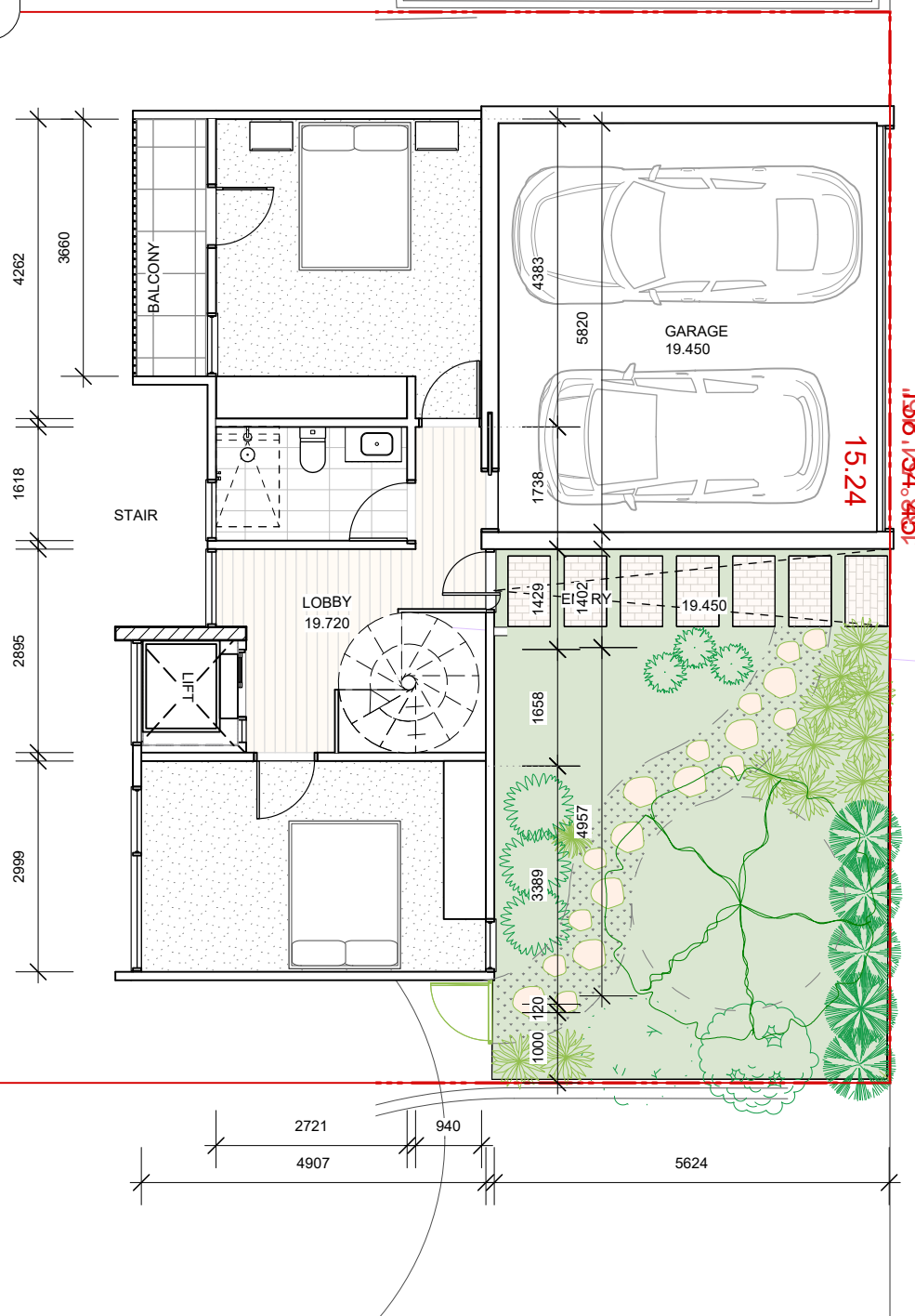
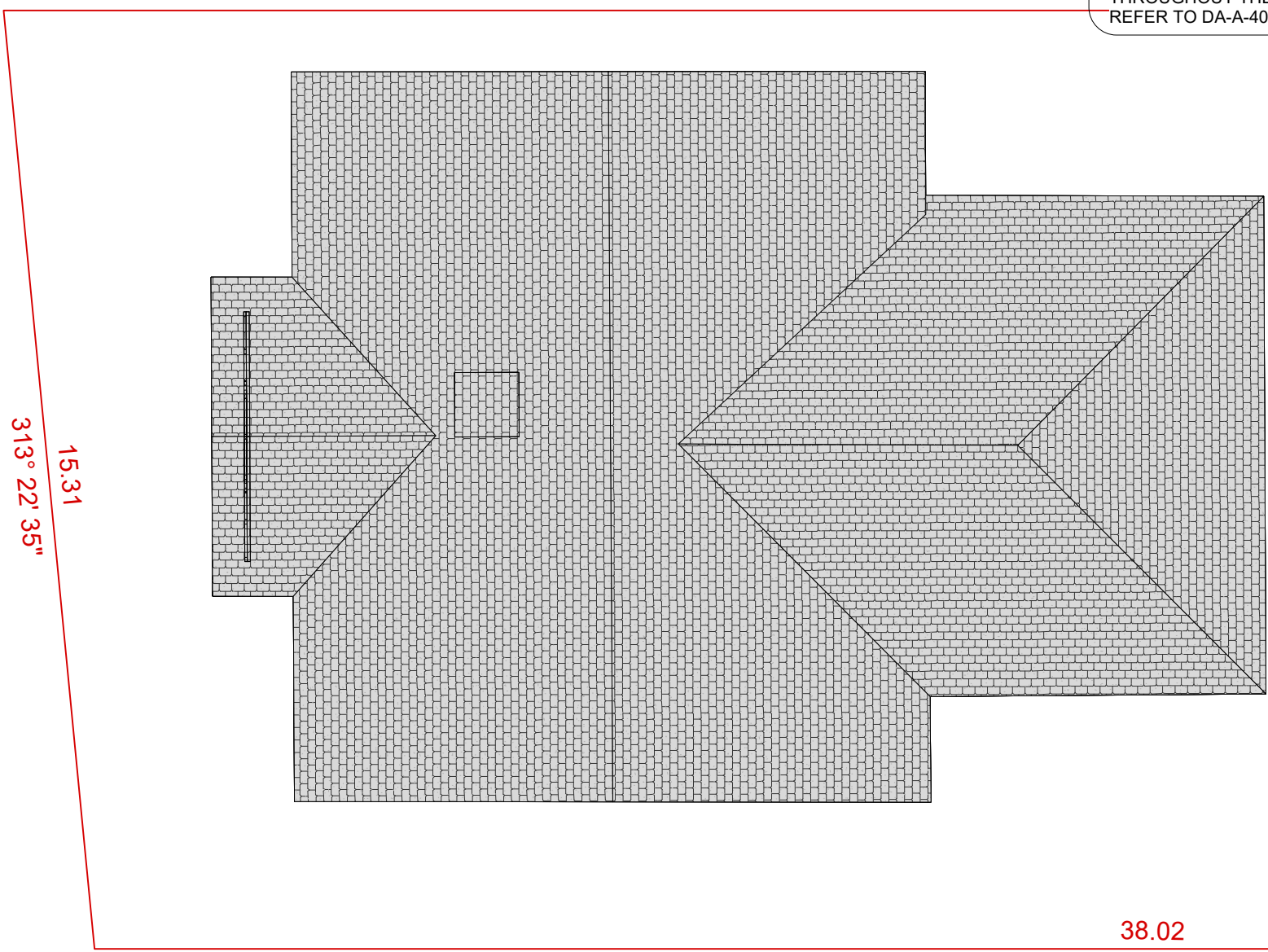
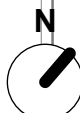
PROJECT # SHEET # REVISION #
23-0753 DA_A_102 I

MAINTAIN AND RESTORE EXISTING BUILDING EXTERNAL FEATURES

EXISTING

DEMOLITION

ALL EXISTING FIRE PLACES, CEILINGS WITH MOULDINGS, PICTURE RAILS, ARCHTRAVES, DOORS AND HARDWARES, TO BE RESTORED UNLESS NOTED OTHERWISE. RETAIN AND MAKE GOOD ALL TIMBER WINDOWS AND DOORS THROUGHOUT THE GROUND FLOOR. REFER TO DA-A-403 HERITAGE REVIEW - CONSERVATION



01 PROPOSED LEVEL 1 PLAN
scale 1:100

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

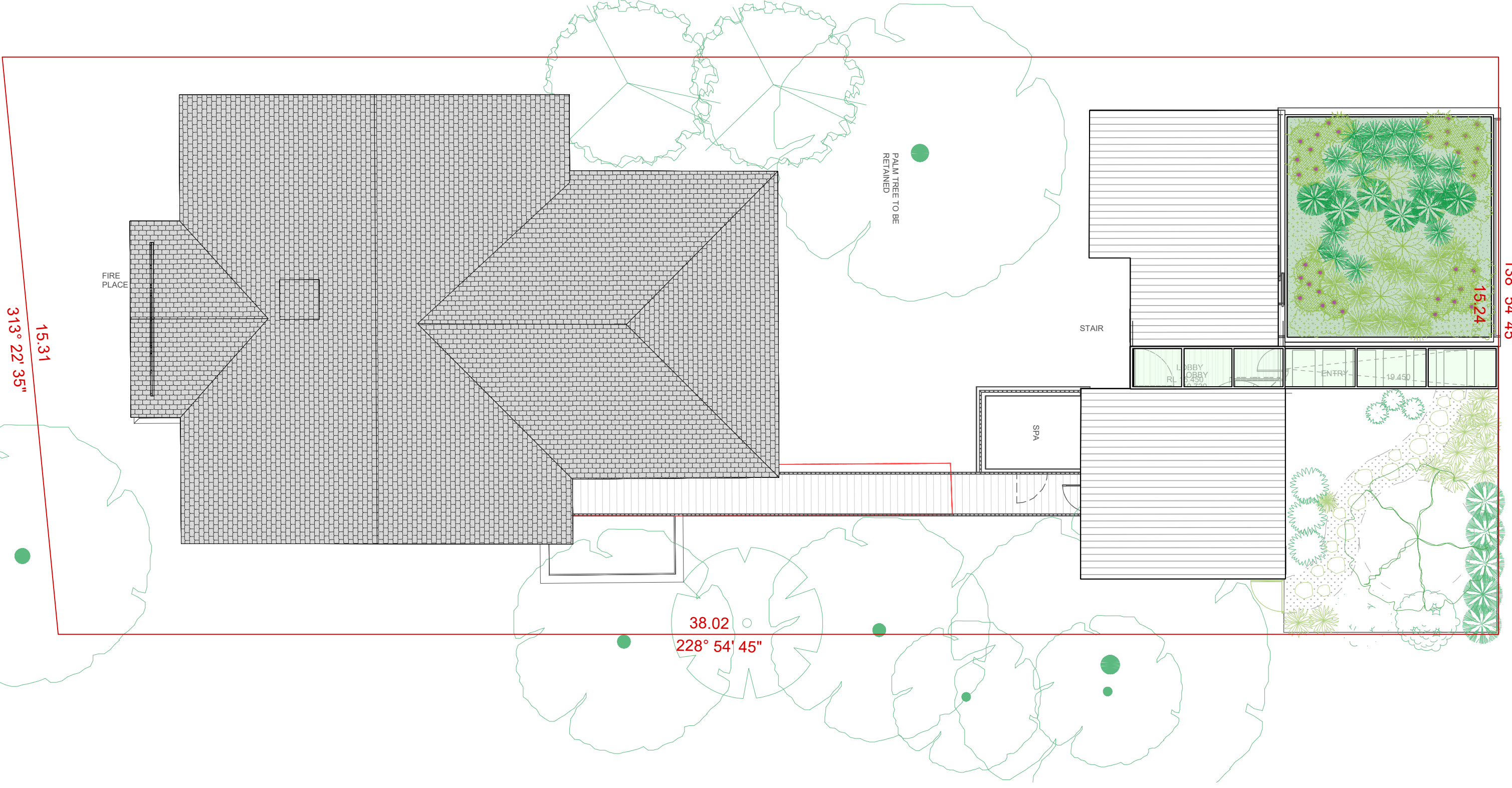
DRAWING
PROPOSED PLANS - LEVEL 2 GARAGE
Scale at A3 1:100
0m 500 1m 2m 4m
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DRAWN: MH DATE: 20/04/2023 CHKD: PH
PROJECT #: 23-0753 SHEET #: DA_A_103 REVISION #: I

