

**NSLPP MEETING HELD ON 03/08/2022****Attachments:**

1. Architectural Plans
2. Landscape Plans
3. Reference Scheme
4. Clause 4.6 Statement

ADDRESS: 172 Kurraba Road Kurraba Point**APPLICATION No:** 130/21**PROPOSAL:** Alterations and additions to a dual occupancy (attached), landscaping and associated works**PLANS REF:**

Plan No.	Rev No.	Description	Prepared by	Dated
A00	C	Coversheet	BTB Architecture Studio	10 11 21
A02		Proposed site plan		
A03		Proposed lower ground plan		
A04		Proposed ground floor plan		
A05		Proposed first floor plan		
A06		Proposed roof plan		
A07		Proposed elevation - north		
A08		Proposed elevations - south		
A09		Proposed elevations – west/section D		
A10		Proposed elevations - east		
A11		Proposed section A		
A12		Proposed section B		
A12.1		Proposed section C		
A12.2		Proposed section E & F		
A12.3		Proposed section G		
A13		Proposed material & finishes schedule		
A14		Erosion & sediment control plan		
A24		BASIX & general notes		
DEM01	B	Ground floor demolition plan		
DEM02		First floor demolition plan		
DEM03		Roof demolition plan		
LA-001	E	Schedules and landscape calculations	Jane Irwin Landscape Architecture	10 11 21
LA101	E	Site pan		
LA-201	F	Landscape plan		
SWD1876 Sheet 1/2	-	Stormwater general notes	BMB Engineers	23 02 21
SWD1876 Sheet 2/2	-	Stormwater concept plan		

OWNER: Paul Berkemeier**APPLICANT:** Paul Berkemeier**AUTHOR:** Jim Davies Executive Assessment Planner**DATE OF REPORT:** 21 July 2022**DATE LODGED:** 05 May 2021**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

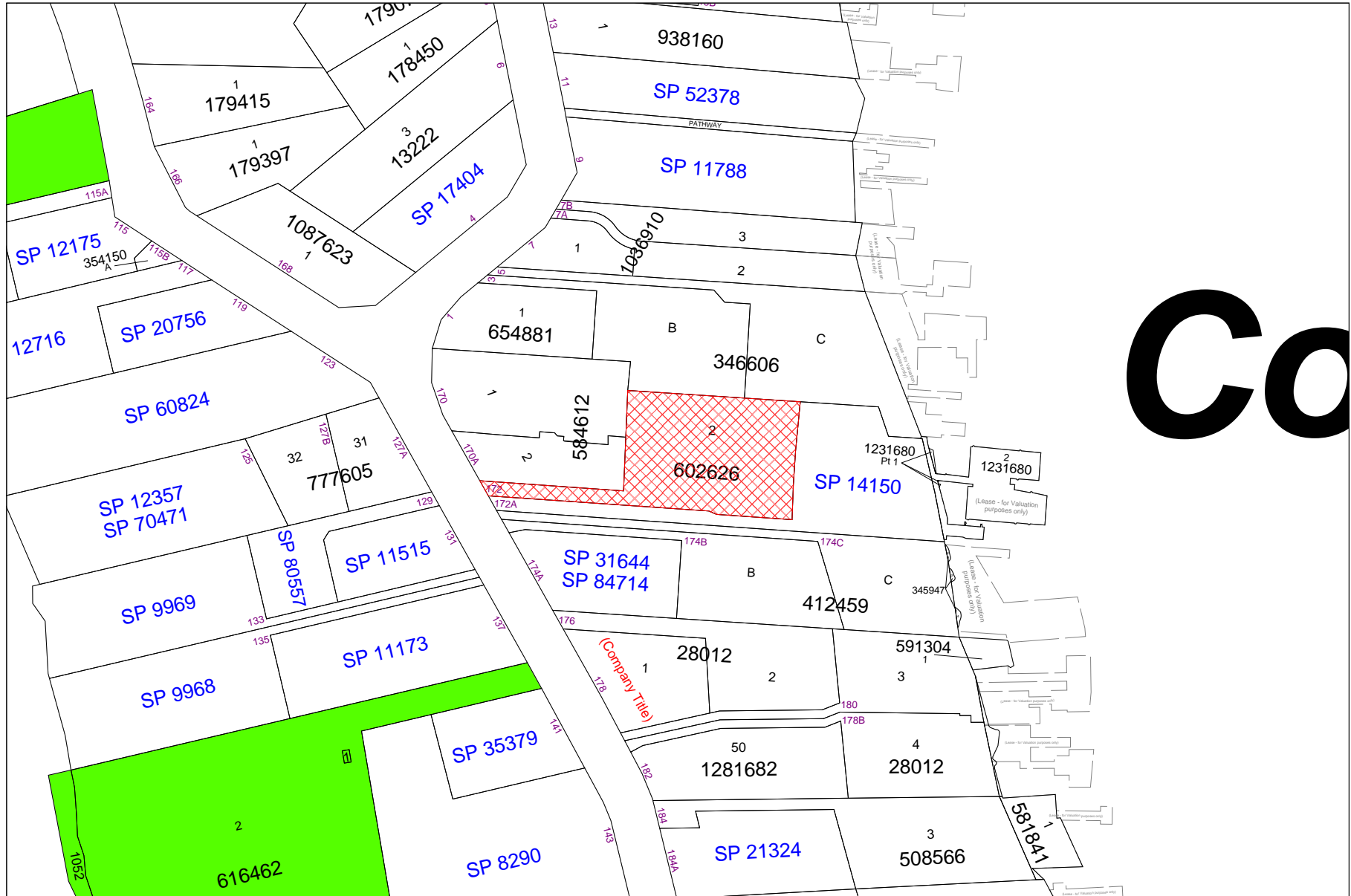
This development application seeks approval for alterations and additions to an existing dual occupancy (attached), landscaping and associated site works, and is reported to North Sydney Local Planning Panel for determination as the application includes a request to contravene the height of building development standard by more than 10%. Original notification of the proposal attracted eight submissions objecting to the application due to concerns about view sharing, heritage and local character. Following amendment of the application, the application was re-notified, and one objection was withdrawn.

Being in a conservation area, assessment of the proposal requires particular attention regarding the extent of demolition and new works. In the subject development the works mainly involve internal removal of walls and removal of external walls where additions are to be made to the existing building. The LEP's provisions for dual occupancy development in heritage conservation areas require analysis of the proposed works to show that the proposal is substantially within an existing building and that the fabric of the original building remains visible from the public domain. The proposed development satisfies these provisions of the North Sydney Local Environmental Plan 2013.

Heritage provisions of the North Sydney Development Control Plan 2013 require new elements added to buildings in conservation areas to be recessive and in a design sense subservient to contributory items such as the existing building the subject of this application. To satisfy these requirements, Council's Conservation Planner has recommended inclusion of a condition of consent, to require balconies, proposed to align with existing elements of the two-storey residence facing Shell Cove, to be located at least 2.65m back from their proposed location. As this condition is likely to require other modifications to the design, this condition also requires submission of amended plans demonstrating compliance for the Conservation Planner's approval before an application for a Construction Certificate is made.

The assessment has considered issues raised by submissions, the main issue being view impacts and sharing, as well as the performance of the application against other provisions of the local planning framework. As a result, the proposed development is considered reasonable and is recommended for **approval** subject to conditions, despite non-compliance with the maximum building height standard. Otherwise, it is compliant with all other applicable provisions of the North Sydney Local Environmental Plan 2013, pertinent provisions of other environmental planning instruments and is consistent with germane guidance of the North Sydney Development Control Plan 2013.

LOCATION MAP



Co

□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The application proposes alterations and additions to an existing dual occupancy, attached, with one dwelling above the other, previously converted from a single dwelling house. Existing dwellings have 3 bedrooms each.

The proposal features an extension to the northern side of the existing building and alters the building so each dwelling is beside each other as shown on the architectural drawings (attachment 1). Included in the architectural drawings are plans of the existing development and demolition plans.

Also attached to this report is a set of drawings for a "Reference Scheme A" (attachment 3), which is an alternative design that complies with building envelope controls (height and setback). This allows a comparison with the proposed development, which increases the setback to the northern side boundary and increases the height of the proposed extension, above the maximum permitted. A key aim of the proposed design is to reasonably achieve view sharing with neighbouring residences, when compared to a scheme which complies with the LEP and DCP planning controls applicable to the site, which could have the reverse effect. A written request has been made to contravene the building height standard, as required.

DESCRIPTION OF SITE AND LOCALITY

The site is lot 2 DP 602626, located at 172 Kurraba Road Kurraba Point.

A majority of the site, the building's curtilage appears to be paved.

A carport provides parking for two cars. Access to Kurraba Road is via an access handle, also providing access to another dwelling east of the site and on the Shell Cove shore, at 172A Kurraba Road.

The site is in the Kurraba Point Conservation Area. The DCP's (Part C clause 6.2.2) description of the area follows:

The Kurraba Point Conservation Area is bounded by the Kurraba Road, Wycombe Road, Bannerman Road and the shore of Shell Cove.

The landform follows the slope of the land towards the water to Neutral Bay and Shell Cove with roads following the contour lines.

The higher section has a more regular subdivision pattern but the sloping part (where the site is located) has an irregular subdivision determined by the street pattern and topography. Some later battle axe blocks to the waterfront sites. Lot sizes vary and many are developed for large architect designed houses with residential flat buildings on sites close to the water.

The area is characterised by the medium to large Federation and Edwardian homes with some earlier Victorian development, inter war dwelling houses and 1930s residential flat buildings. There (are) some very fine examples of the period particularly along Shell Cove Road, Kurraba Road, Hayes Street Wallaringa Road including Nutcote, home of the author May Gibbs. The group of dwelling houses and reserve in Bannerman Street and Prior Avenue form an unusual subdivision with a private reserve and tennis courts.

Elevated sites provide extensive views to Sydney Harbour and there are views from Bogota Avenue, Kurraba Wharf, down Hayes Street and Lower Wycombe Road.

Front gardens contribute to the landscaping of the streets. Gardens follow the slope of the site with stone walls to the street. There are street trees that add to the leafy character of the area.

STATUTORY CONTROLS

- Environmental Planning & Assessment Act 1979 (the Act) – Local development
- Environmental Planning & Assessment Regulations 2021 (the Regulations)
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- North Sydney LEP 2013 (the LEP)
 - Zoning – R2 Low Density Residential
 - In Vicinity of Items of Heritage Significance (174B and 176 Kurraba Road)
 - Conservation Area – Kurraba Point

POLICY CONTROLS

- North Sydney Development Control Plan 2013 (the DCP)
- North Sydney Local Infrastructure Contributions Plan 2020

RELEVANT HISTORY

Previous application - DA 65/21

<i>Date</i>	<i>Action</i>
12 03 21	Lodged
18 03 21	Rejected due to submitted information package being inadequate.

Current Application – DA 130/21

<i>Date</i>	<i>Action</i>
05 05 21	Application lodged.
21 05 21	Application notified for 14 days.
07 07 21	Applicant advised to make amendments to the application.
16 07 21	Applicant's reply to Council's letter of 07 07 21, requesting time extension to amend the DA, due to need to view site from an objector's property (1 Shellcove Road).
19 07 21	Applicant asked to erect height poles to enable view impact assessment.
09 09 21	Applicant advised to withdraw application, due to Covid-related delays in responding to an objection and amendments to the application not having been submitted. Reply from applicant that application would not be withdrawn.
17 10 21	Advice from applicant that height poles had been erected.

29 10 21	Assessing planner visited objector's property, 1 Shellcove Road, and site. Attempted to view height poles from site only, they were not visible from rear yard of 1 Shellcove Road. Access inside house was impossible due to pandemic-related restrictions.
15 12 21	Amended application submitted.
28 01 22	Amended application notified for 14 days.
04 04 22	Requested information from applicant to clarify issues raised during second notification period and to analyse view impacts in more detail, responding to a supplementary submission from the owner of 1 Shellcove Road.
22 04 22	Information submitted by applicant.
27 04 22	Applicant submitted further study of views from objector's property. The study was carried out using photographs obtained by Council from 1 Shellcove Road's owner.
21 06 22	Site meeting between applicant and heritage consultant, Council heritage planner and the assessing planner, to discuss heritage assessment of amended plans and other matters related to the DA.
27 06 22	Applicant's response regarding heritage-related design issues raised by Council's conservation planner, including the positioning of balconies as part of the north-eastern addition to the existing building.
29 06 22	Author visited and took photographs from the view-affected room at the objector's property at 1 Shellcove Road.

