



NSLPP MEETING HELD ON 07/05/2025

Attachments:

1. Site Plan
2. Architectural/Landscape Plans

ADDRESS/WARD: 1B Pine Street, Cammeray

APPLICATION NO: DA 40/21/3

PROPOSAL: Section 4.55(2) modifications for various changes to a deferred commencement consent for a two storey detached dwelling

PLANS REF:

| Plan No. | Description | Prepared by | Dated |
|-----------------|------------------------------|---------------|------------|
| AR-DA2000 Rev 2 | Ground Level | Place Studio | 15/04/2025 |
| AR-DA2001 Rev 3 | First Floor | Place Studio | 15/04/2025 |
| AR-DA2002 Rev 2 | Roof Plan | Place Studio | 16/12/2024 |
| AR-DA2100 Rev 1 | Landscape – Intent Plan | Place Studio | 12/09/2022 |
| AR-DA4000 Rev 1 | Sections | Place Studio | 12/09/2021 |
| AR-DA5001 Rev 2 | NE & NW Elevations | Place Studio | 16/12/2024 |
| AR-DA5002 Rev 1 | SW & SE Elevations | Place Studio | 16/12/2024 |
| AR-DA7000 Rev 2 | Existing Carport Minor Works | Place Studio | 16/12/2024 |
| AR-DA9001 Rev 1 | External Finishes | Place Studio | 12/09/2022 |
| L01 of 1 | Landscape Plan | Hortus Design | 06/11/2023 |

OWNER: Kyoung Lim Choi

APPLICANT: George Youhanna

AUTHOR: Robin Tse, Senior Assessment Officer

DATE OF REPORT: 17 April 2025

DATE LODGED: 3 February 2025

RECOMMENDATION: Approval subject to conditions

EXECUTIVE SUMMARY

This S4.55(2) application seeks consent for modifications to DA 40/21 for various changes to a deferred commencement consent for the construction of a two storey detached dwelling.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to modifications to the deferred commencement conditions that were previously imposed by the Local Planning Panel in the original deferred commencement consent in accordance with the Minister directions.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the *EP & A Act 1979*.

The proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved in the original deferred commencement consent.

The proposed modifications have generally addressed the reasons for the imposition of the deferred commencement conditions to provide certainty and improvement to the development outcome.

The proposed retention of the north-western element of the first floor addition is considered to be acceptable as the result of an improved architectural design and treatments subject to the imposition of a condition to further improve the outcome of the modified design.

The proposed modifications would maintain compliance with the LEP maximum building height development standard and DCP site coverage/unbuilt upon area/landscape area requirements.

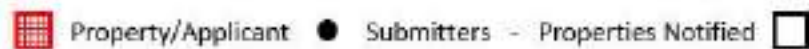
The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties subject to the imposition of new conditions.

The other requirements of the deferred commencement conditions have also been addressed by the applicant's submission and/or the imposition of new conditions.

The issues raised in the submissions have been addressed in the assessment report.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications/deletion to existing conditions of consent, including the deletion of the deferred commencement conditions and addition of new conditions.

LOCATION MAP



DESCRIPTION OF PROPOSAL

The subject Section 4.55(2) application seeks to modify deferred commencement consent (DA 40/21) for the construction of a two storey detached dwelling and a carport at No.1B Pine Street.

Design modifications (as shown on the submitted plans):

Main Dwelling:

(a) North-eastern corner of the Dwelling

- Retention of the overall built form of the first floor addition in the original DA;
- Addition of a solid masonry planter box base with planting;
- Addition of two (2) brick columns with the installation of a batten screen between the columns;
- Brick work on the proposed columns is to match the brick work to be applied to the external walls of the dwelling

(b) Rear Staircase/Balcony

- Deletion of the rear staircase connecting the first floor living area and the back yard as required by deferred commencement condition AA1;
- Retention of the first floor rear balcony with the installation of 1.7m high privacy screens on the northern and southern edges of the balcony.

(c) Internal spiral staircase

- Replacement of internal spiral staircase connecting the ground and first floor with a conventional staircase with a mid-stair landing as required under Condition AA1(c).

(d) Internal layout changes

- No major changes to the internal layout on the first floor because of the retention of the original DA built form for the first floor addition;
- Minor changes to the internal layout to incorporate the internal staircase;
- Minor changes to the locations of doorways to the first floor master bedroom's ensuite bathroom and robe, the bedroom 3 ensuite bathroom and the first floor toilet.

(e) Fenestration changes

- Relocation of ground floor living room window (W017) to reflect the internal layout changes;
- Installation of a double height stairwell window (W112) on the rear elevation;
- Reduction in the size of the first floor master bedroom window (W101) on the northern elevation

(f) Roof Form

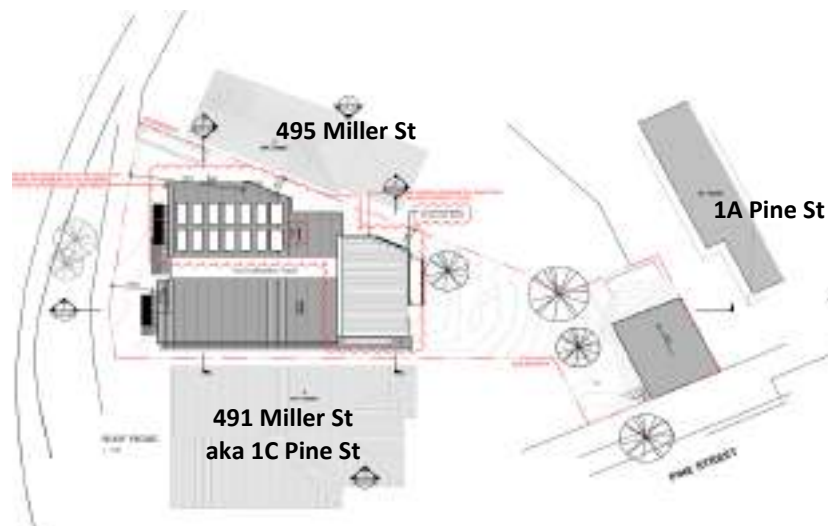
- The pitch of the northern roof reduced from 14 degrees to 9.5 degrees with a commensurate reduction in the height of this roof;
- Standing seam metal roof over the first floor at the rear of the dwelling is proposed to replace the concrete roof in the original DA proposal.

Carport:

- Construction of a replacement single carport off Pine Street;
- The height of the brick wall on the south-eastern elevation of the carport is to be 1.8m as required by deferred commencement condition AA3(c).

Landscape Plan:

- Submission of a landscape plan, drawing numbered L01 of 1, prepared by Hortus Design dated 6 November 2023, as required by deferred commencement condition AA2.



Site Plan

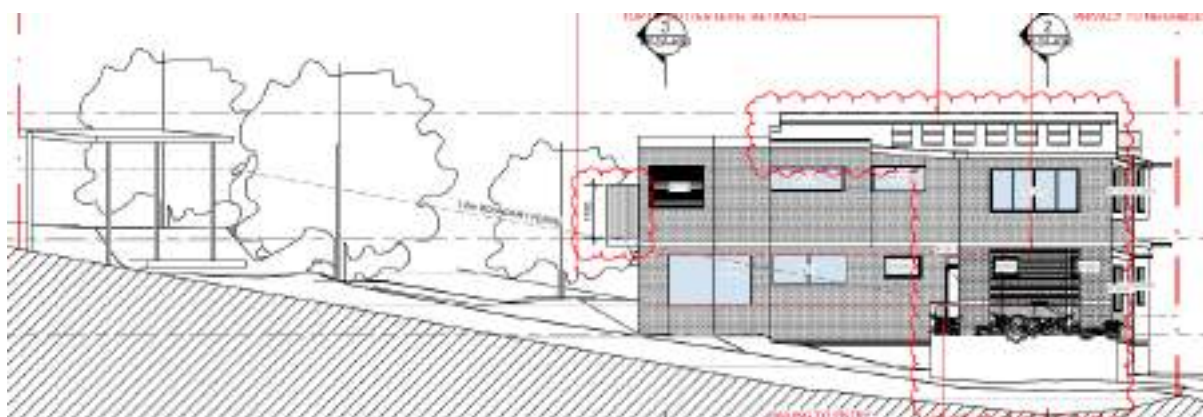
Figure 1: Site Plan



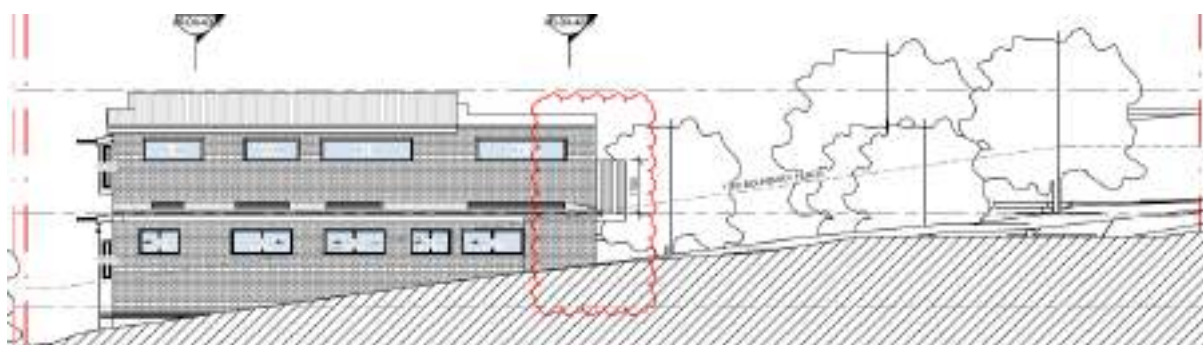
Front (Miller Street) Elevation



Rear (South-eastern) Elevation



North-eastern (Side) Elevation



South-western (Side) Elevation

Figures 2 – 5: Elevations



Figure 6: Perspective – Miller Street looking south

Modifications to conditions:

The applicant has proposed the following changes to the conditions of consent:

- (a) Deferred Commencement Conditions AA1, AA2 and AA3 – Deletion based on the design modifications as indicated on the submitted architectural plans, landscape plans and submission of other required documents/information;

- (b) Condition A1 (Development in Accordance with Plans/Documentation) – Amend the condition to reflect the modified plans.
- (c) Condition A4 (Terms of Consent) – Proposed wording of the condition as follows:

Terms of Consent (D40/21)

A4. *Approval is granted for the following as shown on the approved drawings listed in Condition A1:*

- (a) *Retention of an existing brick wall of the original dwelling adjacent to the southwestern (side) property boundary;*
- (b) *Construction of a two storey detached dwelling;*
- (c) *Reinstatement/reconstruction of a carport awning over an existing car parking space to Pine Street;*
- (d) *Construction of a new brick wall on along the common property boundary with No.1A Pine Street; and*
- (e) *Associated landscaping work as required by Condition A1 of this consent.*

No approval is given or implied in this consent for the following to ensure that the terms of the consent are clear:

- (a) *The external staircase at the rear of the dwelling connecting the first floor of the dwelling and the rear setback;*
- (b) *The use of the flat roof at the rear of dwelling as a trafficable area other than occasional maintenance access to the roof and solar panels;*
- (c) *The use of the dwelling other than a single occupancy; and*
- (d) *Any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.*

(Reason: To ensure the terms of the consent are clear)

- (d) Condition C18 (BASIX Certificate) – The condition to be revised to reflect the submitted BASIX Certificate (1176928S_05);
- (e) Condition C19 (Surrender of Previous Development Consent) – The applicant seeks modifications to the condition to allow surrendering of Development Consent (**D402/17**) should approval be granted for the subject S4.55(2) application.
- (f) Condition G6 (Height) – the maximum height to be adjusted to reflect the new maximum height of the modified structure amended to RL70.13.
- (g) Condition G8 (Landscaping) – The applicant seeks modifications to the wording of the condition to remove the reference to Condition AA2 given that the subject application seeks the deletion of this condition.
- (h) Condition I3 (Maintenance of Approved Landscaping) – The applicant seeks deletion of this condition given that Condition G8 would ensure the implementation of approved landscaping and the imposition of this condition is considered to be unnecessary by the applicant.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013

- North Sydney LEP 2013
- Zoning – R2 (Low Density Residential)
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No (Note: Plateau Conservation Area is located across Pine Street to the south)
- FSBL - No

Environmental Planning and Assessment Act 1979

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservations) 2021

Local Development

POLICY CONTROLS

North Sydney DCP 2013

North Sydney Local Infrastructure Contribution Plan 2020



Figure 7: Zoning



Figure 8: Heritage

DESCRIPTION OF LOCALITY

The subject site, known as 1B Pine Street but referred to as 493 Miller Street within the application, is legally described as Lot 1 in Deposited Plan 739006. The site has an irregular shape and a total area of 386.5sq.m. The site slopes down from the Pine Street frontage towards the northern corner of the site fronting Miller Street. The total slope across the site is approximately 5.1 metres.

The site has two frontages, one to Miller Street to the northwest, which has a length of 16 metres, and one to Pine Street to the south which has a length of 9.2 metres. Vehicular access to the site is from Pine Street, and a single car carport is located on this frontage.

A single storey detached dwelling formerly occupied the subject site has been demolished leaving a section of the south-western wall of the original dwelling still standing adjacent to the boundary with the adjoining property at No. 491 Miller Street (aka 1C Pine Street).

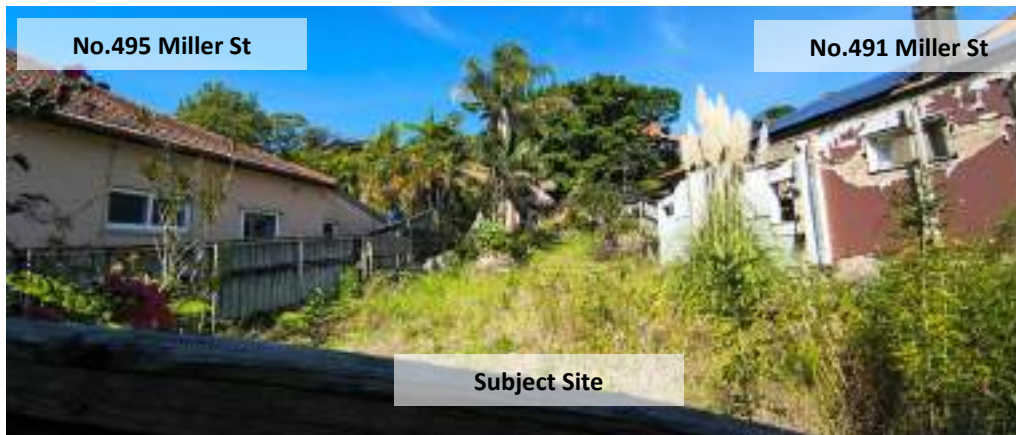


Figure 9: Subject site looking towards the rear (Pine Street) boundary with the remaining brick wall along the side boundary with No.491 Miller Street

The subject site is not located within a Conservation Area but is located to the north of the Plateau Conservation Area.

The adjoining properties to the north and south of the subject site are single storey detached dwellings at No.495 Miller Street and No.491 Miller Street (aka No. 1C Pine Street). A two storey detached dwelling is located to the east of the subject site at No. 1A Pine Street. There are two older style apartment buildings (2 – 3 storeys) located further to the east of the subject site at Nos. 499 and 501 Miller Street.



Figure 10: Subject site and its locality



Figure 11: Looking towards the site from Miller Street – vegetation on the road verge partially screens the Miller Street frontage of the site

RELEVANT HISTORY

- **8 March 2018** – Development Consent (**D402/17**) was granted under delegated authority for alterations and additions to an existing single storey detached dwelling including internal layout changes and a first floor addition. The approved development included the retention of the ground floor of the original dwelling.
- **27 January 2021** – A Penalty Infringement Notice (PIN) was issued to the applicant for the substantial demolition of the ground floor of the original dwelling without prior Council approval.
- **17 February 2021** - The applicant subsequently lodged a new DA (**D40/21**) with a design similar to the approved development under (**D402/17**) given that lodgement of a S4.55 would not be possible due to the proposed development would not be substantially the same development as originally approved with the demolition of the original dwelling took place earlier.
- **5 May 2021** – A deferred commencement consent (**D40/21**) was granted by NSLPP for the construction of a two storey detached dwelling. The deferred commencement conditions imposed by the NSLPP required various design modifications including changes to the design of the first floor with the deletion of any building elements that project beyond the original dwelling building line as well as the submission of a landscape plan, dilapidation report and other design changes.

Deferred Commencement Conditions AA1, AA2 and AA3 are provided below:

Modifications to first floor of the proposed dwelling

AA1. *The design of the first floor of the proposed dwelling be modified as follows:*

- (a) The proposed element on the north-eastern side of the building that projects beyond the north-eastern external wall for the ground floor TV room, Study and bathroom be deleted to provide a more harmonious built form for the dwelling and no projecting building elements on the first floor beyond the original dwelling building line with the exception of the eave line at 450mm maximum;*
- (b) The external staircase and the living room balcony be deleted to ensure visual privacy for the adjoining properties. A Juliet balcony is to be provided to the full length (3.17metres) of the first floor living room window on the rear elevation (W18);*
- (c) The spiral staircase connecting the ground floor living room and first floor living room to be replaced by a straight or L-shaped staircase to provide safer access for residents;*
- (d) The internal layout of the first floor shall be modified to accommodate the required design modifications.*

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

Landscape Plan

AA2. *The applicant must submit a landscape plan showing the landscaping treatments within the subject site incorporating the following:*

- (a) The retention and protection of 2 x Howea forsteriana and 1 x Syagrus romanzoffianum within the rear building setback and 1 x Persea americana within the front building setback;*
- (b) Planting of 2 x Banksia integrifolia (45l) in the north-eastern corner of site as shown on the approved plans, and appropriately spaced to allow for the retention of the existing Persea americana;*
- (c) Planting of 1 x Callistemon viminalis (45l) in the north-western corner of site; 1 x Glochidion ferdinandii (75l), 2 x Tristaniopsis laurina (75l) and 2 x Tristaniopsis laurina (75l) within the rear yard of the subject site;*
- (d) Soft landscaping/turf shall be provided for the front garden and rear yard where applicable; and*
- (e) The species names, number and pot sizes of new planting shall be detailed in the landscape plan.*

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

Additional Deferred Commencement Requirements

AA3 *The applicant shall submit plans/documents/information to satisfy the requirements of the following:*

- (a) Dilapidation report detailing the visible external conditions of the immediately adjoining properties at Nos 491 and 495 Miller Street, including documentary evidence that a copy of the report has been provided to the owners of the nominated adjoining properties;*
- (b) Amendments to all relevant architectural drawings to incorporate the deletion of 'new natural screen bambu' (sic) adjacent to the common boundary at the rear of No. 491 Miller Street;*
- (c) The height of the proposed brick wall adjacent to the driveway of No. 497 Miller Street, No. 1A Pine Street must be reduced to 1.8 metres maximum;*
- (d) The concrete flat roof on the first floor of the proposed dwelling shall be replaced by a sloping colorbond roof.*

(Reason: To ensure record keeping of the condition of the immediate adjoining properties and the design of the development complements the surrounding properties)

- **9 May 2023** – A Section 4.55 application (**D40/21/2**) seeking modifications to the original development consent was rejected due to inadequate information.

Current application

- **3 February 2025** – The subject Section 4.55(2) modifications (**DA 40/21/3**) seeking design amendments and changes to conditions of consent was lodged with Council via the Planning Portal.
- **7 to 21 March 2025** – The adjoining property owners and the Bay Precinct was notified about the application. A total of two (2) submissions were received at the completion of the notification period.
- **16 April 2025** – The applicant submitted additional information in response to Council enquiries in relation to the scope of the modifications.

INTERNAL REFERRALS

BUILDING

The proposed modifications 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 further Section 4.55 application would be necessary.

HERITAGE

The subject site is not a heritage item nor is it located within a Conservation Area. It is also noted that none of the neighbouring properties to the east and west of the subject site are heritage listed. The Plateau Conservation Area only covers the properties along the southern side of Pine Street.

Notwithstanding this, Council's Conservation Planner has been consulted who raised no objection to the proposed modifications given that the development would not change the overall location and siting of the original development and the proposed modified elements would not be highly visible from the conservation area. Therefore, the modified proposal would have a negligible impact on its significance.

LANDSCAPING

The application, including the submitted landscape plan, has been referred to Council's Landscape Development Officer who provided the following comments:

It is understood that there is no change to approved proposal that will impact trees or landscaping, other than new landscape Plan. The landscape plan prepared by Hortus Designs is considered to be generally acceptable subject to the following amendments (acceptable to be amended as a condition to be satisfied at construction certificate stage):

- (a) 5 x nandina domestica (5l) shall be substituted for 9x Lomandra sp. or Dianella sp. or similar (200mm min); and*
- (b) 3 x unspecified trees across northwestern (Miller St) frontage are assumed to be the Banksia integrifolia (45l) shown in plant schedule, but not designated as such on plan. For clarity, these 3 x trees shall be clearly specified.*

Comment:

Council Landscape Development Officer's comments are noted and it is considered that the requirements of Condition AA2 are generally satisfied. No objection is therefore raised to the deletion of deferred commencement condition AA2 and a new condition is recommended to incorporate the recommended amendments to the submitted landscape plan (**Condition C20**).

ENGINEERING

The application has been referred to Council's Senior Development Engineer who raised no objection to the proposed modifications and no further changes to the engineering conditions that were imposed on the original Development Consent.

SUBMISSIONS

The adjoining property owners and the Bay Precinct Committee was notified about the application between 7 and 21 March 2025. A total of two (2) submissions were received at the completion of the notification period. The matters raised in the submissions are listed below:

Basis of Submission

- No change to the design of the dwelling in the original DA proposal.
- High visibility of the subject site from Miller Street due to reduced screening from vegetation.
- Potential of using the proposed development for boarding house resulting increase demand for on-street parking.
- Non-compliance of the side boundary setback for the roof of the proposed development.
- Overlooking from new windows on the adjoining property north.

- Proposed retention of a first floor balcony on the rear elevation is inconsistent with the requirements of the deferred commencement condition resulting adverse visual privacy impacts on the adjoining properties.
- Dilapidation reports have not been provided to the neighbouring properties.
- Adverse shadowing impact and insufficient shadow diagrams.
- Uncharacteristic design highly visible from Miller Street.
- Dilapidation Report required by deferred commencement condition not received by neighbour.
- Adverse privacy impacts and fire hazard concerns due to insufficient side boundary setback.
- Adverse shadowing impacts on solar panels.
- Adverse shadowing impacts and reduced natural light.
- Adverse impacts from planting of bamboo and associated impacts on structures due to the aggressive root system.
- Adverse visual privacy impacts.
- Adverse traffic and safety impacts during construction for residents and visitors of an adjoining property.

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

Lapsing of Consent

The period for satisfaction with Deferred Condition AA1 of development consent DA40/21 was reduced by North Sydney Council to 12 months, with the lapsing date in the Notice of Determination being stated as 11 May 2022.

However, under s.4.53(6)(b) of the *Environmental Planning and Assessment Act 1979* (EPA Act), a development consent that is subject to a deferred commencement condition under section 4.16(3) lapses if the applicant fails to satisfy the consent authority as to the matter specified in the condition within 5 years after the grant of consent if the consent is granted during the prescribed (COVID) period. The prescribed period means the period commencing on 25 March 2020 and ending on 25 March 2022 and the subject development consent was granted during the prescribed period.

It is therefore considered that s.4.53(6)(b) of the *EPA Act 1979* applies to the subject application and consequently the deferred commencement condition can be satisfied up until 5 May 2026. The consent has therefore not lapsed due to the non-settlement of the deferred condition.

Section 4.55 (2) Considerations

In addition, Council is required to assess the s.4.55 application under the *EPA Act 1979* (As amended) having regard to the following matters:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comments are provided on the above matters in section 4.55 (2) as follows:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

The subject application seeks various changes to design amendments as required by the deferred commencement conditions. The proposed modifications would not change the use, overall building height and footprint of the development in the original DA. Furthermore, the proposed modifications also include matters that satisfy the deferred commencement condition requirements. Consequently, the proposal is considered to be “substantially the same”.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

The proposal did not require any referral to another public authority.