NO ALTERATIONS OF EXISTING BUILDING OUTSIDE, OTHER THAN TO RESTORE THE ORIGINAL HERITAGE BUILDING

EXISTING

DEMOLITION



01 PROPOSED ROOF
scale 1:100

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

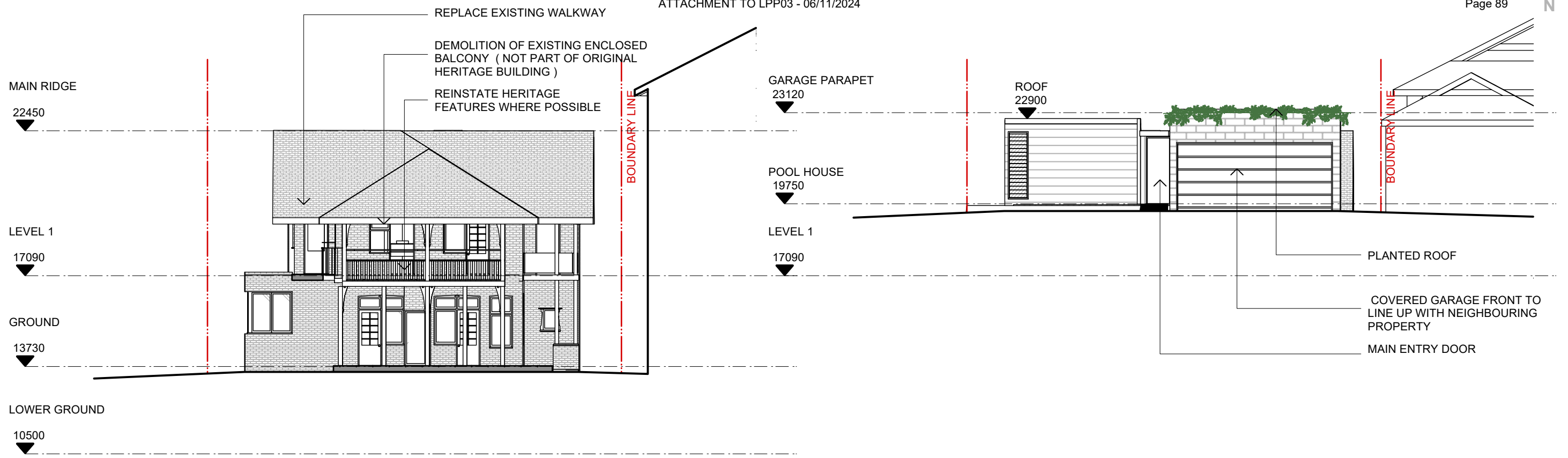
DRAWING
PROPOSED PLANS - ROOF

Scale at A3 1:100

0m 500 1m 2.5 4

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01 PROPOSED NORTH ELEVATION - HOUSE
scale 1:150

02 PROPOSED NORTH ELEVATION - POOLHOUSE
scale 1:150



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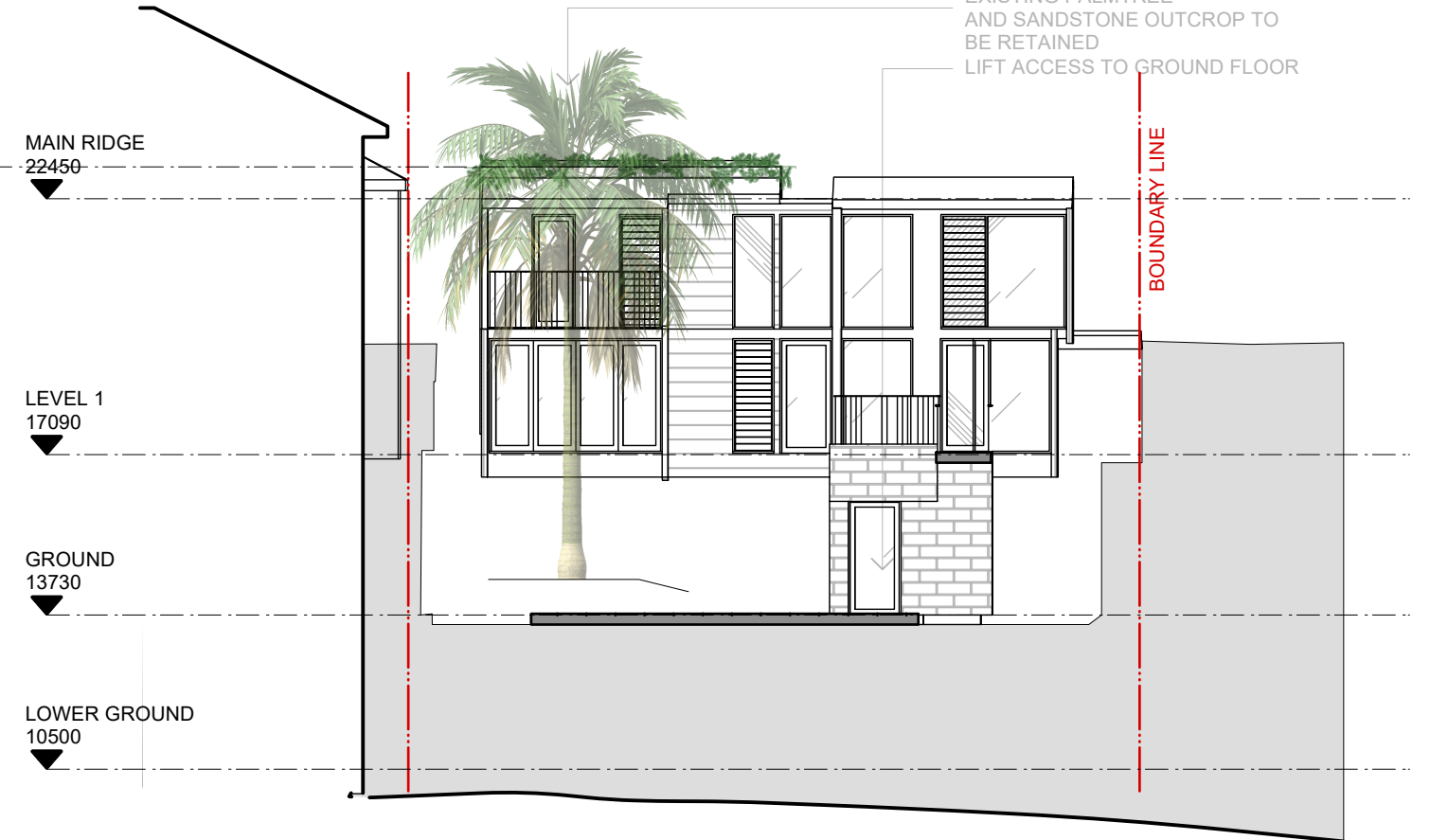
PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED NORTH ELEVATION

Scale at A3 1:100

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01 PROPOSED SOUTH ELEVATION - HOUSE
scale 1:150



02 PROPOSED SOUTH ELEVATION - POOLHOUSE
scale 1:150

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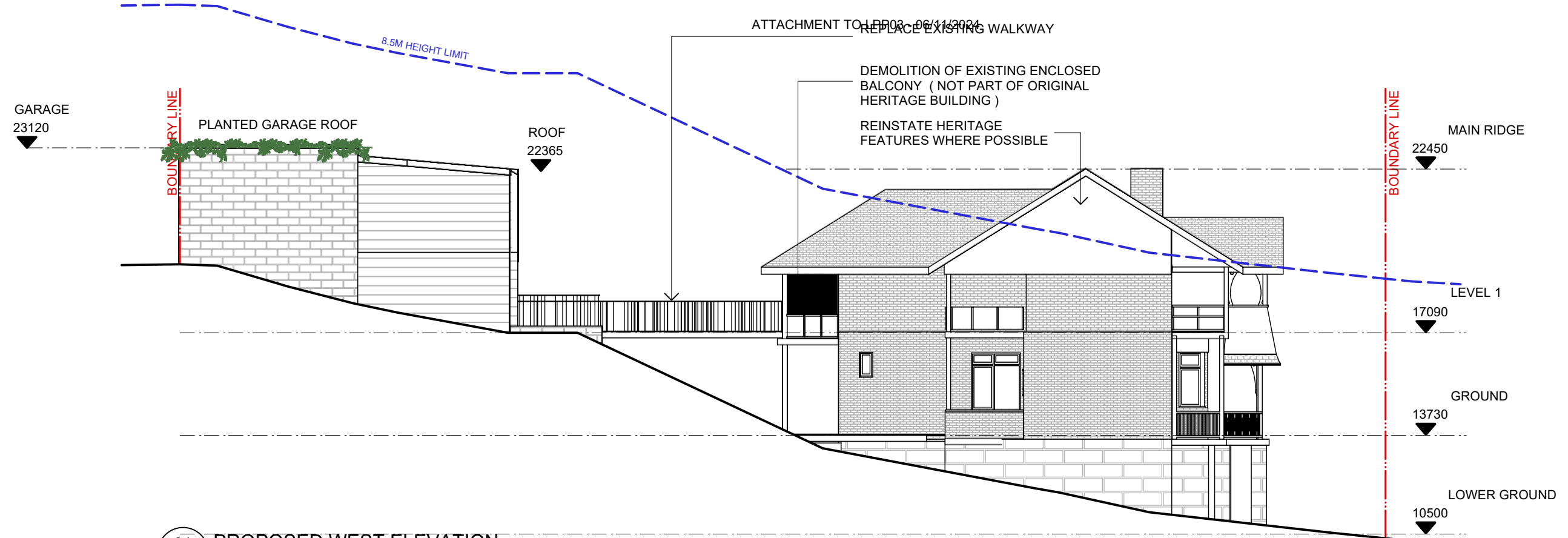
PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED SOUTH ELEVATION

Scale at A3 1:100

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01 PROPOSED WEST ELEVATION
scale 1:150