INTERNAL REFERRALS

Building

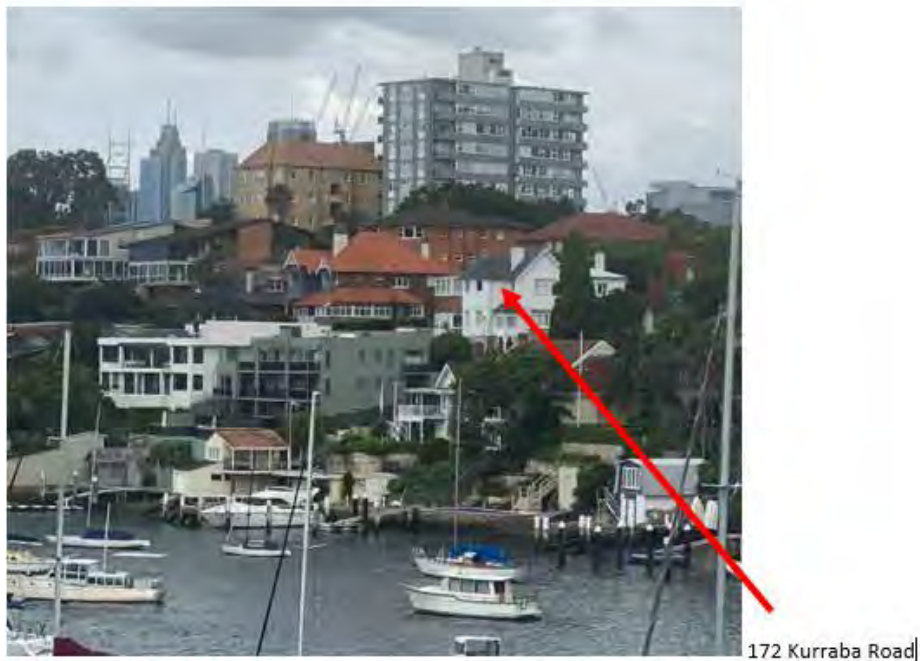
The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with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

Heritage

1. Heritage Status and Significance

The subject property is a Contributory item located within the Kurraba Point Conservation Area. The dwelling, known as 'Edzell', is not readily seen from Kurraba Road as it is located at the end of a battle-axe driveway. It can be seen from the waterfront and from Cremorne Point.

Built in c1906 for a milliner, Miss Leahy, the property was designed by architect Clarence Backhouse and formed a group of Federation Queen Anne/Arts and Crafts style dwellings along the Kurraba Point waterfront that originally extended to the harbour frontage.



The property as seen from Cremorne Point

Image: John Oultram 172 Kurraba Road, Kurraba Point Heritage Impact Statement 2021, page 20.

Figure 1: Subject dwelling and urban context (John Oultram, Heritage Architect).

The property was sold in 1914 to eminent architect Alfred Spain of Spain, Cosh & Minett, who were responsible for controversial buildings such as the tallest Australian building in 1912 on King and Castlereagh Streets. At 178ft (54m), it resulted in the Height of Buildings Act, 1912 which limited subsequent structures to 150 ft (46m). This was Spain's third purchase on Kurraba Road, as he already lived at No. 174 and owned 176 Kurraba Road where his brother Staunton lived. Although he did not live in 'Edzell', it was rented to Mr Brockhoff, a manufacturer of self-raising flour.

The property was purchased in 1965 by Packerdoo Pty Ltd who subdivided it in 1969 into three allotments. The dwelling was retained on Lot 2. Lot 3 contained the harbourside allotment and Lot 1 was on the street frontage.

The dwelling is constructed in face brick with a sandstone sub-base and a render finish (originally only on the First Level). The roof is clad in slate with a terracotta ridge. The primary façade addresses the harbour to the east with a faceted bay over two levels. Alterations include two-storey rear additions with flat and skillion roofs at the rear (West Elevation) plus a verandah that was added on the East Elevation in 1930. The original interior has been modified with the alteration and enclosure of the staircase when the dwelling was converted into two apartments.

The dwelling contributes to the conservation area by virtue of its Arts and Crafts style, its form, massing, scale, materiality and having been constructed during a core period of development for the conservation area.



Figure 2: Rear later addition. The dwelling retains a characteristic form. The rear addition is submissive and sympathetic.

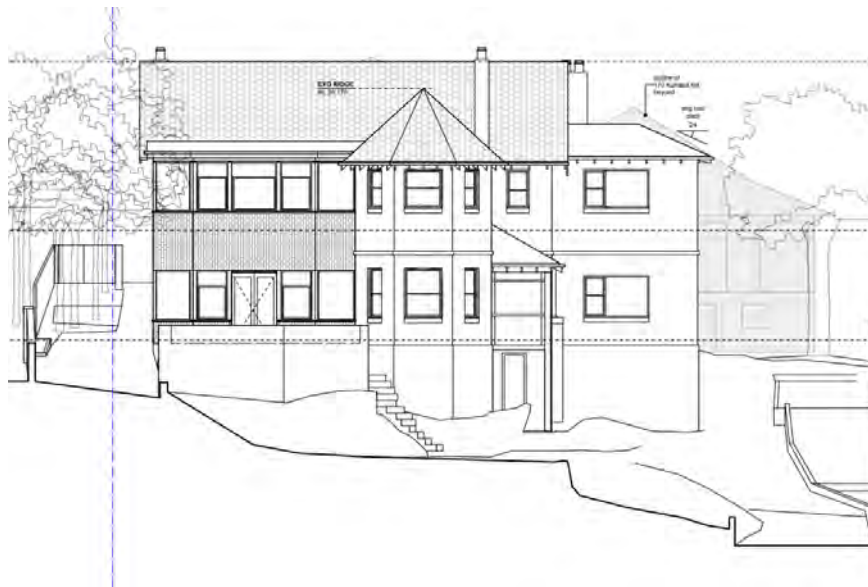


Figure 3: Existing waterfront elevation showing the significant faceted bay.

2. Heritage Impact Assessment

a) North Sydney LEP 2013 Clause 5.10

The proposed works do not comply with this clause as the new addition will detract from the aesthetic significance of the Contributory item as the new works will project forward of the primary building line. The proposed new balconies on the side addition will visually compete with the primary façade which is visible from Sydney Harbour (Shell Cove) and from Cremorne Point.

b) North Sydney DCP 2013

An assessment of the proposal, with reference to Part B Section 13 of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:

13.4 Development in the Vicinity of Heritage Items-

The property is in the vicinity of heritage items at 168, 174B and 176 Kurraba Rd. The proposed works will have minimal impact upon their heritage significance, curtilage and setting as they have adequate separation.

13.6.1 General Objectives O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area-

The proposed curved balconies are inconsistent with the character of the conservation area.

13.6.1 General Objective O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of the building-

The proposal does not comply as the works are proposed in the context of the primary façade and are not located at the rear or completely at the side behind the primary building line.

13.6.2 Form, Massing and Scale - Objective O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area-

Whilst improved the amended form of the addition on the north-eastern corner is still inconsistent with the character of the conservation area.

13.6.3 Roofs - Objective O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area-

The chimneys will be retained. The proposed new roof forms are acceptable and are submissive to the primary roof forms however, the use of 'Spandek' is not supported. It is recommended that the roofs be re-pitched and that a traditional rolled seam or curved corrugated profile roof cladding is used.

13.6.5 Internal Layouts – Objective O1- To ensure that significant interiors are retained-

The interiors have been significantly modified. No objection is raised to the proposed changes as the building has been previously modified internally and it is not a heritage item.

13.9.1 Skylights, Solar Panels and Satellite Dishes – Objective O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas-

No objection is raised to the proposed rear skylights. It is recommended that the solar panels on the dwelling be placed flat on the roof not tilted, to minimise their visibility. No objection is raised to the tilted panels on the garage as they will be largely hidden by the parapet wall.

13.9.3 Verandahs and Balconies- Provision P5 The design, proportions and detailing of new balconies is to relate to the style, detail and period of the building, and any characteristic elements of the conservation area-

The amended balconies on the north-eastern corner of the building will still have an uncharacteristic, curved form that will contrast and visually compete with the character of the original dwelling. The use of timber shingle on the balustrades is acceptable.

13.9.4 Materials - Objective O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas-

The exterior colour Murobond 'Nero' is a pale grey, proposed for the rendered walls, and is acceptable. No colour scheme is provided for the joinery.

13.9.5 Garages and Carports- Objective O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area-

The existing dwelling has parking for two cars. No objection is raised to the additional parking as it is at the rear of the building (western side) and will not be readily seen from the public domain.

13.9.7 Objectives O1 To ensure that significant landscape features and trees are retained and reflected in new development. Provision P2 Do not develop front garden areas for carparking or pave extensively-

The 700 mm wide planting strip in the driveway shown on the amended plans is supported.

13.10.4 Two Storey Detached and Attached Dwellings - Provision P2 New additions should generally comply with the examples illustrated in Figures 13.47 to 13.49-

The proposal does not comply as the additions extend forward of the front building line.

3. Conclusion

The proposal is considered to require the following amendments to comply with North Sydney Council heritage controls, which require new works to complement the defined character for the conservation area, not contrast with it, and to ensure that new works are located away from front facades:

- New addition on the north-eastern corner of the building is to be set back behind the faceted bays and primary building line, including the balconies. Rectangular balconies are recommended as these are a characteristic shape to the conservation area. The curved balconies visually compete with the faceted bays.

- Deletion of the balconies would also be acceptable. However, glazing would have to be modified such that it is not full-length, to minimise the extent of glazing viewed in the context of the primary façade.
- The glazing to the new addition is to be reduced such that it is narrower and there are solid edges not a full wall of glazing.
- Solar panels on the dwelling are to be laid flat on the roof, not tilted, to reduce their visual impact.
- New metal roofing is to use a rolled seam or have a corrugated profile, not Spandek or Klip-lok, and are must be pitched to be functional.
- Exterior paint colours for the timberwork are to be specified with product and colour name. Stained finishes, black and vivid white are not supported.

Site meeting & submission

The above recommendations were conveyed to the applicant. Consequently, an on-site meeting was held to discuss them. Following the meeting, the applicant's heritage consultant submitted:

1.0 New Addition and Balcony

(Council) Comment: New addition on the north-eastern corner of the dwelling is to be setback behind the faceted bays and primary building line, including the balconies. Rectangular balconies are recommended as these are a characteristic shape to the conservation area. The curved balconies visually compete with the faceted bays.

Response: *The primary wall and glazing to the side addition are both set well back from the faceted bay and only the balcony extends to the edge of the bay. Even on plan (in the drawings) the curved balcony appears set back from the outside wall of the bay (though it is in line) and this is a result of the curved plan. This will be more evident in three dimensions as the balcony curves backwards to the line of the primary wall.*

The house has a faceted bay and a faceted verandah (enclosed) to the waterside and the aim of the curved balcony was not to mimic this detail to avoid too complex a form to the elevation and obscure its earlier form and detail.

The use of shingles pays regard to the style of the house and its seamless detail allows for its use on the curve. The balcony is smaller than the existing verandah giving a major-minor relationship on the elevation and signalling that the addition is modern without over emphasising this.

2.0 Glazing

(Council) Comment: Deletion of the balconies would also be acceptable, however, the glazing will have to be modified such that is not full length to minimise the extent of glazing viewed in the context of the primary façade.

Response: *The applicant wishes to retain the balconies that have superb views to the water. The glazing is set behind a solid, shingle balustrade and only the upper portions of the doors will be visible. The visible glazing is less than on the current, infilled verandah. Regardless of the form of the balcony, the same extent of glazing would be visible.*

3.0 Windows

(Council) Comment: The glazing to the new addition is to be reduced such that it is narrower and there are solid edges not a full wall of glazing.

Response: *See above. Other glazing was considered appropriate and is well controlled to avoid large areas of glass.*

4.0 Solar Panels

(Council) Comment: Solar panels on the dwelling are to be laid flat on the roof, not tilted, to reduce their visual impact.

Response: *The panels will be laid at 10 degrees as close to the roof and will not be highly visible.*

5.0 Metal Roofing

(Council) Comment: New metal roofing is to use a rolled seam or have a corrugated profile not Spandek or Klip-lok, and are pitched to be functional.

Response: *It has been accepted that the roofs will not be visible*, and the selected roofing is appropriate.*

* Roofing would be visible from elevations similar to and above the building, from Cremorne Point for example. From that distance details of roofing materials and construction techniques would likely be indiscernible.

6.0 Joinery Finishes

(Council) Comment: Exterior paint colours for the timberwork to be specified with product and colour name.

Response: *The applicant would like to use clear finish on the new joinery (other colours for existing joinery have been supplied).*

It is accepted that clear finish is not traditional on houses of this period, but the finish will only be applied to the new joinery clearly signalling this as new work. It will also highlight that the windows are in timber rather than finished aluminium.

7.0 Summary

We considered that the amended scheme is very well considered and that the form and detail of the extensions are quite appropriate in heritage terms providing interpretations of traditional forms and responding well to the existing detail of the house.

4. Recommendation

Conditions have been recommended to address site specific compliance requirements including those discussed above, and other heritage related matters of a standard nature.

DEVELOPMENT ENGINEERING/TRAFFIC

No objection to the proposal was raised by Council's Development Engineer and conditions have been included in the recommendation.

LANDSCAPING

Council's Landscape Officer advised the landscape plan submitted (attachment 2) is acceptable subject to conditions, included in the recommendation.

EXTERNAL REFERRALS

None was required.

SUBMISSIONS

Original proposal

On 12 May 2021, Council notified adjoining properties and the Kurraba Precinct Committee of the proposed development seeking comment for 14 days between 21 May 2021 and 4 June 2021. Council received eight submissions.

Amended Proposal

The applicant submitted amended plans that were renotified to adjoining properties, previous submitters and the Kurraba Precinct Committee for 14 days between 28 January 2022 and 11 February 2022. Council received three submissions, two reiterating and supplementing previous submissions and the third withdrawing an objection to the proposal.

Basis of Submissions

- Impact on views.
- The design should be amended to reduce view impacts.
- Non-compliance with the building height maximum.
- The cl. 4.6 submission should not be supported, due to the bulk, scale and resultant impacts of the proposal on amenity and local desired character. Neither does the request to contravene the standard adequately justify the height breach, the height being inconsistent with the standard's objectives, and not demonstrating sufficient environmental planning grounds.