- (c) *Whether the application has been notified and, if so, were there any submissions*

The adjoining property owners and the Bay Precinct Committee was notified about the application between 7 and 21 March 2025. A total of two (2) submissions were received at the completion of the notification period. The issues raised in the submissions received are addressed later in this report.

Pursuant to section 4.55 (3) in the *EPA ACT 1979* (as amended) Council must also consider the matters that need to be addressed under section 4.15 (Evaluation) and the reasons for the original approval that are considered below/later in this report.

Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity & Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The proposed modifications meet the objectives of the SEPP because there would be no additional clearance of vegetation or any materials impacts on bushland in the vicinity of the subject site.

Chapter 6 – Water Catchments

Having regard to Chapter 6 of the *SEPP (Biodiversity and Conservation) 2021* the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site's inland location. The proposed modifications would not be visible from Sydney Harbour and would have no adverse effect the quantity or quality of water entering Sydney Harbour as well as the ecology of the harbour and its foreshores. The application satisfies the requirements of the Policy.

SEPP (Resilience and Hazards) 2021

- ***Chapter 4 Remediation of Land***

Section 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated, and if so whether the land is suitable for the intended use or any remediations measures required.

Council's records indicate that the site has historically been used for residential development for a long time until the original dwelling was substantially demolished in late 2020/early 2021. The subject site is not on the NSW EPA's notified contaminated site list. Therefore, the site is unlikely to be contaminated and require remediations.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate (No1176928S_05) has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The subject site is located on land zoned R2 (Low Density Residential).

The proposal does not change the use of the approved development as a detached dwelling that is a type of development permissible within a R2 (Low Density Residential) zone with consent from Council.

2. Objectives of the zone

The proposed modifications are consistent with the relevant objectives of the zone as indicated throughout the report.

Principal Development Standards

| COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013 | | | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------|----------------|-----------------|
| | Approved (Deferred Commencement) | Proposed | Control | Complies |
| Clause 4.3 – Heights of Building | 8.5m | 8.5m | 8.5m | YES |

3. Height of Building

The subject site has a maximum permitted building height of 8.5m pursuant to clause 4.3(2) in *NSLEP 2013*. The proposed modifications do not seek to change the maximum building height as previously approved under the deferred commencement consent.

4. Earthworks

The proposed development would generally be constructed on the footprint of the original dwelling. There would be some minor excavation at the rear of the main dwelling of up to 550mm for paving off the ground floor living room.

Whilst these earthworks are unlikely to have material impacts on the neighbouring properties because of the minor extent of such works. Notwithstanding this, the applicant has provided a copy of the dilapidation report to the adjoining properties at No.491 Miller Street (aka 1C Pine Street) and No.495 Miller Street in accordance with the requirements of Condition AA3 (a).

PROPOSED DESIGN MODIFICATIONS

As indicated earlier in this report, this S4.55 application involves changes to some aspects of the design modifications as required by the Deferred Commencement conditions. In particular, the applicant seeks to retain the part of the first floor addition on the north-eastern side of the building.

First Floor Addition:

Condition AA1 (a) – Deletion of the north-eastern building element

The applicant has revised the design of the proposed dwelling in order to address the concerns of the Panel on the original design which was deleted by condition.

Original Design:

The original design featured a part of the first floor addition that cantilevered over the ground floor dwelling entrance and is poorly supported by thin columns. This has resulted in a top heavy design that exacerbated the bulk and scale of the dwelling despite the proposed dwelling was compliant with the LEP building height and many DCP planning controls.



Figure 12: Original design (Front – Miller Street elevation)

Modified Design:

The applicant has submitted a modified design of the main dwelling with modified treatments to the north-eastern corner of the dwelling with a redesigned ground floor entrance with masonry columns/planters with batten screens on the side elevation and eliminating the originally proposed cantilever. The applicant also proposes brick works to be applied to the external walls including the dwelling entrance elements.



Figure 13: Modified design (Front – Miller Street elevation)



Figure 14: Modified design (Montage)

It is noted that the modified design would maintain compliance with the LEP maximum building height. Furthermore, compliance with DCP's side boundary setbacks are generally maintained with the exception of a small section of the north-eastern wall of the first floor kitchen. The non-compliance is acceptable as detailed in the DCP compliance table below.

Whilst the modified design does return to the upper floor proposed in the original DA the cantilever element is removed by column support being relocated to the northern elevation. The current proposal is considered to be an improved design outcome with better architectural expression having the first floor addition being supported by stronger masonry elements complemented by the application of appropriate external materials and finishes. The lowering of the northern roof pitch also minimises the visual bulk of this building element as seen from Miller Street.

It is considered that the modified design is acceptable subject to a new condition (**Condition C21**), as a replacement of Condition AA1 (a), requiring the width of the masonry columns to be increased to match the inner edge of the planter wall to improve the design of the front elevation by grounding the first floor addition with more substantial supporting structures.

The proposed design with the modified treatments of the north-eastern corner of the first floor addition would result in an improved outcome for the Miller Street streetscape. Therefore, the modified design is considered to be more appropriate and compatible with the context and the overall built form character of the locality.

AA1 (b) – Deletion of external staircase and provision of Juliet balcony on the rear elevation

The submitted drawings have indicated the deletion of the external staircase connecting the first floor living area and the backyard on the rear (eastern) elevation of the main dwelling.

The applicant has retained the first floor balcony on the rear elevation with the installation of 1.7m high privacy screen on the northern and southern edges of the balcony to minimise overlooking into the adjoining properties.

It is considered that the modified design is generally acceptable given that the proposed first floor balcony is 1m deep and is unlikely to cause an unreasonable level of privacy impacts with the proposed installation of privacy screens on the edges of the balcony.

AA1 (c) – Internal staircase changes

The submitted drawings have indicated the internal staircase within the rear of the dwelling has changed to a L-shaped staircase connecting the ground and first floors.

AA1(d) – Internal layout changes

It is considered that the internal layout has been appropriately modified having regard to the proposed design modifications.

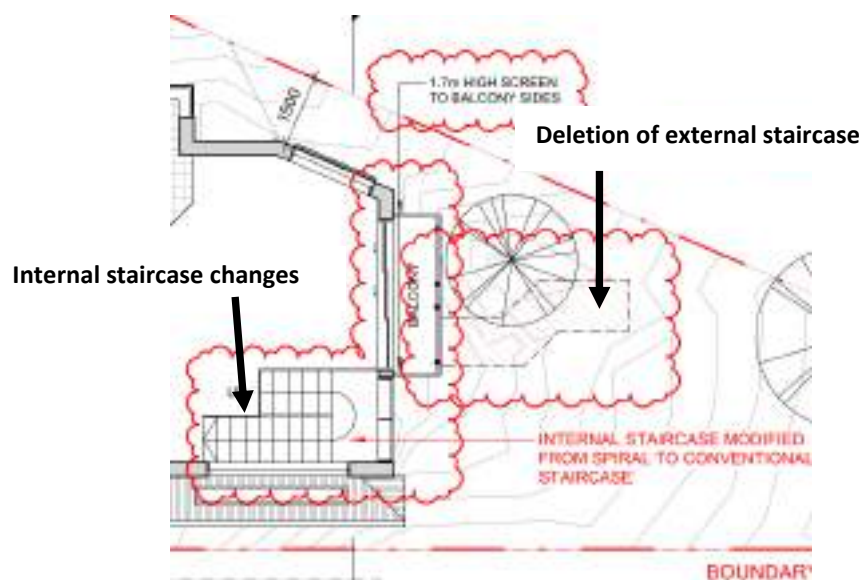


Figure 15: Rear balcony, Deletion of external staircase and Changes to the internal staircase

Landscape Plan

Conditions AA2 (a) – (e)

The applicant has submitted a landscape plan and was referred to Council's Landscape Development Officer who raised no objection subject to the imposition of **Condition C20** as indicated earlier in this report.

Additional Deferred Commencement Requirements

Condition AA3 (a) – Dilapidation Report

The applicant has provided documentary evidence that the dilapidation reports have been provided to the adjoining properties (i.e. Nos 491 Miller Street (aka 1C pine Street) and 495 Miller street) via registered post.

Condition AA3 (b) – Deletion of ‘new natural screen bambu’ (sic)

The submitted landscape plan does not contain references to ‘*new natural screen bambu*’ (sic) adjacent to the common property boundary at the rear of 491 Miller Street.

It is noted that the submitted ground floor plan (Drawing numbered AR-DA-2000 Rev 2) contains an annotation “Proposed planting bamboo screening” at the rear of the common property boundary with No 491 Miller Street. It is recommended that a condition be imposed requiring the deletion of this annotation to ensure clarity (**Condition C22**).

Condition AA3 (c) – Brick wall adjacent to the driveway of No. 497 Miller Street, No. 1A Pine Street

The applicant has submitted architectural drawing (Drawing numbered AR-DA-7000 Rev 2) demonstrating compliance with the requirements of Condition AA3 (c).

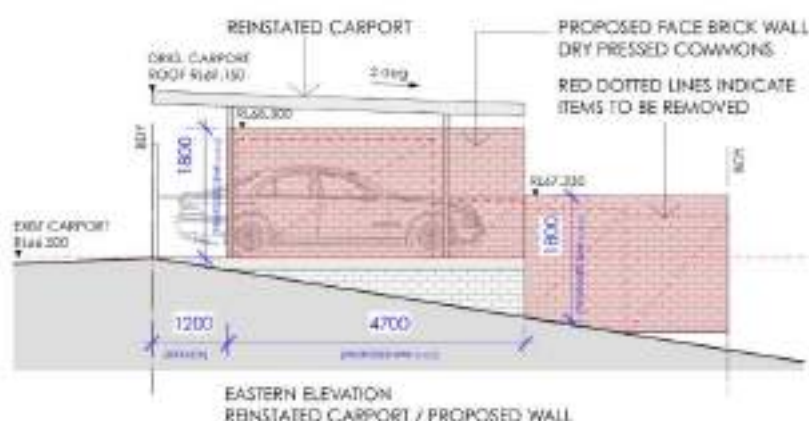


Figure 16: Brick wall adjacent to driveway of 497 Miler Street and 1A Pine Street

Condition AA3 (d) – Replacement of first floor concrete flat roof by sloping colorbond roof

The applicant has submitted architectural drawing (Drawing numbered AR-DA-2002 Rev 2) showing the installation of standing seam metal sheeting behind the parapet edge at the rear of the proposed dwelling. No objection is raised to this aspect of the proposal given that the intent of the original condition, i.e. not to facilitate the use of the roof as a terrace with a concrete roof slab, is met.

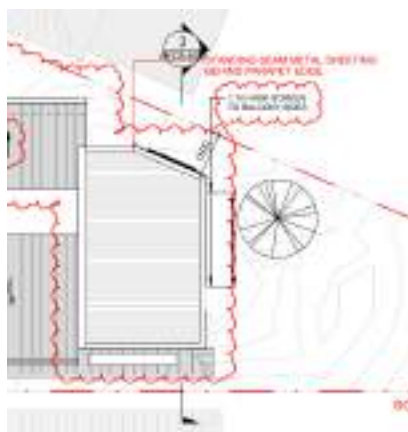


Figure 17: Roof treatment

Conclusion - Conditions AA1, AA2 and AA3

Having regard to the above, no objection is raised to the deletion of Conditions AA1, AA2 and AA3 subject to the above comments and the recommendation of new conditions to ensure certainty and clarity of the design for the proposed development as outlined above in this report.

Other conditions:

Comments are provided below for the proposed changes to the following conditions:

- **Condition A1 (Development in Accordance with Plans/Documentation) – Amend the condition to reflect the modified plans.**

Comment:

No objection is raised to the proposed house keeping changes/updates to reflect the submitted plans.

- **Condition A4 (Terms of Consent) – Proposed wording of the condition as follows:**

Terms of Consent (D40/21)

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Retention of an existing brick wall of the original dwelling adjacent to the southwestern (side) property boundary;*
- (b) Construction of a two storey detached dwelling;*
- (c) Construction of a single carport to Pine Street;*
- (d) Construction of a new brick wall on along the common property boundary with No.1A Pine Street; and*
- (e) Associated landscaping work as required by Condition A1 of this consent.*

No approval is given or implied in this consent for the following to ensure that the terms of the consent are clear:

- (a) The external staircase at the rear of the dwelling connecting the first floor of the dwelling and the rear setback;*
- (b) The use of the flat roof at the rear of dwelling as a trafficable area other than occasional maintenance access to the roof and solar panels;*
- (c) The use of the dwelling other than a single occupancy; and*
- (d) Any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.*

(Reason: To ensure the terms of the consent are clear)

Comment:

No objection is raised to the proposed house keeping changes/updates where applicable to the modified development.

- **Condition C18 (BASIX Certificate) – The condition to be revised to reflect the submitted BASIX Certificate (1176928S_05);**

Comment:

No objection is raised to the proposed house keeping changes/updates to reflect the updated BASIX Certificate.

- **Condition C19 (Surrender of Previous Development Consent) – The applicant seeks modifications to this condition to allow the surrendering of the previous consent (D402/17) should approval be granted for the subject application.**

Comment:

No objection is raised to the proposed house keeping changes/updates to facilitate the surrendering of the previous development consent within 60 days from the approval date of the subject S4.55(2) application.

- **Condition G6 (Height) – the maximum height to be adjusted to reflect the new maximum height of the modified structure amended to RL70.13**

Comment:

No objection is raised to the proposed house keeping changes/updates to reflect the height of the building under the modified proposal.

- **Condition G8 (Landscaping) – The applicant seeks modifications to the wording of the condition to remove the reference to Condition AA2 given that the subject application seeks the deletion of this condition.**

Comment:

No objection is raised to the proposed house keeping changes/updates to reflect the reference to the appropriate landscape plan as amended by Condition C20 as recommended by Council's Landscape Development Officer.

- **Condition I3 (Maintenance of Approved Landscaping) – The applicant seeks deletion of the consent given that Condition G8 would ensure the implementation of approved landscaping and the imposition of this condition is considered to be unnecessary by the applicant.**

Comment:

The proposed deletion of condition I3 is not supported for the following reasons:

- (a) The intent of the imposition of this condition is to ensure on-going maintenance of the approved landscaping to ensure that the landscape quality of the subject site and its locality is maintained;
- (b) Condition G8 only requires the implementation of the approved landscaping prior to the issue of an Occupation Certificate and Condition I3 is to ensure on-going maintenance. The two conditions are applied to different stages of a development and served different purposes; and
- (c) This condition is a standard condition and is being imposed in development consents for similar developments.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The modified proposal has been assessment under the relevant headings within NSDCP 2013:

| DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <i>complies</i> | <i>Comments</i> |
| 1.2 Social Amenity | | |
| Population Mix Maintaining Residential Accommodation Affordable Housing/Housing for Seniors/Persons with disability | Yes (via condition) | The proposal would not alter the population mix and the availability of residential accommodation (including affordable housing and housing for seniors/people with disabilities) within the locality. Condition A4(c) of the original deferred commencement consent specifies that approval is only granted for the use of the dwelling as a single occupancy. In addition, the applicant does not seek to change Condition I1 relating to the single occupancy use of the property. |
| 1.3 Environmental Criteria | | |
| 1.3.1 Topography | Yes | The proposed modifications would not result further changes to the existing landform. |
| 1.3.6 Views | Yes | There will be no undue impact on views given that the modified development complies with LEP height control for the site and the development generally conforms with the building envelope controls other than the non-complying side setback of 690mm on the ground floor level due to the location of remaining external wall of the original dwelling adjacent to the common property boundary with No.491 Miller Street (aka 1C Pine Street). |

| | | |
|---------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>The following additional comments are relevant for the consideration of view impacts:</p> <ul style="list-style-type: none"> (a) The proposed development is located downhill from the surrounding properties to the south along Pine Street, therefore any impacts on outlook from these properties and the street will be reduced. (b) The dwelling to the south west of the site at No. 491 Miller Street (aka 1C Pine Street) will not suffer undue view loss given that the original dwelling on the subject site already prevents a view towards the north from rooms in the north-eastern elevation of this neighbor. The outlook towards the north from the rear garden of this neighbour will be affected however the impacts are acceptable on balance given that any complying development would have a similar impact. <p>The property to the northeast at No. 495 Miller Street will experience an altered outlook over the site looking southeast however no view will be affected.</p> <p>It is therefore considered that the modified proposal would have no impacts on significant views as seen from the surrounding properties and the public domain.</p> |
| 1.3.7 Solar Access | No (acceptable on merit / via condition) | <p>An examination of the shadow diagrams submitted with the application has revealed that the northern elevation of the dwelling at No.491 Miller Street would be fully in shadow between 9am and 12noon during mid winter (21 June). Solar access to the north-eastern (side) elevation of this adjoining dwelling would start receiving direct sunlight from 12noon from the western end of this dwelling.</p> <p>In addition there would be some shadowing impacts on the rear garden from 11am onwards during mid winter (21 June). However, the extent of shadowing would only affect the northern half of the rear garden of No.491 Miller Street.</p> <p>Furthermore, solar access to the northern roof plane with solar panels progressively improved from 9am onwards and solar access to the majority of the northern roof plane would be maintained from 12noon onwards.</p> <p>It is also noted that the proposed modifications would not significantly change the shadowing impacts on the adjoining properties as compared to the original DA scheme given that the minor nature of modifications to the southern side of the proposed development.</p> <p>The following factors have been considered in the assessment of the shadowing impacts on the adjoining property at No.491 Miller Street:</p> <ul style="list-style-type: none"> (a) The adjoining single storey dwelling at No.491 Miller Street is located to the south and south-west of the subject site. Shadowing of the ground floor windows of an adjoining property to the south resulting from a complying two storey development across the side property boundary would be difficult to protect. (b) The additional shadows would be primarily caused by new building elements that generally comply with the building envelope controls (building height, setback). <p>It is noted that there is a 210mm non-compliance with the ground floor side setback on the south-western elevation. However any additional shadows resulting from this non-compliance would not be material given that the new shadows would be caused by building elements within the complying building envelope.</p> <p>In addition, a small section of the eave and roof above the first floor bedroom 3 would breach the DCP side boundary setback for building elements above 7m as discussed later in this report.</p> |

An examination of the shadow diagram has revealed that the additional shadow caused by this breach would fall primarily on the roof of the adjoining dwelling at No. 491 Miller Street resulting no material change in terms of solar access.

- (c) The front window on Miller Street elevation would receive in excess of three (3) hours of sunlight during mid winter and stain glass has been fitted to the remaining windows on the side elevation facing the subject site would cause further filtering of any sunlight on these windows.

Whilst the proposal would cause non-complying shadowing on the adjoining property at No.491 Miller Street, the impacts are considered to be acceptable having regard to the site circumstances as detailed above.

There would be no material shadowing impacts on the other adjoining properties between 9am and 3pm during mid winter (21 June).

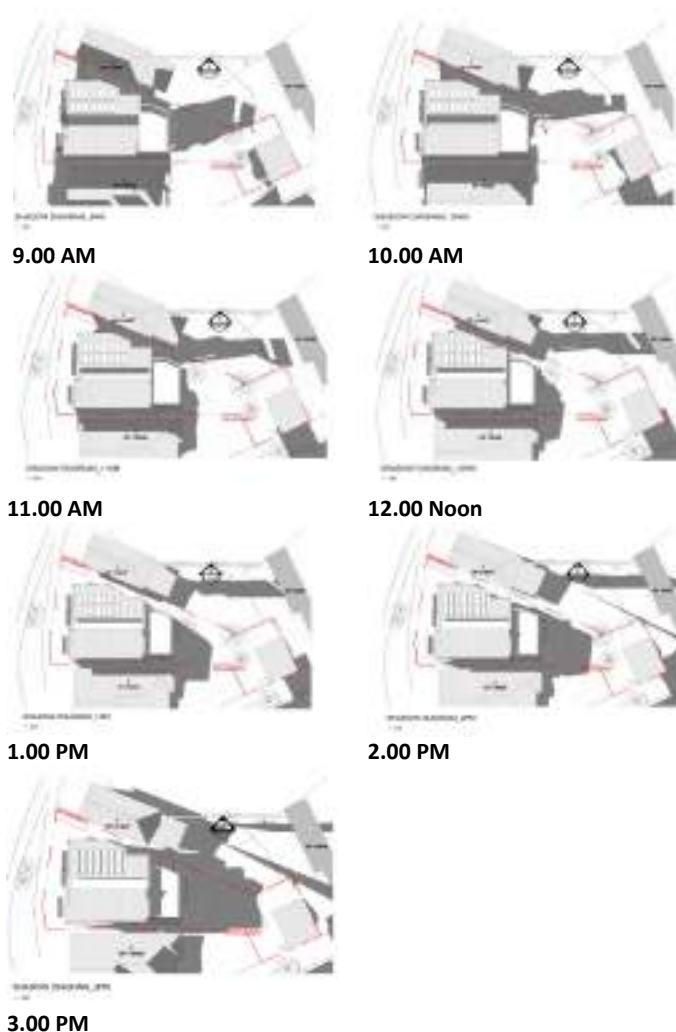


Figure 18 : Mid Winter shadow diagrams

| | | | |
|-----------|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.3.8 | Acoustic Privacy | Yes | The residential use of the subject property would not change including a condition requiring the use of the property as a single occupancy (Conditions A4 and I3) . |
| 1.3.9 | Visual Privacy | (via conditions) | <p>In addition, all windows on the southern side elevation (facing No.491 Miller Street) would be windows with high sill height at 1.7m minimum as measured from the floor level. It is recommended that a condition requiring the installation of obscured/opaque glazing to the full height stairwell window (W112) on the rear elevation to minimise visual privacy impacts on the adjoining properties (Condition C23(a)).</p> <p>The first floor windows on the northern side elevation (facing No.495 Miller Street) would be fitted with privacy louvres (W113) or have high sill height (W114 and W115). Furthermore, a condition is recommended requiring obscured/opaque glazing to be fitted to the first floor master bedroom windows (W101) to protect visual privacy for the adjoining property at No.495 Miller Street (Condition C23(b)).</p> <p>The property boundary fence would provide privacy protection for the residents of No. 495 Miller Street from the ground floor windows on the northern elevation of the proposed development.</p> <p>The proposed first floor balcony on the front (Miller Street) elevation would have no privacy impacts for the adjoining residential properties.</p> <p>The applicant has deleted the first floor external staircase and the installation of privacy screens on the northern and southern edges of the first floor balcony on the rear (eastern) elevation to minimise privacy impact.</p> |
| 1.4 | Quality built form | | |
| 1.4.1 | Context | Yes | As indicated earlier in this report, the modified design, subject to imposition of appropriate conditions, is considered to be more appropriate and compatible with the context and the overall built form character of the locality. |
| 1.4.7 | Form Massing | (via conditions) | |
| Scale | | | |
| 1.4.8 | Built Form | | |
| Character | | | <p>The proposed design with the modified treatments of the north-eastern corner of the first floor addition would result in an improved outcome for the Miller Street streetscape.</p> <p>The subject site is not a heritage item and not located within a conservation area. Furthermore, the proposal for a two storey building would have no material impacts on the significance of the Plateau Conservation Area given that the proposed dwelling is not highly visible from the southern side of Pine Street due to the sloping landform of the subject site.</p> |
| 1.4.2 | Subdivision | No change | The proposal would not change the subdivision pattern within the locality. |
| Pattern | | | |
| 1.4.5 | Siting | No change | The proposal is generally consistent with siting and orientation of the original dwelling. |
| 1.4.6 | Setbacks | Yes | Front: |
| | | | The proposal would generally maintain the front boundary setback of the original dwelling. |
| | | Yes | Rear: |
| | | | The modified proposal does not change the rear boundary setback of the original proposal that generally matches the rear building setbacks of the immediate adjoining properties. |