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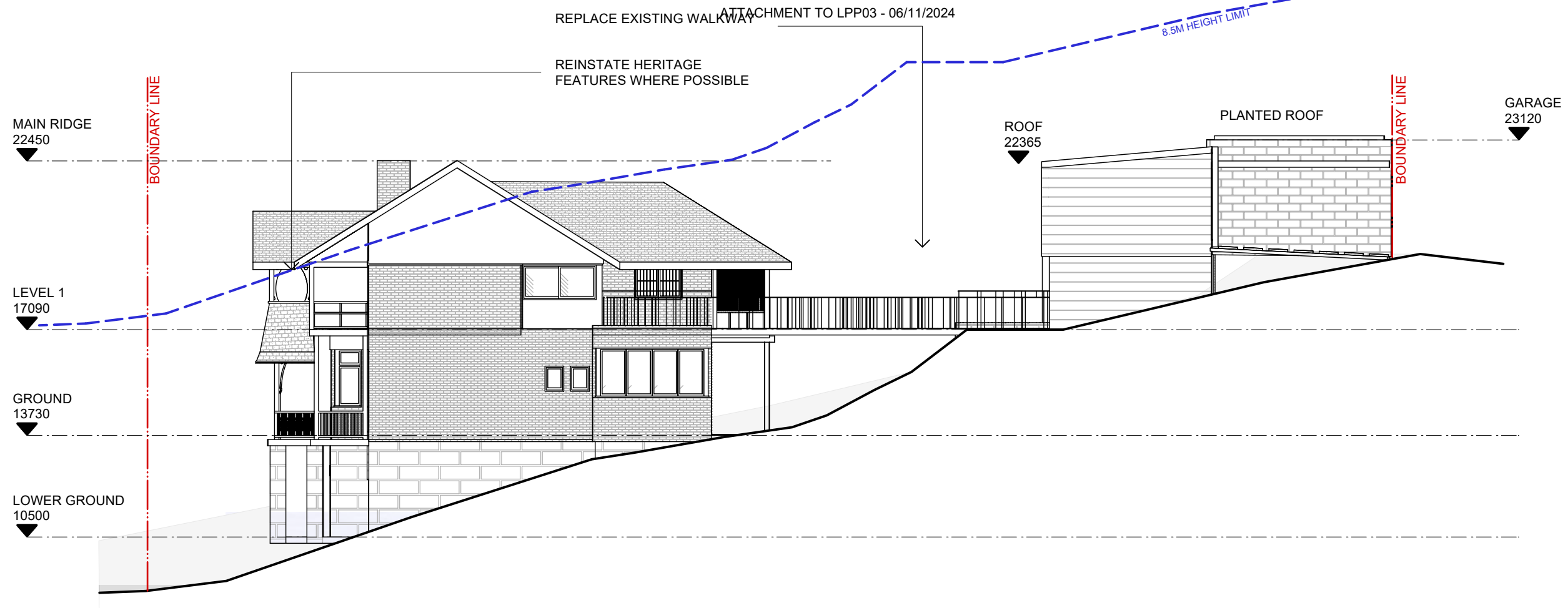
Quattro ARCHITECTURE
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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED WEST ELEVATION
Scale at A3 1:100
0m 500 1m 2.5m 4m
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I	29/08/2024	COUNCIL UPDATE	PJH

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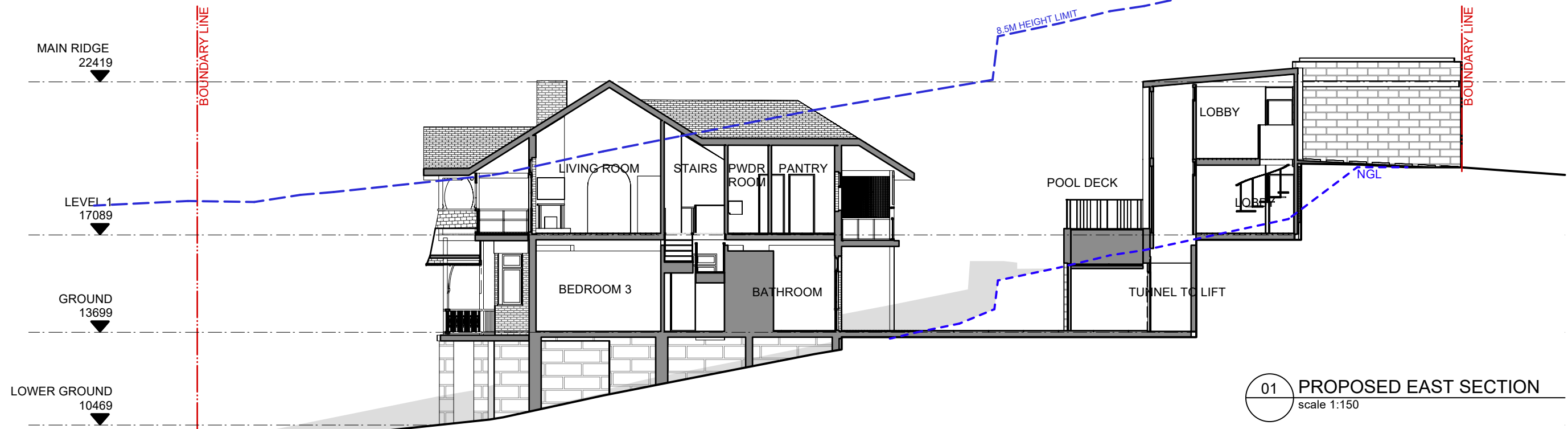
PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED EAST ELEVATION

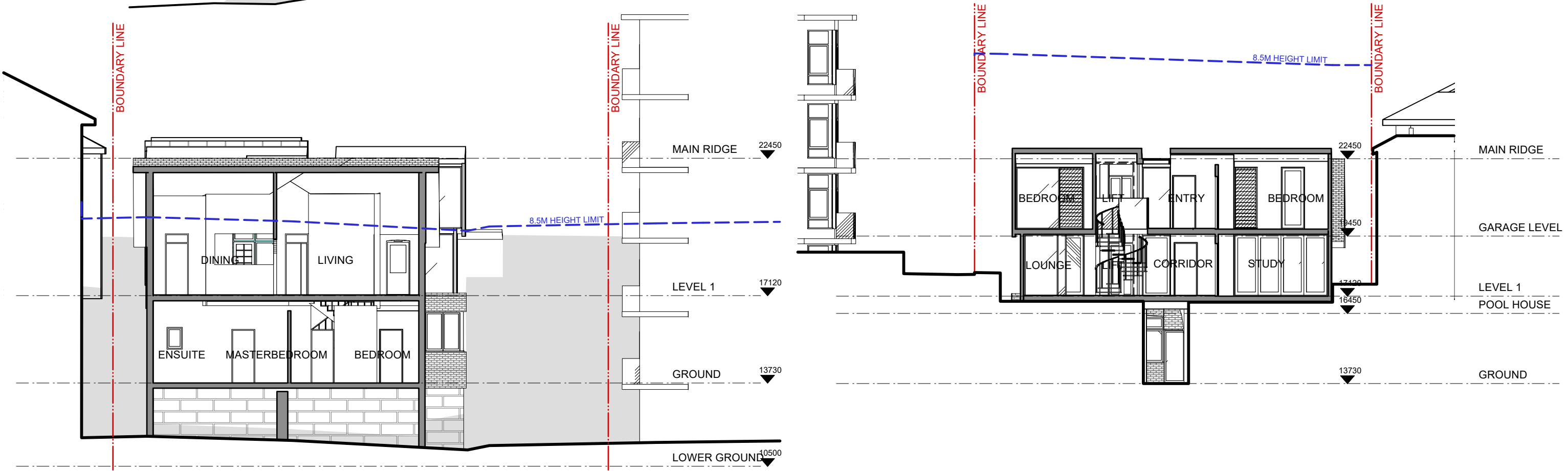
Scale at A3 1:100
0m 500 1m 2.5m 4m

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01 PROPOSED EAST SECTION
scale 1:150



02 PROPOSED SOUTH SECTION
scale 1:150

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED SECTIONS

Scale at A3 1:100

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Down Milson Road c.1920



Down Milson Road c.1920



Milson Road 2020



View from the reserve

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
BUILDING THROUGH THE YEARS

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED LEVELS

Scale at A3 1:100

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

DRAWN: **MH** DATE: **20/04/2023** CHKD: **PH**

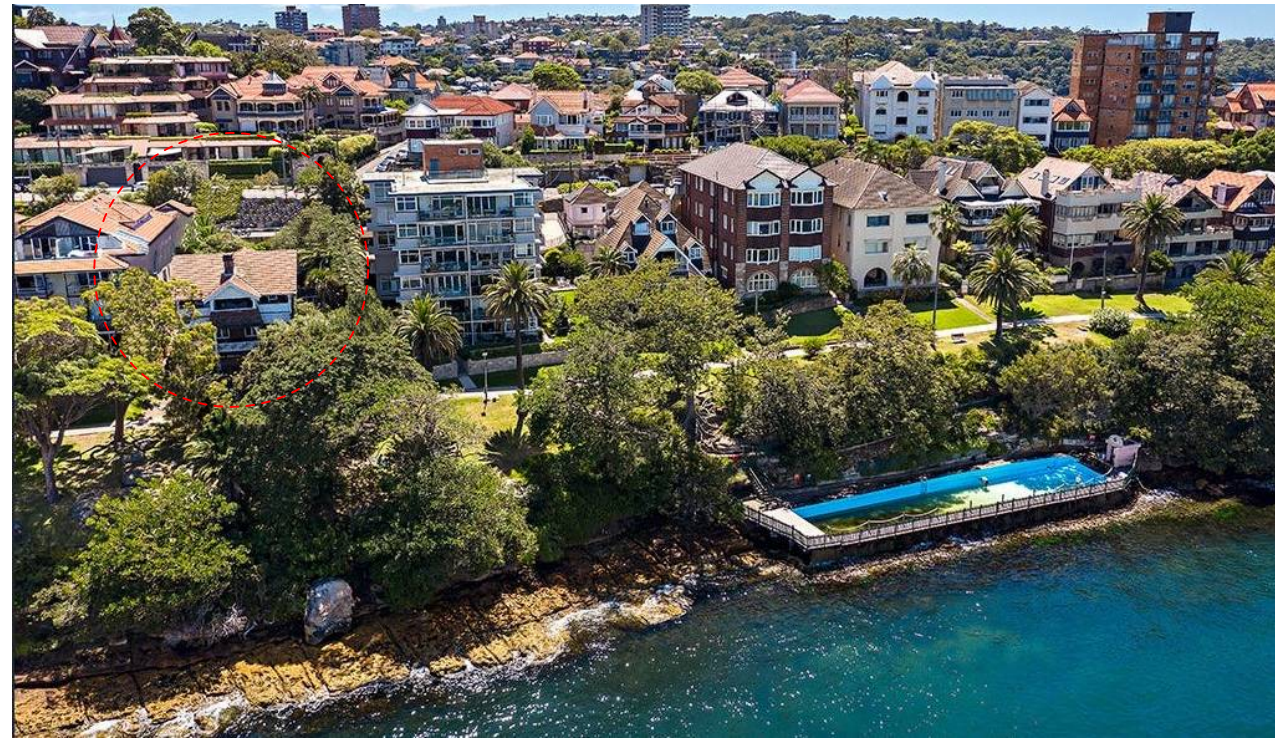
PROJECT #: **23-0753** SHEET #: **DA_A_401** REVISION #: **I**



01 EXISTING VIEW - FROM MILSON RD
scale 1:NA



02 PROPOSED VIEW - FROM MILSON RD
scale 1:NA



03 EXISTING VIEW - FROM HARBOUR
scale 1:NA



04 PROPOSED VIEW - FROM HARBOUR
scale 1:NA

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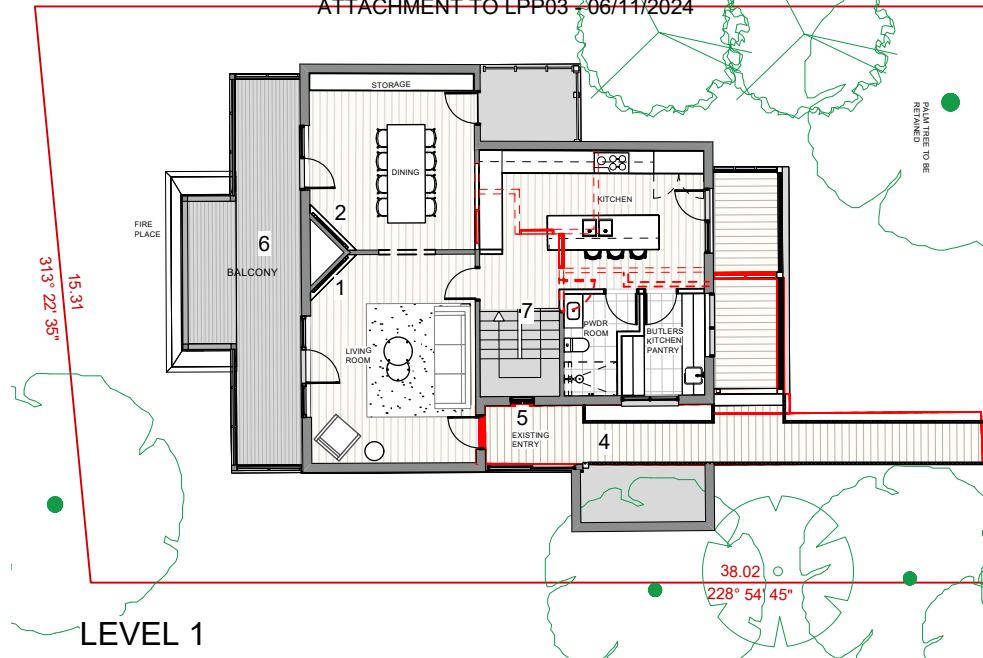
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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
VIEW CORRIDOR