- A submission noted a Land & Environment Court decision (Made Property Group Pty Ltd v North Sydney Council [2020] NSWLEC 13352) inferred no right to develop to the same dimensions (height width and depth (i.e. bulk)) as an existing building. Accordingly, the proposed height exceedance relies on the development not exceeding the existing building's height. Further the submission states that the applicant's request to vary the standard fails to demonstrate or provide evidence to satisfy the 4 mandatory tests established by cl. 4.6.
- Height of the building should be reduced to at least conform to the existing building envelope (height and setbacks).
- The proposal is inconsistent with certain objectives of the North Sydney LEP 2013 regarding character, bulk, scale and appearance, its impact on the foreshore when viewed from the harbour, residential amenity, namely visual amenity, solar access, views and privacy, maintaining environmental qualities of the site, minimising stormwater runoff and protecting the area's natural and human heritage.
- The development will cause disruption and impacts to residents of adjacent properties from earthworks (including rock drilling and sawing) and construction, being noise, vibration, dust and traffic congestion.
- Excavation will adversely affect the water table and adjoining properties being affected by "settlement risk".
- No noise or geotechnical reports were prepared regarding potential impacts, these should be provided.
- Noise from private open space (balconies) has not been addressed.
- View analysis submitted is inadequate.
- Solar access and overshadowing diagrams submitted are inadequate.
- That the existing dwelling is a neutral contributor to the Kurraba Point South Conservation Area is disputed and the proposal is inappropriate to its context, blending a "hybrid" of heritage building and modern construction.
- The development is inconsistent with requirements for development in the Sydney Harbour Foreshores and Waterways Area of the DCP made in 2005 of this area, as it detracts from the visual qualities and natural assets of the harbour.
- Regarding the Landscape Character Statement for Kurraba Point, the development's height is excessive, has an adverse impact on the scenic amenity of Cremorne Reserve and Shell Cove and the 3-storey addition to a 2-storey building fails to integrate with the landscape.
- The proposal is inconsistent with cl. 13 & 14 of the Sydney Harbour REP (now in Chapter 10 Part 10.2 SEPP (Biodiversity and Conservation) 2021
- The original dwelling has maintained its heritage qualities along with dwellings at 174B and 176 Kurraba Road and is a contributory item in the conservation area.
- The design does not reduce visual dominance (scale) of the additions.
- View loss analysis made for the application does not adequately consider impacts on views from 170A Kurraba Road.
- The siting and design of car garaging and bin storage have unacceptable amenity impacts.
- The proposal has undue privacy impacts on the kitchen and main bedroom of the dwelling at 170 Kurraba Road, requesting fitting of a privacy screen in the form of louvres.
- The submitter requested amendment of the design to preserve the view from the dwelling at 170 Kurraba Road.
- The submitter from 3 Shellcove Road requested that certain matters be addressed in the DA or the subsequent carrying out of the works:
 - Drainage impacts on property to the north, 3 and 5 Shellcove Rd.
 - Repairs being made to rear and on-boundary works and correction of encroachments.
 - Removal of the boundary fence and an 'unruly' climbing fig damaging the fence, and
 - Replacing the fence.
- A traffic management plan should be prepared "...for all developments on the point" (and this development).

- Heritage – the addition will detract from the aesthetics of the “Contributory item”, projecting forward of the primary building line.
- Balconies are inconsistent with the ‘arts and crafts’ style of the original building. The balconies should be clad with timber shingles and have a simpler curve.
- The addition is still inconsistent with the character of the area. The glass line and balconies should be behind the faceted bays.
- The amended design still adversely affects amenity of neighbours.
- Submission of a hypothetical ‘reference scheme’ is invalid, as it would likely breach other controls of the DCP (despite compliance with envelope controls). Others could be prepared and considered.
- The view analysis and the request to vary the height maximum depend on the assumption that the ‘reference scheme’ (attachment 3) complies and yet on the other hand it would fail in terms of view impacts.

Submissions from both notification periods may be viewed on Council’s website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

CONSIDERATION

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

SEPP (Biodiversity and Conservation) 2021

Under Chapter 10 Sydney Harbour Catchment, the site is in the Foreshores and Waterways Area as mapped by the policy. Clause 10.18 requires Council to consider applicable provisions of Part 10.3 Division 2 before granting development consent.

Consent can be granted, as the proposal is consistent with pertinent provisions:

10.19 Biodiversity, ecology and environment protection

Comment: *The proposal is unlikely to significantly impact biodiversity and ecological processes in the harbour catchment. Proposed erosion and sediment control during construction and operational stormwater management will reduce negative impacts on water quality and help maintain biological and ecological values of the harbour.*

10.20 Public access to, and use of, foreshores and waterways

Comment: *The site is not on the foreshore and this provision is not applicable.*

10.21 Maintenance of a working harbour

Comment: *The proposal has no bearing on harbour shipping.*

10.22 Interrelationship of waterway and foreshore uses

Comment: *This matter is not applicable as the site is not on the foreshore.*

10.23 Foreshore and waterways scenic quality

Comment: *The proposal in its current form is inconsistent with the locality's scenic quality and character. Although the development is generally of a similar scale and architectural vernacular as nearby residential development, the proposed north-eastern addition, from a heritage perspective, is considered to dominate and lessen the value of the contribution the existing residence makes to the heritage conservation area. A recommended condition addresses this matter, requiring the addition to be setback a further 2.65m, with plans required to be submitted for approval before a Construction Certificate is applied for.*

10.24 Maintenance, protection and enhancement of views

Comment: *As demonstrated later in this report, the development will have acceptable and reasonable impacts on views, to and from the Harbour, and other public and private places.*

10.25 Boat storage facilities

Comment: *The proposal does not include boat storage facilities.*

10.26 Floating boat platforms

Comment: *The proposal does not include floating boat platforms.*

10.27 Mooring pens

Comment: *The proposal does not include mooring pens.*

SEPP (Resilience and Hazards) 2021

Per clause 4.6 of the policy Council can grant consent being satisfied that:

- the land has been used for residential purposes,
- there is no change of use proposed, and
- there is no known record of the land having been used for a purpose which may have caused the land to be contaminated.

SEPP (Building Sustainability Index: BASIX) 2004

The application includes a valid BASIX certificate No. A399539_02, issued 9 November 2021, and commitments are marked on the plans to demonstrate how sustainability will be achieved.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Permissibility

The proposed works are alterations and additions to a dual occupancy (attached), permissible with development consent in the R2 Low Density Residential zone.

2. Objectives of the zone

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

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

Assessment

The proposal is consistent with relevant objectives:

- The proposal maintains the number of dwellings on the site, at 2.
- The second objective is irrelevant, as the application does not propose nor inhibit other land uses to meet residents’ daily needs.
- An attached dual occupancy is retained on the site. As demonstrated elsewhere in this report, the proposal has acceptable impacts on the locality’s amenity and, subject to application of recommended conditions, would not compromise the built or natural environment.
- As demonstrated by this report in relation to applicable provisions of the LEP and DCP, a reasonably high level of residential amenity will be achieved by the proposal.

Part 4 – Principal Development Standards

Principal Development Standard			
	Proposed	Control	Complies
Clause 4.3 – Heights of Building	10.6m	8.5m max	No

3. Height of Building

The following objectives for the permissible height limit pursuant to clause 4.3 in the LEP are:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

As shown in the above table, the proposal does not comply with the standard. The development’s performance against the building height standard’s objectives is examined in relation to the applicant’s request to exceed the maximum height.

Clause 4.6 – Request to contravene the height of building development standard

The applicant has submitted a written request (attachment 4) pursuant to Clause 4.6 of NSLEP 2013.

- Maximum permitted height: 8.5m.
- Proposed maximum height: 10.6m.
- Proposed contravention: 2.1m or 24.7%.

As the panel would be aware, numerous decisions of the Land & Environment Court have assisted in the interpretation and application of clause 4.6. a provision common to most, if not all LEPs in NSW. That there is no need to provide commentary on this topic is assumed.

Criteria for approval under clause 4.6

For consent to be granted, the following criteria must be observed:

1. The consent authority must be satisfied, according to cl. 4.6 (2):
 - (a) the provision for which non-compliance is sought is a development standard as defined by section 1.4 Environmental Planning and Assessment Act 1979 (the Act), and
 - (b) the development standard in question is not excluded from being varied, by cl. 4.6 (6) or (8) of the LEP.
2. The applicant's written request must, according to cl. 4.6 (3):
 - (a) demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and
 - (b) demonstrate that there are sufficient environmental planning grounds to justify contravention.
3. As required by cl. 4.6 (4) (a), the consent authority must be satisfied that:
 - (a) the applicant's request has satisfactorily addressed these matters, and
 - (b) that the development is in the public interest, being consistent with the objectives of the standard and the zone in which the development is proposed.
4. As a delegate of the Planning Secretary, in accordance with cl. 4.6 (5), the consent authority must consider the following in deciding whether to grant concurrence:
 - (a) whether a matter of State or regional significance is raised by the standard's contravention,
 - (b) the benefit in maintaining the standard, and
 - (c) any other matters.

Evaluation of the applicant's written request

In consideration of the LEP's provisions above, an evaluation of the applicant's request to contravene the building height development standard is set out hereunder.

Criteria 1(a): Only a development standard can be varied

The maximum height of buildings is a development standard as defined by the Act, as it establishes a maximum height for development on a site.

Criteria 1(b): The development standard must not be excluded from cl. 4.6's application

The height of building development standard is not excluded from clause 4.6's application. An application may be approved without proposed development complying with the standard when other provisions of cl. 4.6 are satisfied.

Criteria 2 (a): Compliance would be unreasonable or unnecessary

The applicant's written request submits that the proposal is not inconsistent with the objectives of the standard. This is one of the methods suggested by the Land and Environment Court to establish that compliance with the standard is unnecessary or unreasonable.

Objectives of the building height maximum are:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
- (g) *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.*

Despite a few details not being wholly agreed with, the applicant's request to depart from the height standard, regarding the development standard's objectives, is considered sufficient to satisfy the terms of clause 4.6.

Key elements of the submission include:

- Topography: The lower ground floor level and the flat roof create a stepped form reflecting site topography.
- Landscaping also steps with the site's gradient and complements the proposed built form.
- Views: Despite difficulties in assessing view impacts in preparing the application (understood to be Covid related) the design retains (or reasonably shares) views across the site, from three properties adjacent to and near the site, being 170 and 170A Kurraba Road, and 1 Shellcove Road.

- The submission assesses impacts from 170 and 170A Shellcove Road and concludes the impacts are acceptable, based on an analysis comparing the proposed development with the 'reference design' and the Court's view sharing principles methodology (this methodology is applied in a detailed examination of proposed view impacts and sharing, immediately following this evaluation).
- In relation to the view from 1 Shellcove Road, the subject request to vary the standard notes the proposal:
 - *"...reduces a small portion of the water view and land water interface (but retains the majority)."*
 - *"Where the water view and land water interface is (sic) obscured this is through compliant portions of the building."*

Comment: Although these observations are not entirely accurate, this does not reduce the veracity of the submission, so as to render it unacceptable. As discussed below in this report's view impact assessment, about half the view from 1 Shellcove Road is affected and some of this impact stems from a portion of the proposed additions that exceeds the height standard. However, this is partly due to the position in the upstairs room from where the photograph used in the submission was taken (by a former Council planner who was assessing the application), which is slightly different than the photograph used in the following analysis. Consequently, the view itself and estimated degree of the proposal's effect on that view are different.

- The submission also states the development "...improves the view impacts", via the design and siting of the addition (flat roof and maintaining the almost 6.0m setback to the northern boundary), it being considered "a more skilful design."

Comment: The submission-author's opinion that the proposal improves views (from 1 Shellcove Road) is not concurred with. Their conclusion that the "...view impact is considered acceptable and the view sharing reasonable.", is however agreed with, this statement being based on the visual (pictorial) analysis presented in the submitted request to vary the standard.

- Otherwise, regarding views from the dwelling at 1 Shellcove Road, the remainder of the view assessment in the cl. 4.6 submission accurately observes, in relation to the Court's view sharing principles, that:
 - The views are available from the upper level of the dwelling in a sitting or standing position.
 - The view is across a side boundary.
 - The extent of the impact is minor, given the view is over a side boundary (with another dwelling, 3 Shellcove Road, located between the site and 1 Shellcove Road), and
 - That a building envelope compliant with both setback and height standards (referred to in the submission as "Reference Scheme A", attachment 3), may have more severe impacts on views from 1 Shellcove Road and other properties, specifically 170 Kurraba Road.

- Solar access: Referring to solar access diagrams submitted with the application, the submission notes acceptable performance as solar access is maintained.
- Privacy: As indicated by plans submitted to amend the application, privacy is reasonably maintained.
- Compatibility, scale and built form: Despite the height exceedance proposed, the submission notes:
 - *“The amended proposal presents as a building predominantly within the maximum height of (existing) buildings as viewed from the foreshore and neighbouring properties and is compatible with surrounding development.”*
 - *“The amended proposal provides an appropriate scale and density that...promotes the character of the local area.”*

Criteria 2(b): Sufficient environmental planning grounds justify contravention

The applicant’s written request submits the following to demonstrate sufficient environmental planning grounds to contravene the standard:

- The proposal, by minimising the building footprint and maintaining the existing setback to the north (and by removing paving) reduces site coverage and increases landscaped area.
- As noted above, impacts on solar access and privacy are acceptable, despite the proposed height exceeding the maximum prescribed.
- View sharing being achieved, and
- The design of the additions having a character compatible with the existing building and maintaining acceptable relationships with adjoining buildings.