| | Yes/No (acceptable on merit / via condition) | <p>Side:</p> <table><tr><th>Floor - Elevation</th><th>Original DA scheme:</th><th>Modified Proposed</th><th>Control</th><th>Complies</th></tr><tr><td>Ground Floor (Up to 4m) - North-eastern (495 Miller St) - South-western (491 Miller St)</td><td>1.1m (Min.) 690mm (Min.)</td><td>1.1m (Min.) 690mm (Min.)</td><td>900mm 900mm</td><td>Yes No</td></tr><tr><td>First Floor (4m to 7m) - North-eastern (495 Miller St) - South-western (491 Miller St)</td><td>1.1m (Min.) 1.5m (Min.)</td><td>1.1m (Min.) 1.5m (Min.)</td><td>1.5m 1.5m</td><td>No Yes</td></tr><tr><td>Over 7m - North-eastern (495 Miller St) - South-western (491 Miller St)</td><td>2.2m (Min) 1.5m (Min)</td><td>2.2m (Min.) 1.5m (Min.)</td><td>2.5m 2.5m</td><td>No No</td></tr></table> <p>The non-compliance with the side boundary setbacks are considered acceptable for the following reasons:</p> <p><u>Ground floor – South-western elevation:</u></p> <p>As indicated earlier in this report, the non-complying side setback of 690mm on the ground floor level due to the location of remaining external wall of the original dwelling adjacent to the common property boundary with No.491 Miller Street (aka 1C Pine Street). Furthermore, the amenity impacts resulting from the non-compliance are considered to be acceptable as indicated earlier in this report.</p> <p>First Floor – North-eastern Elevation:</p> <p>The side boundary setback for the building elements above 4m on the north-eastern elevation generally complies with the DCP’s 1.5m setback requirement with the exception of a small section of the external wall/window of the first floor kitchen. This non-compliance would not cause material amenity impacts on the adjoining property at No. 495 Miller Street in terms of privacy, view loss and shadowing. The building height, bulk and scale are considered to be acceptable given that the height of this part of the building would be under 7m.</p> <p>Over 7m – Both side elevations:</p> <p>These non-complying building elements primarily involve the upper most section of the building and the roof eaves. The impacts of these building elements are considered to be minor and are considered to be acceptable with the proposed modified design.</p> <p>Proposed Carport:</p> <p>The proposed carport is a replacement of a similar structure at the same location that was demolished at about the same time of the substantial demolition of the main dwelling.</p> | Floor - Elevation | Original DA scheme: | Modified Proposed | Control | Complies | Ground Floor (Up to 4m) - North-eastern (495 Miller St) - South-western (491 Miller St) | 1.1m (Min.) 690mm (Min.) | 1.1m (Min.) 690mm (Min.) | 900mm 900mm | Yes No | First Floor (4m to 7m) - North-eastern (495 Miller St) - South-western (491 Miller St) | 1.1m (Min.) 1.5m (Min.) | 1.1m (Min.) 1.5m (Min.) | 1.5m 1.5m | No Yes | Over 7m - North-eastern (495 Miller St) - South-western (491 Miller St) | 2.2m (Min) 1.5m (Min) | 2.2m (Min.) 1.5m (Min.) | 2.5m 2.5m | No No |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------|----------------------|---------|----------|--------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------|--------------------|----------------------|-------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|------------------|----------------------|-------------------------------------------------------------------------------------|--------------------------------|----------------------------------|------------------|--------------|
| Floor - Elevation | Original DA scheme: | Modified Proposed | Control | Complies | | | | | | | | | | | | | | | | | | |
| Ground Floor (Up to 4m) - North-eastern (495 Miller St) - South-western (491 Miller St) | 1.1m (Min.) 690mm (Min.) | 1.1m (Min.) 690mm (Min.) | 900mm 900mm | Yes No | | | | | | | | | | | | | | | | | | |
| First Floor (4m to 7m) - North-eastern (495 Miller St) - South-western (491 Miller St) | 1.1m (Min.) 1.5m (Min.) | 1.1m (Min.) 1.5m (Min.) | 1.5m 1.5m | No Yes | | | | | | | | | | | | | | | | | | |
| Over 7m - North-eastern (495 Miller St) - South-western (491 Miller St) | 2.2m (Min) 1.5m (Min) | 2.2m (Min.) 1.5m (Min.) | 2.5m 2.5m | No No | | | | | | | | | | | | | | | | | | |

| | | There would be zero side boundary setback along the common property boundary with No.1A Pine Street. However, this would have no material amenity impacts on No.1A Pine Street because the carport would adjoin an existing driveway. Furthermore, Condition C1 of the original deferred commencement consent requires all works are to be located within the subject site and no encroachment of any works onto any adjoining property. | | | | | | | | | | | | | | | | |
|---------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|----------|------------|----------------------------|-----------------|-----------------|-----|---------------------------------|---------------|----------------|-----|-------------------------------|-------------------|-------------------|-----|
| 1.4.9 Dwelling Entry | Yes | The proposal would provide a ground floor dwelling entrance on the side (north-eastern) elevation as per the original dwelling. The applicant has proposed a staircase on the front elevation to provide pedestrian access to this entrance. This is considered to be acceptable given that the design would ensure an improved sense of address of the proposal. | | | | | | | | | | | | | | | | |
| 1.4.10 Roofs | Yes | <p>The original proposal features a skillion roof on each side of roof with a flat roof at the rear of the dwelling. The applicant has modified the pitch of the northern roof plane and is considered to be acceptable.</p> <p>The applicant has modified the roof at the rear to provide standing seam metal sheeting. This is considered to be acceptable as indicated earlier in this report.</p> | | | | | | | | | | | | | | | | |
| 1.4.12 Materials | Yes (via condition) | The materials and finishes as proposed in this modified scheme are considered to be acceptable. It is recommended that Condition C7 of the original scheme be amended to incorporate references to the schedule of materials submitted with this application (Condition C7). | | | | | | | | | | | | | | | | |
| 1.4.14 Front Fences | Yes (via Condition) | <p>Whilst the application does not involve changes to the front fencing, the existing front timber fence is likely to be replaced due to the poor condition of the existing fence.</p> <p>A condition is recommended that a new condition be imposed requiring any new front fencing shall match be timber construction and match the height of the existing timber fence and not exceeding the DCP maximum height (1.8m) for front fencing along Miller Street (Condition C24).</p> | | | | | | | | | | | | | | | | |
| 1.5 Quality Urban Environment | | | | | | | | | | | | | | | | | | |
| 1.5.4 Vehicle Access and Parking | Yes | <p>The current application does not involve changes to the vehicular access via a driveway crossing off Pine Street and the parking on site for one (1) vehicle. It is noted that the parking is provided in the form of a carport before the that structure was demolished as part of the earlier construction works.</p> <p>No objection is raised to the construction of a replacement single carport at the location of the former one.</p> | | | | | | | | | | | | | | | | |
| 1.5.5 Site Coverage 1.5.6 Landscape Area | Yes | <p>The modified proposal complies with DCP’s site coverage, unbuilt upon area and landscaped area requirements as indicated below:</p> <table><tr><th>Site Area: 386.5sqm</th><th>Original DA scheme</th><th>Proposed</th><th>Compliance</th></tr><tr><td>Site coverage (50% Max)</td><td>172sqm (45%)</td><td>188sqm (49%)</td><td>Yes</td></tr><tr><td>Unbuilt-upon area (20% Max.)</td><td>35sqm (9%)</td><td>37sqm (10%)</td><td>Yes</td></tr><tr><td>Landscaped area (30% Min.)</td><td>179.5sqm (46%)</td><td>161.5sqm (41%)</td><td>Yes</td></tr></table> | Site Area: 386.5sqm | Original DA scheme | Proposed | Compliance | Site coverage (50% Max) | 172sqm (45%) | 188sqm (49%) | Yes | Unbuilt-upon area (20% Max.) | 35sqm (9%) | 37sqm (10%) | Yes | Landscaped area (30% Min.) | 179.5sqm (46%) | 161.5sqm (41%) | Yes |
| Site Area: 386.5sqm | Original DA scheme | Proposed | Compliance | | | | | | | | | | | | | | | |
| Site coverage (50% Max) | 172sqm (45%) | 188sqm (49%) | Yes | | | | | | | | | | | | | | | |
| Unbuilt-upon area (20% Max.) | 35sqm (9%) | 37sqm (10%) | Yes | | | | | | | | | | | | | | | |
| Landscaped area (30% Min.) | 179.5sqm (46%) | 161.5sqm (41%) | Yes | | | | | | | | | | | | | | | |

| | | |
|--------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.5.7 Excavation | Yes (via condition) | <p>As mentioned earlier in this report, the proposed earthworks relating to the levelling at the rear of the dwelling for paving off the ground floor living area, are unlikely to have material impacts on the neighbouring properties because of the minor nature of the proposed earthworks.</p> <p>Notwithstanding this, a standard condition relating to excavation works was recommended in the original deferred commencement consent to ensure that the works are to be undertaken in a professional and responsible manner and protect adjoining properties and persons for potential damage (Condition F6).</p> <p>Furthermore, the property owner has provided copies of the dilapidation reports to the adjoining properties as required by Condition AA3(a) of the original deferred commencement consent.</p> |
| 1.5.8 Landscaping | Yes (via condition) | <p>AS indicated earlier in this report the submitted landscape plan is considered to be generally acceptable subject to appropriate landscaping conditions.</p> |

Cammeray Planning Area - Cammeray Neighbourhood

The proposal has also been assessed under the Cammeray Neighbourhood Character Statement in Part C, Section 4.2 of NSDCP 2013, where the proposal was found to be generally acceptable as subject to the imposition of appropriate conditions as outlined in earlier in this report.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The original application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. Condition C16 has been imposed requiring the payment of Section 7.11 Contributions. This application does not involve changes to this condition.

HOUSING PRODUCTIVITY CONTRIBUTION

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

Section 4.55 (3) in the EPA ACT 1979 - Consideration of the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting the original deferred commencement consent are as follows:

The Panel considers a deferred commencement consent is necessary in the circumstances to provide certainty and an improvement to the outcome.

Consideration has been given to the above reasons and addressed as follows:

- The proposed modifications, subject to imposition of appropriate conditions, is considered to be more appropriate and compatible with the context and the overall built form character of the locality.

- The proposed design with the modified treatments of the north-eastern corner of the first floor addition would result in an improved outcome for the Miller Street streetscape.
- The subject site is not a heritage item and not located within a conservation area. Furthermore, the proposal for a two storey building would have no material impacts on the significance of the Plateau Conservation Area given that the proposed dwelling is not highly visible from the conservation area to the south of the subject site.
- The modified development would maintain compliance with LEP building height control and DCP site coverage/unbuilt upon area and landscaped area controls.
- The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties subject to the imposition of appropriate conditions.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed modifications 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 adjoining property owners and the Bay Precinct Committee was notified about the application between 7 and 21 March 2025. A total of two (2) submissions were received at the completion of the notification period.

The matters in relation to amenity impacts (overshadowing, privacy and view loss), non-compliances with setbacks and the availability of dilapidation reports raised in the submissions have been addressed throughout this report. The other matters raised in the submissions are listed below:

- ***No change to the design of the dwelling in the original DA proposal.***
- ***High visibility of the subject site from Miller Street due to reduced screening from vegetation.***
- ***Uncharacteristic design highly visible from Miller Street.***

Comment:

As indicated earlier in this report, this S4.55 application seeks to retain the part of the first floor addition on the north-eastern side of the building.

Whilst the modified design does not involve the deletion of the cantilevered building elements, the current proposal is considered to be an improved design outcome with better architectural expression having the first floor addition being supported by stronger masonry elements with the application of appropriate external materials and finishes. The lowering of the northern roof pitch also minimises the visual bulk of this building element as seen from Miller Street.

It is considered that the modified design is acceptable subject to a new condition (**Condition C21**), as a replacement of Condition AA1 (a), requiring the width of the masonry columns to be increased to match the inner edge of the planter wall to improve the design of the front elevation by grounding the first floor addition with more substantial supporting structures.

The proposed design with the modified treatments of the north-eastern corner of the first floor addition would result in an improved outcome for the Miller Street streetscape. Therefore, the modified design is considered to be more appropriate and compatible with the context and the overall built form character of the locality.

- ***Fire hazard concerns due to insufficient side boundary setback from the adjoining property to the south/south-west.***

Comment:

The building element causing the non-complying setback primarily relates to a remaining wall from the dwelling formerly occupied the subject site. A condition has been imposed in the original deferred commencement consent requiring compliance with the provisions/requirements of the National Construction Codes (NCC) that contain fire safety requirements.

- ***Potential of using the proposed development for boarding house resulting increase demand for on-street parking.***

Comment:

As indicated earlier in this report, the applicant has sought development approval for a single occupancy and the current application does not seek to change this aspect of the proposed development.

Furthermore, specific conditions have been imposed specifying the use of the property as a single occupancy only (**Conditions A4 and I1**).

- ***Adverse traffic and safety impacts during construction for residents and visitors of an adjoining property.***

Comment:

Appropriate conditions have been imposed in the original deferred commencement consent in relation to parking restrictions along the street and road reserve safety during the construction phase of the proposed development (**Conditions E1 and E2**).

The applicant has not sought changes to these conditions.

- ***Adverse impacts from planting of bamboo and associated impacts on structures due to the aggressive root system.***

Comment:

As indicated earlier in this report, a condition be imposed requiring the deletion of this annotation "Proposed planting bamboo screening" on the ground floor plan (Drawing numbered AR-DA-2000 Rev 2) to ensure clarity (**Condition C22**).

- ***Insufficient shadow diagrams.***

Comment:

The submitted shadow diagrams are considered adequate for the purpose of assessment as demonstrated earlier in this report.

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 on land zoned R2 (Low Density Residential) where detached dwellings are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the *EP & A Act 1979*.

The proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved in the original deferred commencement consent.

The proposed modifications have generally addressed the reasons for the imposition of the deferred commencement conditions to provide certainty and improvement to the development outcome.

The proposed retention of the north-western element of the first floor addition is considered to be acceptable as the result of an improved architectural design and treatments subject to the imposition of a condition to further improve the outcome of the modified design.

The proposed modifications would maintain compliance with the LEP maximum building height development standard and DCP site coverage/unbuilt upon area/landscape area requirements.

The proposed modifications would not cause additional adverse amenity impacts for the neighbouring properties subject to the imposition of new conditions.

The other requirements of the deferred commencement conditions have also been addressed by the applicant's submission and/or the imposition of new conditions and outlined throughout this report.

The issues raised in the submissions have been addressed in the assessment report.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be approved with modifications/deletion to existing conditions of consent and addition of new conditions.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent **D40/21** dated 5 May 2021 in respect of a proposal for the construction of a new two storey detached dwelling at No.1B Pine Street, Cammeray under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

- To modify the conditions of (D40/21) in particular conditions A1, A4, C7, C18, C19, G6, G8 and G15 to read as follows:***

Development in Accordance with Plans (S4.55 Amendments)

- A1. The development being carried out in accordance with the following drawings:

| Plan No. | Description | Prepared by | Dated |
|-----------------|------------------------------|---------------|------------|
| AR-DA2000 Rev 2 | Ground Level | Place Studio | 15/04/2025 |
| AR-DA2001 Rev 3 | First Floor | Place Studio | 15/04/2025 |
| AR-DA2002 Rev 2 | Roof Plan | Place Studio | 16/12/2024 |
| AR-DA4000 Rev 1 | Sections | Place Studio | 12/09/2021 |
| AR-DA5001 Rev 2 | NE & NW Elevations | Place Studio | 16/12/2024 |
| AR-DA5002 Rev 1 | SW & SE Elevations | Place Studio | 16/12/2024 |
| AR-DA7000 Rev 2 | Existing Carport Minor Works | Place Studio | 16/12/2024 |
| AR-DA9001 Rev 1 | External Finishes | Place Studio | 12/09/2022 |
| L01 of 1 | Landscape Plan | Hortus Design | 06/11/2023 |

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

Terms of Consent (D40/21/3)

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Retention of an existing brick wall of the original dwelling adjacent to the southwestern (side) property boundary;
- (b) Construction of a two storey detached dwelling;
- (c) Construction of a single carport to Pine Street;
- (d) Construction of a new brick wall on along the common property boundary with No.1A Pine Street; and
- (e) Associated landscaping work as required by Condition A1 of this consent.

No approval is given or implied in this consent for the following to ensure that the terms of the consent are clear:

- (a) The external staircase at the rear of the dwelling connecting the first floor of the dwelling and the rear setback;
- (b) The use of the flat roof at the rear of dwelling as a trafficable area other than occasional maintenance access to the roof and solar panels;
- (c) The use of the dwelling other than a single occupancy; and
- (d) Any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

External Colours and Materials

C7. The external materials, colours and finishes shall be consistent with those as indicated on drawing numbered AR-DA9001 Rev 1, titled External Finishes, dated 12 September 2022 prepared by Place Studio.

Any other external materials, colours and finishes, not specified in drawing numbered AR-DA9001 Rev 1, shall be compatible with the approved development and the surrounding development.

A full schedule of external materials, colours and finishes must be submitted for the approval of the Principal Certifier for approval.

The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that the external materials, colours and finishes are compatible with the surrounding development/locality)

BASIX Certificate

- C18. Under section 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. 1176928S_05 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 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 proposed development will meet the Government's requirements for sustainability and statutory requirements)

Surrender of Previous Development Consent

- C19. The applicant/developer is required to surrender Development Consent (**D402/17**) within 60 days from the date of this modification approval (**D40/21/3**), to ensure clarity and certainty for the development on the subject site.

The Principal Certifier must ensure that the written confirmation from Council for the surrendering of the Development Consent (**D402/17**) is received prior to the issue of the Construction Certificate.

(Reason: To ensure clarity and certainty of development within the subject site)

Height

- G6. Upon completion of the works and prior to the issue of any Occupation Certificate, the RL on the development measured RL70.13 must be surveyed and certified by an appropriately qualified and practicing surveyor as compliant with the maximum approved levels in accordance with the approved plans showing height at RL70.13AHD. This survey and certification must be submitted to the Principal Certifier with the application for an Occupation Certificate and a copy provided to Council (If Council is not the Principal Certifier).

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

Landscaping

- G8. The landscaping shown on the approved landscape plan and as amended by Condition C20 of this consent must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Compliance with Certain conditions

- G15. Prior to the issue of any Occupation Certificate, Conditions A4, C1, C7, C9, C20, C21, C22, C23 and C24, 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)

2. To insert new conditions C20, C21, C22, C23 and C24 to read as follows:

Amendments to Landscape Plan

- C20. The submitted landscape plan (Drawing numbered L01 of 1, dated 6 November 2023 prepared by Hortus Design) shall be amended to incorporate the following:

- (a) 5 x *nandina domestica* shall be substituted for 9 x *Lomandra sp. or Dianella sp.* or similar (200mm min); and
- (b) 3 x unspecified trees across northwestern (Miller Street) frontage shall be clearly specified.

Plans and specifications complying with this condition must be submitted to the Principal Certifier 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 enhance landscaping outcome and to ensure clarity)

Design Modifications (D40/21/3)

- C21. The width of the two masonry columns supporting the north-eastern building element of the first floor addition be increased to match the inner edge of the planter wall at the base of the columns to further improve the design of the front elevation.

Plans and specifications complying with this condition must be submitted for the written approval of the Team Leader Assessments 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 enhance design outcomes and streetscape)

Deletion of Bamboo Planting

- C22. The planting of 'new natural screen bambu'(sic) as shown along the south-western (side) property boundary on drawing numbered AR-DA-2000 Rev 2 dated 15 April 2025 prepared by Place Studio, be deleted and form no part of this consent.

Plans and specifications complying with this condition must be submitted for the Principal Certifier 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 compliance and clarity)

Visual Privacy Protection

- C23. Obscure/Opaque glazing shall be installed to the following window to protect visual privacy for the adjoining properties

- (a) The full height stairwell window (W112) on the rear elevation of the main dwelling; and
- (b) The first floor master bedroom window (W101) on the north-eastern elevation facing No. 495 Miller Street.

Plans and specifications complying with this condition must be submitted for the Principal Certifier 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 visual privacy protection for the adjoining properties)

Front Fencing

- C24. The height of any new front fencing along the Miller Street property boundary shall not exceed the DCP requirements for the maximum height of front fence, at 1.8m as measured from the ground level, on Miller Street.

Plans and specifications complying with this condition must be submitted for the Principal Certifier 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 compliance with DCP requirement and streetscape)

3. Deletion of Conditions AA1, AA2 and AA3:

~~Modifications to first floor of the proposed dwelling~~

~~AA1. The design of the first floor of the proposed dwelling be modified as follows:~~

- ~~(a) The proposed element on the north-eastern side of the building that projects beyond the north-eastern external wall for the ground floor TV room, Study and bathroom be deleted to provide a more harmonious built form for the dwelling and no projecting building elements on the first floor beyond the original dwelling building line with the exception of the eave line at 450mm maximum;~~
- ~~(b) The external staircase and the living room balcony be deleted to ensure visual privacy for the adjoining properties. A Juliet balcony is to be provided to the full length (3.17metres) of the first floor living room window on the rear elevation (W18);~~
- ~~(c) The spiral staircase connecting the ground floor living room and first floor living room to be replaced by a straight or L-shaped staircase to provide safer access for residents;~~
- ~~(d) The internal layout of the first floor shall be modified to accommodate the required design modifications.~~

~~{Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality and the amenity of the surrounding properties}~~

~~Landscape Plan~~

~~AA2. The applicant must submit a landscape plan showing the landscaping treatments within the subject site incorporating the following:~~

- ~~(a) The retention and protection of 2 x *Howea forsteriana* and 1 x *Syagrus romanzoffianum* within the rear building setback and 1 x *Persea americana* within the front building setback;~~
- ~~(b) Planting of 2 x *Banksia integrifolia* (45l) in the north-eastern corner of site as shown on the approved plans, and appropriately spaced to allow for the retention of the existing *Persea americana*;~~
- ~~(c) Planting of 1 x *Callistemon viminalis* (45l) in the north-western corner of site; 1 x *Glochidion ferdinandii* (75l), 2 x *Tristaniopsis laurina* (75l) and 2 x *Tristaniopsis laurina* (75l) within the rear yard of the subject site;~~
- ~~(d) Soft landscaping/turf shall be provided for the front garden and rear yard where applicable; and~~
- ~~(e) The species names, number and pot sizes of new planting shall be detailed in the landscape plan.~~

~~{Reasons: To ensure a desirable landscaping outcome for the subject site and the locality}~~

~~Additional Deferred Commencement Requirements~~

~~AA3. The applicant shall submit plans/documents/information to satisfy the requirements of the following:~~

- ~~(a) Dilapidation report detailing the visible external conditions of the immediately adjoining properties at Nos 491 and 495 Miller Street, including documentary evidence that a copy of the report has been provided to the owners of the nominated adjoining properties;~~
- ~~(b) Amendments to all relevant architectural drawings to incorporate the deletion of 'new natural screen bambu' (sic) adjacent to the common boundary at the rear of No. 491 Miller Street;~~
- ~~(c) The height of the proposed brick wall adjacent to the driveway of No. 497 Miller Street, No. 1A Pine Street must be reduced to 1.8 metres maximum;~~
- ~~(d) The concrete flat roof on the first floor of the proposed dwelling shall be replaced by a sloping colorbond roof.~~

~~(Reason: To ensure record keeping of the condition of the immediate adjoining properties and the design of the development complements the surrounding properties)~~

Robin Tse
SENIOR ASSESSMENT OFFICER

Isobella Lucic
TEAM LEADER ASSESSMENTS

Stephen Beattie
MANAGER DEVELOPMENT SERVICES



1B PINE STREET, CAMMERAY

RESIDENTIAL DWELLING

ARCHITECTURAL DRAWING LIST

| DRAWING NUMBER | TITLE | REVISION |
|----------------|-------------------------------|----------|
| AR-DA-0000 | TITLE SHEET | 2 |
| AR-DA-2000 | GROUND LEVEL | 1 |
| AR-DA-2001 | FIRST FLOOR | 2 |
| AR-DA-2002 | ROOF PLAN | 2 |
| AR-DA-2100 | LANDSCAPE - INTENT PLAN | 1 |
| AR-DA-2101 | LANDSCAPE - EXISTING PLANTING | 1 |
| AR-DA-4000 | SECTIONS | 1 |
| AR-DA-5001 | NE & NW ELEVATIONS | 2 |
| AR-DA-5002 | SW & SE ELEVATIONS | 1 |
| AR-DA-6001 | SHADOW DIAGRAMS - JUNE 21 | 1 |
| AR-DA-7000 | EXISTING CARPORT MINOR WORKS | 2 |
| AR-DA-8001 | SKETCH PERSPECTIVES | 1 |
| AR-DA-9000 | WINDOW SCHEDULE | 1 |
| AR-DA-9001 | EXTERNAL FINISHES | 1 |
| AR-DA-9100 | SITE COVERAGE | 1 |