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PROJECT #	SHEET #	REVISION #
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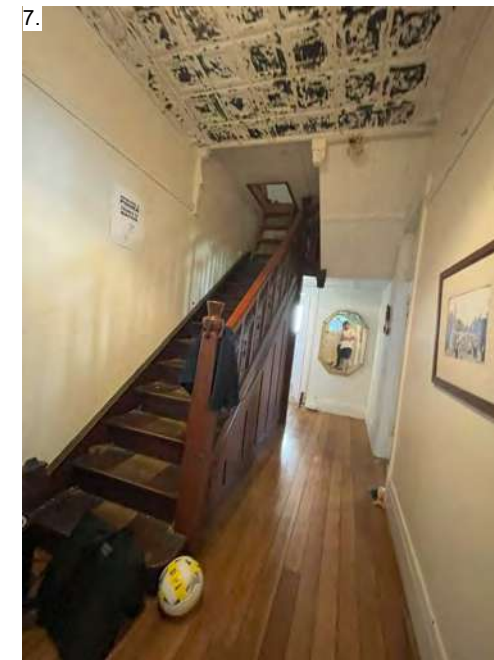
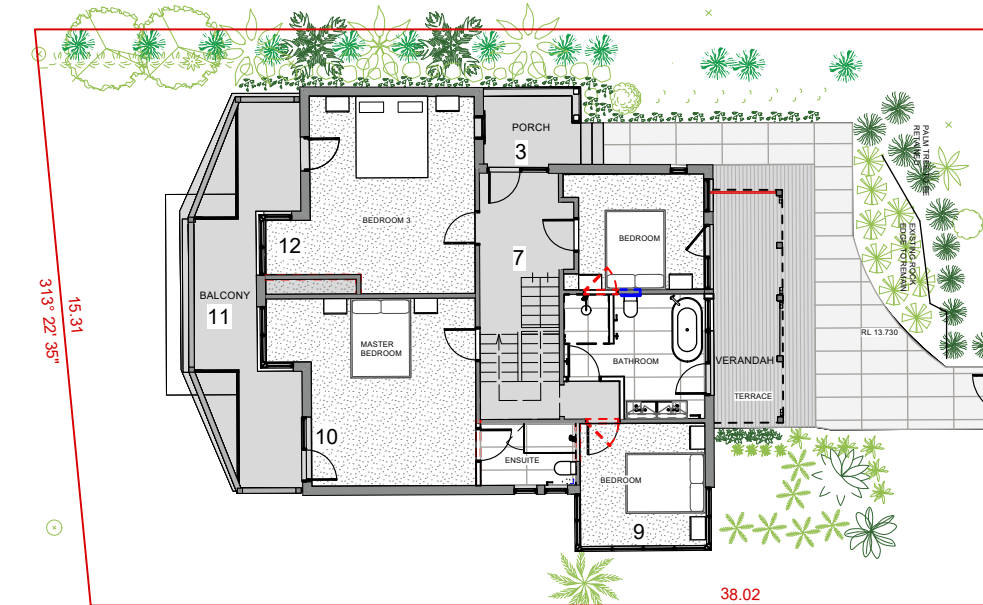
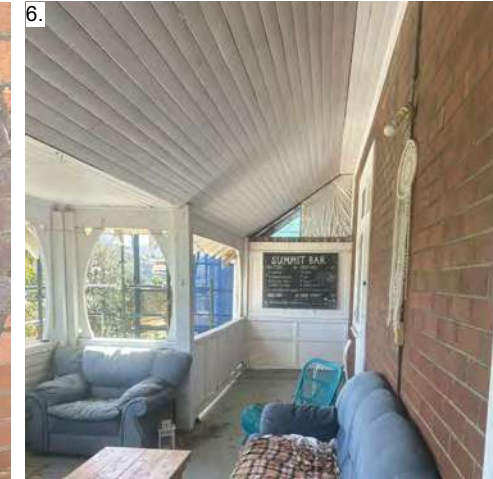


KEEP EXISTING INTERIOR FEATURES:

- 1. 2. 8. RESTORE EXISTING FIRE PLACE, CEILING WITH MOULDINGS, PICTURE RAIL, ARCHTRAVE, DOOR AND HARDWARE
- 3. REINSTATE EXISTING ENTRY DOOR
- 4. REPLACE EXISTING WALKWAY
- 5. KEEP EXISTING WINDOW OVER STAIRCASE
- 6. REINSTATE EXISTING BALCONY
- 7. REINSTATE EXISTING STAIRCASE , REMOVE LEVEL 1 FLOOR OVER
- 8. 9. 10. 12. RESTORE EXISTING CEILING WITH MOULDINGS, PICTURE RAIL, ARCHTRAVE, DOOR AND HARDWARE

RETAIN EXISTING TIMBER FLOOR

ALL EXISTING CEILINGS TO BE RESTORED, EXCEPT IN THE NEW LEVEL 1 KITCHEN , LAUNDRY AND POWER ROOM



GROUND FLOOR

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Rev. No.	Date	Revision	By
A	5/05/2023	BASE SET	FP
B	22/05/2023	WINDOOR SCHEDULE	FP
C	18/12/2023	PRELIMINARY	FP
D	9/01/2024	ISSUE TO CONSULTANTS	PJH
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F	11/03/2024	ISSUE FOR DA	PJH
H	15/08/2024	COUNCIL UPDATE	FP
I	29/08/2024	COUNCIL UPDATE	PJH

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PROJECT
ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point

DRAWING
HERITAGE REIWEV - CONSERVATION

DRAWN: MH DATE: 20/04/2023 CHKD: PH
PROJECT #: 23-0753 DA_A_403 SHEET #: DA_A_403 REVISION #: I

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.



OVERVIEW



VIEW FROM MILSON ROAD



POOL DECK VIEW

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I	29/08/2024	COUNCIL UPDATE	PJH

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED RENDERS - OVERVIEWS

DRAWN	DATE	CHKD
MH	20/04/2023	PH
PROJECT #	SHEET #	REVISION #
23-0753	DA_A_404	I

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VIEW FROM THE POOL TERRACE



VIEW OF THE NEW HOUSE



VIEW FROM EXISTING HOUSE TERRACE



VIEW FROM GROUND COURTYARD

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H	15/08/2024	COUNCIL UPDATE	FP
I	29/08/2024	COUNCIL UPDATE	PJH

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
PROPOSED RENDERS - EXTERIOR

DRAWN	DATE	CHKD
MH	20/04/2023	PH
PROJECT #	SHEET #	REVISION #
23-0753	DA_A_405	I

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.



EXISTING HERITAGE HOUSE
ELEVATION FROM CREMORNE RESERVE

EF.R.01

EF.CB.01

EF.CB.01

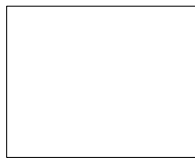
EF.SH.01

EF.CB.01

EF.SS.01



EF.R.01
EXISTING ROOF TILES



EF.CB.01
EXISTING OFF WHITE FASCIA,
BALLUSTRADES , WINDOWS



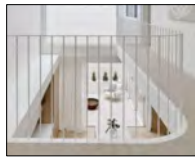
EF.SH.01
EXISTING FACADE TIMBER
SHINGLES



EF.BR.01
EXISTING RED BRICK TO WALLS



EF.SS.01
EXISTING SANDSTONE
FOUNDATIONS



G.01
METAL BALLUSTRADE
10x50mm TOP PLATE
10mm RODS
OFF WHITE



CL.01
JAMES HARDIE FIBRECEMENT
SHEET - SYCON - BIRCH TREE
TO MATCH EXISTING HOUSE
OFF-WHITE DETAILS



CB.02
CORRUGATED METAL ROOF

CB.02

CL.01

G.01

EF.CB.01

EF.SS.01

EF.SS.01



NEW PART - SOUTH ELEVATION



NEW GARAGE
ELEVATION FROM MILSON ROAD

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
EXTERIOR FINISHES

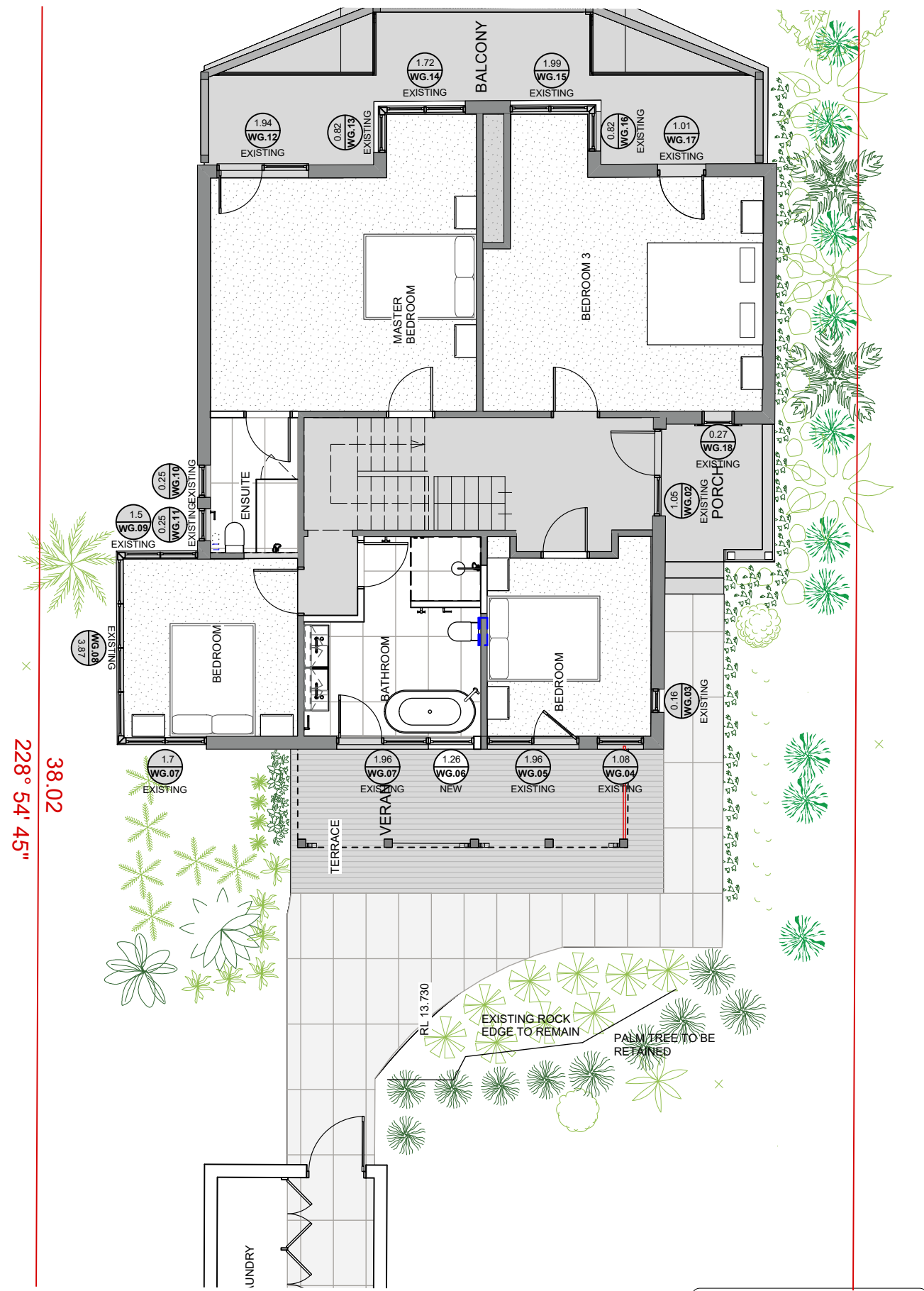
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0m 500 1m 2.5m 4m
Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