In addition, the applicant’s submission provides sufficient environmental planning grounds to contravene the standard, for these reasons:

- Coupled with maintaining the northern side setback and improved landscaping, acceptable environmental performance is also achieved by the positioning of habitable space partly above the height control, thus reasonably conserving neighbours’ amenity without compromising amenity for occupants of the proposed development.
- Other submissions made in the applicant’s request to contravene the maximum height as summarised above are generally concurred with.

Criteria 3 (a): The applicant must demonstrate satisfaction of criteria 2(a) and 2 (b)

As outlined, the applicant’s written request satisfies these criteria. Compliance is unnecessary in the circumstances of the case and environmental performance of the development is satisfactory.

Criteria 3 (b): Consistency with the development standard’s the zone’s objectives

Standard’s objectives

Approval would be in the public interest, as the proposal is not inconsistent with relevant objectives of the standard. The applicant’s appraisal of the proposal having regard to the height of building standard’s objectives is concurred with.

Furthermore, the proposal is consistent with these objectives (stated above), as follows:

- Despite the overall height, the development modulates reasonably well in relation to the steep, undulating topography of the eastern side of Kurraba Point, noting the topography has been heavily modified during well over a century of urban development.
- As discussed by the applicant's submission and examined below with reference to the Court's view sharing principles, the view impacts of the proposal are acceptable.
- As outlined by the applicant's submission and illustrated by shadow diagrams, the proposal is compliant with the DCP's controls for solar access. The development does not significantly overshadow the neighbouring development during the critical hours of the winter solstice.
- Privacy and the general amenity of nearby development should be reasonably maintained, noting the amended design has included privacy screening to fenestration.
- Despite having three levels and exceeding the height limit, the development is consistent with the form and scale of buildings in the locality and is compatible with the heritage qualities and character of Kurraba Point, both existing and desired. To improve the form and appearance of the proposal, as recommended by the Conservation Planner, the building line of the proposed north-eastern addition should be setback by at least another 2.65m.

View impact assessment

The Land and Environment Court's Planning Principles for View Sharing (Tenacity Consulting v Warringah [2004] NSWLEC 140) have been used to evaluate the proposal.

Views are most likely affected from 1 Shellcove Road and this affect is examined below.

The owner/occupier of 170 Kurraba Road made a submission during notification of the original application, requesting privacy between this residence and a proposed window being addressed and the view corridor between the proposed development and the northern boundary being maintained. The privacy matter has been addressed in the amended design and the view corridor maintained, as shown below.

Regarding the view corridor, the correspondent also requested that planting be kept low to maintain their view. The landscape plans (attachment 2) indicate only shrubs are proposed at the top of the steep slope towards Shell Cove. Taller trees are proposed toward the bottom of the slope, where there should be little effect on the view.

That the original design also could have affected views from 170A Kurraba Road is noted, as is the fact that the owners/occupants of this property withdrew their objection to the original proposal, by way of submission during notification of the amended application. Consequently, an examination of the view impacts on this property is unnecessary.

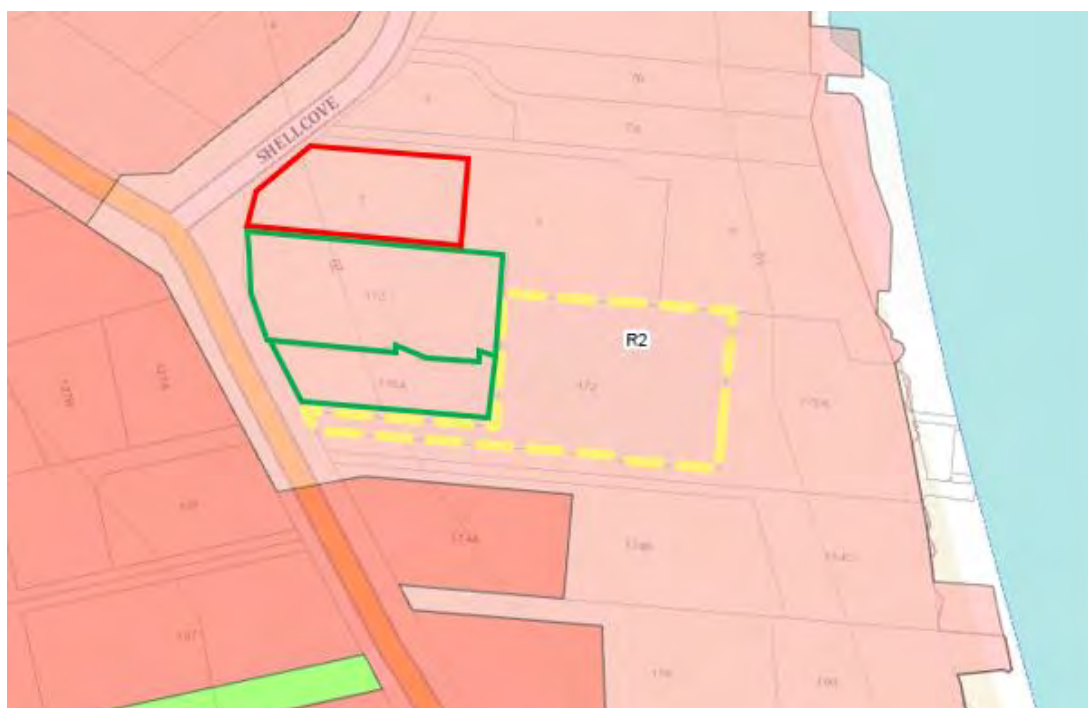


Figure 4 - View impact assessment – location map. Site, 172 Kurraba Road outlined in yellow and the view-affected property, 1 Shellcove Road in red. 170 and 170A Kurraba Road, outlined in green, are acceptably affected by the proposal (Base map: ePlanning Spatial Viewer).

170 Kurraba Road

Principle 1 – the views to be affected

Matters to consider include:

- A whole or partial view.
- View subjects – e.g. famous or significant landmarks, land and/or water, shorelines of harbours, estuaries or beaches.
- The value, or quality of the view.

Comment: The view for this property is a partial view of Shell Cove and Cremorne Point, in an easterly direction. A key feature of the view is the shoreline of this part of the harbour and adjacent land. The view is of low-moderate quality, however noting that a view of the harbour is generally held in high regard by the property owner/occupier able to enjoy it.

Principle 2 – from where views are obtained

- Over front or rear, or side boundaries.
- View from standing or sitting positions.
- Retaining side views and sitting positions is difficult and often unrealistic.

Comment: The view is obtained over a rear boundary, being the boundary parallel with and furthest from the street. It is enjoyed from either standing or sitting positions.

Principle 3 – extent of impact on views

- Views from living areas (indoor – kitchens, lounges, rumpus, dining, and outdoor – decks, terraces, balconies) are more significant.

- Consider the qualitative impact.

Comment: Outdoor and indoor living areas immediately adjacent the site are vantage points for the view, making the view relatively more significant. The amended design has little impact on this view, as shown below (Figure 5).

Principle 4 – assess the reasonableness of the development

- A development which complies fully with planning controls is more reasonable than one which does not.
- Increasing degrees of non-compliance contribute to the impact being less reasonable.
- For a compliant development, whether the design could be altered to lessen the impact on neighbour's views and still maintain the amenity and development potential of the subject site, should be considered.

Comment: As noted elsewhere in this report, apart from the height breach the proposed development is compliant with the building envelope (side setback) control potentially impacting this view. At 5.635m this setback is about 3.75 times more than the 1.5m minimum of the DCP. As implied by the applicant, this increase in setback helps to offset the impact of the increased height, by maintaining the view corridor of the dwelling directly behind the proposed development.



Figure 5: Red line indicates the outline of the proposed development (as amended), thus indicating its impact on the view from the deck at the rear of the dwelling at 170 Kurraba Road (Justification under clause 4.6 North Sydney Local Environmental Plan 2013 – Exceptions to Development Standards, Andrew Darroch, December 2021).

Conclusion –the severity of impact on views

- The severity of the impact on a view is derived from considering the previous four principles:
 - Are the views of a high or low quality, or somewhere between?
 - Are the views direct or indirect, from standing or sitting positions?
 - Are the views from regularly used living spaces or those less regularly used?

- *Is the development compliant with development controls?*
- *Can the design be altered without impacting development potential or amenity of the site and proposed development?*

Comment: Taking the above factors into account, the view impact is considered minor and acceptable – view sharing is reasonably achieved.

1 Shellcove Road

Principle 1 – the views to be affected

Matters to consider include:

- *A whole or partial view.*
- *View subjects – e.g. famous or significant landmarks, land and/or water, shorelines of harbours, estuaries or beaches.*
- *The value, or quality of the view.*

Comment: A partial view is available of Shell Cove and its bush-lined shore with Cremorne Point. Middle-distance views are of Port Jackson, with the horizon defined by the Eastern Suburbs in the distance. The view is of moderate quality.

Principle 2 – from where views are obtained

- *Over front or rear, or side boundaries.*
- *View from standing or sitting positions.*
- *Retaining side views and sitting positions is difficult and often unrealistic.*

Comment: The view is available from standing and sitting positions, over a rear boundary (with No 3 Shellcove Road) and a side boundary (between 3 Shellcove Road and 172 Kurraba Road, the site). Simply, the site and the residence from which views are affected are separated by another property between them. Retaining this view at all, with strict application of this principle, could be considered more than difficult and more than unrealistic.

Principle 3 – extent of impact on views

- *Views from living areas (indoor – kitchens, lounges, rumpus, dining, and outdoor – decks, terraces balconies) are more significant.*
- *Consider the qualitative impact.*

Comment: The view is available from the principal bedroom, on the first floor of the dwelling. According to the owner the room is used frequently, to take advantage of the view available. The view is improved as the viewer moves from south to north. And as is usually the case, the view is also improved the closer to the window the viewer stands or sits.

Principle 4 – assess the reasonableness of the development

- *A development which complies fully with planning controls is more reasonable than one which does not.*
- *Increasing degrees of non-compliance contribute to the impact being less reasonable.*

- *For a compliant development, whether the design could be altered to lessen the impact on neighbour's views and still maintain the amenity and development potential of the subject site, should be considered.*

Comment: As noted above the development aims to realise a 'trade-off', whereby a resident directly behind the site, who arguably has a greater expectation to maintain their view, has their view maintained. This is achieved without the site losing development capability and amenity offered to occupants of the proposed development. With increased height (albeit above the maximum) and a significantly increased side-boundary setback, the development achieves a reasonable and arguably a better outcome, than would a development fully compliant with numerical planning controls.

Conclusion –the severity of impact on views

- *The severity of the impact on a view is derived from considering the previous four principles:*
 - *Are the views of a high or low quality, or somewhere between?*
 - *Are the views direct or indirect, from standing or sitting positions?*
 - *Are the views from regularly used living spaces or those less regularly used?*
 - *Is the development compliant with development controls?*
 - *Can the design be altered without impacting development potential or amenity of the site and proposed development?*

Comment: The partial, moderate quality view is available from a part of an upper-level main bedroom, unlikely to be used as frequently as say a lounge room or kitchen.

As discussed, there are two key controls that have greatest potential to affect a view. In this case. Height is not complied with, although the breach is justified and the need to comply demonstrated to be unnecessary. The setback is deliberately increased to off-set the increased height. That the proposal also improves conditions by complying with site coverage, reducing paved and unbuilt upon areas, and increasing landscaped area. Although these do not have a direct impact on views, this compliance and improvement should nevertheless be noted.

Being distanced by another property between the affected residence and the proposed development, over two property boundaries, the 'claim', or expectation to maintain the view from 1 Shellcove Road, is less realistic than the expectation to maintain or share a view directly over a rear boundary.

The proposed development reduces the view from 1 Shellcove Road, of Shell Cove and Cremorne Point, by a little more than 50% as shown below (Figure 6). In the circumstances described above, this impact is considered reasonable. As also noted, an increased, numerically compliant setback would in all probability have an even worse result on views, not from only one (Figure 7), but probably from all three neighbouring and nearby properties discussed.

Likewise, the effect of lowering the development with the same setback also has a deleterious effect on views (Figure 8), and not to the same extent. This last alternative is not considered a 'more skilful design' as described by the Court's planning principles (paragraph 29, *Tenacity v Warringah* [2004] NSWLEC 140), as a lesser view-impact is achieved at the expense of the site's development capability and a loss amenity the proposed design offers.

In these circumstances, view sharing has been achieved.



Figure 6: View from upper room of residence at 1 Shellcove Road. The red line outlines the proposed development, the yellow line indicates the 8.5m height standard. The vertical yellow lines are height poles erected on the site in 2021. Slightly over half the view is affected. This image appears to have been taken from about half a metre inside the window and about one metre from the room's northeaster corner. (Source: Paul Berkemeier, applicant, submission of 27 April 2022. Base image provided by owner of 1 Shellcove Road)



Figure 7: the same view as Figure 6, except the blue line outlines the 'Reference Scheme' (attachment 3). The dashed red line shows the 8.5m height standard, across the site (north-south), and not east-west as shown above (Source: Paul Berkemeier, applicant, submission of 27 April 2022. Base image provided by owner of 1 Shellcove Road).