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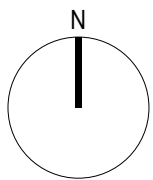
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REVISION:

| REV | DATE | DESCRIPTION | APP |
|-----|------------|----------------|-----|
| 1 | 12/09/2022 | FOR DISCUSSION | NAG |
| 2 | 16/12/2024 | CLIENT UPDATES | NAG |

LEGEND:



SCALE: @ A1

PROJECT:

#2021091
1B PINE STREET,
CAMMERAY

CLIENT: R. SAADEH

DRAWING TITLE:

TITLE SHEET

SHEET NUMBER:

AR-DA-0000

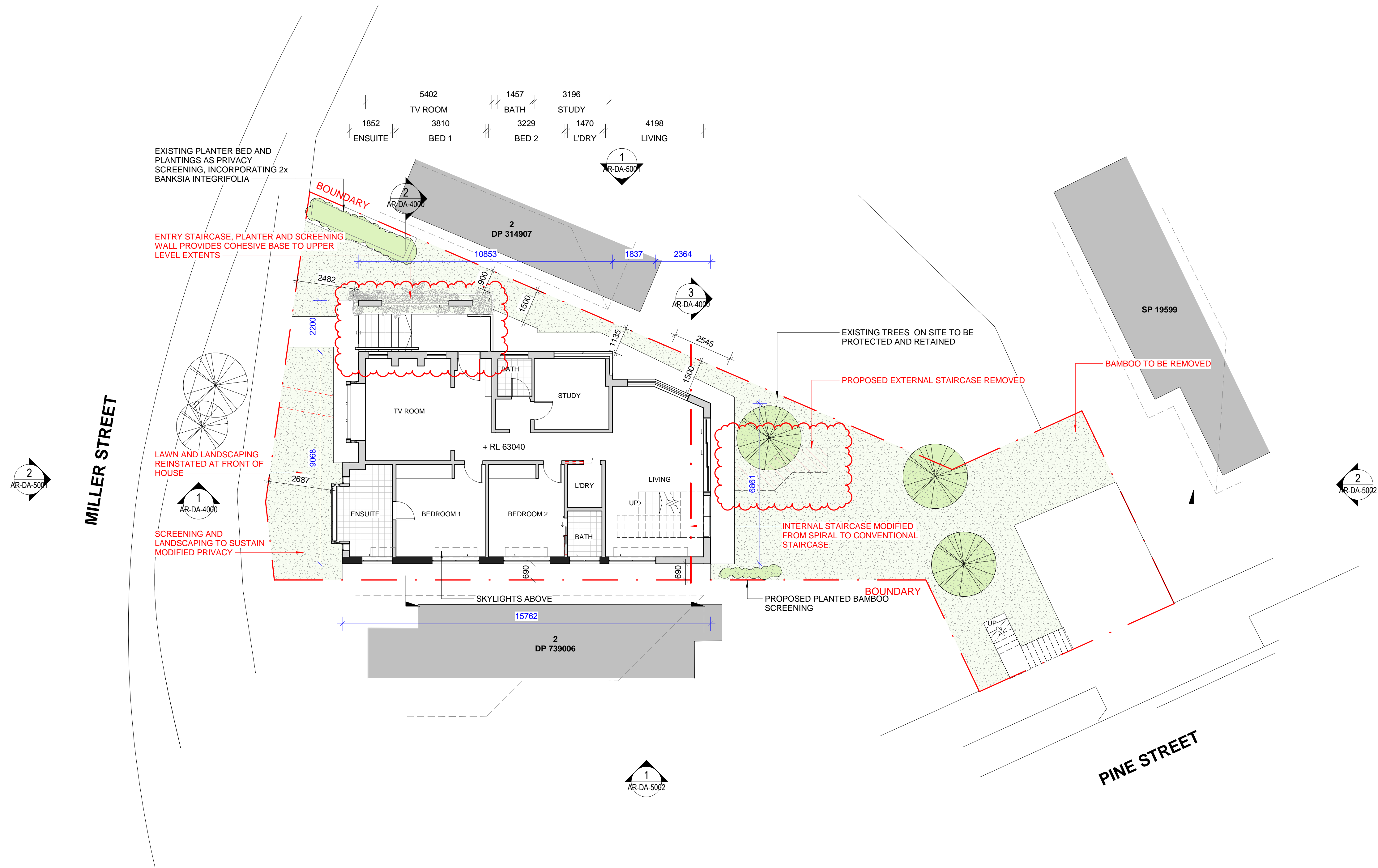
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2

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W | www.PlaceStudio.com.au E | Studio@PlaceStudio.com.au



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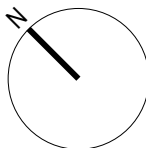
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REVISION:

| REV | DATE | DESCRIPTION |
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| 1 | 10/06/2022 | FOR DISCUSSION |
| 2 | 15/04/2025 | DIMENSIONS ADDED |

LEGEND:

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SCALE: 1 : 100 @ A1

PROJECT:

#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:

GROUND LEVEL

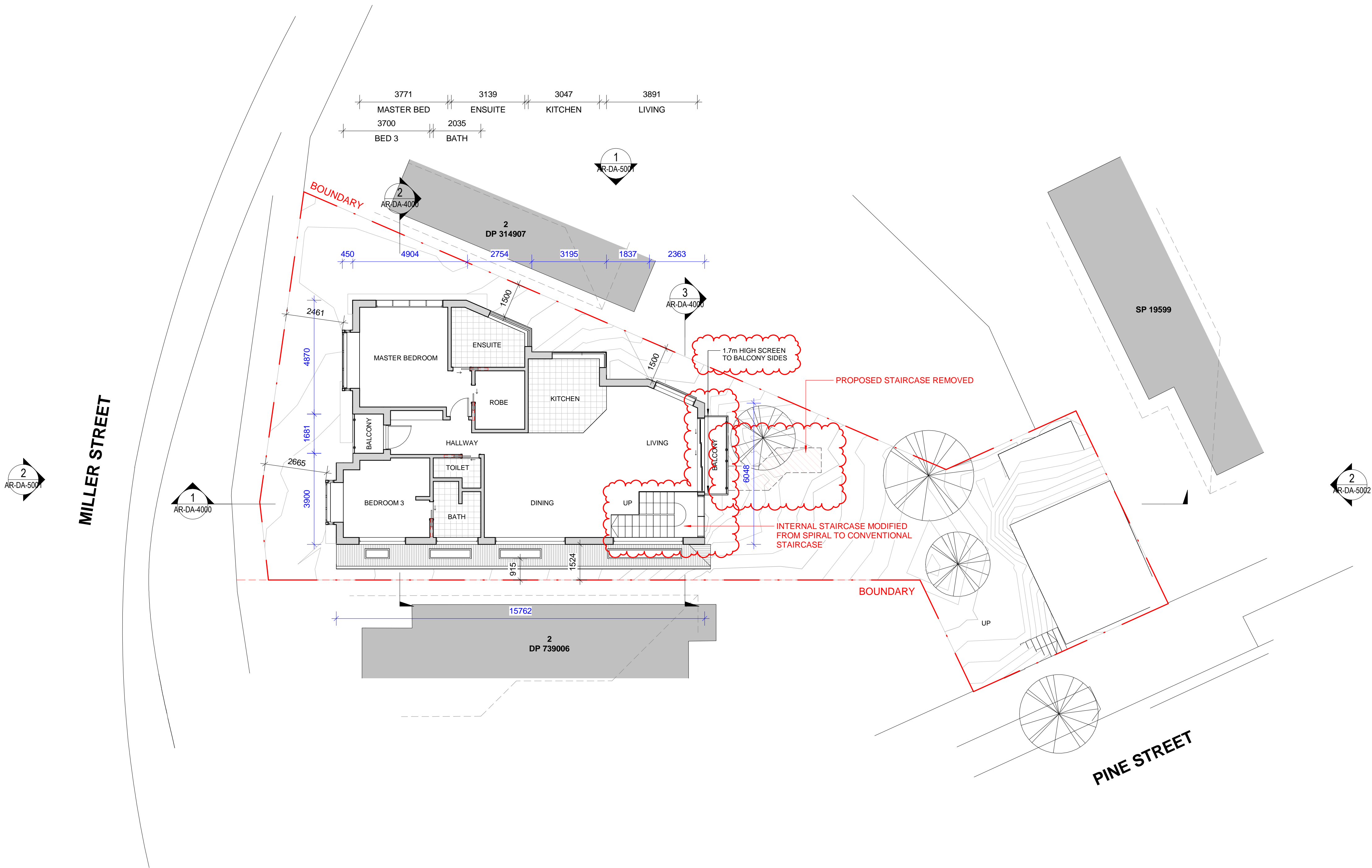
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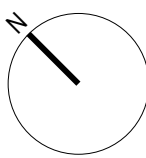
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| 2 | 16/12/2024 | CLIENT UPDATES |
| 3 | 15/04/2025 | DIMENSIONS ADDED |

LEGEND:

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PROJECT:

#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:

FIRST FLOOR

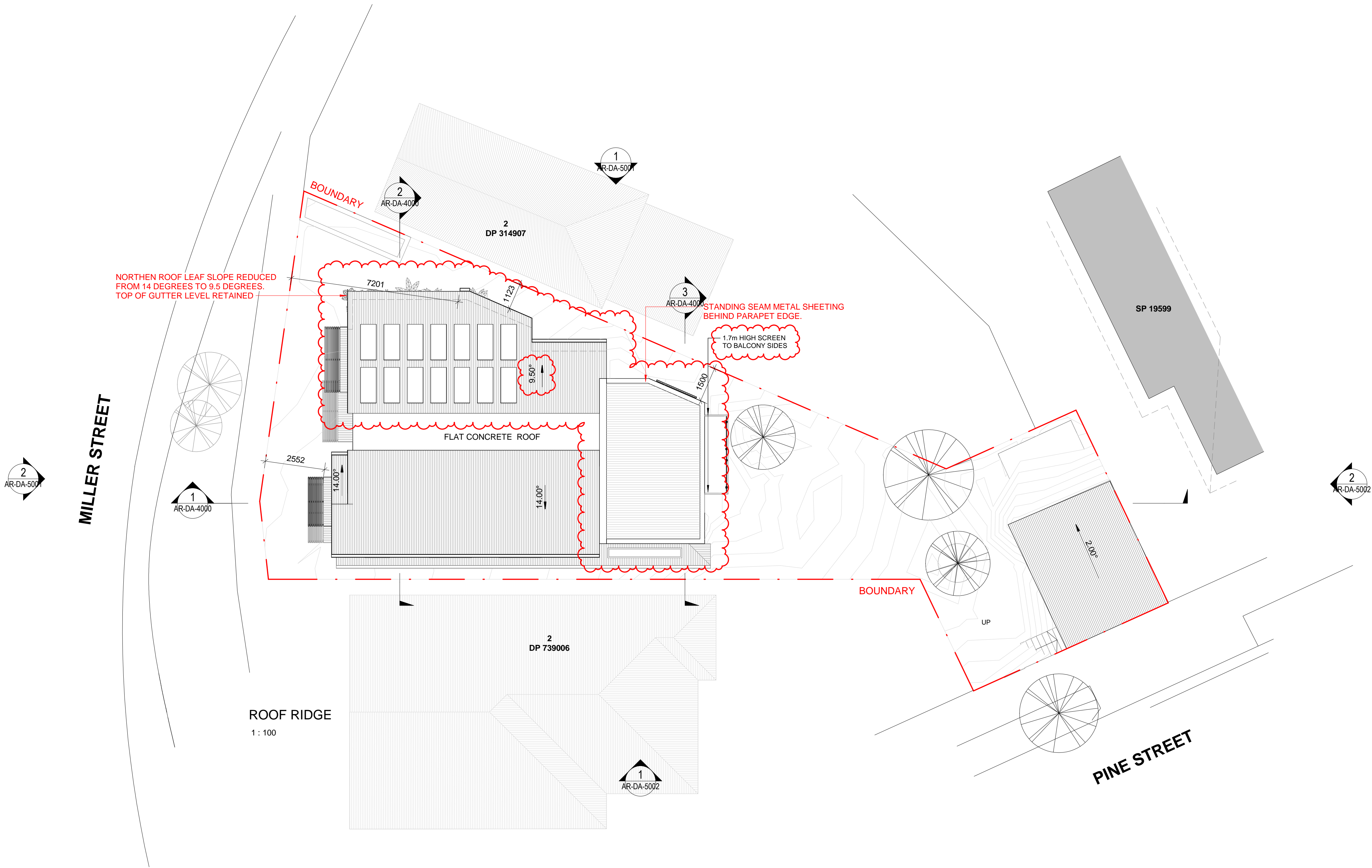
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DATE: 15/04/2025

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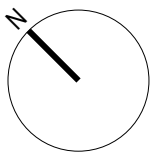
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| 2 | 16/12/2024 | CLIENT UPDATES | | |

LEGEND:



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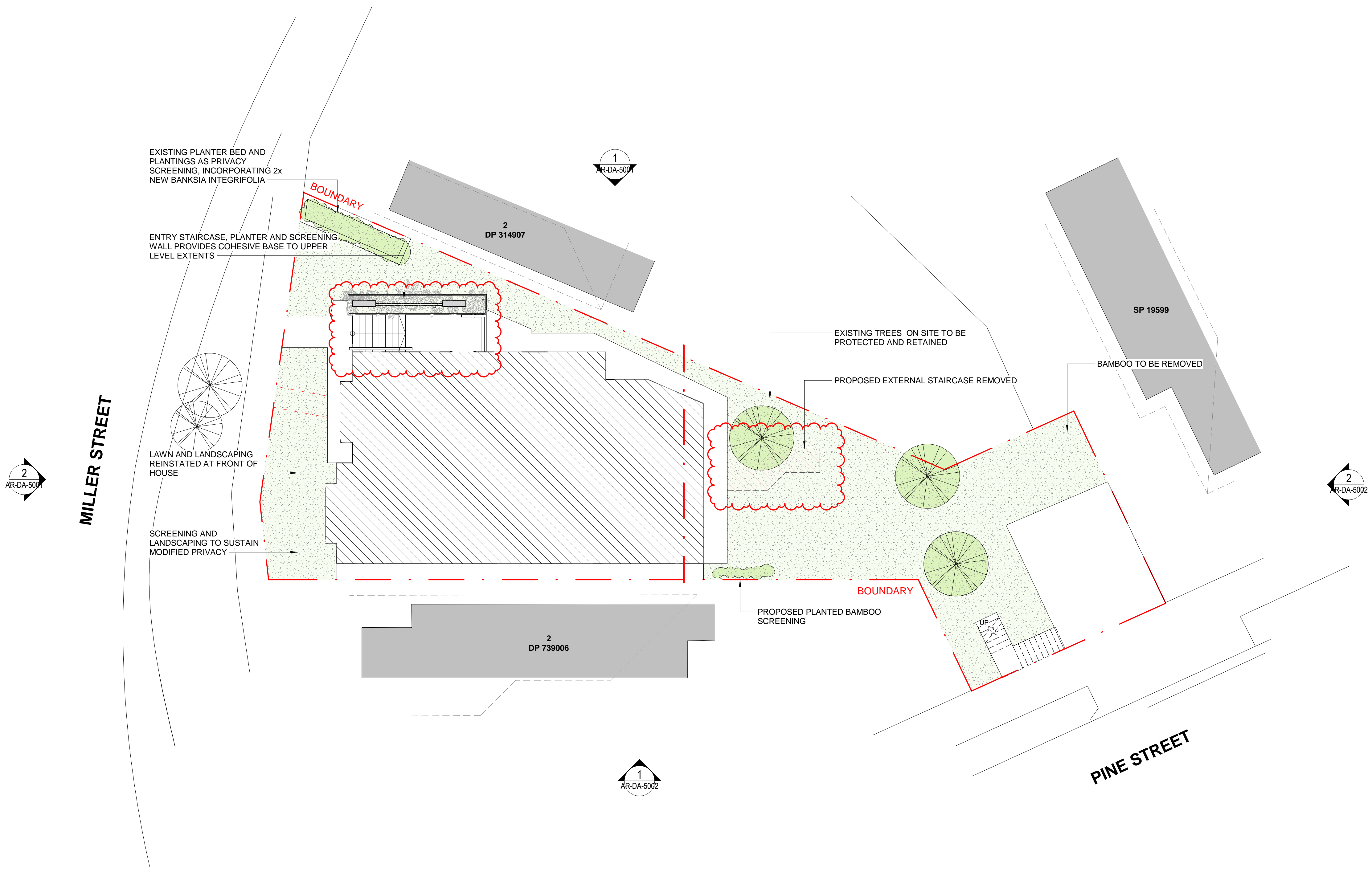
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1B PINE STREET,
CAMMERAY

DRAWING TITLE:
ROOF PLAN

SHEET NUMBER:
AR-DA-2002
DATE: 16/12/2024

REV:
2

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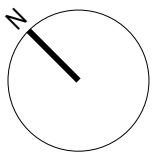
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SCALE: 1 : 100 @ A1

PROJECT:
#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:
**LANDSCAPE - INTENT
PLAN**

SHEET NUMBER:
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DATE: 12/09/2022

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1

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NOTE:
EXISTING LANDSCAPING TO BE REINSTRATED ON SITE



VIEW 01 - EXISTING PLANTING



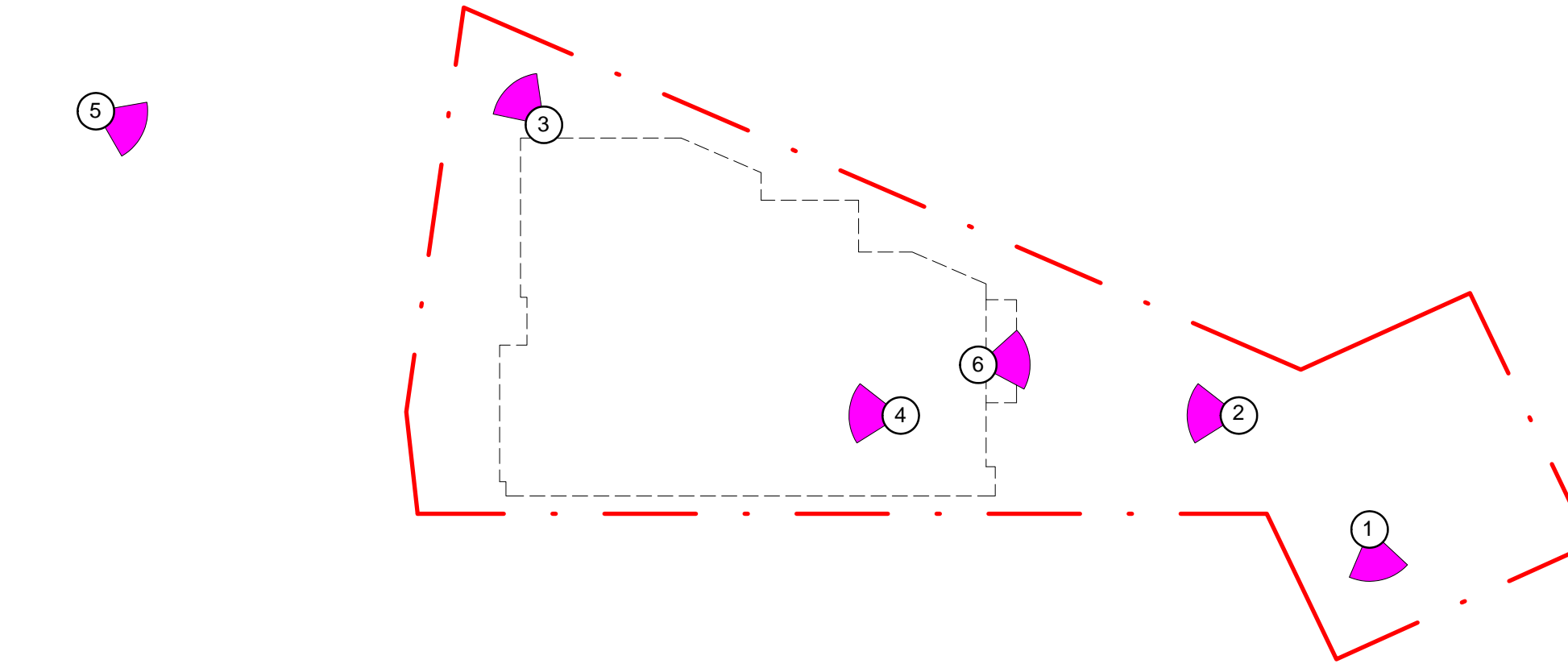
VIEW 02 - LOOKING TOWARDS MILLER STREET - EXISTING PLANTING AT FENCE LINE



VIEW 03 - EXISTING PLANTING IN NORTH-EASTERN CORNER OF SITE



VIEW 04 - VIEW TOWARDS MILLER STREET SHOWING EXISTING PLANTING AT BOUNDARY



VIEW LOCATION PLAN
1 : 200



VIEW 05 - MILLER STREET ELEVATION SHOWING EXISTING FOOTPATH PLANTING



VIEW 06 - LOOKING S-E TOWARDS EXISTING PLANTING ON SITE

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DEVELOPMENT APPLICATION**

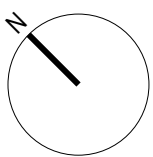
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PROJECT:
#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:
LANDSCAPE - EXISTING
PLANTING