DRAWN DATE CHKD
MH 20/04/2023 PH
PROJECT # SHEET # REVISION #
23-0753 DA_A_600 I

GROUND LEVEL - Window Schedule

ATTACHMENT TO LPP03 - 06/11/2024

<p>IDs: WG.01</p>	<p>EXISTING WG.02 1.05 IDs: WG.02</p>	<p>EXISTING WG.03 0.16 IDs: WG.03</p>	<p>EXISTING WG.04 1.08 IDs: WG.04</p>	<p>EXISTING WG.05 1.96 IDs: WG.05</p>	<p>NEW WG.06 1.26 IDs: WG.06</p>
<p>EXISTING WG.07 1.7 IDs: WG.07</p>	<p>EXISTING WG.08 3.87 IDs: WG.08</p>	<p>EXISTING WG.09 1.5 IDs: WG.09</p>	<p>EXISTING WG.10 0.25 IDs: WG.10</p>	<p>EXISTING WG.11 0.25 IDs: WG.11</p>	<p>EXISTING WG.12 1.94 IDs: WG.12</p>
<p>EXISTING WG.13 0.82 IDs: WG.13</p>	<p>EXISTING WG.14 1.72 IDs: WG.14</p>	<p>EXISTING WG.15 1.99 IDs: WG.15</p>	<p>EXISTING WG.16 0.82 IDs: WG.16</p>	<p>IDs: WG.17</p>	<p>EXISTING WG.18 0.27 IDs: WG.18</p>



01 PROPOSED GROUND FLOOR PLAN
scale 1:100

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PROJECT
ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point

DRAWING
WINDOW SCHEDULE - GROUND FLOOR

Scale at A3 1:100

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

DRAWN
MH

DATE
20/04/2023

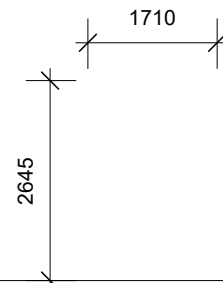
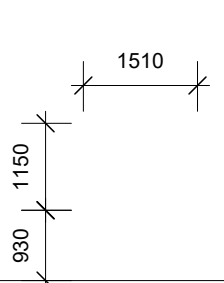
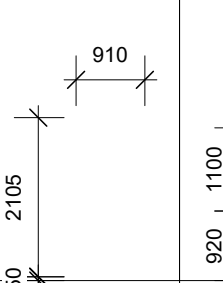
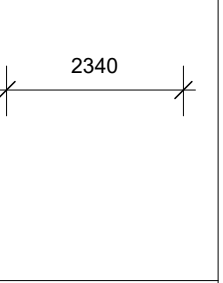
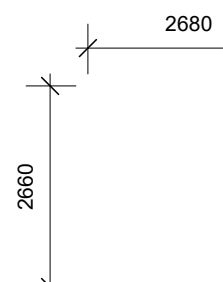
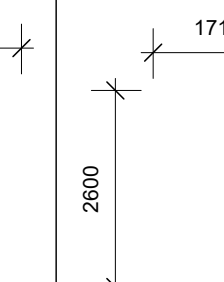
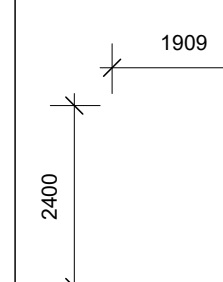
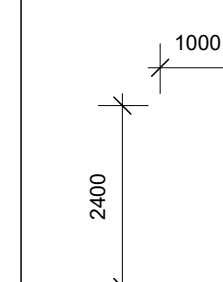
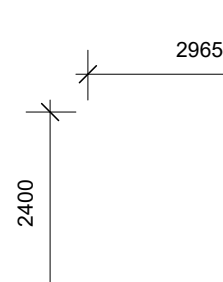
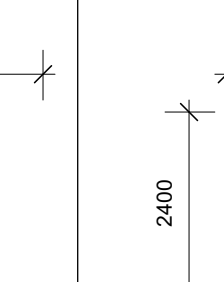
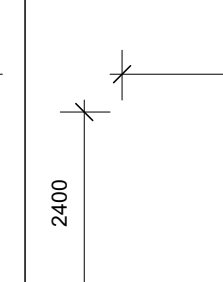
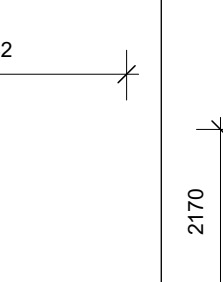
PROJECT #
23-0753

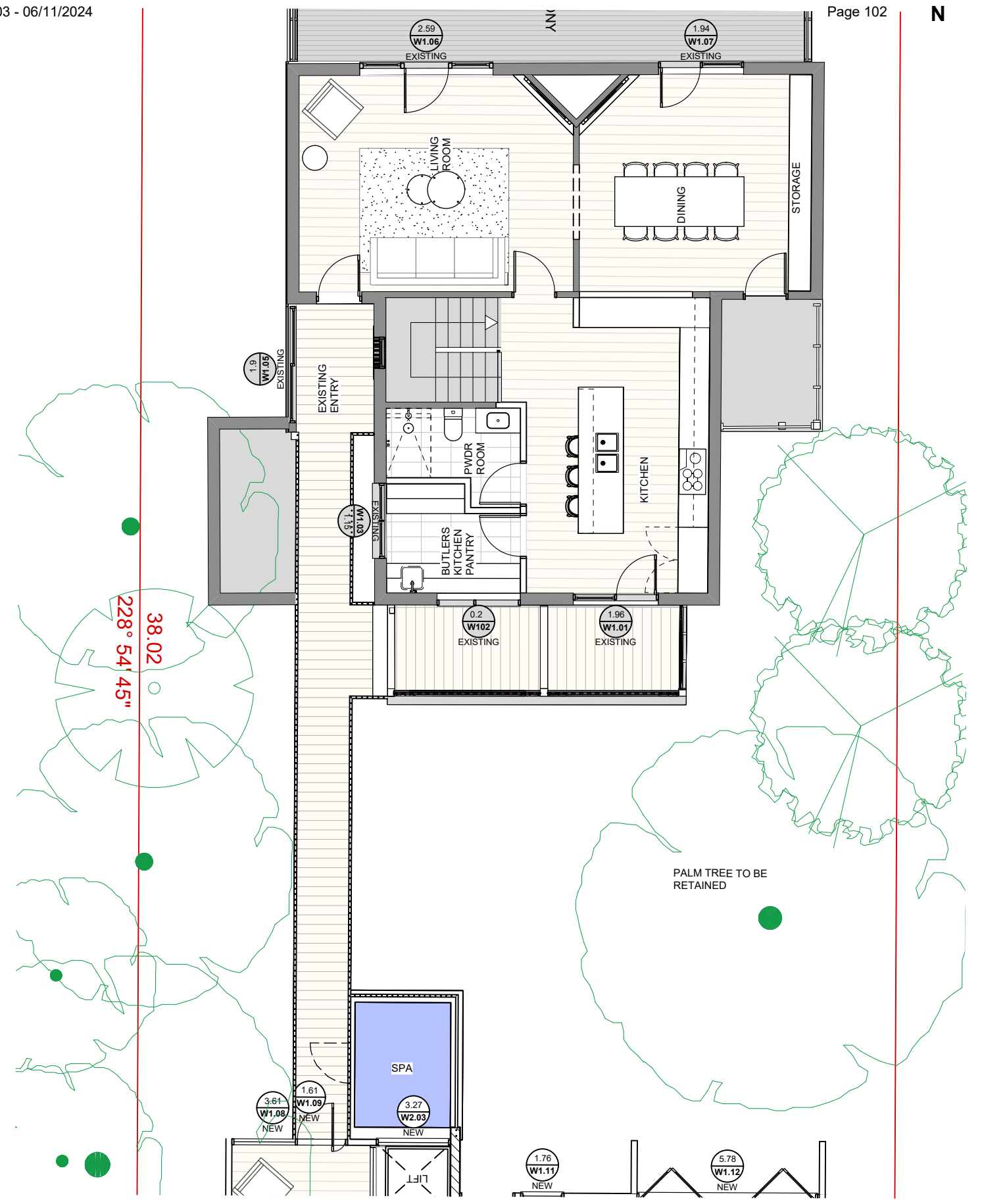
SHEET #
DA_A_900

CHKD
PH

REVISION #
F

LEVEL 1 - Window Schedule

 <p>EXISTING W1.01 1.96 IDs: W1.01</p>	 <p>EXISTING W1.03 1.15 IDs: W1.03</p>	 <p>IDs: W1.04</p>	 <p>1.9 W1.05 EXISTING IDs: W1.05</p>
 <p>IDs: W1.06</p>	 <p>EXISTING W1.07 1.94 IDs: W1.07</p>	 <p>IDs: W1.08</p>	 <p>IDs: W1.09</p>
 <p>IDs: W1.10</p>	 <p>IDs: W1.11</p>	 <p>IDs: W1.12</p>	 <p>EXISTING W102 0.2 IDs: W102</p>



01 PROPOSED LEVEL 1 FLOOR PLAN
scale 1:100

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 Tim Zuber Registered Architect - 2384

Rev. No.	Date	Revision	By
A	5/05/2023	BASE SET	FP
B	22/05/2023	WINDOW SCHEDULE	FP
C	18/12/2023	PRELIMINARY	FP
D	9/01/2024	ISSUE TO CONSULTANTS	PJH
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CLIENT
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 PROJECT
**ALTERATIONS AND ADDITIONS
 32 Milson Rd, Cremorne Point**

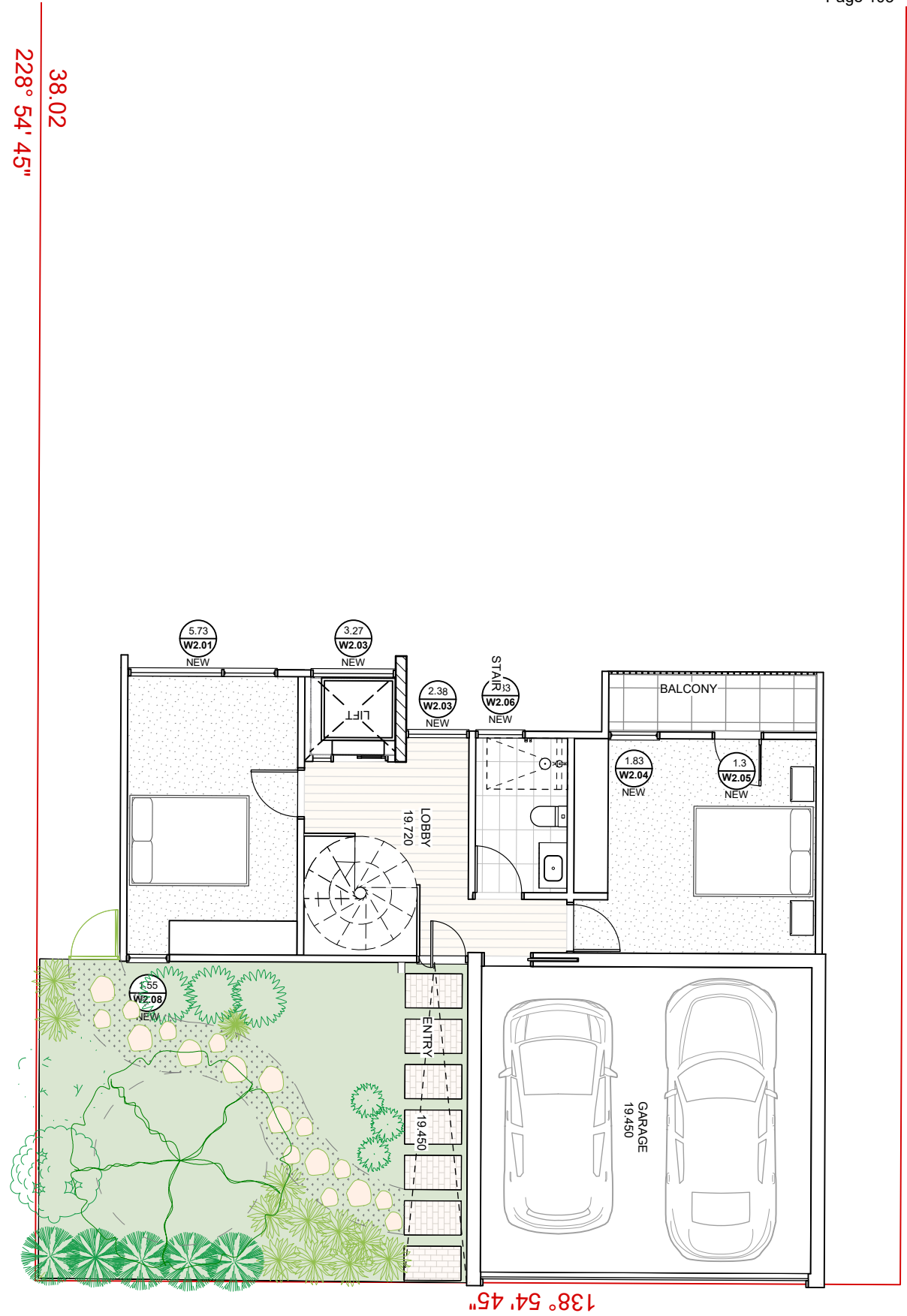
DRAWING
WINDOW SCHEDULE - LEVEL 1
 Scale at A3 1:100
 0m 500 1m 2.5 4
 Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