Figure 8: The same view as the previous two figures, except the redline shows the location of the proposal, lowered below the height limit. While this development would be numerically compliant and reduces the proposal's impact, it would likely compromise the site's development capability and proposed development's amenity. Accordingly, it could not be considered a "more skilful design" (Source: Paul Berkemeier, applicant, submission of 27 April 2022. Base image provided by owner of 1 Shellcove Road).

Zone's objectives

Approval would be in the public interest, as the proposal is not inconsistent with relevant objectives of the R2 Low Density Residential zone.

The zone's objectives are:

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

Council's Assessment

To reiterate the earlier evaluation, the proposal is consistent with relevant objectives:

- The proposal maintains the number of dwellings on the site, at 2.
- The second objective is irrelevant, as the application does not propose nor inhibit other land uses to meet residents' daily needs.
- An attached dual occupancy is retained on the site. As demonstrated elsewhere in this report, the proposal has acceptable impacts on the locality's amenity and does not compromise the built or natural environment, subject to conditions being imposed and applied, as recommended.
- As demonstrated by this report in relation to applicable provisions of the LEP and DCP, a high level of residential amenity will be achieved by the proposal.

Granting of concurrence

Criteria 4 (a): Matters of state or regional planning significance

Despite the proposed building height exceeding the maximum permitted, the development's height is not inconsistent with that intended in Kurraba Point, a locality of diverse architecture in terms of age, bulk and vernacular, typical of harbourside suburbs in the North Sydney municipality. Matters of state or regional significance are not raised.

Criteria 4 (b): Benefit of maintaining the standard

As the development proposed reasonably maintains amenity and has acceptable, manageable impacts on natural and built environments, there is no public benefit in maintaining the standard. This is of relevance as many older, existing residential buildings appear to exceed applicable height standards, noting the locality has a distinct pattern of R2, R3 and R4 zones and corresponding height maxima (either 8.5m or 12.0m) distribution in site's vicinity.

Criteria 4(c): Other matters to be considered

Breaching the height standard in this instance requires consideration of other matters not already considered in this assessment.

Approval, despite contravening the development standard

Should the Panel so resolve, consent may be granted to the development, subject to conditions, as the criteria or preconditions of cl.4.6 have been satisfied.

In summary:

- building height is a development standard as defined by the Act and is capable of being contravened, as it is not excluded from the application of cl. 4.6,
- the applicant's written request to contravene the maximum building height has demonstrated that compliance is unnecessary and that there are sufficient environmental planning grounds to justify building above the permitted height,
- the proposal can be considered in the public interest, as the development is consistent with development standard and zone objectives, and
- there are no matters raised of regional or state planning significance or other matters raised requiring consideration.

Part 5 – Miscellaneous Provisions

4. Heritage Conservation (cl. 5.10)

The subject site located in a Conservation Area under Schedule 5 in NSLEP 2013, so the following planning objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

As the outlined earlier, Council's Conservation Planner has assessed the heritage aspects of the proposal, and amendments are required for the development to be considered consistent with the LEP's heritage objectives.

Part 6 – Additional local provisions

Division 2 – General provisions

5. Dual occupancies

The requirements of clause 6.6 apply to applications for attached dual occupancy development:

- (1) *Development consent must not be granted for the erection of a dual occupancy unless—*
 - (a) *the form of the building will appear as a dwelling house, and*
 - (b) *the dwellings in the dual occupancy will be attached by at least 80% of the common wall or 80% of the common floor or ceiling, and*
 - (c) *the area of the lot on which the dual occupancy is to be situated is at least 450 square metres.*

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

These provisions are summarised, and the proposal assessed against them in the following table:

Table: Assessment of Dual Occupancy

Clause 6.6 Dual Occupancy:	PROPOSED	PROVISION	COMPLIANCE
Development consent must not be granted for the erection of a dual occupancy unless:			
<ul style="list-style-type: none"> Its form will appear as a dwelling house, 			Yes. The building resulting from the proposed alterations and additions to the existing building is not inconsistent with other residential buildings in the locality.
<ul style="list-style-type: none"> Level of attachment to common wall or common floor or ceiling is 80%, 	91.4%	80% min	Yes.
<ul style="list-style-type: none"> On a lot with a lot size of 450m². 	997m ²	450m ² min	Yes.
A dual occupancy must not be erected on land in a conservation area or where a heritage item is located, unless:			
<ul style="list-style-type: none"> There is no existing building on the land, or 			N/A, there is a building on the land.
<ul style="list-style-type: none"> The dual occupancy- <ul style="list-style-type: none"> Is substantially within the fabric of an existing building, and 	Existing footprint: 175m ² (71%) Additional footprint: 70m ² (29%) Total: 245m ² (100%)	In this context, 'substantially' means: <i>of ample or considerable amount, quantity, size, etc.</i> (Dictionary.com)	Yes. The analysis submitted by the applicant demonstrates the greater proportion of the dual occupancy will be within the fabric of the existing building.
<ul style="list-style-type: none"> Will conserve the appearance of the existing building, as visible from a public place, and 	The proposal maintains original architectural elements visible including the slate roof, twin faceted bays and hipped roof, and two multi-flued chimneys.	The appearance of the existing building is preserved.	Yes. The proposal is not highly visible being on a battle axe block, except from Shell Cove and Cremorne Point. With the recommended setback increase of the balconies and/or extension to the existing building's north-eastern corner, the appearance of the building's original elements will be maintained.
<ul style="list-style-type: none"> Will conserve most of the significant fabric of the existing building. 	Length of external visible walls: Retained & visible: 55% Demolished or concealed: 45% Percentage of roof: Retained: 67% Replaced: 33%	Significant fabric of the building will be conserved.	Yes, the analysis provided by the applicant demonstrates that most (the majority) of the existing building's significant fabric will be maintained.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

In the following table, the proposal is assessed with regard to applicable provisions of the DCP.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development		
	Complies	Comments
1.2 Social Amenity		
1.2.1 Population Mix	N/A	Only applies to residential flat buildings and multi dwelling housing.
1.2.2 Maintaining Residential Accommodation	Yes	Existing housing stock is maintained by the proposal.
1.2.3 Affordable Housing	N/A	The proposal does not cause loss of affordable housing.

1.2.4	Housing for Seniors/Persons with disability	N/A	The application does not involve this form of housing.
1.3 Environmental Criteria			
1.3.1	Topography	Yes	The proposal is consistent with this clause, as: <ul style="list-style-type: none"> ○ It is consistent with objectives, ○ Measures are proposed and recommended to preserve land stability, retain and improve drainage patterns and avoid or minimise impacts on other properties, ○ No geological features will be covered by the development, ○ Existing ground levels are being maintained as much as possible, ○ A significant proportion of the existing paving is to be removed from the site and landscaped. As shown in the landscape plans (attachment 2) and quantified below, the unbuilt upon area is being reduced and landscaped area increased appreciably.
1.3.2	Bushland	N/A	The site is not bushland, neither is it next to bushland.
1.3.3	Bush Fire Prone Land	N/A	The site is not bush fire prone.
1.3.4	Foreshore Frontage	N/A	The site is not on the foreshore.
1.3.6	Views	Yes	View impacts of the proposal were assessed as satisfactory, having adopted the Land & Environment Court's Planning Principles for View Sharing (Tenacity) in consideration of the applicant's request to contravene the building height standard.
1.3.7	Solar Access <ul style="list-style-type: none"> • More than 3 hours between 9am – 3pm 	Yes	Shadow diagrams in plan and elevation, as well as solar view diagrams, indicate negligible additional overshadowing of neighbouring properties, due to: <ul style="list-style-type: none"> ○ the addition's height being kept lower than the existing building, ○ its footprint not protruding eastwards from the existing building's, and ○ the addition's siting on the northern side of the existing building. Sufficient sunlight is provided to both dwellings, as proposed. The dwelling on the southern side, substantially accommodated within the existing building, will receive about two hours in the morning and then from midday onwards, skylights and west-facing windows receive midwinter sunlight. Principal open space will receive adequate morning winter sun. Given the lot's and the development's east-west orientation, solar access to the proposal and neighbours is consistent with the DCP's objective, to ensure all dwellings have reasonable access to sunlight and daylight.
1.3.8	Acoustic Privacy <ul style="list-style-type: none"> • Living areas Day/Night ≤ 40 dBA • Sleeping areas Day/Night ≤ 35 dBA 	N/A	This clause applies to new dwellings only.
1.3.9	Vibration	N/A	The site is not in a location likely subject to vibration, as described by this clause.
1.3.10	Visual Privacy	Yes	In the earlier response to submissions, it was noted the proposal has been modified to reasonably maintain privacy with neighbours.
1.4 Quality built form			
1.4.1	Context	Yes	The proposal is consistent with it's urban, harbourside context. However its form will be improved by modifying the development as recommended by the Conservation Planner.
1.4.2	Subdivision Pattern	Yes	Proposed development is consistent with the locality's lot pattern proportionate to the dimensions and area of the site.

1.4.3 Streetscape	N/A	Being on a battle-axe block, the streetscape of Kurraba Road remains unaffected.																															
1.4.4 Laneways <ul style="list-style-type: none"> • 2 storey building – 10m setback • Carports/garages must not cover more than 50% of width to laneway • Fences/other structures – 1.2ms setback 	N/A	No lanes abut or provide access to the site, access being provided by a private driveway shared with a neighbouring dwelling.																															
i. Siting <ul style="list-style-type: none"> • Consistent with character statement in Part C • A single building form • Orient external walls to boundaries or other orientation if characteristic 	Yes	As discussed later, the development is consistent with Part C's provisions for Kurraba Point.																															
1.4.6 Setback – Side		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Control</th> <th style="width: 15%;">Existing</th> <th style="width: 15%;">Proposed</th> <th style="width: 40%;">Compliance</th> </tr> </thead> <tbody> <tr> <td colspan="4">Zone R2 (Low Density Residential)</td> </tr> <tr> <td rowspan="4">R2 -1st storey (Up to 4m) 900mm</td> <td>N -</td> <td>-</td> <td></td> </tr> <tr> <td>E -</td> <td>-</td> <td></td> </tr> <tr> <td>S -</td> <td>-</td> <td></td> </tr> <tr> <td>W 12.8*</td> <td>2.615</td> <td>Yes</td> </tr> <tr> <td rowspan="3">R2 - 2nd storey (Up to 7m) 1.5m</td> <td>N 5.835</td> <td>5.835</td> <td>Yes</td> </tr> <tr> <td>E 8.0*</td> <td>8.0**</td> <td>Yes</td> </tr> <tr> <td>S 1.265</td> <td>1.265**</td> <td>No</td> </tr> </tbody> </table> <p>* Approximate measurement. ** Proposal maintains existing setbacks to eastern and southern boundaries.</p> <p>The only non-compliant setback is to the south, due to siting of the existing building. Despite this, the building's performance is satisfactory regarding privacy and overshadowing. That the existing building is not altered to change its relationship significantly with the southern neighbouring dwelling, is noted.</p>	Control	Existing	Proposed	Compliance	Zone R2 (Low Density Residential)				R2 -1 st storey (Up to 4m) 900mm	N -	-		E -	-		S -	-		W 12.8*	2.615	Yes	R2 - 2 nd storey (Up to 7m) 1.5m	N 5.835	5.835	Yes	E 8.0*	8.0**	Yes	S 1.265	1.265**	No
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	S 1.265	1.265**	No																														
P1 Front setback <ul style="list-style-type: none"> • To match adjoining properties. P5 Rear Setback – Rear <ul style="list-style-type: none"> • To match adjoining properties. P7 Laneways P8 Building Separation	N/A	The site is a battle-axe shape and has no setback (building line) directly to a street. Notwithstanding, with the additions being substantially within the existing building's footprint, the building is sufficiently separated from nearby dwellings. The battle axe handle shares certain characteristics of a lane as it is narrow and provides access to the site and the property immediately to its east.																															
1.4.7 Form Massing Scale <ul style="list-style-type: none"> • Floor to ceiling height 2.7m 	Yes	Minimum floor to ceiling height is 2.7m.																															
1.4.8 Built Form Character	Yes	Heritage assessment has addressed this.																															
1.4.9 Dwelling Entry	Yes	Separate entries are created at ground level for both dwellings.																															
1.4.10 Roofs	Yes	Proposed roofs are similar in pitch to the existing or are of a type that complement the existing building's age and form, while enabling acceptable environmental impacts (subject to conditions, as recommended).																															
1.4.11 Dormers <ul style="list-style-type: none"> • Pitch of dormer roof <36° • No more than 1/3 of the width of the roof plane 	N/A	No dormers proposed.																															