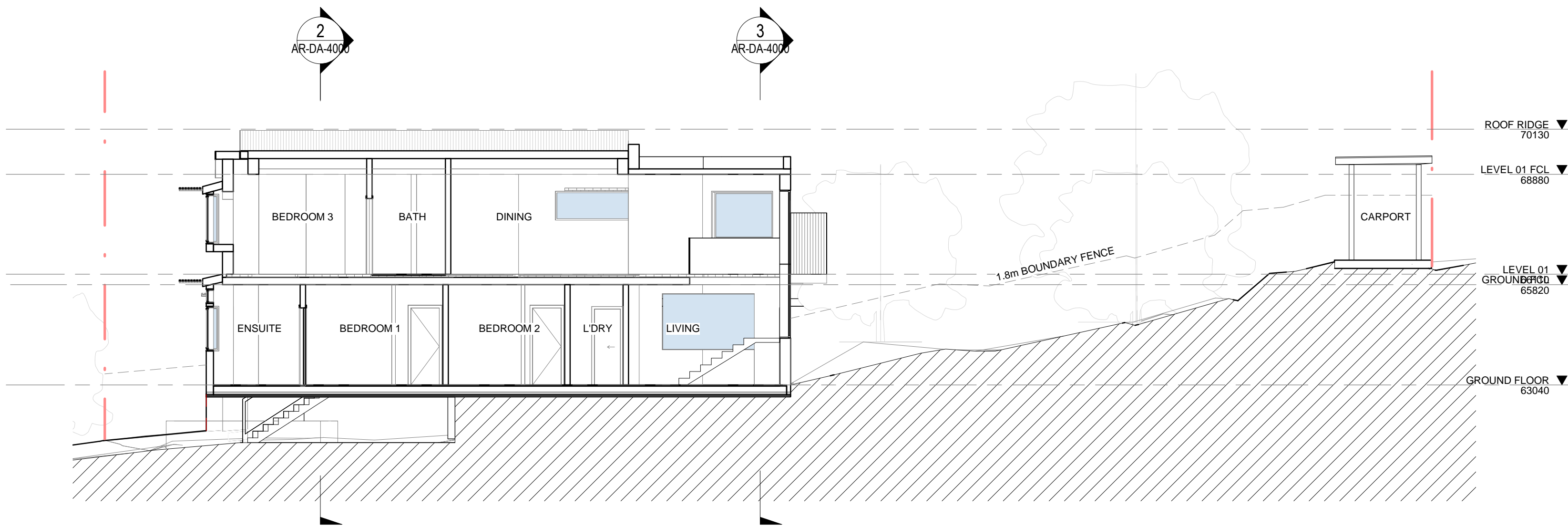
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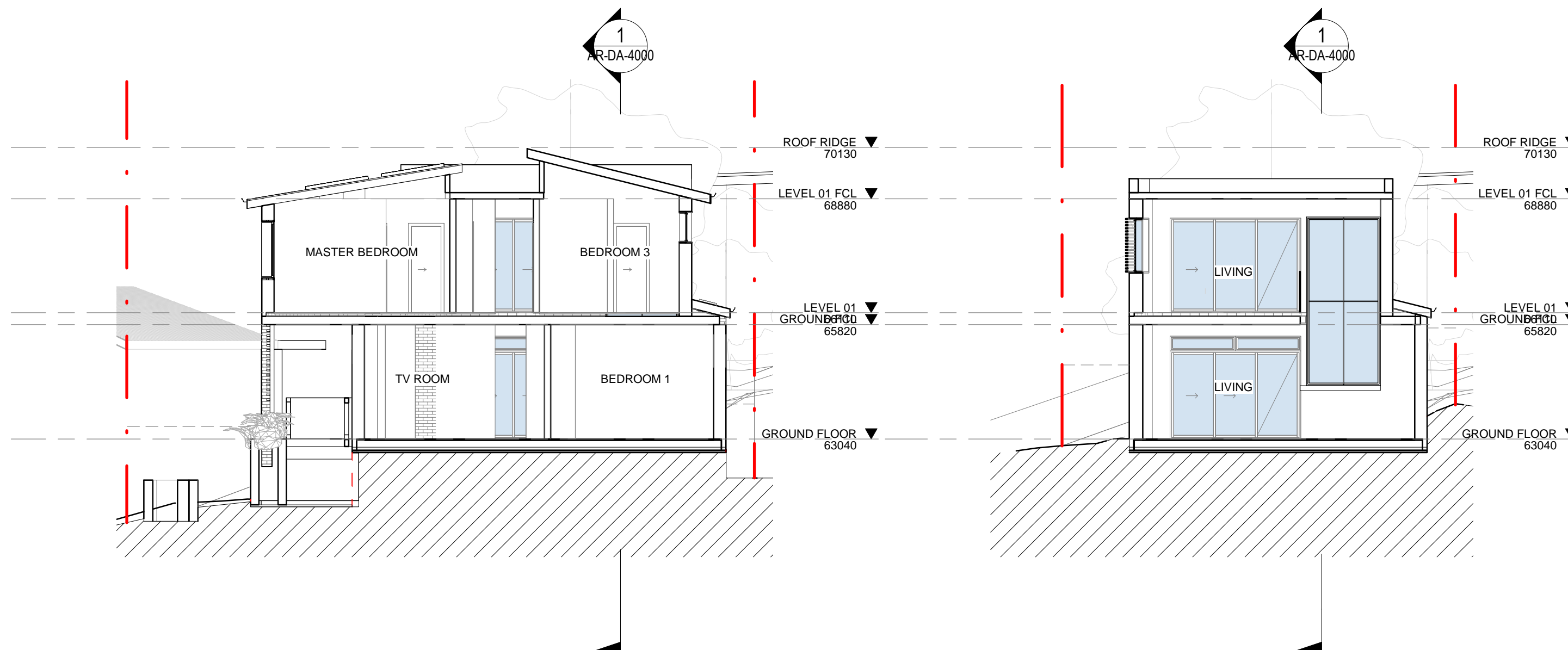
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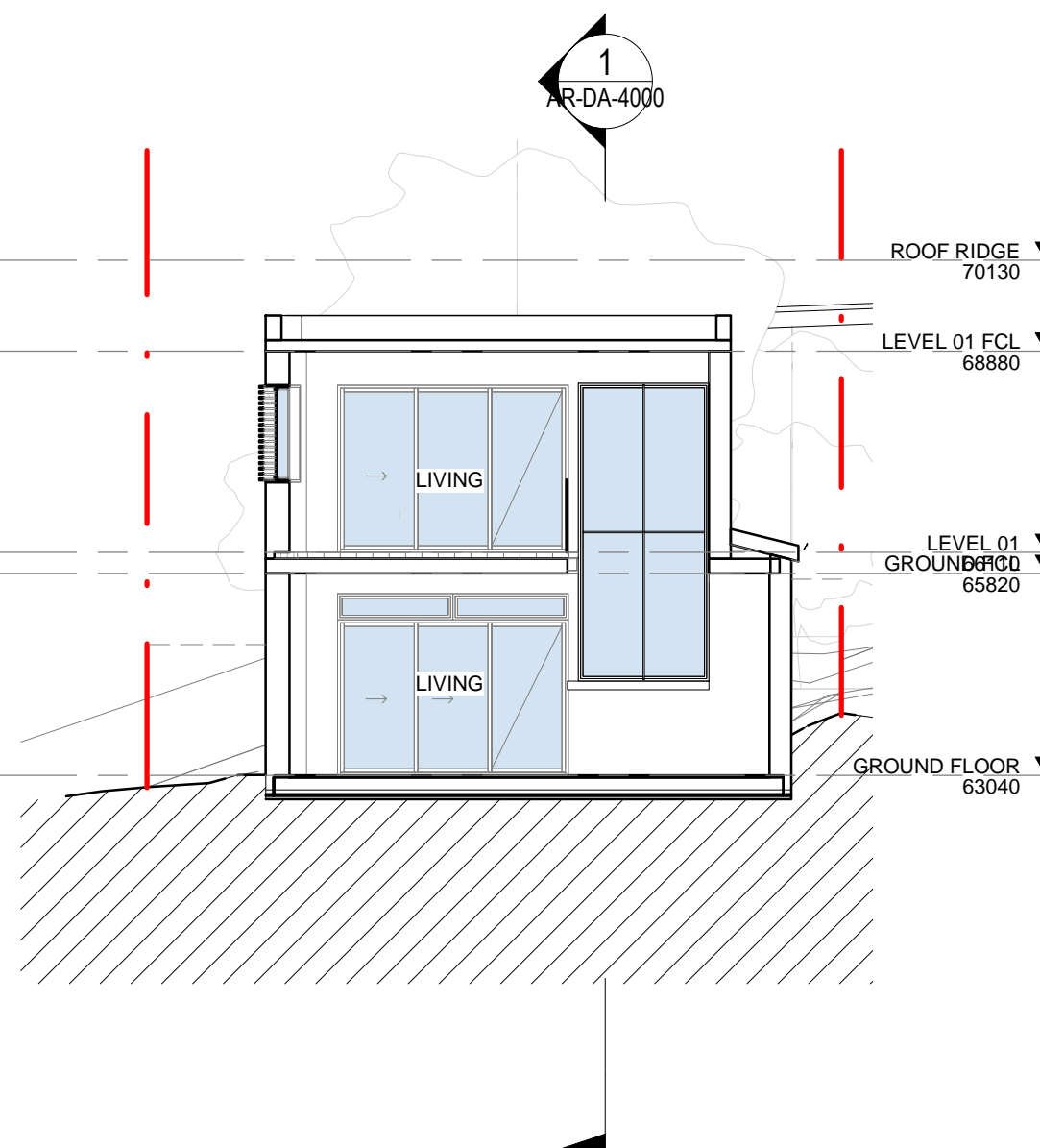
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Section 1
1 : 100



Section 2
1 : 100



Section 3
1 : 100

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DEVELOPMENT APPLICATION

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16/12/2024 9:01:18 AM

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| REV | DATE | DESCRIPTION | | |
| 1 | 12/09/2022 | FOR DISCUSSION | | |

LEGEND:

PROJECT:
#2021091
1B PINE STREET,
CAMMERAY

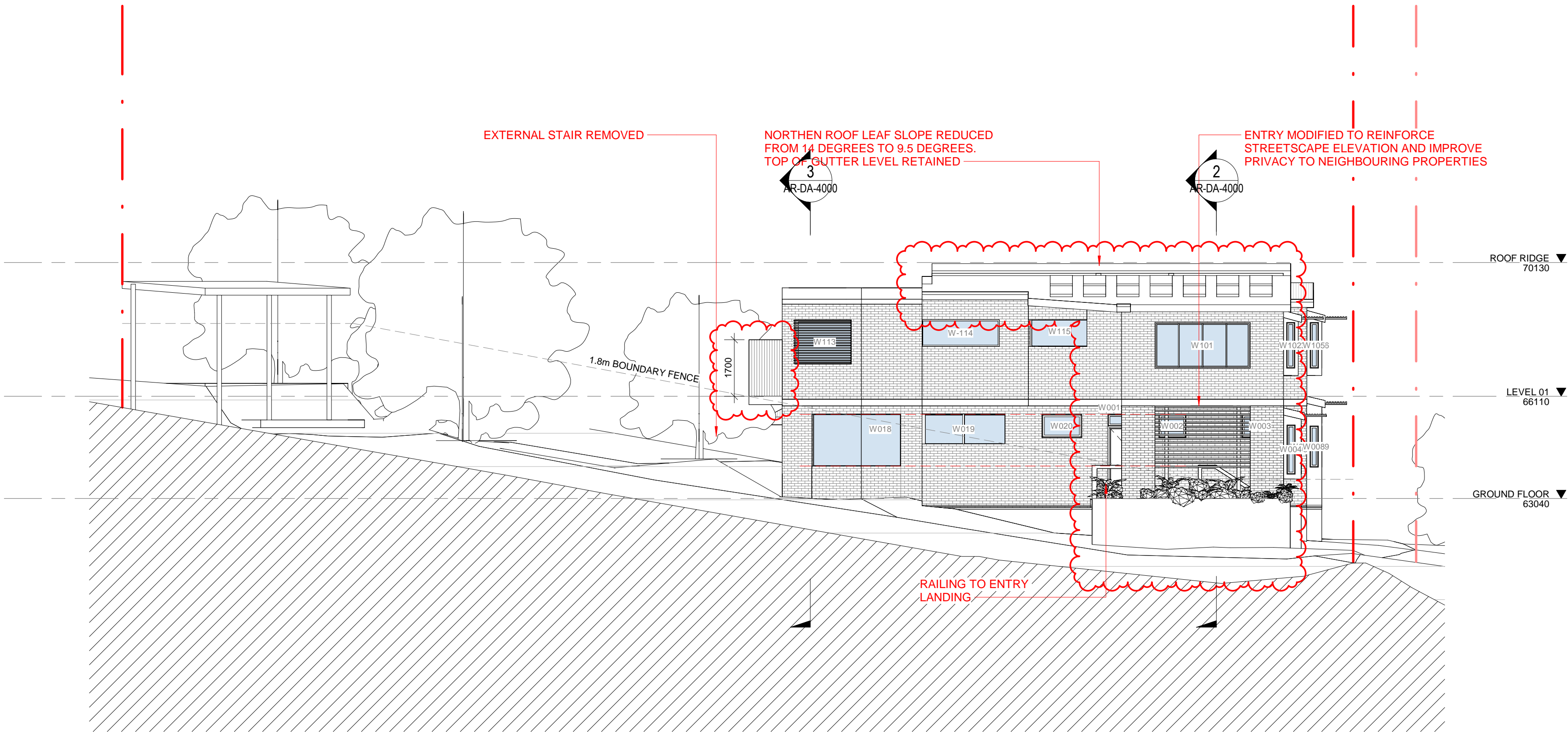
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SECTIONS

SHEET NUMBER:
AR-DA-4000
DATE: 12/09/2022

REV:
1

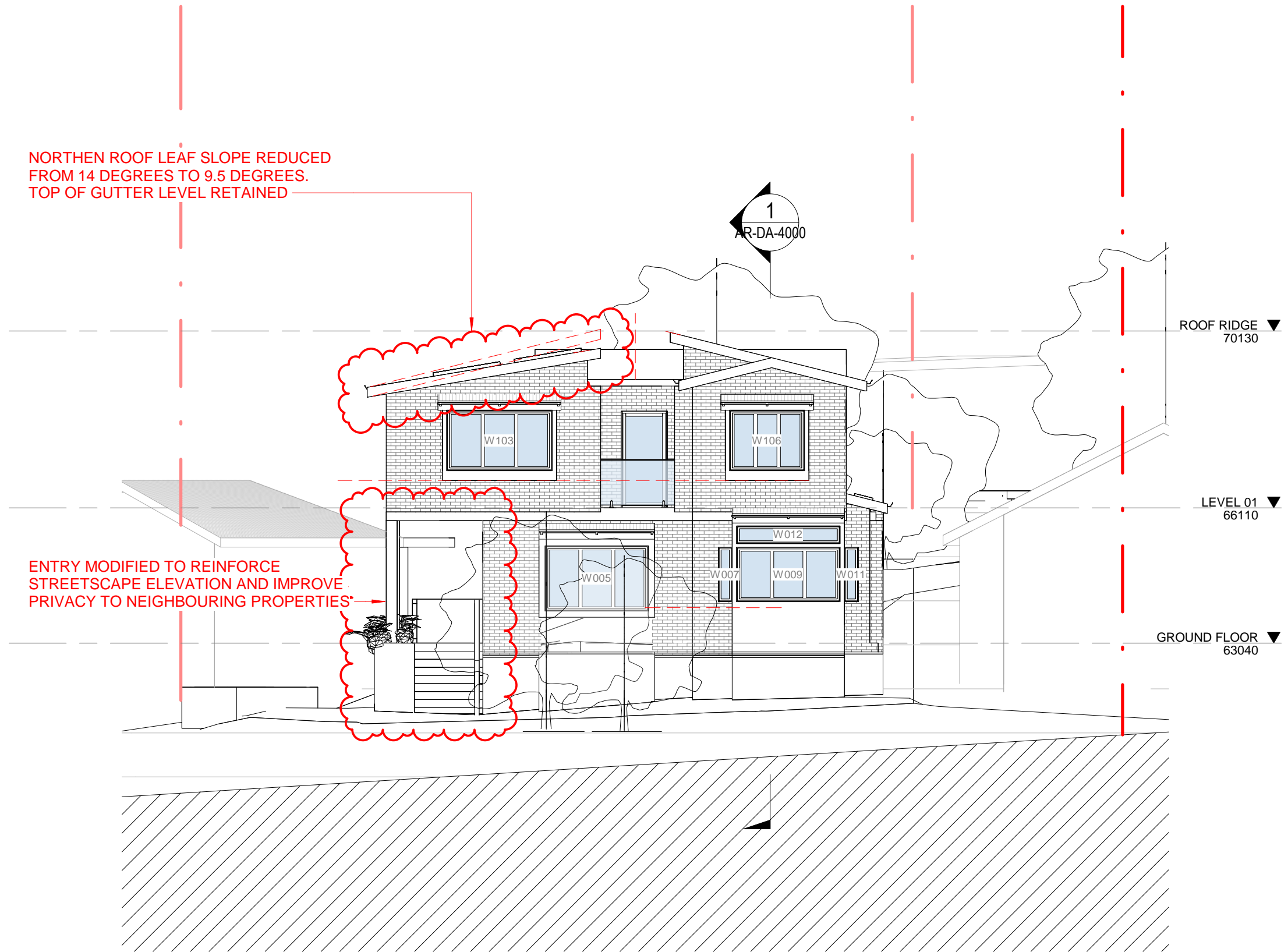
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SCALE: 1 : 100 @ A1



North-East Elevation

1 : 100



North-West Elevation

1 : 100

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| 2 | 16/12/2024 | CLIENT UPDATES | NAG |

LEGEND:

PROJECT:

#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:

NE & NW ELEVATIONS

SHEET NUMBER:
AR-DA-5001

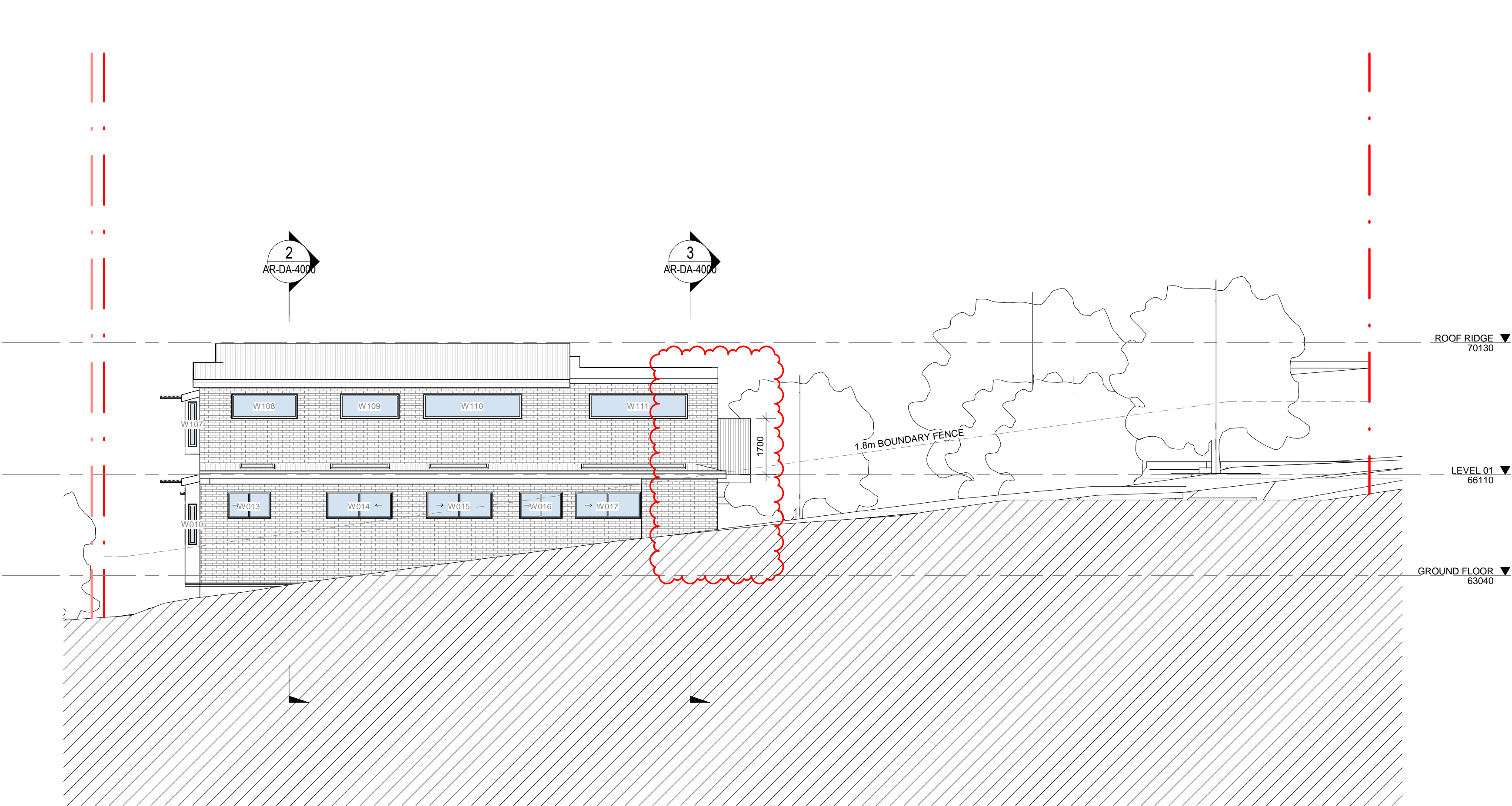
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REV:
2

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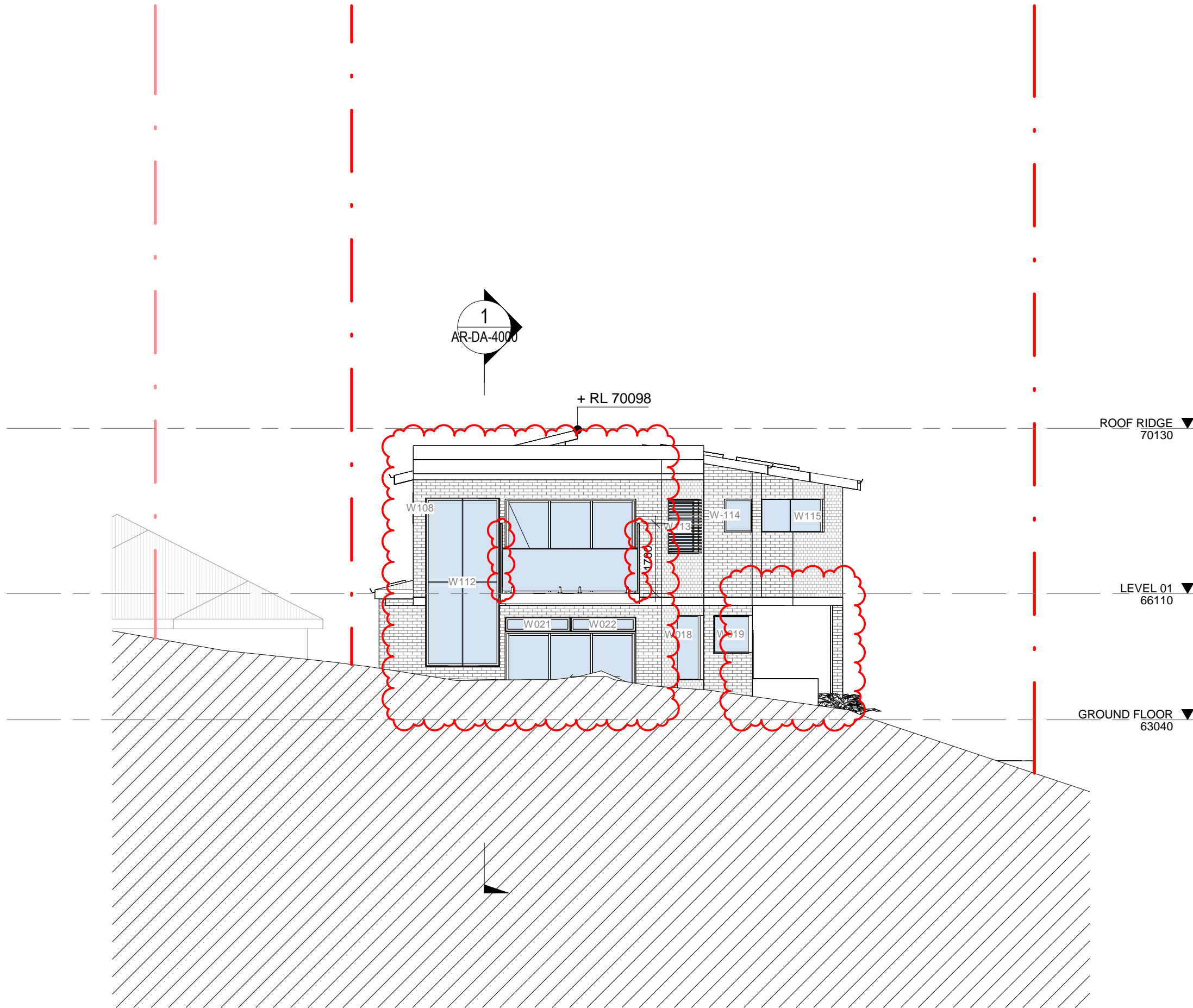
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South-West Elevation

1 : 100



South-East Elevation

1 : 100

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LEGEND:

PROJECT:

#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:

SW & SE ELEVATIONS

SHEET NUMBER:
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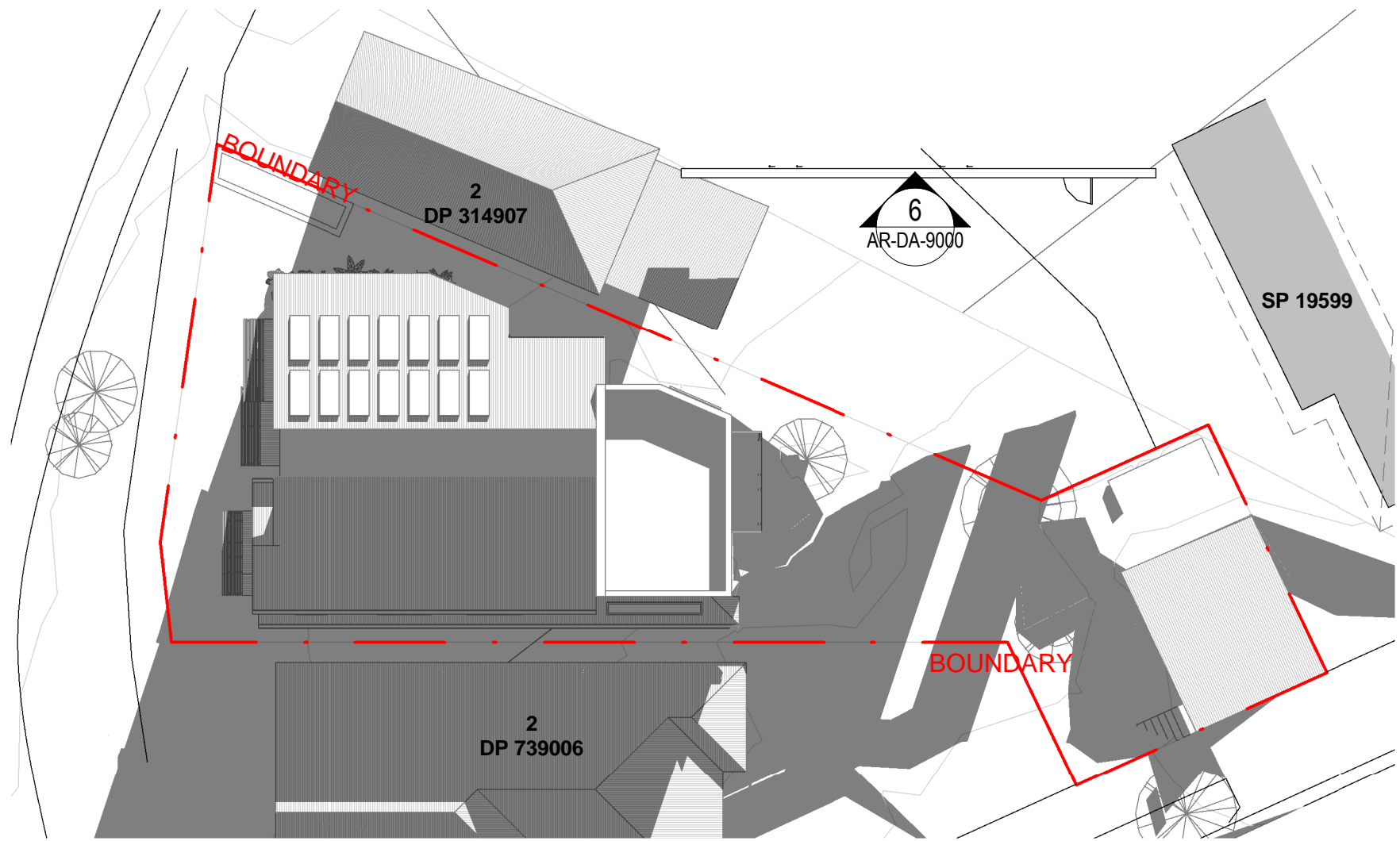
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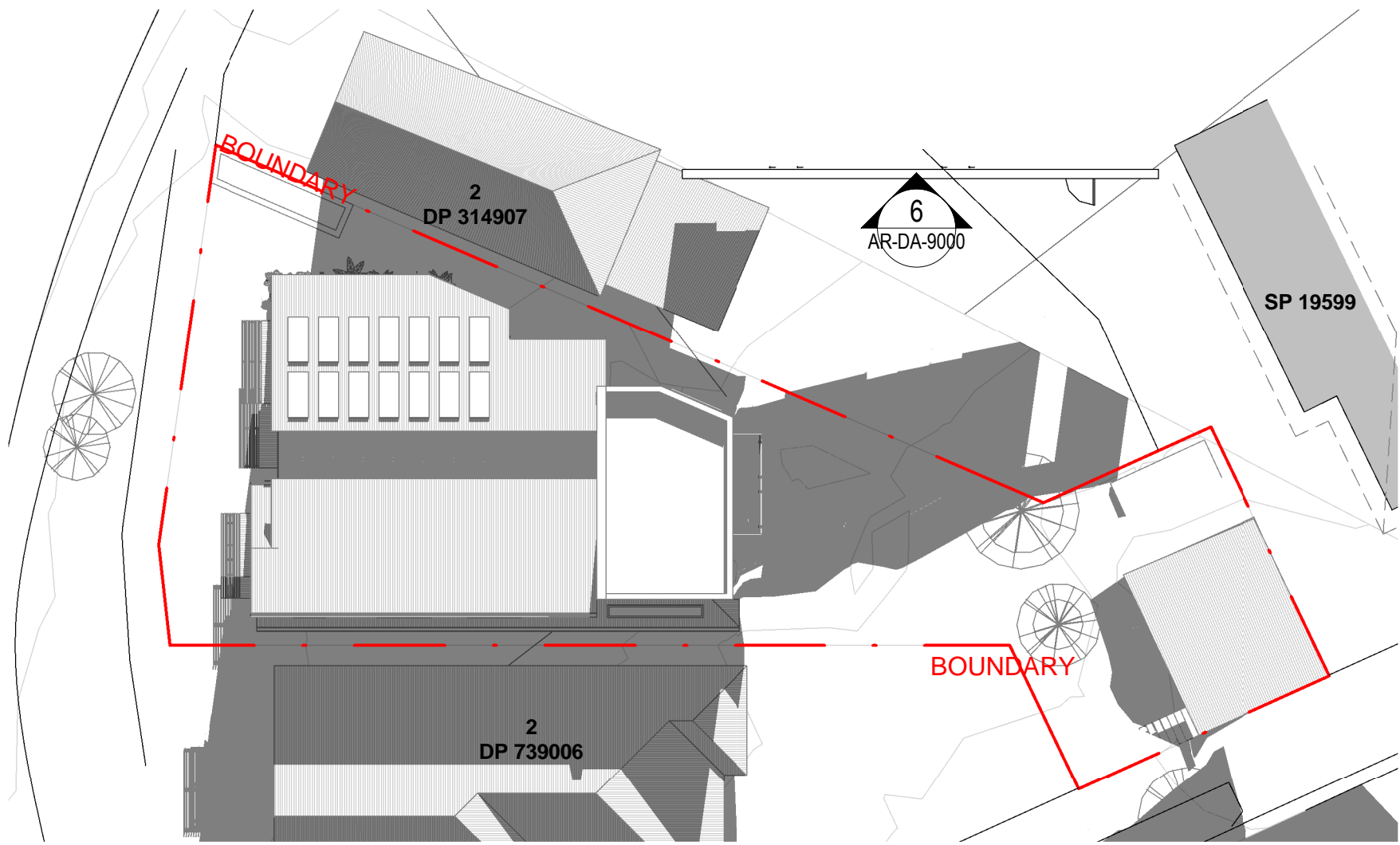
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SCALE: 1 : 100 @ A1



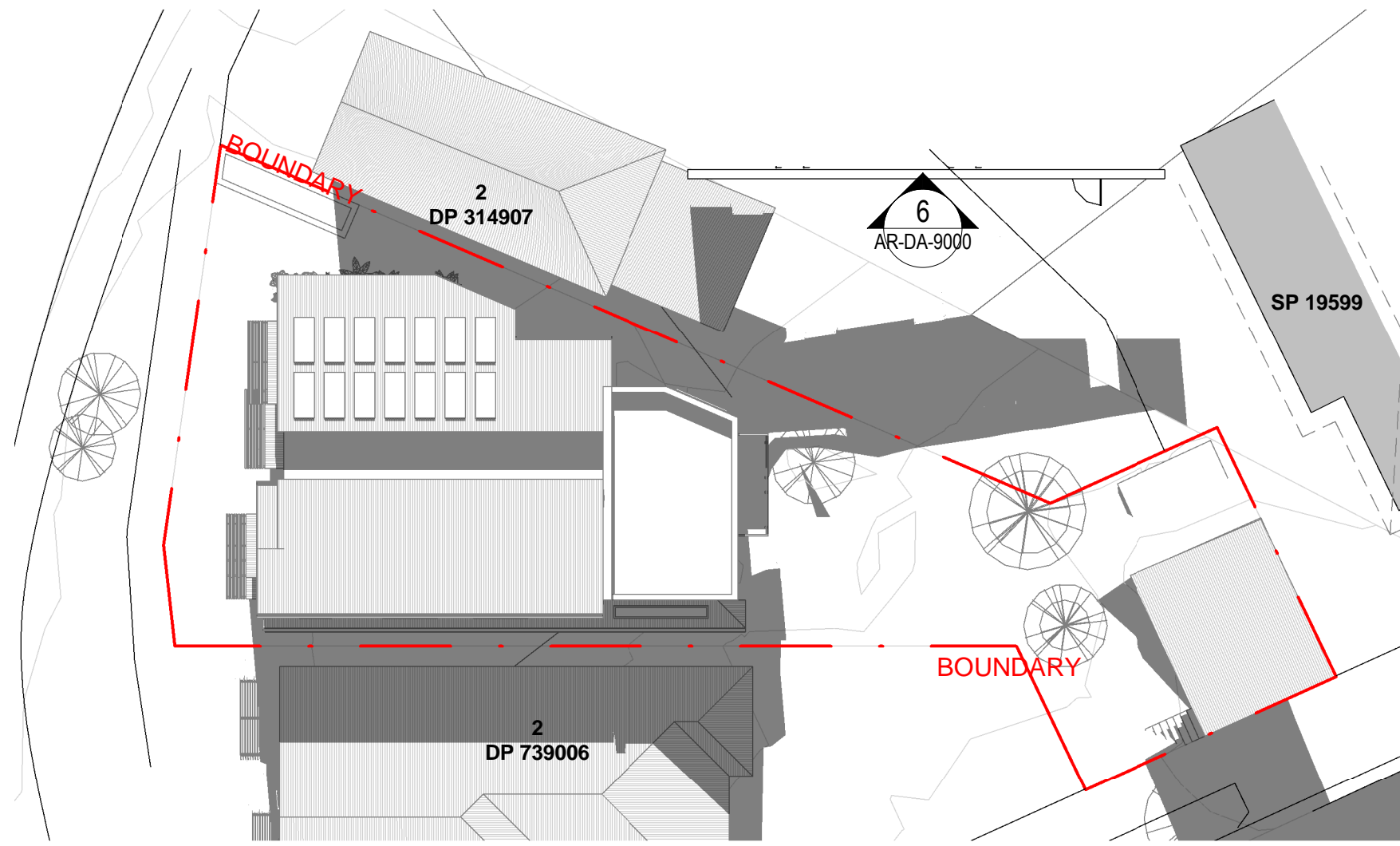
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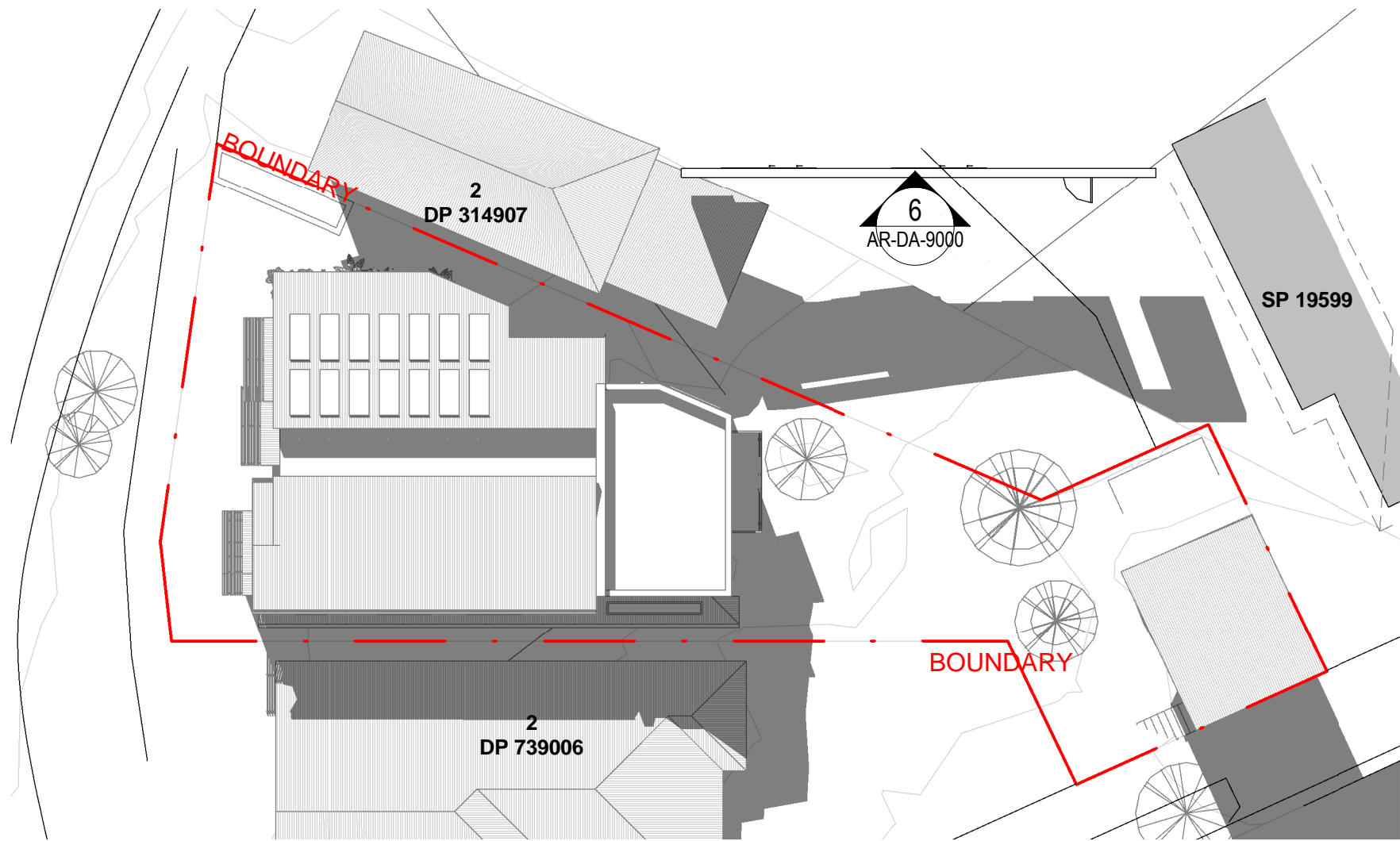
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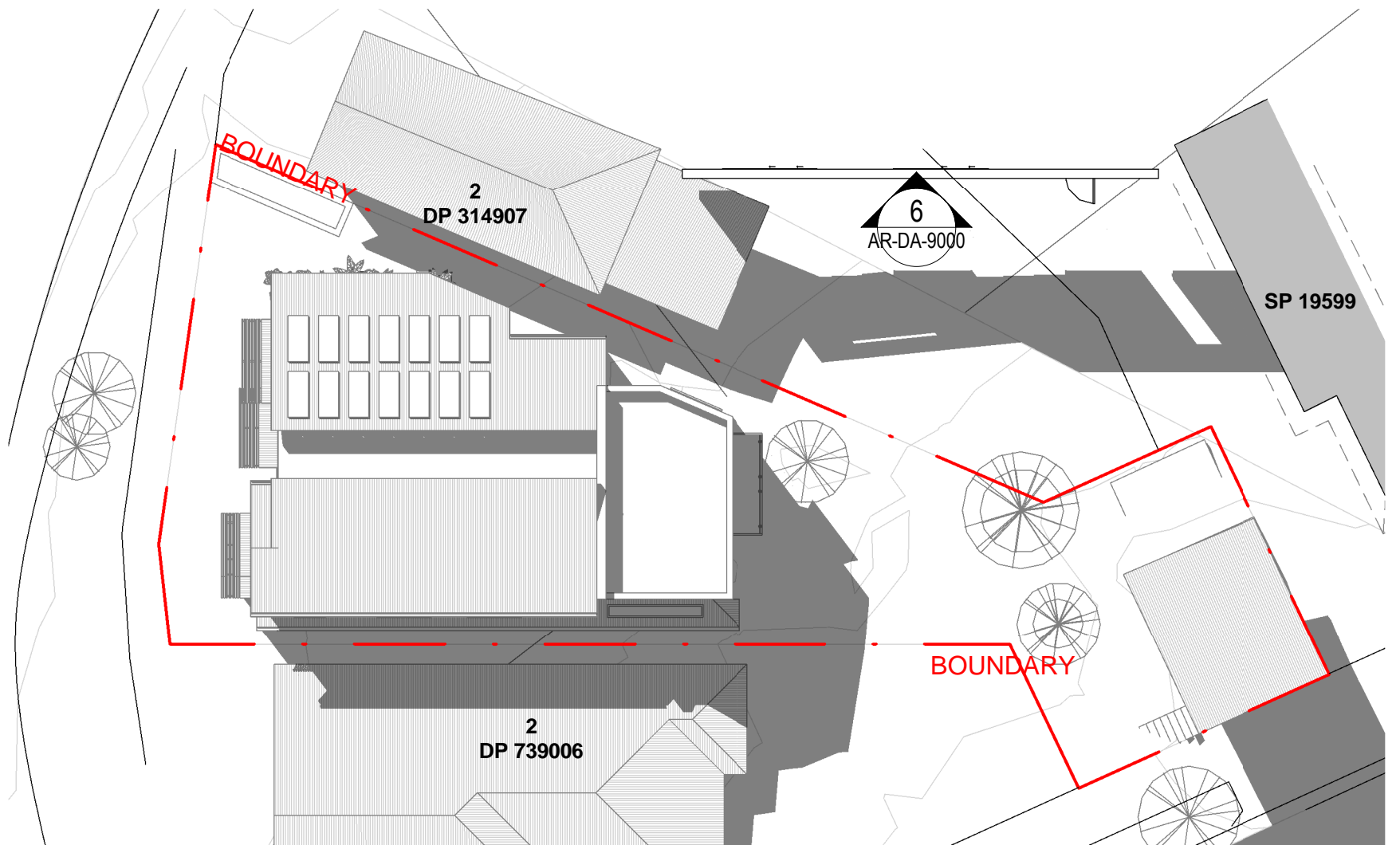
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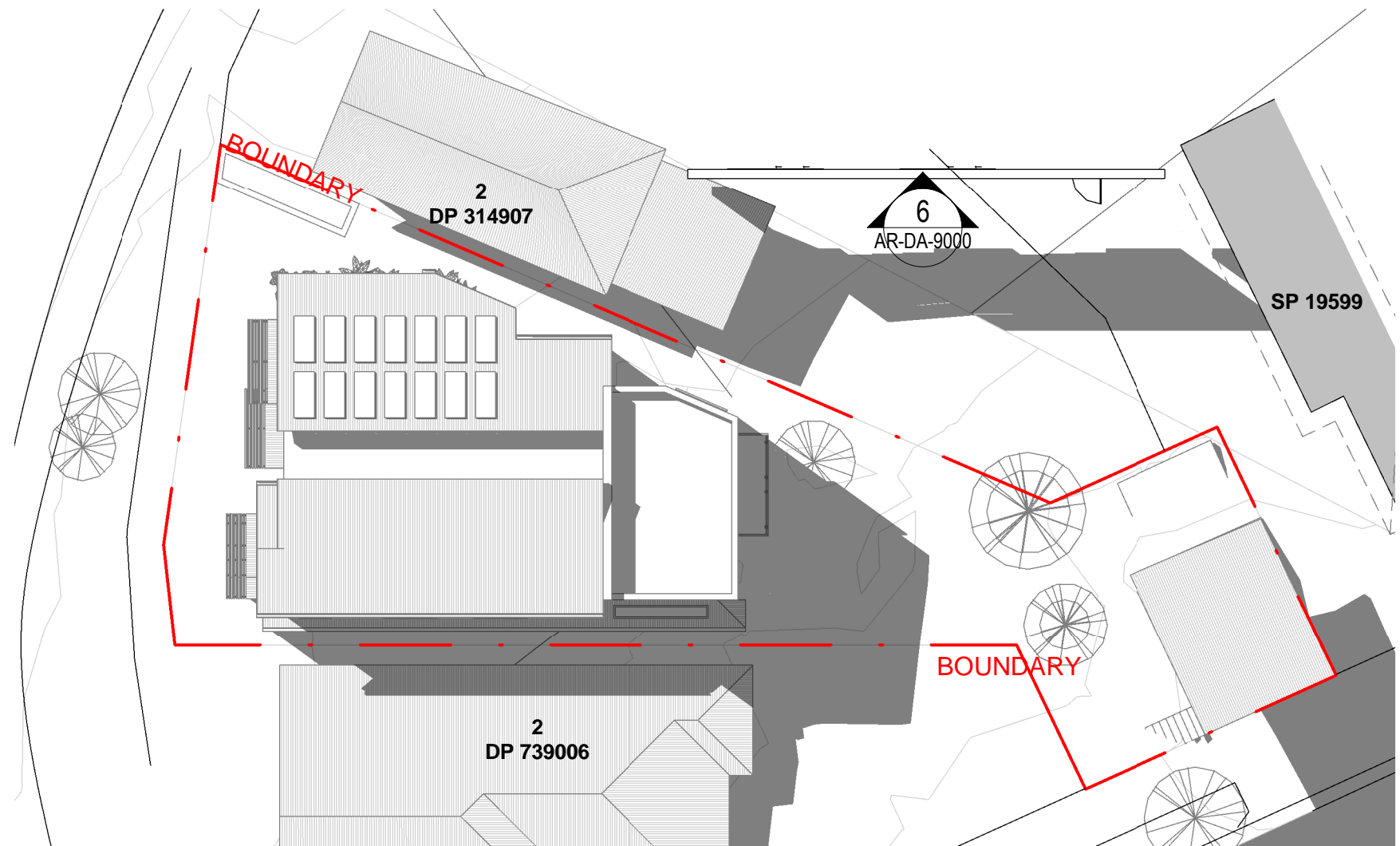
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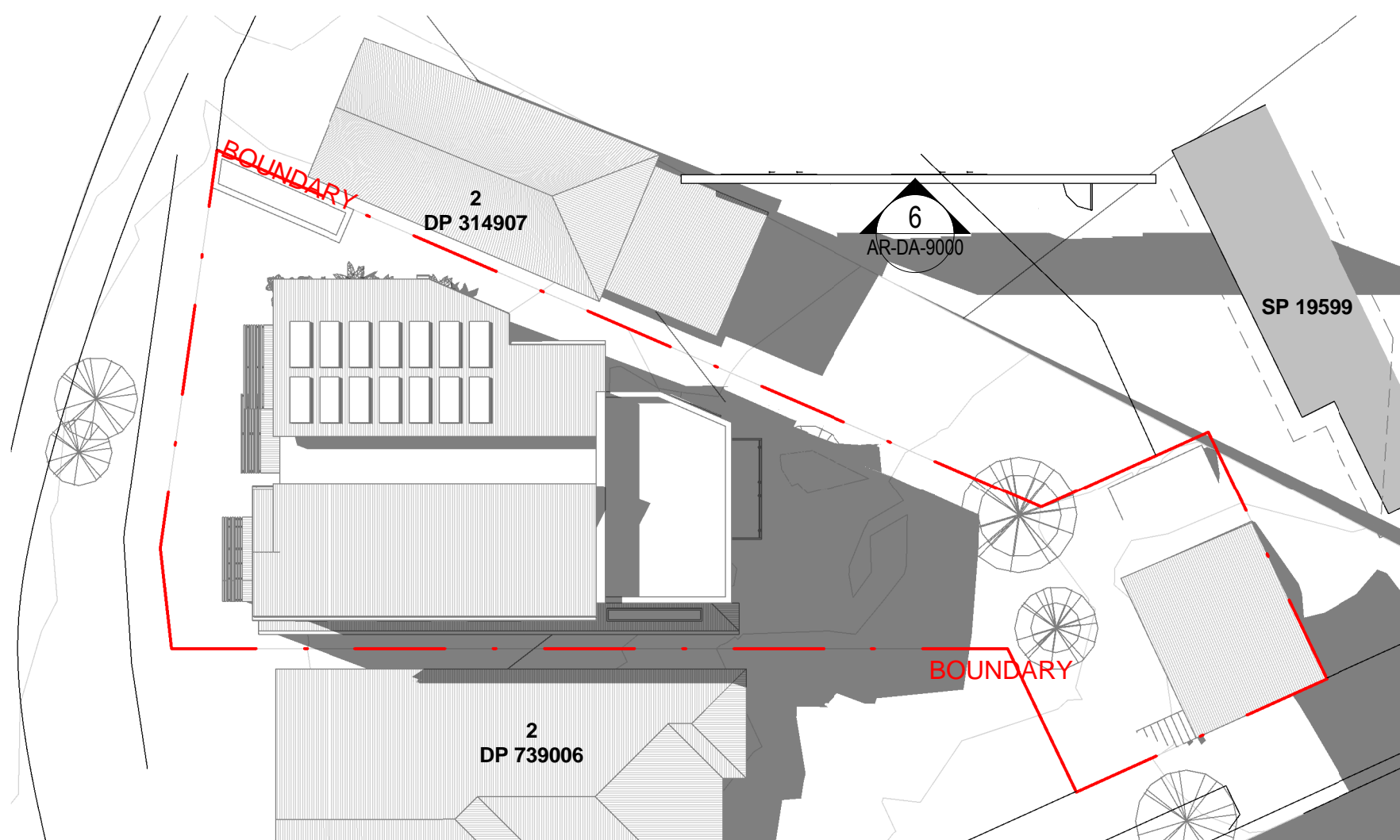
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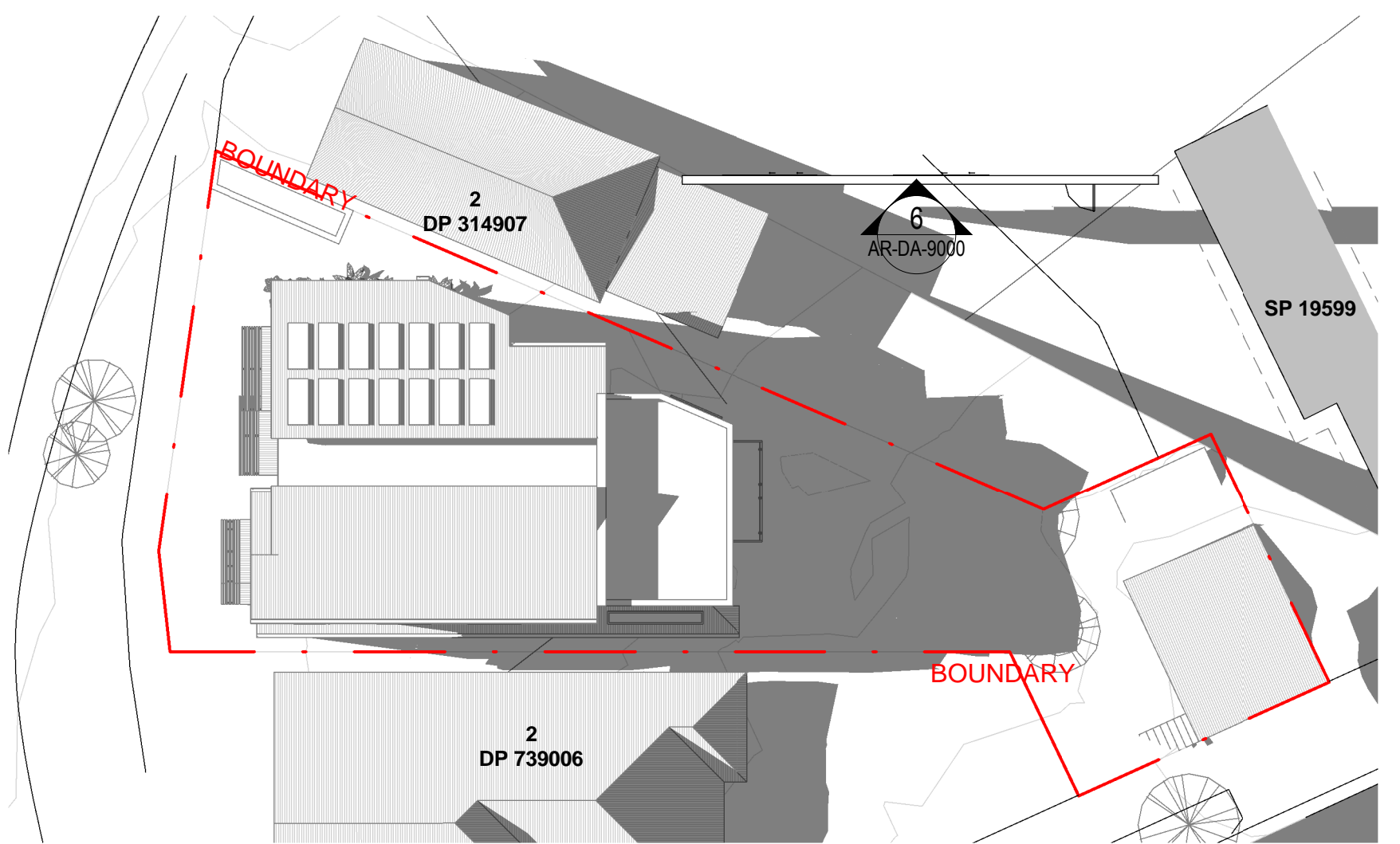
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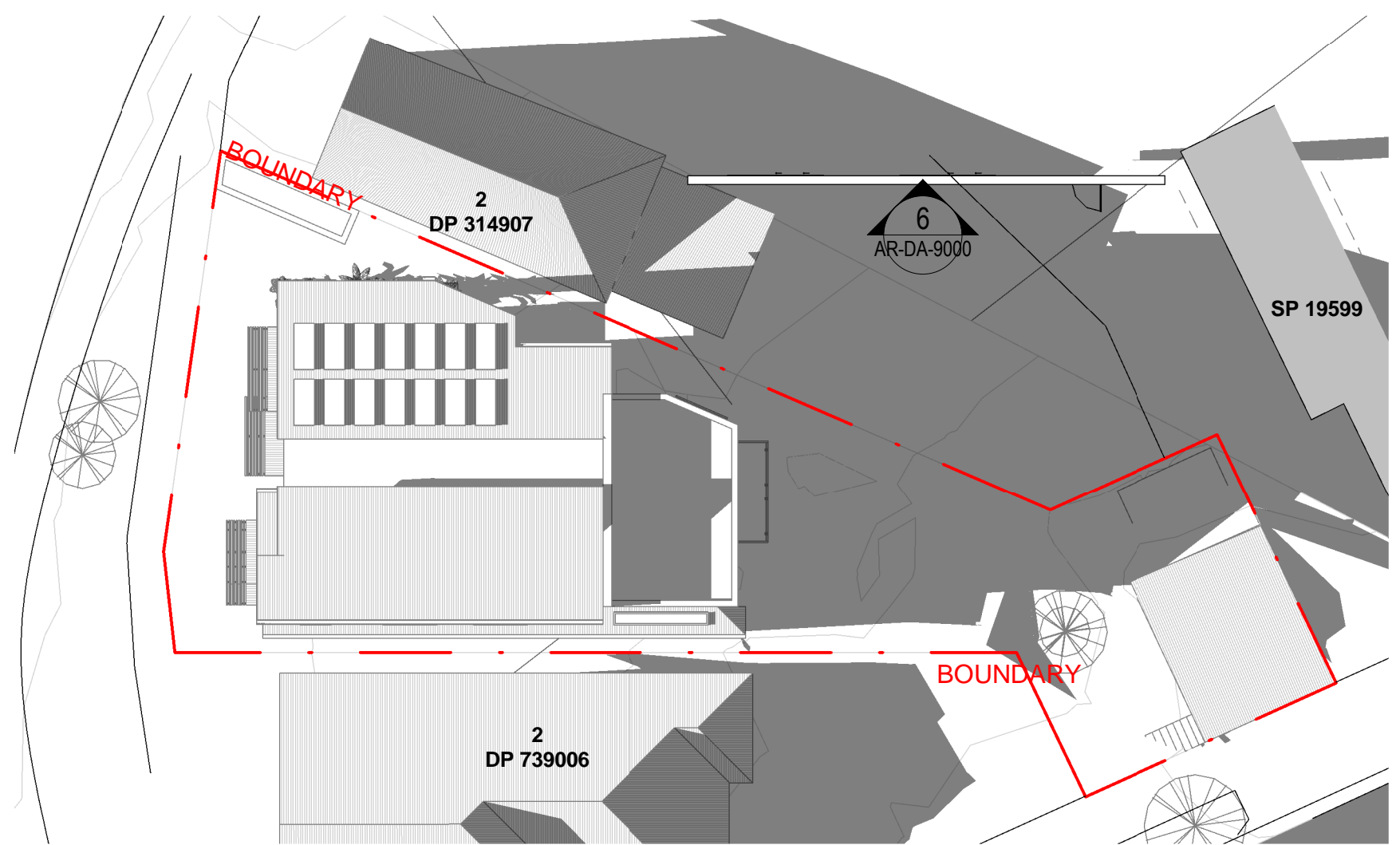
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1 : 200