DRAWN DATE CHKD
 MH 20/04/2023 PH
 PROJECT # SHEET # REVISION #
23-0753 DA_A_901 F

LEVEL 2 - Window Schedule

<p>2065 2400</p> <p>IDs: W2.01</p>	<p>900 2400</p> <p>IDs: W2.02</p>	<p>2965 2550</p> <p>IDs: W2.03</p>	<p>900 2400</p> <p>IDs: W2.04</p>
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<p>900 2400</p> <p>IDs: W2.05</p>	<p>2762 2080</p> <p>IDs: W2.06</p>
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01 PROPOSED LEVEL 2 FLOOR PLAN
scale 1:100

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F	11/03/2024	ISSUE FOR DA	PJH

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PROJECT
**ALTERATIONS AND ADDITIONS
32 Milson Rd, Cremorne Point**

DRAWING
WINDOW SCHEDULE - LEVEL 2

Scale at A3 1:100

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

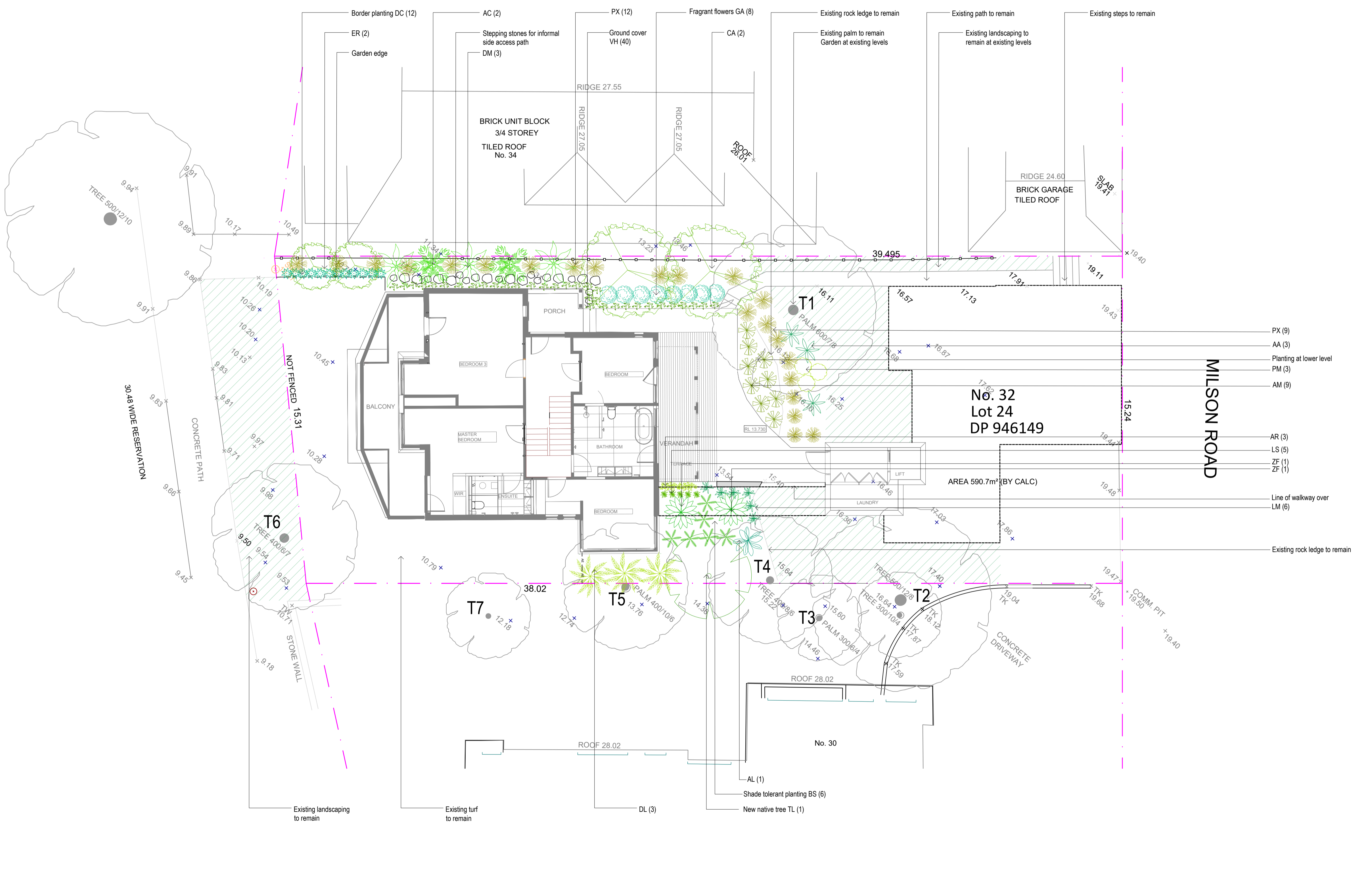
DRAWN	DATE	CHKD
MH	20/04/2023	PH
PROJECT #	SHEET #	REVISION #
23-0753	DA_A_902	F

LEGEND

- BOUNDARY
- EXISTING LEVELS
- EXISTING LANDSCAPING TO REMAIN
- ALUMINIUM EDGE
- PROPOSED PAVING
- STEPPERS IN GROUND COVERS
- EXISTING TURF
- PROPOSED LEVELS
- TREE TO BE RETAINED

KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
TREES / PALMS					
AC	ARCHONTOPHOENIX CUNNINGHAMIANA	BANGALOW PALM	2	8m	45Ltr
CA	CERATOPETALUM APETALUM	COACHWOOD	2	8m	75Ltr
DL	DYSPIS LUTESCENS	GOLDEN CANE PALM	3	5m	250mm
ER	ELAEOCARPUS RETICULATUS	BLUE BERRY ASH	2	5m	45Ltr
TL	TRISTANIOPSIS LAURINA 'LUSCIOUS'	LUSCIOUS WATER GUM	1	8m	75Ltr
SHRUBS					
AA	ASPLENIUM AUSTRALASICUM	BIRDS NEST FERN	3	1m	200mm
AL	ALPINA MUTICA	FALSE CARDAMOM GINGER	1	2.5m	200mm
DM	DRACAENA MARGINATA	DRACAENA TREE	3	6m	300mm
GA	GARDENIA AUGUSTA 'FLORIDA'	GARDENIA	8	1m	200mm
PM	PLECTRANTHUS 'MONA LAVENDER'	MONA LAVENDER	3	0.6m	200mm
SA	SYZGIUM AUSTRALE 'STRAIGHT AND NARROW'	NARROW LILLY PILLY	2	5m	300mm
ZF	ZAMIA FURFURACEA	CARDBOARD PALM	2	1.2m	250mm
GRASSES / GROUND COVERS					
AM	ARTHROPODIUM 'MATAPOURI BAY'	RENGA RENGAL LILY	9	0.9m	200mm
AR	AJUGA REPTANS 'JUNGLE BEAUTY'	CARPET BUGLE	3	0.2m	140mm
BG	BLECHNUM GIBBUM 'SILVER LADY'	SILVER LADY FERN	6	1m	200mm
DC	DIANELLA CAERULEA	BLUE FLAX LILY	12	0.6m	200mm
LM	LIRIOPE MUSCARI 'ROYAL PURPLE'	ROYAL PURPLE LILY TURF	6	0.4m	140mm
LS	LIRIOPE SPICATA 'SILVER DRAGON'	SILVER LILY TURF	5	0.4m	140mm
PX	PHILODENDRON SELLOUM 'XANADU'	PHILODENDRON	21	1m	200mm
VH	VIOLA HEDERACEA	NATIVE VIOLET	40	0.1m	140mm

PLANTING PALETTE



NOTES:
 - Confirm to check and verify all dimensions and all levels on site prior to any works.
 - Any alterations should be made to the drawings after the final site inspection.
 - All work to comply with the City of Sydney Local Government Area's Planning and Building Regulations.
 - Dimensions are given in meters. All measurements are in millimeters.

Rev.	Date	Issue	Checked
A	12/03/24	Preliminary Issue	TB
B	15/03/24	DA Issue	TB
C	12/08/24	DA Issue	TB
D	27/08/24	DA Issue	TB

SPACE
LANDSCAPE DESIGNS

Space Landscape Designs Pty Ltd
 ABN 80 799 663 674 ACN 139 316 251
 info@spacelandscape.com.au
 spacelandscape.com.au
 P 02 9905 7870 F 02 9905 7657
 Suite 138, 117 Old Pittwater Rd,
 Brookvale NSW 2100

PROJECT:
 Alterations and Additions
 SITE ADDRESS:
 32 Milson Road,
 Cremorne Point NSW 2090

CLIENT: D. & S. Gunasekera
 DRN: A.Elboz (LD1 625)
 SCALE: 1:100@A1
 PROJECT NO: 242160