1.4.12 Materials	Yes	Materials and colours would be complementary to the existing building and the character of the conservation area, subject to compliance with recommended conditions.																				
1.4.13 Balconies – Apartments <ul style="list-style-type: none"> • Min depth – 2m • Min area – 8m² 	N/A																					
1.4.14 Front Fences <ul style="list-style-type: none"> • No greater than 1m from front building line & along front boundary • Transparent fences no greater than 1.5m with 50% solid construction 	N/A	Being a battle-axe lot, the site does not have a fence-able frontage to a street.																				
1.5 Quality Urban Environment																						
1.5.1 High Quality Residential Accommodation	N/A	Only applies to multi dwelling housing and apartment buildings.																				
1.5.2 Lightwells & Ventilation	Yes	The dwellings will be adequately ventilated.																				
1.5.3 Safety and Security	N/A	Only applies to multi dwelling housing and apartment buildings.																				
1.5.4 Vehicle Access and Parking <ul style="list-style-type: none"> • Part B – Section 10 – Car parking • Limit width of vehicle access to 2.5m 	Yes	3 spaces are proposed, 1 and 2 spaces respectively for each dwelling.																				
1.5.5 Site Coverage	Yes	See table.																				
1.5.6 Landscape Area	Yes	<table border="1"> <thead> <tr> <th>Control</th> <th>Req. (%)</th> <th>Ex (%)</th> <th>Prop (%)</th> <th>Comp.</th> </tr> </thead> <tbody> <tr> <td>Site coverage</td> <td>45 max.</td> <td>29.4</td> <td>37.7</td> <td>Yes</td> </tr> <tr> <td>Landscaped area</td> <td>40 min.</td> <td>17.9</td> <td>42.5</td> <td>Yes</td> </tr> <tr> <td>Unbuilt-upon area</td> <td>15 max.</td> <td>52.7</td> <td>19.8</td> <td>No</td> </tr> </tbody> </table> <p>Given the substantial increase in landscaped area achieved via considerable reduction of paved areas, the breach of the unbuilt-upon area control is acceptable. A comparison of the existing and proposed developments' performance is shown in the landscape plans (attachment 2).</p>	Control	Req. (%)	Ex (%)	Prop (%)	Comp.	Site coverage	45 max.	29.4	37.7	Yes	Landscaped area	40 min.	17.9	42.5	Yes	Unbuilt-upon area	15 max.	52.7	19.8	No
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1.5.7 Excavation <ul style="list-style-type: none"> • RFB – No more than 70% of site • Min 50% unexcavated area at the rear • Min 30% unexcavated area at the front • Provision of min 1.5 wide landscaped strip alongside boundaries 	Yes	Only a small part of the development, the lower ground floor of the north-eastern extension, requires excavation. It is over 5.5m from the closest, northern site boundary and is well below the maximum areas prescribed. A condition is recommended for geotechnical investigation and certification of the proposed works.																				
1.5.8 Landscaping <ul style="list-style-type: none"> • Planters – 110mm (diameter) x depth 135mm • Trees should provide 50% canopy cover over landscaped areas at maturity 	Yes	The landscape officer has endorsed the landscaped plans (attachment 2) included in the recommended conditions of consent.																				
1.5.9 Front Gardens	N/A	Due to site's battle-axe shape, there is no front garden.																				

1.5.10 Private and Communal Open Space		Control – lot size	Proposed	Compliance
		<ul style="list-style-type: none"> Private open space at ground level – 4m min dimension & 2m above ground level Must be provided off living areas Min communal open space between 25% & 30% of the site area 		Dual occupancy 40m
		* The scheme includes about 380m ² of site area for landscape areas, to be shared by the two dwellings. The vast majority is available for informal recreation in the form of terraces and courtyards, with areas directly accessible from each dwelling.		
1.5.11 Swimming Pools	N/A	A pool is not proposed.		
1.5.12 Tennis Courts	N/A	A court is not proposed.		
1.5.13 Garbage Storage	Yes	Adequate space is discreetly located for bin storage, for both dwellings.		
1.5.14 Site Facilities	N/A	Not applicable to dual occupancy development.		
1.5.15 Servicing of new lots	N/A	The application does not involve subdivision.		
1.6 Efficient Use of Resources				
1.6.1 Energy Efficiency	Yes	As noted, a valid BASIX certificate has been submitted, which addresses these aspects of residential development.		
1.6.2 Passive Solar Design				
1.6.3 Thermal Mass and Insulation				
1.6.4 Natural Ventilation				
1.6.6 Hot Water Systems				
1.6.7 Water Conservation				
1.6.8 Stormwater Management				
1.6.9 Water Management and Minimisation				
1.6.10 Green Roofs	N/A	Not proposed.		
1.6.11 Wind Turbines	N/A	Not proposed.		

South Cremorne Planning Area - Part C NSDCP 2013

The Kurraba Point Conservation Area includes the site. The earlier heritage assessment of the application indicates the proposal is broadly consistent with the area's character statement, subject to alterations recommended via conditions.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. The contribution payable per s. 7.12 of the Act is 1% of the value of the development, which is \$2,996,840.00. 1% of this figure is \$29,968.40.

A condition requiring payment of contributions at the appropriate time is recommended.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered by 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 s. 4.15 (1) considerations of Environmental Planning and Assessment Act 1979	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Kurraba Precinct Committee, as outlined above. The issues raised and a response to them is presented in the following table:

TABLE: Consideration of submissions

Issue	Response
Impact on views.	View impacts are assessed in this report's examination of the request to contravene the building height standard.
The design should be amended to reduce view impacts.	As above, noting the design was modified to reduce view impacts.
Non-compliance with the building height maximum.	Assessed in this report's examination of the request to vary the building height standard.
The cl. 4.6 submission should not be supported, due to the bulk, scale and resultant impacts of the proposal on amenity and local desired character. Neither does the request to contravene the standard adequately justify the height breach, the height being inconsistent with the standard's objectives, and not demonstrating sufficient environmental planning grounds. A submission noted a Land & Environment Court decision (Made Property Group Pty Ltd v North Sydney Council [2020] NSWLEC 13352) inferred no right to develop to the same dimensions (height width and depth (i.e. bulk)) as an existing building. Accordingly, the submission contends the proposed height exceedance relies on the development not exceeding the existing building's height. Further the submission states that the applicant's request to vary the standard fails to demonstrate or provide evidence to satisfy the 4 mandatory tests established by cl. 4.6.	The applicant's request to vary the height of building maximum is evaluated above.

Issue	Response
Height of the building should be reduced to at least conform to the existing building envelope (height and setbacks).	This has been achieved. The height breach was originally and remains lower than the pre-application building height. Setbacks have been increased by the revised proposal and are acceptable.
The proposal is inconsistent with certain objectives of the North Sydney LEP 2013 regarding character, bulk, scale and appearance, its impact on the foreshore when viewed from the harbour, residential amenity, namely visual amenity, solar access, views and privacy, maintaining environmental qualities of the site, minimising stormwater runoff and protecting the area's natural and human heritage.	Addressed in the application's assessment.
The development will cause disruption and impacts to residents of adjacent properties from earthworks (including rock drilling and sawing) and construction, being noise, vibration, dust and traffic congestion.	The proposed additions are over 5.0m away from the nearest dwellings to the works, on adjacent lots to the north. A condition is recommended requiring preparation of a geotechnical report to address these matters, to be prepared by a suitably qualified person and certified before a construction certificate is issued.
Excavation adversely affecting the water table and adjoining properties being affected by "settlement risk".	As above.
No noise or geotechnical reports were prepared regarding potential impacts, these should be provided.	As above.
Noise from private open space (balconies) has not been addressed.	Noise from outdoor areas would be expected to be within limits typically generated in the domestic context proposed.
View analysis submitted is inadequate.	View impacts and sharing are assessed below.
Solar access and overshadowing diagrams submitted are inadequate.	The diagrams submitted have been prepared by a qualified architect.
That the existing dwelling is a neutral contributor to the Kurraba Point South Conservation Area is disputed and the proposal is inappropriate to its context, blending a "hybrid" of heritage building and modern construction.	Heritage aspects of the proposal have been examined.
The development is inconsistent with requirements for development in the Sydney Harbour Foreshores and Waterways Area of the DCP made in 2005 of this area, as it detracts from the visual qualities and natural assets of the harbour.	The proposed development is generally consistent with the character of other residential development in the locality and complements the appearance and scenic qualities of Kurraba Point and Shell Cove, subject to amendments being made, required by recommended conditions of consent.
With regard to the Landscape Character Statement for Kurraba Point, the development's height is excessive, has an adverse impact on the scenic amenity of Cremorne Reserve and Shell Cove and the 3-storey addition to a 2-storey building fails to integrate with the landscape.	The addition optimises the slope and partly excavates into the site to achieve a three-storey building, which is common in harbourside locales. It's scale and form are consistent with other residential buildings nearby.

Issue	Response
The proposal is inconsistent with cl. 13 & 14 of the Sydney Harbour REP (now in Chapter 10 Part 10.2 SEPP (Biodiversity and Conservation) 2021	As noted in the assessment addressing relevant provisions of the SEPP below, the proposal is satisfactory.
The original dwelling has maintained its heritage qualities along with dwellings at 174B and 176 Kurraba Road and is a contributory item in the conservation area.	Noted.
The design does not reduce visual dominance (scale) of the additions.	Regarding this issue, setbacks play an important role in ensuring acceptable visual impacts in the harbourside conservation area. The proposal maintains a setback of about 1.2m to the south. To the west the setback for a single storey carport exceeds the minimum 0.9m – the setback proposed is about 2.6m. To the eastern harbourside of the site, the proposed additions are at the same alignment as the existing building, and are recommended to be setback further, by at least another 2.65m. This will likely require design changes.
View loss analysis made for the application does not adequately consider impacts on views from 170A Kurraba Road.	The submission makes an assessment on views from what appears to be a roof top terrace or balcony at this address. Amendments to the proposed development acceptably reduce the impacts on views from this balcony. The assessment made in the submission described the impact as moderate. The impact is now reduced to a negligible or minor impact. Since the application was amended, the owners of 170A Kurraba Road have withdrawn their objection.
The siting and design of car garaging and bin storage have unacceptable amenity impacts.	The setback of the garage to the western boundary with 170A Kurraba has been increased from 0.9m to a setback of 2.645m. As the height of the garage next to the boundary fence is 2.08m this setback is ample, to ameliorate potential impacts on the neighbour. Bin enclosures have been re-sited to the northern side of the garage for the northern unit and to within the garage for the southern unit, which is acceptable.
The proposal has undue privacy impacts on the kitchen and main bedroom of the dwelling at 170 Kurraba Road, requesting fitting of a privacy screen in the form of louvres.	The amended design includes louvres to window W08, reasonably maintaining privacy for the neighbours at 170 Kurraba Road, with the benefit of shading the window from western summer sun.
The submitter requested amendment of the design to preserve the view from the dwelling at 170 Kurraba Road.	The amended plans have achieved this outcome.

Issue	Response
<p>The submitter from 3 Shellcove Road requested that certain matters be addressed in the DA or the subsequent carrying out of the works:</p> <ul style="list-style-type: none"> - Drainage impacts on property to the north, 3 and 5 Shellcove Rd. - Repairs being made to rear and on-boundary works and correction of encroachments. - Removal of the boundary fence and an 'unruly' climbing fig damaging the fence, and - Replacing the fence. 	<p>These matters have been discussed with the applicant, who advised:</p> <ul style="list-style-type: none"> - The amended DA scheme has been designed to not raise the levels along, and close to, the boundary. In some places the existing level will be lowered slightly. Existing ground levels fall northwards along part of the site's northern boundary. In heavy rain, some surface water may run over the boundary. - The amended DA drawings indicate 'fence to be retained.' It is intended to exclude the fence from the main contract works and to replace it towards the end of construction by agreement with the neighbour under the provisions of the 'Dividing Fences Act.' The fence is in very poor condition and the applicant is prepared to agree with the neighbour on an appropriate replacement.
<p>A traffic management plan should be prepared "...for all developments on the point" (and this development).</p>	<p>A recommended condition requires approval of a construction management plan by the local traffic committee before works commence, noting the site has difficult access.</p>
<p>Heritage – the addition will detract from the aesthetics of the "Contributory item", projecting forward of the primary building line.</p>	<p>Conditions have been recommended by Council's Conservation Planner to address this issue, as discussed.</p>
<p>Balconies are inconsistent with the 'arts and crafts' style of the original building. The balconies should be clad with timber shingles and have a simpler curve.</p>	<p>As above.</p>
<p>The addition is still inconsistent with the character of the area. The glass line and balconies should be behind the faceted bays.</p>	<p>As above.</p>
<p>The amended design still adversely affects amenity of neighbours.</p>	<p>As examined and demonstrated below, the proposed development has reasonable impacts on neighbourhood amenity.</p>
<p>Submission of a hypothetical 'reference scheme' is invalid, as it would likely breach other controls of the DCP (despite compliance with envelope controls). Others could be prepared and considered.</p>	<p>Noted, this assessment focuses on the proposed design, as amended, having regard to applicable planning provisions. However, the 'reference scheme' is suitably used for the purpose of comparison with the proposed design, as it represents an alternative, which could be developed in compliance with applicable planning controls.</p>

Issue	Response
The view analysis and the request to vary the height maximum depend on the assumption that the 'reference scheme' (attachment 3) complies and yet on the other hand it would fail in terms of view impacts.	As the submission notes, prima facie, the revised proposal has a lesser impact than the originally submitted design. Setting aside the question of the 'reference scheme's' validity, the revised plan is arguably a more 'skilful' design compared to that submitted with the DA in the first instance, in that it reasonably maintains the views of neighbours, without reducing the amenity of the design and the development capability of the site, noting it complies with all requirements statutory and non-statutory except for height and the building line of the proposed north-eastern addition's balconies.

PUBLIC INTEREST

The proposal is generally considered to be in the public interest, for the reasons set out below.