SHADOW DIAGRAM_3PM

1 : 200



SHADOW DIAGRAM_4PM

1 : 200

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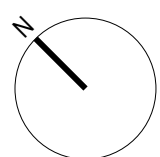
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SCALE: 1 : 200 @ A1

PROJECT:

**#2021091
1B PINE STREET,
CAMMERAY**

DRAWING TITLE:

**SHADOW DIAGRAMS -
JUNE 21**

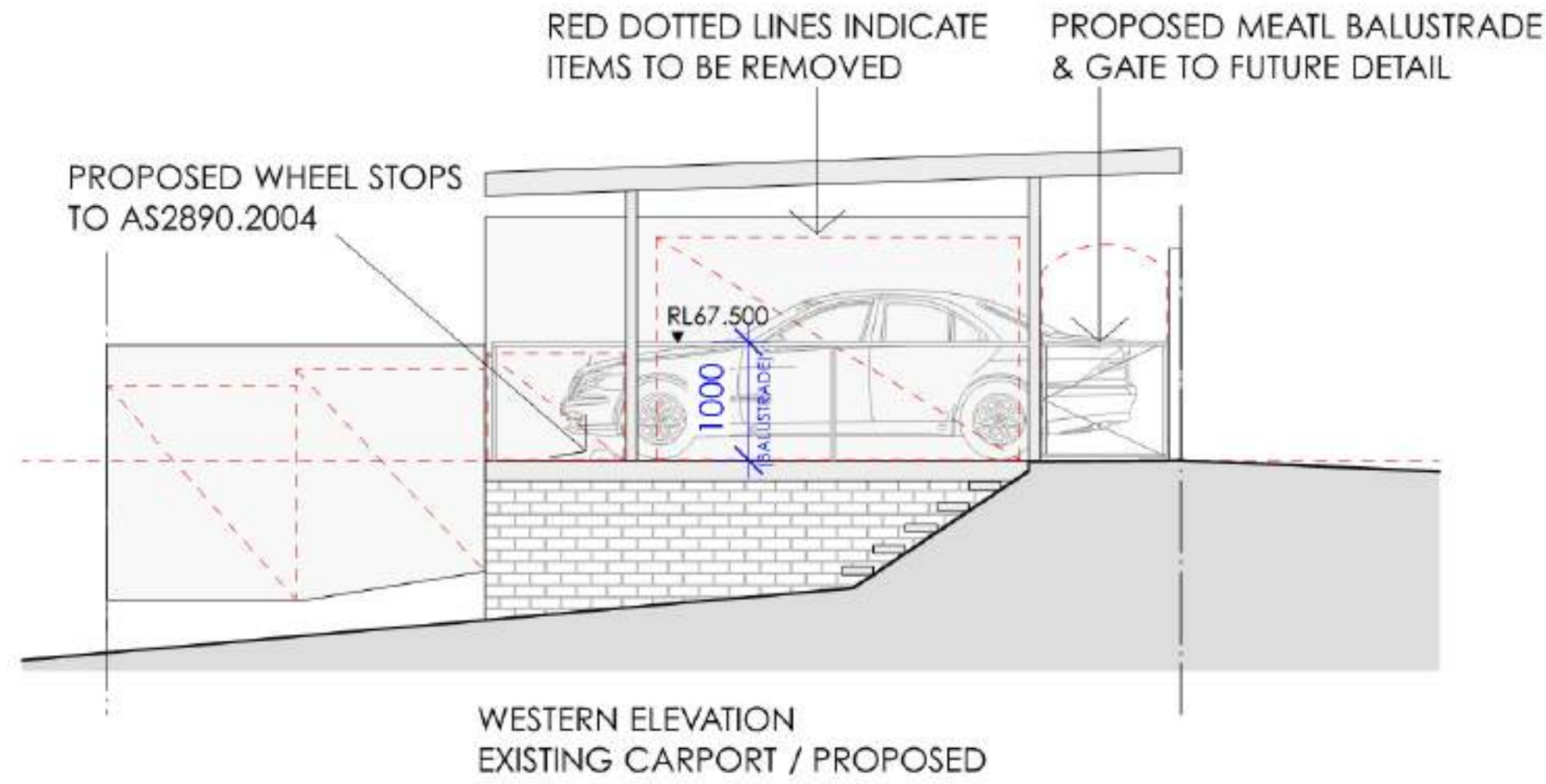
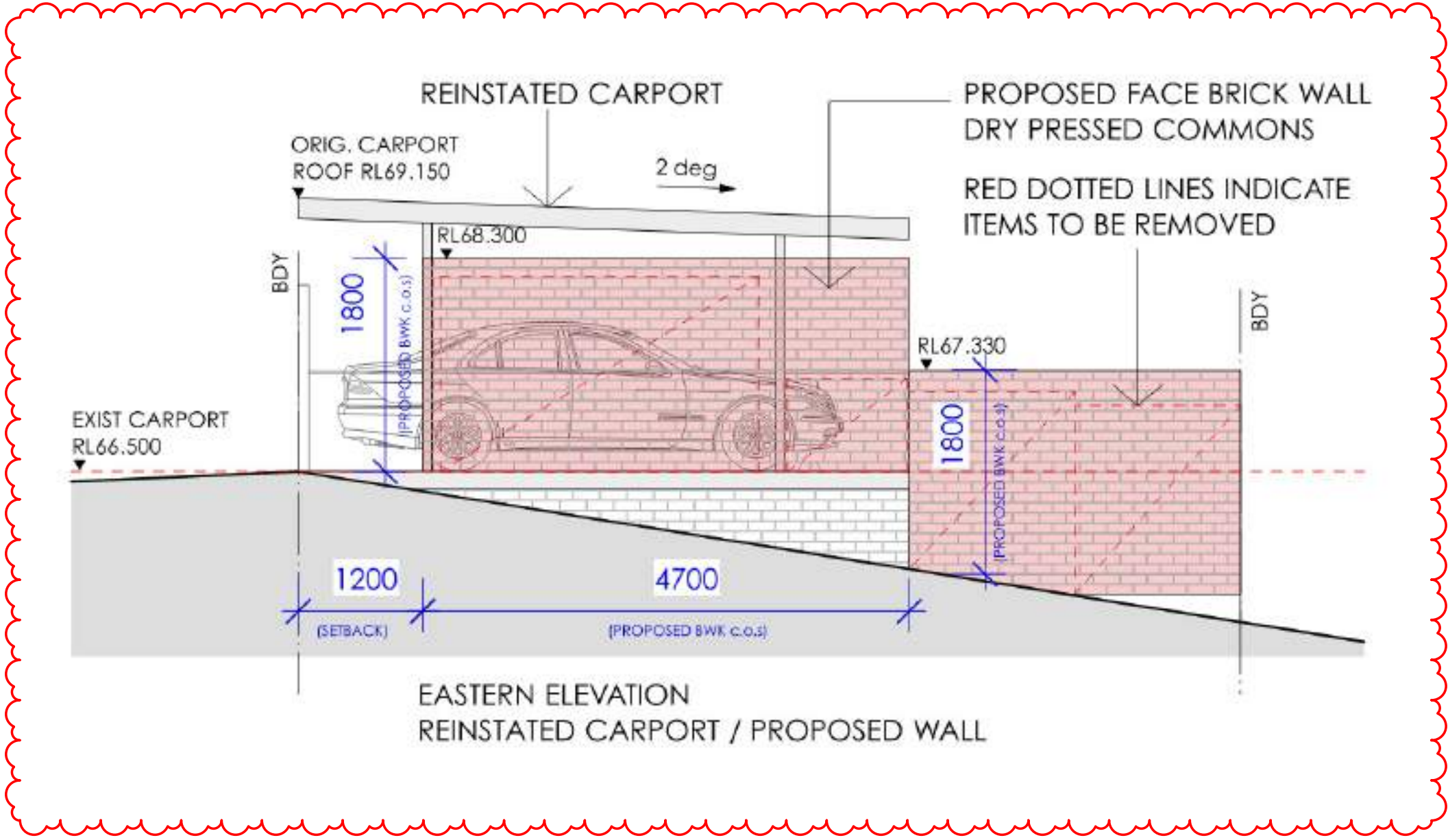
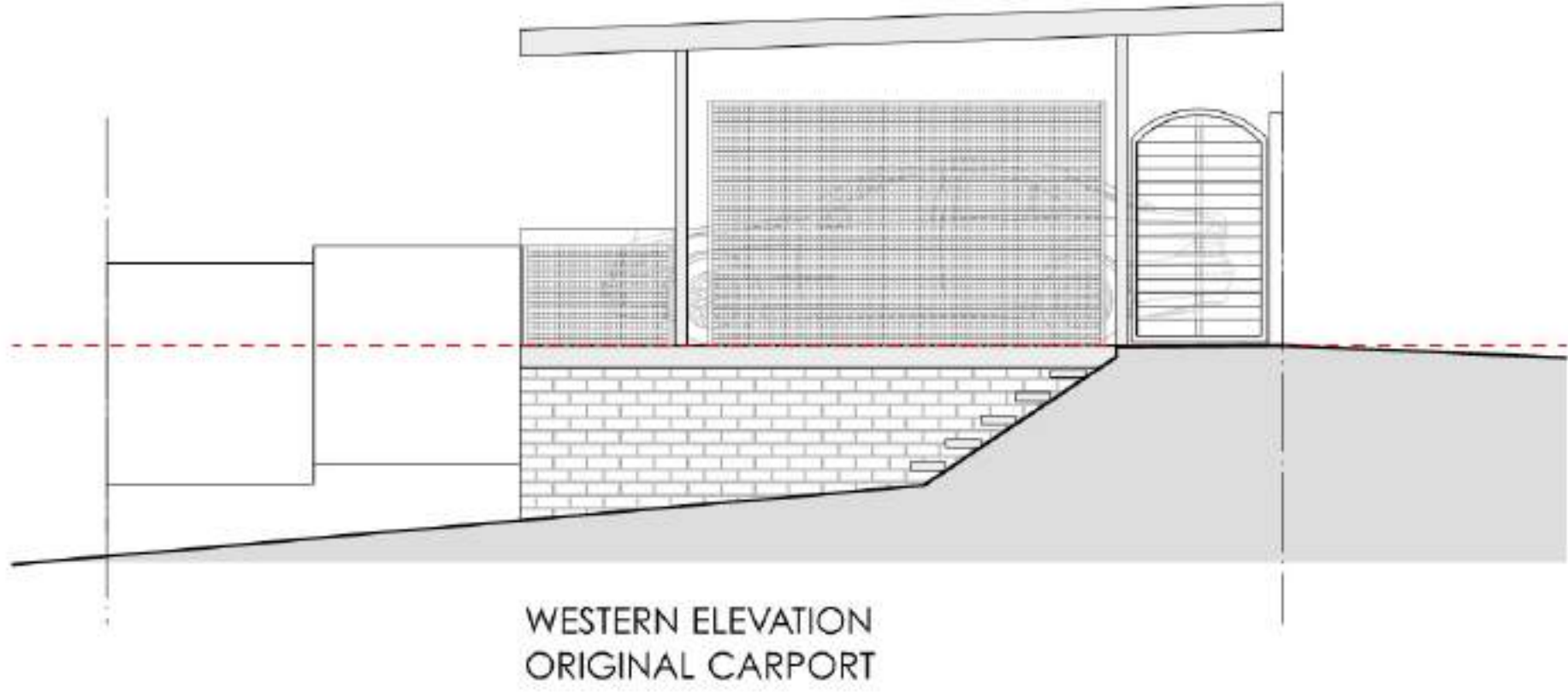
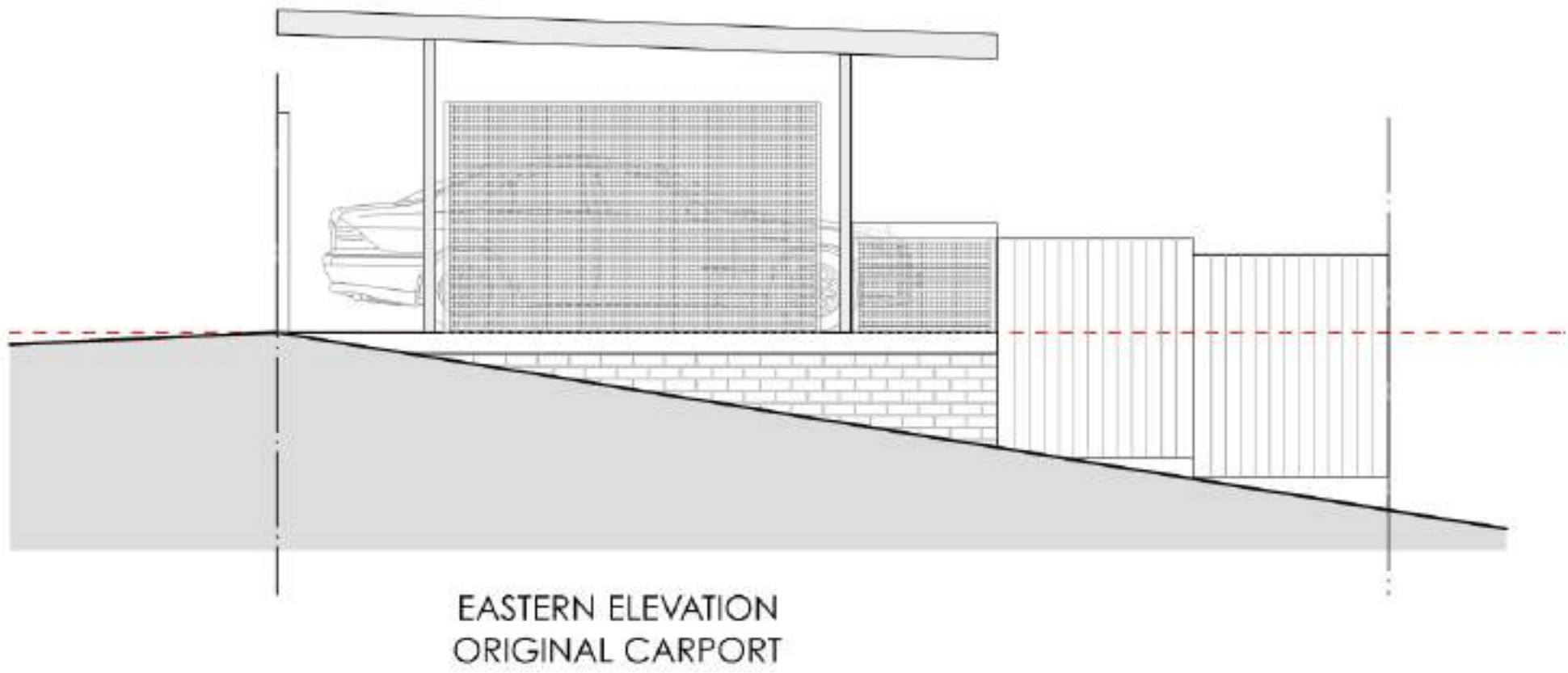
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REINSTATED CARPORT MINOR WORKS DRAWINGS AS PER DEVELOPMENT APPLICATION SUBMITTED BY SPACEOUT STUDIO ISSUED ON APRIL 21, 2021, WITH CLIENT UPDATE TO FENCE HEIGHT AND RESINTATEMENT IN DECEMBER 2024

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| 2 | 16/12/2024 | CLIENT UPDATES | | |

LEGEND:

PROJECT:
#2021091
1B PINE STREET,
CAMMERAY

DRAWING TITLE:
**EXISTING CARPORT
MINOR WORKS**

SHEET NUMBER:
AR-DA-7000

DATE: 16/12/2024

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SCALE: @ A1



SKETCH PERSPECTIVE - MILLER STREET LOOKING SOUTH



SKETCH PERSPECTIVE - MILLER STREET LOOKING SOUTH-EAST

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LEGEND:

PROJECT:
#2021091
1B PINE STREET,
CAMMERAY

CLIENT: R. SAADEH

DRAWING TITLE:
SKETCH
PERSPECTIVES

SHEET NUMBER:
AR-DA-8001

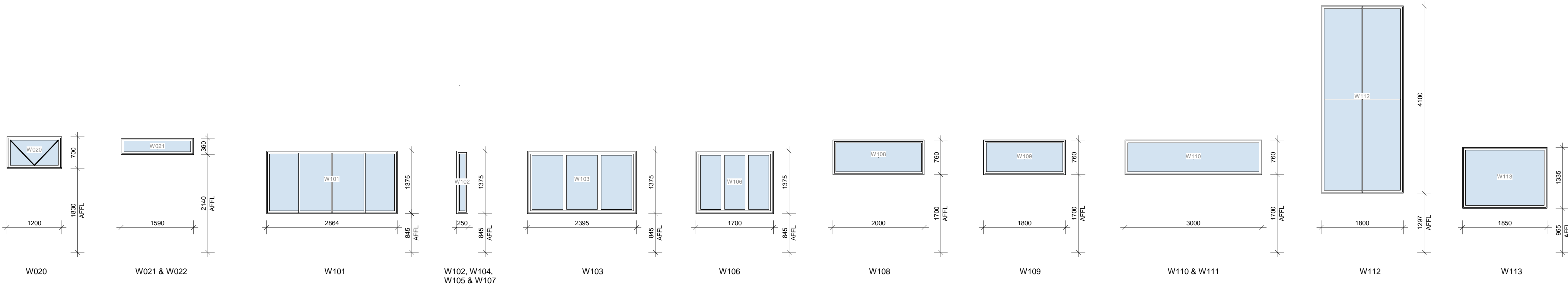
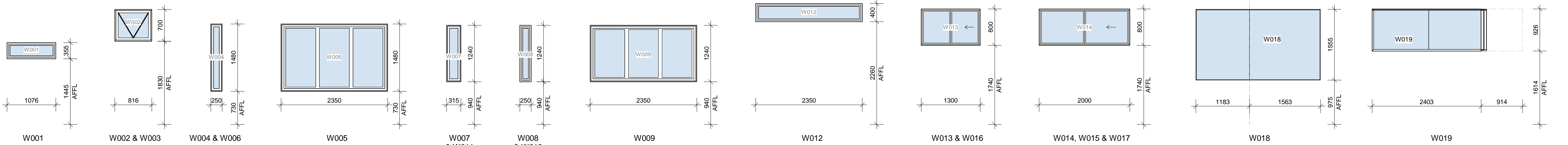
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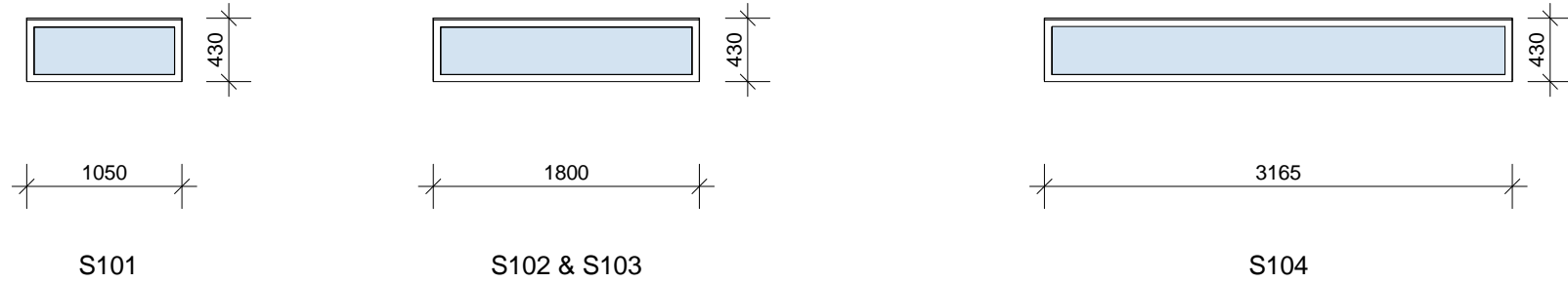
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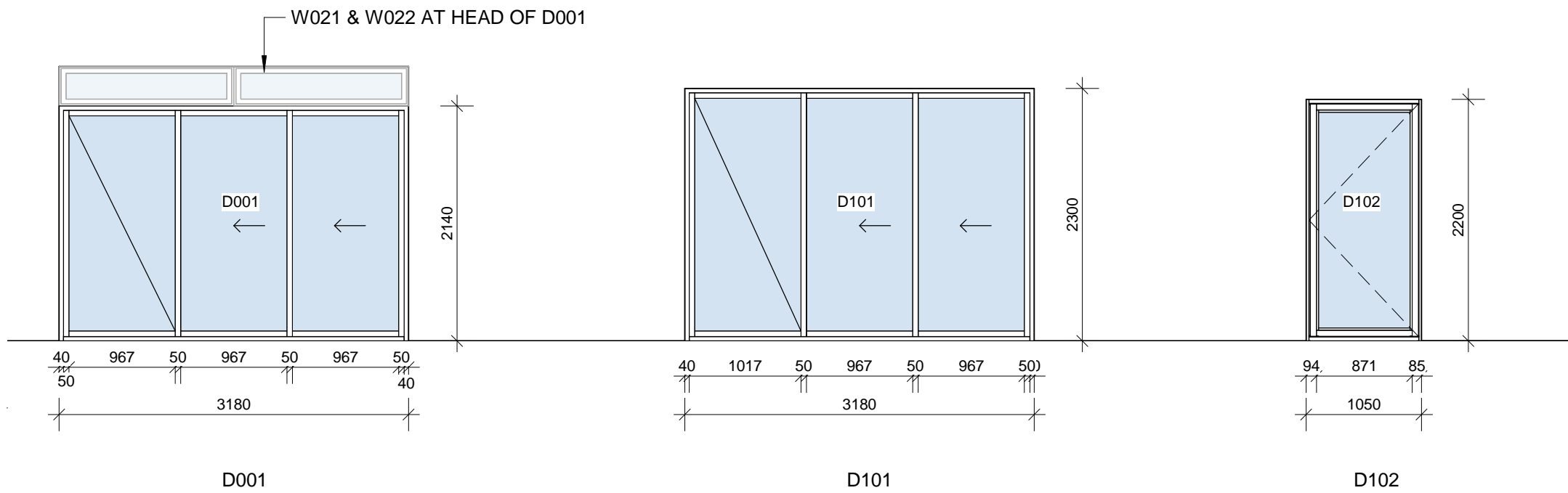
WINDOWS



SKYLIGHTS



GLAZED DOORS



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DEVELOPMENT APPLICATION



CONCRETE



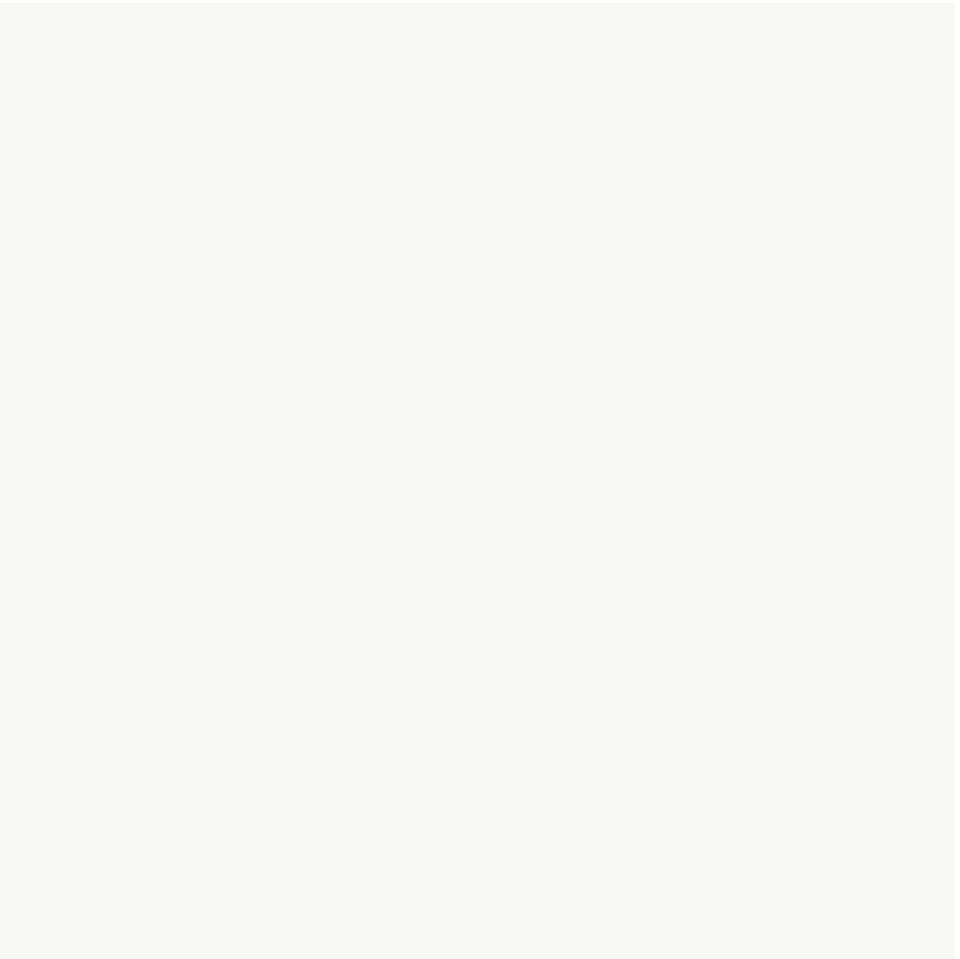
BRICK



RENDER WITH BAGGING FINISH
IN LIGHT WARM GREY



GREY ROOFING



WHITE FRAMING

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DEVELOPMENT APPLICATION

| REVISION: | | | | APP NAG |
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| REV | DATE | DESCRIPTION | | |
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LEGEND:

TOTAL LOT SIZE = 386.50m²

SITE COVERAGE

MAXIMUM SITE COVERAGE MUST BE 50% OF THE LOT AREA
 $388.50 \times 0.50 = 193.25\text{m}^2$

MAXIMUM UN-BUILT UPON AREA

MAX UN-BUILT UPON AREA MUST BE 20% OF THE LOT AREA
 $386.50 \times 0.20 = 77.30\text{m}^2$

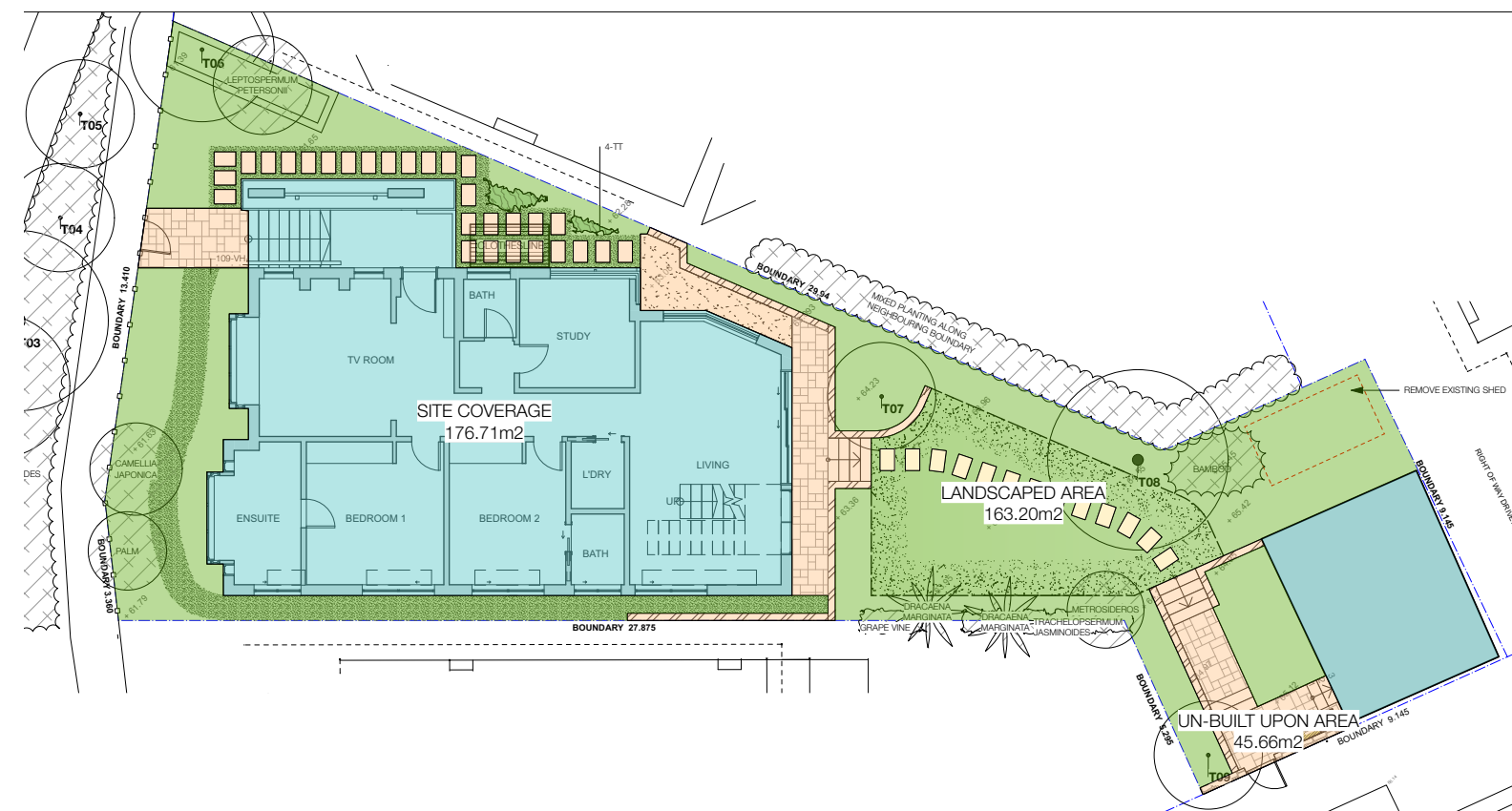
MINIMUM LANDSCAPED AREA

MINIMUM LANDSCAPE AREA MUST BE 30% OF THE LOT AREA
 $386.50 \times 0.30 = 115.95\text{m}^2$

| | | |
|--|---------------|------------------|
| | SITE COVERAGE | 176.61m2 |
| | | |
| | | COMPLYING |

| | | |
|--|--------------------|------------------|
| | UN-BUILT UPON AREA | 45.66m2 |
| | | |
| | | COMPLYING |

| | | |
|--|-----------------|------------------|
| | LANDSCAPED AREA | 163.20m2 |
| | | |
| | | COMPLYING |



SITE COVERAGE PLAN (1:200)

SPECIFICATION NOTES

- 1. Preliminaries** – only remove trees with the specific written approval of Council indicated on the landscape plan or in letter form. Trees to be retained shall be preserved and protected from damage during the execution of all building and landscaping work. All trees and existing garden areas outside of works zone are to be fenced off to prevent any activities, storage or the disposal of materials within the fenced area.
- 2. Grass and cultivation** – immediately eradicate all weeds from planting areas. Poxon lawn areas to be newly turfed with a non-residual herbicide to manufacturers directions. Regrade areas as shown on Plan. Provide smooth junction with existing levels.
- 3. Mass Planting at existing grade:** Cultivate ground to 300mm depth. Spread 100mm compost and incorporate into existing ground. Compost shall be Botany Humus or 'Green Life - Cow and Compost' as supplied by Australian Native Landscapes (or other approved organic soil conditioner).
- 4. Mulch (in cut or fill):** Excavate or fill to achieve finished surface levels. Supply and install 300mm depth imported topsoil mix equivalent to 'Organic Garden Mix' as supplied by ANL.
- 5. Turf areas:** spread 100mm free draining sandy mix to 'As per Underlay' as supplied by Australian Native Landscapes.
- 6. Stormwater drainage:** All stormwater drainage from paved areas is to be collected via pits and connected to on-site stormwater drainage system or discharge into garden areas/ on site where suitable.
- Provide drainage behind all proposed retaining walls and connect to on-site stormwater drainage system or discharge into garden area/ on site where suitable.
- 4. Construction**
- a. Setout all constructed elements and have setout approved by landscape architect.
- b. Paths, paving & stepping stones - finish to future choice. Colour samples are to be provided & approved by client. Stepping stones to be evenly spaced and laid level.
- c. Retaining walls and stairs on reinforced concrete footings - to future choice & engineer's details.
- d. Garden edges - to future choice.
- 5. Planting** - supply and plant healthy nursery grown stock of size and species as listed in the schedule and as located on plan. Ensure the root system is moist before planting to ensure longevity. Excavate planting holes to twice diameter of plant container and 150mm depth and backfill around rootball with soil mix. Firm soil around the root ball and thoroughly soak the area.
- 6. Fertilising** - individually fertilise plants and trees with slow release fertiliser such as 'Osmocote' at the manufacturers recommended rates.
- 7. Turf** - provide complete lawn starter such as 'Munn's Superstar' over prepared underlay to manufacturers recommended rate. Turf to be sown leaf build up - 'Sir Walter'.
- 8. Mulch** - all garden beds are to be mulched with 'Forest Fine'. Finished level of mulch is to be 25mm below adjacent surfaces. Provide samples for approval.
- 9. Watering System** - New Watering system to be installed and review and upgrade existing watering system where required. Watering system to comply with Sydney Water regulations.

PLANT IMAGES

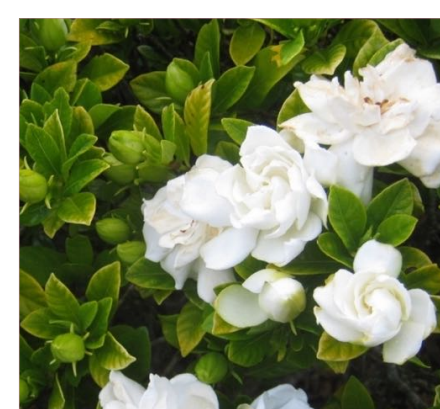


ELAEACARPUS RETICULATUS

BANKSIA INTEGRIFOLIA



SYZIGIUM AUSTALE * RESILIENCE*



GARDENIA FLORIDA



DIANELLA CAREULEA 'BREEZE'



NANDINA DOMESTICA



LOMANDRA TANIKA



PHILODENDRON 'XANADU'



TRACHELOSPERMUM TRICOLOR





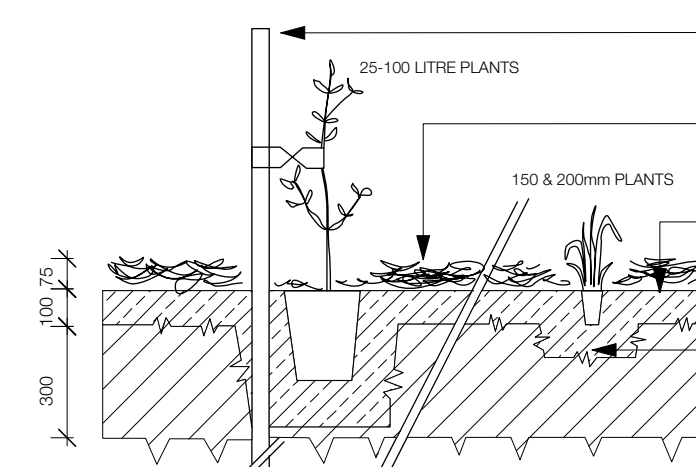
DICHONDRA 'SILVER FALLS'

EXISTING TREE INVENTORY

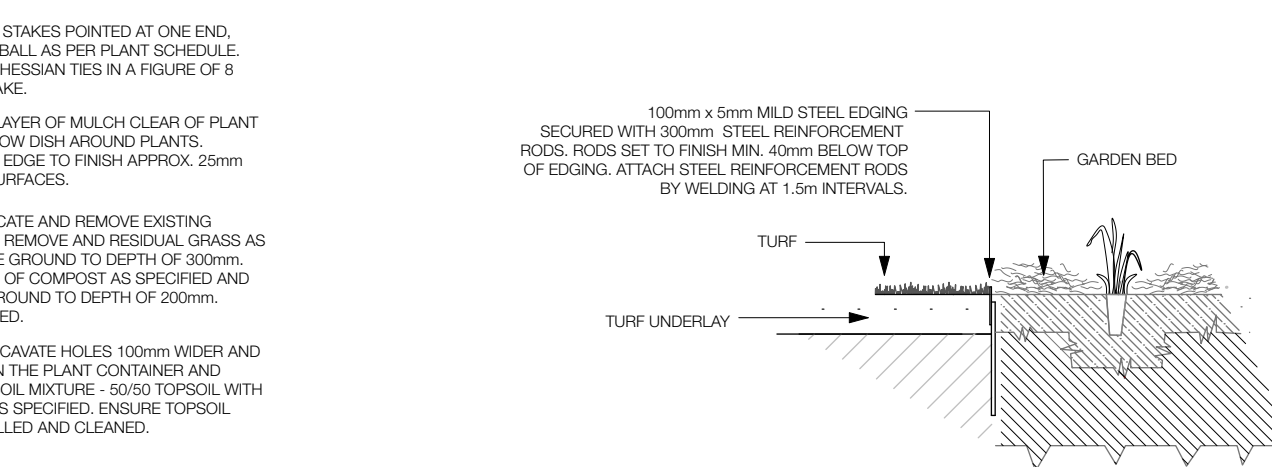
| NO. | SPECIES | COMMON NAME | HEIGHT | SPREAD | ACTION | COMMENT |
|-----|--------------------------|-----------------------|--------|--------|--------|---------------------------------------------------------------------|
| T01 | Grevillea Sp | Grevillea | 3000 | 3000 | Retain | Street Tree. Retain & protect during proposed works |
| T02 | Callistemon viminalis | Bottlebrush | 4000 | 4000 | Retain | Street Tree. Retain & protect during proposed works |
| T03 | Malealeuca quinquenervia | Card-leafed Paperbark | 5000 | 5000 | Retain | Retain & protect during proposed works |
| T04 | Cupressus Sp | Cypress | 3000 | 3000 | Retain | Street Tree. Logged to 3.5m. Retain & protect during proposed works |
| T05 | Grevillea Sp | Grevillea | 3000 | 3000 | Retain | Street Tree. Retain & protect during proposed works |
| T06 | Camellia sasanqua | Sasanqua Camellia | 4000 | 4000 | Retain | Retain & protect during proposed works |
| T07 | Howea forsteriana | Kentia Palm | 5000 | 3000 | Retain | Retain & protect during proposed works |
| T08 | Syzygium cameronianum | Coccoloba Palm | 5000 | 5000 | Retain | Retain & protect during proposed works |
| T09 | Persea americana | Avocado | 3000 | 3000 | Retain | Retain & protect during proposed works |

PLANT SCHEDULE

| SYMBOL | LATIN NAME | | COMMON NAME | MATURE HEIGHT | POT SIZE | QUANTITY |
|------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------|-------------------------|---------------|----------|----------|
|  | Trees | | | | | |
| | BI | Banksia integrifolia | Coastal Banksia | 15m | 45 Litre | 3 |
| | ER | Elaeocarpus reticulatus | Blueberry Ash | 5 - 10m | 25 Litre | 2 |
| | Shrubs | | | | | |
|  | GF | Gardenia florida | Gardenia | 1.2m | 5 Litre | 11 |
| | ND | Nandina domestica | Sacred Bamboo | 1.5 - 3m | 5 Litre | 5 |
| | Screening & Hedging Plants | | | | | |
| | SA | Syzygium australe 'Resilience' | Bush Cherry | 3m | 25 Litre | 33 |
|  | Feature Plants | | | | | |
| | PX | Philodendron 'Xanadu' | Xanadu | 600mm | 200mm | 6 |
| | Strap Leaved Plants, Groundcovers & Spillovers | | | | | |
| | DG | Dianella caerulea 'Breeze' | Paro Lily | 600mm | 140mm | 94 |
|  | DSF | Dichondra 'Silver Falls' | Silver Kidney Weed | 100mm | 140mm | 7 |
| | LIT | Lomandra longifolia 'Tanika' | Spiry-headed mat rush | 0.45 - 0.6m | 140mm | 59 |
| | LRP | Liriope muscari 'Royal Purple' | Liriope | 400mm | 140mm | 14 |
| | TT | Trachelospermum tricolour | Variegated Star Jasmine | 300mm | 140mm | 23 |
|  | VH | Viola hederacea | Native Violet | 100mm | Tube | 202 |
| | Climbers | | | | | |



MASS PLANTING IN EXISTING TOPSOIL



STEEL EDGE DETAIL