DRAWING TITLE: **LANDSCAPE PLAN**
 Ground Level
 DRAWING NO: L-01
 Rev. **D**

LEGEND

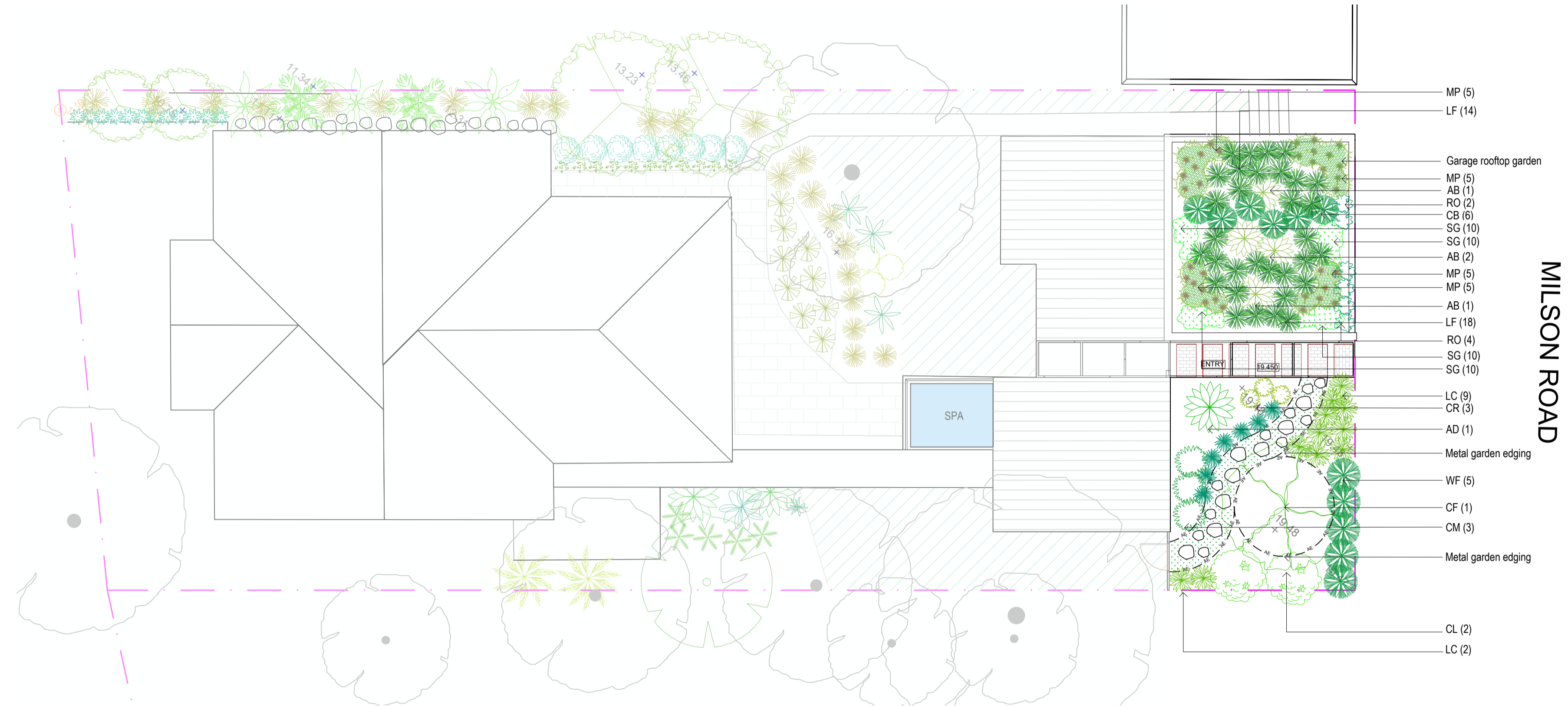
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	EXISTING LEVELS
	EXISTING LANDSCAPING TO REMAIN
	ALUMINIUM EDGE
	PROPOSED PAVING
	STEEPERS IN GROUND COVERS
	EXISTING TURF
	PROPOSED LEVELS
	TREE TO BE RETAINED

PROPOSED PLANT SCHEDULE - ROOFTOP GARDEN

KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
AB	AGAVE 'BLUE GLOW'	BLUE GLOW	4	0.5m	140mm
CB	CRASSULA 'BLUEBIRD'	BLUEBIRD CRASSULA	6	0.5m	140mm
DR	DICHONDRA REPENS	KIDNEY WEED	112	0.1m	80mm
LF	LOMANDRA FLUVIATILIS 'SHARA'	SHARA	32	0.5m	140mm
MP	MYOPORUM PARVIFOLIUM 'YAREENA'	YAREENA	20	0.1m	140mm
RO	ROSEMARY OFFICINALIS 'PROSTRATUS'	PROSTRATE ROSEMARY	20	0.1m	140mm
SG	SEDUM 'GOLD MOUND'	SEDUM	40	0.1m	80mm

PROPOSED PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
TREES					
CF	CORYMBIA FICIFOLIA 'SUMMER RED'	SUMMER RED	1	5m	45Lr
SHRUBS / SUCCULENTS					
AD	AGAVE DESMETTIANA 'EL MIRADORE GOLD'	SMOOTH CENTURY PLANT	1	1.2m	300mm
CL	CALLISTEMON LINEARIS	NARROW-LEAVED BOTTLEBRUSH	2	2m	200mm
CM	CARISSA MACROCARPA 'DESERT STAR'	DESERT STAR	3	1.5m	200mm
CR	CRASSULA UNDULATIFOLIA 'MAX COOK'	MAX COOK CRASSULA	3	0.5m	200mm
WF	WESTRINGIA FRUTICOSA 'AUSSIE BOX'	AUSSIE BOX WESTRINGIA	5	0.8m	200mm
GRASSES / GROUND COVERS					
DR	DICHONDRA REPENS	KIDNEY WEED	30	0.1m	140mm
LC	LOMANDRA CONFERTIFOLIA 'LIME TUFF'	LIME TUFF	11	0.5m	140mm



GREEN ROOF MAINTENANCE STRATEGY

For the successful establishment of green roofs it is essential that adequate maintenance on a regular basis be provided. As a general rule, all types of green roofs require a higher level of maintenance in their first 2 years until colonization has occurred and the vegetation has stabilized. The planters are to be consistently maintained to a high standard for maximum visual benefits, functions and uses. Establishment maintenance is typically 6 to 12 months with irrigation, weed control and pruning critical to promote suitable plant form and growth. All maintenance activities are to be conducted in accordance with applicable Australian and workplace safety regulations. All 'Working at Heights' requirements are to be met and recorded for all maintenance personnel including evidence of relevant certification. Safety systems are to be maintained as per AS/NZS 1891.4:2009. All work shall be carried out with regard to standard horticultural and arboricultural practices.

For the successful establishment of plants it is essential that adequate maintenance on a regular basis be provided. Regular visual inspection ensures problems can be readily identified and fixed. This regular maintenance will encourage quick development of the plants and reduce the cost of replacing dying plants.

VISUAL INSPECTION CHECKLIST

Use a visual inspection checklist to monitor the planters and identifying any problems. Additional visual inspections are recommended after extreme weather events such as heavy rain, strong winds and prolonged drought.

- PLANT COVERAGE:** Note any bare patches
- PLANT HEALTH:** Assess plant health and condition, noting signs of possible nutrient deficiencies, pests and diseases, damaged plants, pruning needs and any declines / deaths.
- WEEDS:** Assess the weeds present, noting the dominant species and if particular areas are more impacted than others.
- PLANTERS:** Check the planters, noting any roots emerging from the bottom of planters, particularly at drainage points, or any surface damage of the planter profile.
- IRRIGATION:** Check any damage/deterioration of irrigation components and any visual signs of over/under watering.
- DRAINAGE:** Check for blockages, standing water.

HORTICULTURAL MAINTENANCE

Weeding:
Uncontrolled weeds compete with planted species and can alter the aesthetic and functional outcomes of the planters. Weed control measures should aim to eliminate weed germination and establishment. Weeds are to be controlled while young and before seed set. Physical control of weeds in planters rely on hand removal with early weeding of small weeds the most effective approach. Weeds to be removed carefully by hand to minimize spread. Chemicals are generally not recommended. Maintenance staff should observe good hygiene practices to ensure weeds do not spread from one site to another.

Pruning:
Pruning is undertaken to manage plant form and shape of climbers and small trees. Begin from the top of the green wall and head down towards the bottom. Prune specimens that tower above others. Ensure plants do not attach to windows or walls. Prune climbers to encourage attachment to wire cables and ensure they do not grow over planter edges and trail along the ground. Prune climbers to ensure they do not attached to the small trees. Pruning as required to small trees to maintain plant density, shape, encourage flowering and improve appearance. After pruning, plants should have no dead wood evident and retain an appropriate form or shape. Pruning frequency will be dependent on growth rates and seasonality.

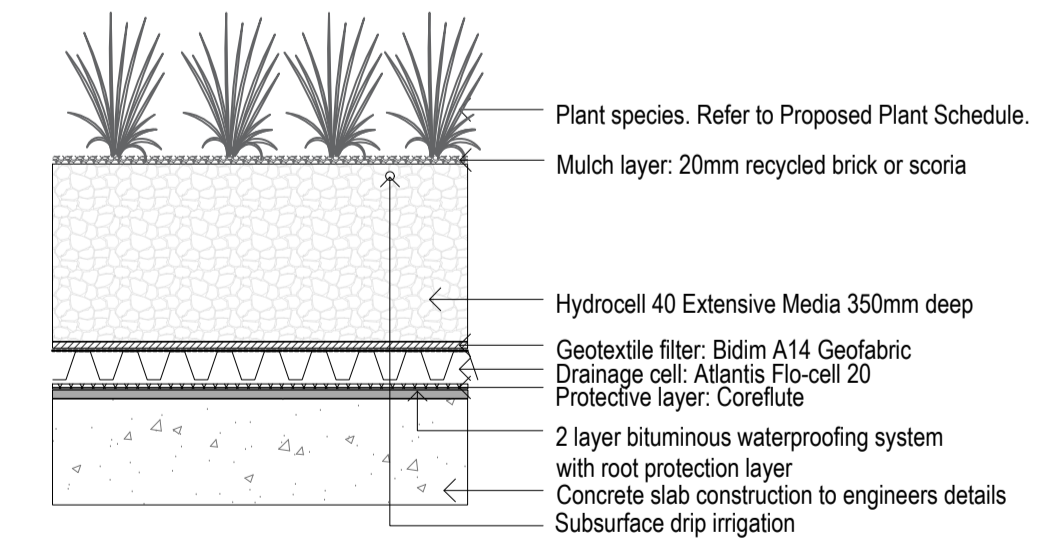
Plant Health:
Plant health issues may relate to nutrition or from abiotic stresses such as elevated heat, drought and wind exposure. Pests can cause physical damage to plants while pathogens such as viruses, fungi and bacteria can introduce disease and damage plant growth. Integrated pest management approaches will be the most effective to ensure plant health. Vegetation should be healthy with even growth and no evidence of pest and disease infestation. Scheduling of control measures will depend on the plant species and season.

Soil Testing:
If growth of plants is poor a soil pH test should be performed. Follow the instructions as per the pH colourmetric kit to check the soil pH is at an acceptable level.

Fertilisers:
Managing plant nutrition should be based on regular monitoring of plant growth. Visual symptoms such as low vigour, stunting, leaf yellowing or chlorosis may indicate nutrient deficiency. Assessing the soil pH helps identify problems. Fertilising will only be required if the plant is indicating signs of poor condition and slow growth due to nutrient deficiencies. If fertilising is deemed to be necessary it will be carried out after the second seasons growth at the end of the second growing season in late summer to autumn. Fertilisers are to be used carefully to avoid dumping of nutrients and/or leaching of nutrients into the stormwater. Synthetic, controlled-release fertiliser or organic slow-release fertilisers should be used. N:P:K ratios and application rates vary greatly depending on conditions of use. Consult manufacturers for application rates suitable for individual plantings.

Irrigation:
Check individual components of the irrigation system included drip heads, irrigation lines and drainage gutters.

Mulches:
Every 6 months all garden beds are to be checked to ensure there is sufficient mulch. Mulch to be spread evenly and uniformly at a consistent depth. No ponding of water should be evident or in perimeter drains and no leaks observed from planters externally or internally. Mulching materials must be sourced from a certified fully licensed Australian Standard producer.



01 TYPICAL INTENSIVE ROOF GARDEN DETAIL
SCALE N.T.S

NOTES:

1	Consider to check and verify all dimensions and all levels on site prior to any works.
2	Any alterations should be immediately referred to Space Landscape Designs.
3	All work to comply with all CA, Disability Authorities and relevant Australian Standards.
4	Dimensions designed over existing. All measurements are in millimetres.