SUITABILITY OF THE SITE

Being a permissible form of development on the land and the merits of the proposal as described in this report demonstrate the site's suitability for the *proposal*.

CONCLUSION + REASONS

The proposal has been considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and was generally found to be satisfactory.

The application proposes alterations and additions to an existing dual occupancy, a permissible form of development in R2 Low Density Residential zone that applies to the site.

The applicant's written request to breach the height of building development standard is satisfactory, having demonstrated that:

- Compliance with the standard would be unnecessary and unreasonable, and
- Despite the breach, there are sufficient environmental planning grounds to justify approval.

The proposed development is consistent with applicable objectives of the development standard and the zoning of the site, as:

- The proposal's effect on views from nearby development is reasonable, potential impacts have been considered using the Planning Principles for View Sharing established by the Land & Environment Court,
- The additions would be compatible with and not detract from the heritage values of the existing building, subject to a condition requiring amendment to the siting of the north-eastern addition to recess it behind the alignment of the existing building. The existing building contributes to the heritage conservation area of which the site is part,

- Subject to the recommended design modification being made, the building will have a complementary appearance when viewed from the harbour and vantage points around the harbour, and
- The development increases the landscaped area and improves the landscape quality of the site.

No matters of regional or state environmental planning significance are raised by the proposal, that prevents exercising authority to approve the application, delegated by the Secretary for Planning, Industry and Environment.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate conditions.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

As detailed, the application was notified on two separate occasions for 14 days on each occasion. Matters raised by written submissions have been considered and responded to in this report. Seven submitters objected to the proposal and the modified development is considered to have reasonably addressed the concerns and grounds for objection raised. Another correspondent originally objected and withdrew the objection upon notification of the amended application. A property of one objector, the views from which were most likely to be negatively impacted by the proposal was also visited, in order to assess potential impacts.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 NSLEP 2013 and grant consent to Development Application No. 130/21 for alterations and additions to a dual occupancy (attached) and associated landscape and site works, on land at 172 Kurraba Road Kurraba Point, subject to the conditions following this report.

JIM DAVIES
EXECUTIVE ASSESSMENT PLANNER

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
172 KURRABA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 130/21

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
A00	C	Coversheet	BTB Architecture Studio	10/11/2021
A02		Proposed site plan	BTB Architecture Studio	10/11/2021
A03		Proposed lower ground plan	BTB Architecture Studio	10/11/2021
A04		Proposed ground floor plan	BTB Architecture Studio	10/11/2021
A05		Proposed first floor plan	BTB Architecture Studio	10/11/2021
A06		Proposed roof plan	BTB Architecture Studio	10/11/2021
A07		Proposed elevation - north	BTB Architecture Studio	10/11/2021
A08		Proposed elevations - south	BTB Architecture Studio	10/11/2021
A09		Proposed elevations - west/section D	BTB Architecture Studio	10/11/2021
A10		Proposed elevations - east	BTB Architecture Studio	10/11/2021
A11		Proposed section A	BTB Architecture Studio	10/11/2021
A12		Proposed section B	BTB Architecture Studio	10/11/2021
A12.1		Proposed section C	BTB Architecture Studio	10/11/2021
A12.2		Proposed section E and F	BTB Architecture Studio	10/11/2021
A12.3		Proposed section G	BTB Architecture Studio	10/11/2021
A13		Proposed material and finishes schedule	BTB Architecture Studio	10/11/2021
A14		Erosion and sediment control plan	BTB Architecture Studio	10/11/2021
A24		BASIX and general notes	BTB Architecture Studio	10/11/2021
DEM01	B	Ground floor demolition plan	BTB Architecture Studio	10/11/2021
DEM02		First floor demolition plan	BTB Architecture Studio	10/11/2021
DEM03		Roof demolition plan	BTB Architecture Studio	10/11/2021
LA-001	E	Schedules and landscape calculations	Jane Irwin Landscape Architecture	10/11/2021
LA101	E	Site pan	Jane Irwin Landscape Architecture	10/11/2021
LA-201	F	Landscape plan	Jane Irwin Landscape Architecture	10/11/2021
SWD1876 Sheet 1/2	-	Stormwater general notes	BMB Engineers	23/02/2021
SWD1876 Sheet 2/2	-	Stormwater concept plan	BMB Engineers	23/02/2021

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

**172 KURRABA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 130/21**

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Plans on Site

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

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule dated 10 November 2021, prepared by BTB Architecture Studio, unless otherwise modified by a condition or by Council in writing.

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

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

Construction Management Program - Local Traffic Committee Approval

- B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
- i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
 - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;

**172 KURRABA ROAD, KURRABA POINT
DEVELOPMENT APPLICATION NO. 130/21**

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- iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
 - v. Locations of hoardings proposed;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
- c) The proposed phases of works on the site, and the expected duration of each phase.
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

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Notes:

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

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

Amendments to Design

B2. The following amendments are to be made to the drawings, to be submitted for approval by the Council's Conservation Planner prior to an application being made for any Construction Certificate:

- a) The new addition, including any proposed balconies, on the north-eastern corner of the building is to be set back at least 2.65 m than currently shown on the drawings such that the new works are visually submissive to the original building.
- b) The form and materials of any new balconies must be sympathetic to the Federation Arts and Crafts style architecture and not visually compete with the existing faceted bays on the primary façade.
- c) Solar panels on the dwelling only as shown on the drawings shall be laid flat on the roof, not tilted, to reduce their visual impact on a side roof plane. Alternatively, solar tiles may be used on any side or rear roof planes.

(Reason: To ensure that the heritage significance of the dwelling and conservation area is retained)

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

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

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

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

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

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

Structural Adequacy of Existing Building

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

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

Geotechnical Report

- C3. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:

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- a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- d) the existing groundwater levels in relation to the basement structure, where influenced;
- e) the drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

The design principles for the geotechnical report are as follows:

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

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

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

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

Sediment Control

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

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

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

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

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

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

Colours, Finishes and Materials (Conservation Areas)

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

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

Skylight(s)

- C6. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100 mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

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Work Zone

- C7. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

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

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C8. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

(Reason: To ensure interface between property and public land remains uniform)

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

- C9. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of **\$3,500.00** to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,

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- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent.
- c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Tree Protection Measures to be shown on Construction Drawings

- C10. The tree protection measures contained in the arborist report prepared by Green Spaces Consultancy, dated 24 May 2021, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

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Protection of Trees

C11. The following shall be protected in accordance with AS4970:

- Trees and vegetation (including *Murraya paniculata* hedge, *Plumeria* sp., *Hymenosporum flavum* to 8 m) along the driveway and access handle for adjacent properties
- *Archontophoenix cunninghamiana* and *Strelitzia nichollii* in the SW corner of the subject site
- *Glochidion ferdinandii* on the eastern boundary of the subject site
- T1 *Jacaranda mimosifolia* located on the access handle-property immediately to the south of 172 Kurraba Road (12 m x 14 m)
- T2 *Jacaranda mimosifolia* located on the access handle of 172 Kurraba Road (10 m x 8 m)
- T3 *Lophostemon confertus* located on the NW corner 172 Kurraba Road (12 m)
- Branch protection shall be installed to any trees with branches overhanging the access handle of 172 Kurraba;
- Sensitive construction techniques including hand excavation, pier and beam construction, flexible location of piers/footings shall be used for any excavation and construction, and level changes shall be minimised within the TPZ of any protected tree. No roots greater than 40mm shall be cut;
- Existing hardstand shall be left in situ as long as possible to protect TPZ of protected trees, after which suitable alternative root protection shall be installed as per AS4970;
- New driveway shall be at or above grade to avoid damage to roots;
- Driveway adjacent to T1 and T2 shall be constructed of permeable or semi-permeable material.

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

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

(Reason: Protection of existing environmental and community assets)

Asbestos and Hazardous Material Survey

C12. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

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

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

Air Conditioners in Residential Premises

C13. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

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

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

"boundary" includes any window or elevated window of an affected residence.

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

(Reason: To maintain residential amenity)

Section 7.12 Contributions

- C14. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$29,968.40**.

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C15. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$3,500.00
TOTAL BONDS	\$3,500.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$29,968.40
TOTAL FEES	\$29,968.40

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

(Reason: Compliance with the development consent)

BASIX Certificate

C16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **A399539_02**, issued 9 November 2021, for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Telecommunication Infrastructure Provision

C17. Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for;

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

All such facilities shall be underground if within or visible from a current or future public place.

Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act.

(Reason: To ensure that modern telecommunications infrastructure is provided in respect of all premises to be constructed in developments)

Stormwater Management and Disposal Design Plan - Construction Issues

- C18. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:
- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
 - b) Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity to the existing outlet, which is connected to inter-allotment drainage easement at 172A Kurraba Road.
 - c) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate.
 - d) The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
 - e) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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

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

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

Solar Panels

- C19. Solar panels on the dwelling only are to be laid flat, not tilted. Solar panels on the garage may be tilted at a maximum of 10 degrees above horizontal. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

Heritage Requirements

- C20. The following heritage requirements are to be satisfied:

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- a) The new metal roof cladding is to have a traditional corrugated roof profile equal to Custom Orb/ Custom Orb 35 (for 2 degrees) or use rolled seam construction. No approval is given for mini-orb, Klip-lok or Spandek roof sheeting.
- b) New sandstone to match the existing sandstone blockwork in dimension, texture and colour.
- c) New roof slate to be natural roof slate.
- d) Exterior timberwork is to have a painted finish, not stained and is use a neutral tone, not vivid white or black.

(Reason: To ensure the use of materials consistent with the character of the Conservation Area and original dwelling)

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

Protection of Trees

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

Existing hardstand shall be left in situ as long as possible to protect TPZ of protected trees, after which suitable alternative root protection shall be installed as per AS4970.

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

Temporary Fences and Tree Protection

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

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

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Schedule

Description of Tree	Location
<i>Murraya paniculata</i> hedge, <i>Plumeria</i> sp., <i>Hymenosporum flavum</i> to 8 m	Along driveway/battle-axe handle
<i>Archontophoenix cunninghamiana</i> and <i>Strelitzia nichollii</i>	South-west corner of the site
T1 <i>Jacaranda mimosifolia</i>	Access handle to property immediately to the south of 172 Kurraba Road
T2 <i>Jacaranda mimosifolia</i>	Access handle of 172 Kurraba Road
T3 <i>Lophostemon confertus</i>	North west corner of 172 Kurraba Road

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

Public Liability Insurance - Works on Public Land

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

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

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

Asbestos Material Survey

- D4. Prior to the commencement of any works, a report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.

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- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

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

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

Commencement of Works' Notice

- D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work

Cigarette Butt Receptacle

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/ demolition/ construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Reuse of Sandstone

- E2. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

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

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

Parking Restrictions

- E3. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

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

Road Reserve Safety

- E4. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E5. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Structures Clear of Drainage Easements

- E6. It is the full responsibility of the Developer and their contractors to:
- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
 - b) Take full measures to protect the in-ground Council drainage system; and
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

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

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

(Reason: Protection of Public Drainage Assets)

Geotechnical Stability during Works

- E7. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical report required by condition C3, and all subsequent geotechnical inspections carried out during the excavation and construction phase.

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

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

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Removal of Extra Fabric

- E8. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

Dust Emission and Air Quality

- E9. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
 - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
 - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
 - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

- E10. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

Applicant's Cost of Work on Council Property

- E11. The Applicant must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

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Protection of Trees

- E12. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. This consent does not authorise the lopping or pruning of any tree, unless identified in the cited arborist's report.

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

Notes:

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

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

Construction Hours

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

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

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

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

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

Out-of-hours' Work Permits

E14. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

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

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

Installation and Maintenance of Sediment Control

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

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

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

Sediment and Erosion Control Signage

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

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

Site Amenities and Facilities

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

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

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

Health and Safety

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

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

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

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Archaeological Discovery During Works

- E19. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

Waste Disposal

- E20. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

Asbestos Removal

- E21. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

Service Adjustments

- E22. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

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

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

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

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

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Critical Stage Inspections

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

(Reason: Statutory)

Commencement of Works

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

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

Excavation/Demolition

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

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

Protection of Public Places

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

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

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

Site Sign

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

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Infrastructure Repair and Completion of Works

- G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and
 - b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of public assets)

Utility Services

- G2. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

Asbestos Clearance Certificate

G3. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

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

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

Sydney Water

G4. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

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

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

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

BASIX Completion Certificate

G5. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Certifying Authority must apply to the Director-General for a BASIX completion receipt.

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

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House Numbering (Dwellings)

- G6. Prior to any Occupation Certificate being issued an application must be made to North Sydney Council for written confirmation, or allocation, of the street address(es) or apartment number(s) for the completed project in accordance with Council's Property Addressing Policy. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2011.