**CLAUSE 4.6 – VARIATION
REQUEST
TO MAXIMUM BUILDING
HEIGHT
(CLAUSE 4.3)
DEVELOPMENT STANDARD –
NORTH SYDNEY LOCAL
ENVIRONMENTAL PLAN 2013
PROPOSED CHANGE OF USE AND
ALTERATIONS AND ADDITIONS
TO EXISTING RESIDENTIAL
BUILDING AT 32 MILSON ROAD
CREMORNE POINT**

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- 1.0 INTRODUCTION**
- 2.0 THE DEVELOPMENT STANDARD AND THE VARIATION SOUGHT**
- 3.0 THE OBJECTIVES OF THE DEVELOPMENT STANDARD**
- 4.0 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?**
- 5.0 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?**
- 6.0 WILL THE PROPOSAL BE IN THE PUBLIC INTEREST?**
- 7.0 CLAUSE 4.6 (4)(B) (CONCURRENCE OF THE SECRETARY)**
- 8.0 IS THE OBJECTION TO THE DEVELOPMENT STANDARD WELL FOUNDED?**

CLAUSE 4.6 – EXCEPTION TO A DEVELOPMENT STANDARD IN RELATION TO CLAUSE 4.3(2) – HEIGHT OF BUILDINGS OF THE NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

1.0 INTRODUCTION

This written request is made pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). A variation is sought in relation to the Height of Buildings Development Standard of Clause 4.3(2) and associated maps of the NSLEP 2013, in relation to proposed alterations and additions to the existing dwelling at 32 Milson Road Cremorne Point.

The existing structure on the subject site currently exceeds the 8.5 m maximum building height development standard with the replacement roof structure retaining the roof pitch and ridge height and thereby exceeding the maximum building height control to an identical degree as the current structure.

The following requested variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130* and particularly, *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* which includes establishing that the measurement of building height is to be measured from any existing excavated portion of a site.

Objectives of clause 4.6

Clause 4.6 of the North Sydney Local Environmental Plan contains objectives which seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development.

Of relevance to the decision making process under Clause 4.6 is the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] 236 LGERA 256 (Initial Action)*, wherein Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

Notwithstanding the above comments from Preston CJ, a preliminary assessment of the proposal against the objectives of the Clause is helpful.

The objectives of Clause 4.6 are addressed as follows:

Objective (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

Objective (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This application seeks flexibility in the application of the height development standard under the NSLEP to the proposed development in the circumstance of this particular case.

The circumstances of the proposal are such that the proposed building height is appropriate, primarily due to the minor extent of the height variation, particularly given the technical nature of non-compliance as the variation to the height development standard.

The breach of the maximum building height development standard is a consequence of the direction by North Sydney Council that the rebuilt roof structure be of a ridge height that is no lower than the existing height to preserve the heritage roof height and pitch.

Clause 4.6 – Exceptions to Development Standards

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

(a)to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b)to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2)Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3)Development consent must not be granted for development that contravenes a development standard

unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on

which such a building is situated,

RESPONSE

This written application seeks an exception to a development standard as the proposal will exceed, partially, the 8.5metre maximum building height development standard.

2.0 THE DEVELOPMENT STANDARD AND THE VARIATION SOUGHT

The Development Standard, the subject of this request is as follows-

4.3 Height of Buildings

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

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

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

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

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

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

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

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

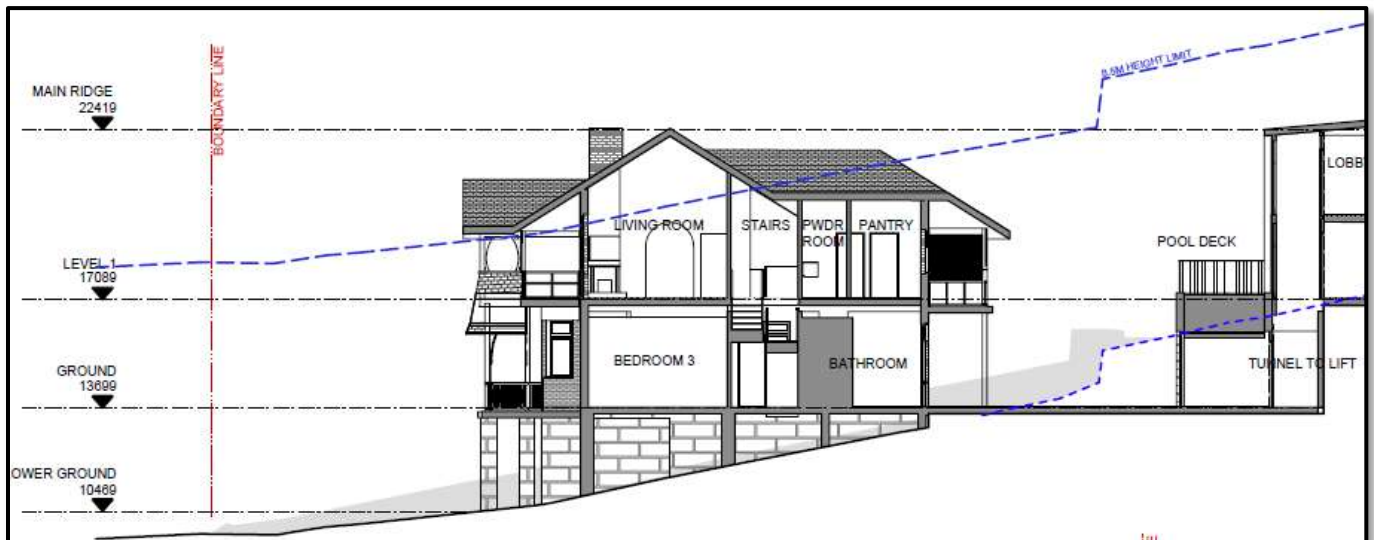


EXTRACT FROM NSLEP HEIGHT OF BUILDINGS MAP

RESPONSE

The following extract from the architectural plans graphically illustrates the proposal with dotted lines outlining the 8.5 m maximum building height.

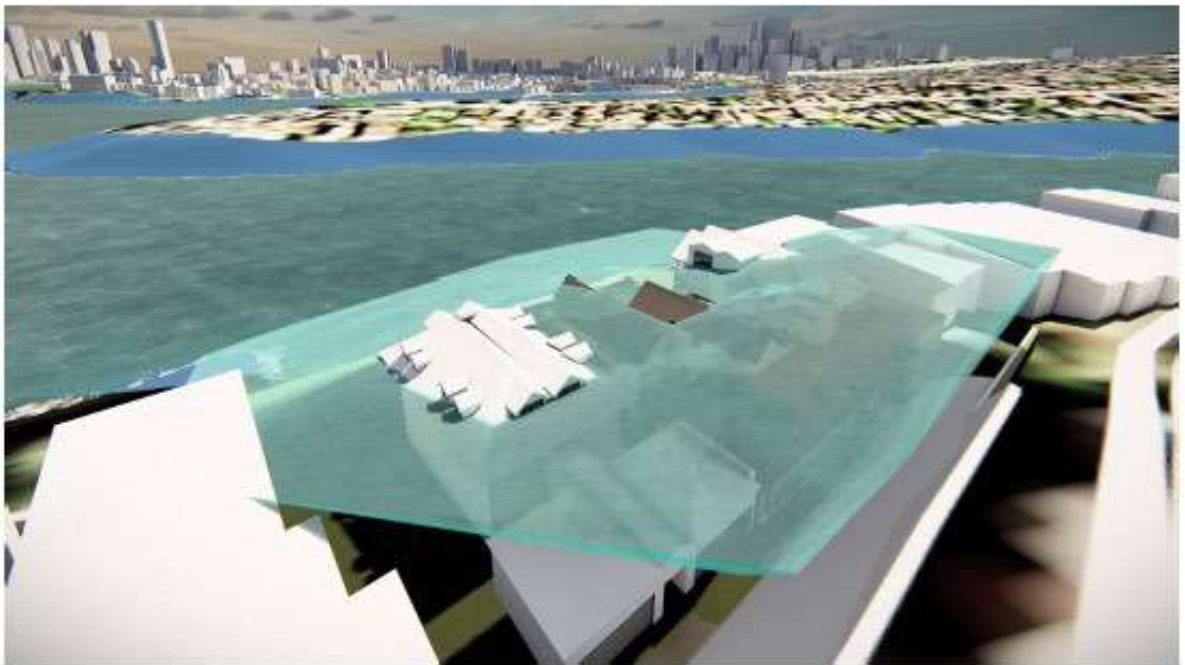
As can be readily ascertained from the following extract, the breaching component is the proposed identical ridge height of 10.9m above existing ground level which will breach the superimposed 8.5 m maximum building height line by 2.4m (28.2%).



SECTION THROUGH PROPOSAL (DA205) SHOWING MAXIMUM BUILDING HEIGHT LINE AND EXISTING OUTLINE



02 EXISTING VIEW - HEIGHT CONTROL
scale 1:-



04 PROPOSED VIEW - HEIGHT CONTROL
scale 1:-

**EXTRACT FROM ARCHITECTURAL PLANS SHOWING INCURSION INTO
MAXIMUM BUILDING HEIGHT LINE**

3.0 THE OBJECTIVES OF THE DEVELOPMENT STANDARD

The purpose of the Height of Buildings Development Standard is stated in the objectives in Clause 4.3(1) of the LEP, as follows;

Clause 4.3 – Height of Buildings

- (1) *The objectives of this clause are as follows:*
- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
 - (b) *to control the bulk and scale of buildings,*
 - (c) *to minimise disruption to the following:*
 - (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
 - (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
 - (iii) *views between public spaces (including the harbour and foreshores),*
 - (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
 - (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

COMMENT

The proposal will not offend the above objectives of Clause 4.3 as the building height and form will not disrupt views or solar access and will be consistent with the provisions of Part 6.4 of the North Sydney DCP (Cremorne Point

Conservation Area) by providing a double elevation to the harbourfront along with a reduced scale to the rear, a steeply pitched hipped and gable roof with finishes and external elements that are consistent with the building. And style.

4.0 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The breach of the development standard is minimal and is not an unreasonable attempt to gain additional floor space, views or open space for the proposal.

The breach by the ridgeline of the replacement roof structure is a crafter response to councils request for an identical roof ridge height to preserve the heritage characteristics of the existing dwelling.

As can be seen from the preceding extract from the architectural plans showing the Maximum Building Height blanket, the proposal is almost identical to the existing structure and will not impinge upon views, solar access or result in an incongruous element within the conservation area.

5.0 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?

The justification for the proposed incursion above the maximum building height control is not only justified by a lack of any environmental harm but is also justified by the necessity for the provision of an identical roof height to the existing roof structure in accordance with Council's directions for a proposal that endorses the outcomes sought by the Heritage Conservation

Area objectives.

Removal of this breaching component would result in an incongruous element in the streetscape as the roof height and pitch would be contradictory to the outcomes sought by councils planning controls.

6.0 WILL THE PROPOSAL BE IN THE PUBLIC INTEREST?

In accordance with Clause 4.6(4)(a), Development Consent must not be granted to a development that contravenes a Development Standard unless Council is satisfied in relation to certain matters as follows;

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),*
and
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

- (b) *the concurrence of the Director-General has been obtained.*

RESPONSE

The matters required to be addressed by subclause (3) are addressed in Parts 4 and 5 of this submission and are consistent with the objectives of the R2 Low Density Residential Zone as follows –.

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.*

7.0 CLAUSE 4.6 (4)(B) (CONCURRENCE OF THE SECRETARY) ASSESSMENT:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Maximum Building Height Development Standard is assumed by the applicant.

8.0 IS THE OBJECTION TO THE DEVELOPMENT STANDARD WELL FOUNDED?

I believe that the objection is well founded and the exceedance of the standard resulting in a compatible built form compliant with the outcomes sought by the relevant planning controls and lack of environmental harm is a well-founded outcome.

The proposal does not seek to raise the height of the existing ridge and incorporates the removal or significant elements towards the harbourfront and the Milson Road frontage which result in a significantly reduced bulk of the building and retention of heritage elements when viewed from any public or private locations in the proximity of the subject site.

The proposal is worthy of support and will not result in an undesirable precedent due to the individual merits of the proposal by reflecting the need for built form that seeks to endorse the outcomes prescribed by the relevant provisions of the Heritage Conservation Area.



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14 OCTOBER 2024