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

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

Landscaping

- G7. The landscaping shown in the approved landscape plan referred to in Condition A1 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

Required Tree Planting

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

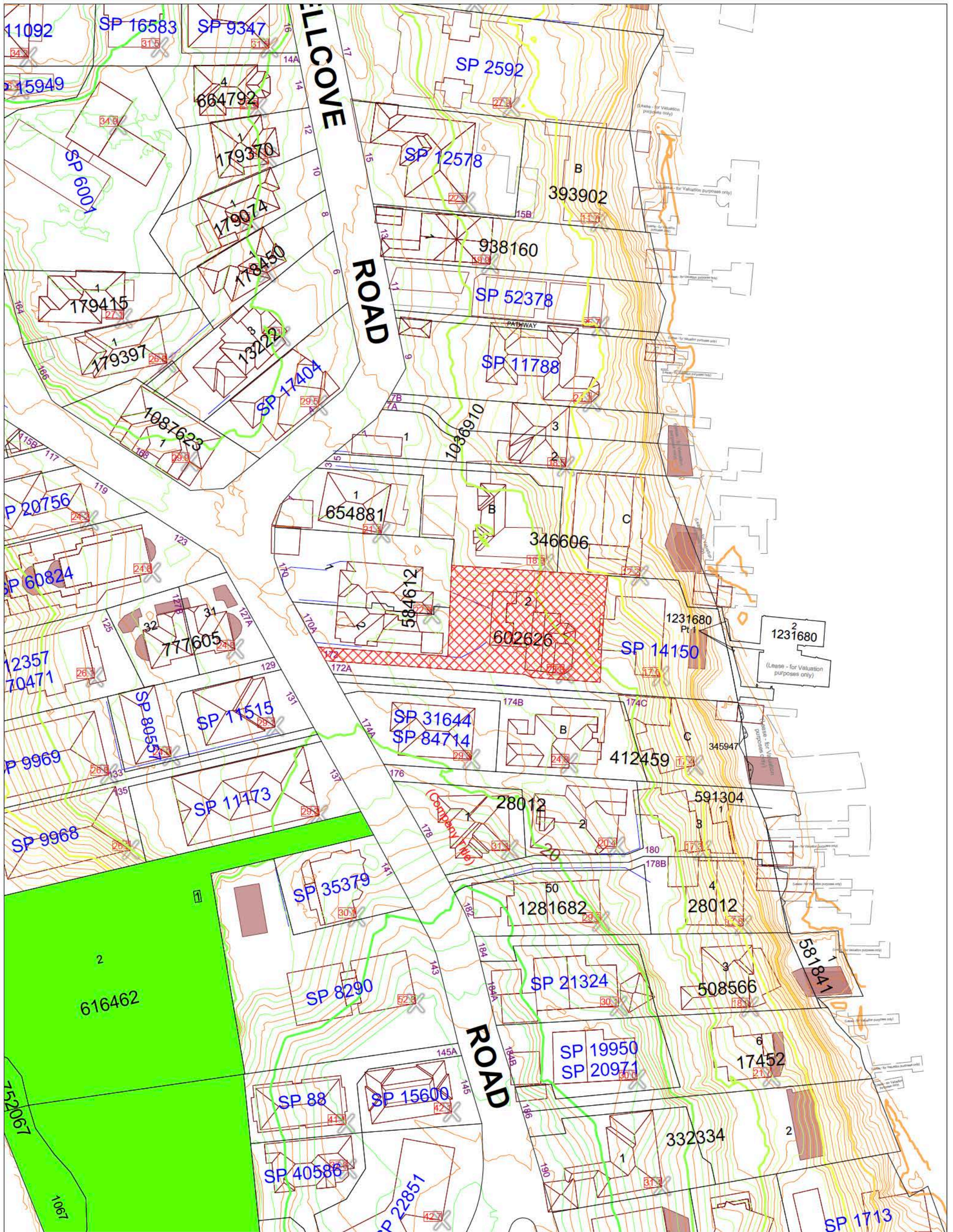
Schedule

Tree Species	Location	Pot Size
3 x <i>Tristaniopsis laurina</i>	One in the rear, side, and front setback	45 l

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

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

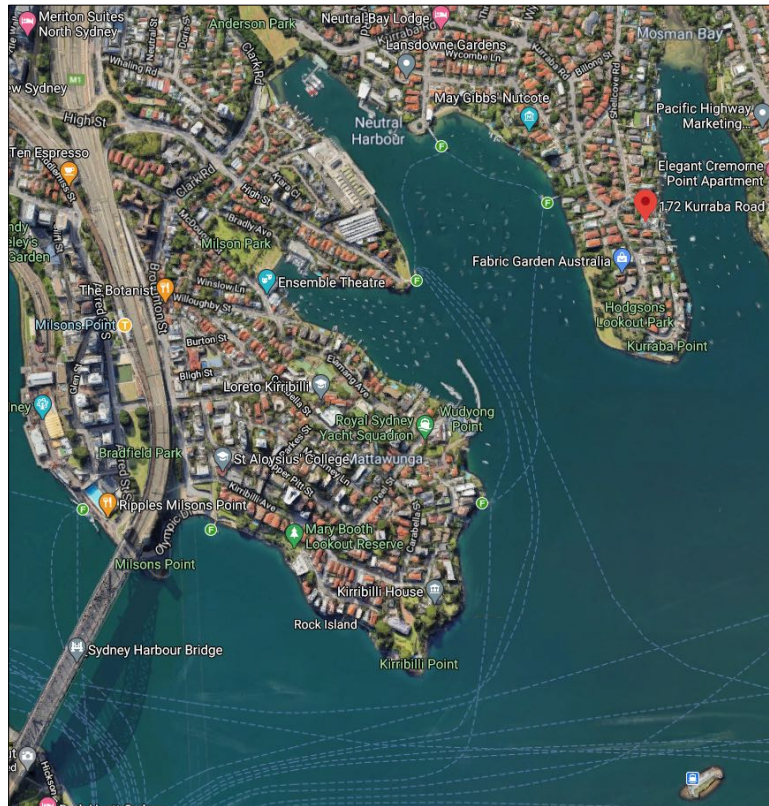
(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)



North Sydney Council

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



AERIAL LOCATION IMAGES - NTS



DRAWING LIST

NO.	TITLE	SCALE
ARCHITECTURAL DRAWINGS		
A00 C	Coversheet	NTS
A01 C	Site Analysis	1:200 @ A3
A02 C	Proposed Site Plan	1:200 @ A3
A03 C	Proposed Lower Ground Plan	1:100 @ A3
A04 C	Proposed Ground Floor Plan	1:100 @ A3
A05 C	Proposed First Floor Plan	1:100 @ A3
A06 C	Proposed Roof Plan	1:100 @ A3
A07 C	Proposed Elevations - North	1:100 @ A3
A08 C	Proposed Elevations - South	1:100 @ A3
A09 C	Proposed Elevations - West / Section D	1:100 @ A3
A10 C	Proposed Elevations - East	1:100 @ A3
A11 C	Proposed Section A	1:100 @ A3
A12 C	Proposed Section B	1:100 @ A3
A12.1 C	Proposed Section C	1:100 @ A3
A12.2 C	Proposed Section E + F	1:100 @ A3
A12.3 C	Proposed Section G	1:100 @ A3
A13 C	Proposed Material + Finishes Schedule	1:100 @ A3
A14 C	Proposed Erosion + Sediment Control Plan	1:200 @ A3
A15 C	Shadow Diagrams	1:500 @ A3
A16 C	Shadow Diagrams	1:500 @ A3
A17 C	Shadow Diagrams	NTS
A18 C	Shadow Diagrams	NTS
A19 C	Shadow Diagrams	1:200 @ A3
A20 C	Shadow Diagrams	1:200 @ A3
A21 C	Height Plane Diagrams	NTS
A22 C	Height Plane Diagrams	NTS
A23 C	3D Views	NTS
A24 C	BASIX + General Notes	NTS
A25 C	Notification Plan	1:500, 1:300 @ A4
DEMOLITION PLANS		
DEM01B	Ground Floor Demolition Plan	1:100 @ A3
DEM02B	First Floor Demolition Plan	1:100 @ A3
DEM03B	Roof Demolition Plan	1:100 @ A3
MEASURED DRAWINGS		
MD01 C	Existing Site Plan	1:200 @ A3
MD02 C	Existing Ground Floor Plan	1:100 @ A3
MD03 C	Existing First Floor Plan	1:100 @ A3
MD04 C	Existing Elevations - North	1:100 @ A3
MD05 C	Existing Elevations - South	1:100 @ A3
MD06 C	Existing Elevations - West	1:100 @ A3
MD07 C	Existing Elevations - East	1:100 @ A3

CONSULTANT DRAWING LIST

NO.	TITLE	SCALE
SURVEY DRAWINGS - PREPARED BY BEVERIDGE WILLIAMS LAND DEVELOPMENT CONSULTANTS		
SHEET 1	DETAIL SURVEY PLAN	1:100 @ A1
SHEET 2	DETAIL SURVEY PLAN	1:100 @ A1
SHEET 3	DETAIL SURVEY PLAN	1:100 @ A1
SHEET 4	DETAIL SURVEY PLAN	1:100 @ A1
LANDSCAPE DRAWINGS - PREPARED BY JANE IRWIN LANDSCAPE ARCHITECTURE		
LA-000	Coversheet	N/A
LA-001	Schedules + Landscape Calculations	N/A
LA-101	Site Plan	1:200 @ A3
LA-201	Landscape Plan	1:100 @ A3
HYDRAULIC ENGINEER - PREPARED BY BMB ENGINEERS		
SWD1876 Sheet 1/2	Stormwater General Notes	N/A
SWD1876 Sheet 2/2	Stormwater Concept Drainage Plan	1:200 @ A3



AMENDMENT TO ORIGINAL DA DRAWING. REFER TO AMENDMENTS SCHEDULE.

WALL KEY - PLAN + SECTION

	prp lightweight construction		prp concrete construction
	prp masonry construction		existing walls
	prp metal construction		existing walls to be demolished

MATERIAL KEY - ELEVATION

	timber finish		concrete / cement render finish
	slate / roof tile finish		stone finish
	metal finish		extent of exg to be demolished

ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

B|T|B
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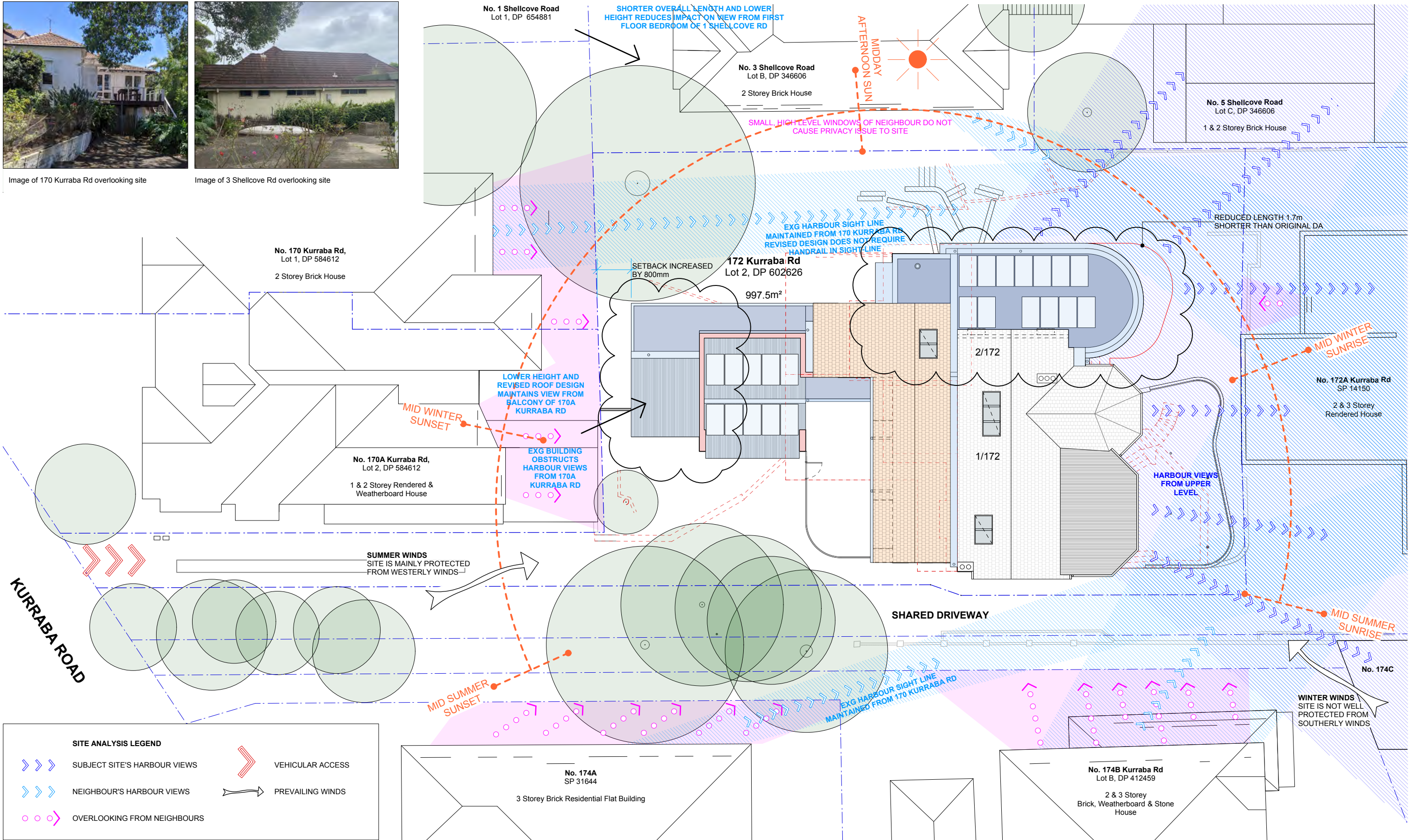
ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			Coversheet	REVISED DA
DATE #	SCALE @ A3	1:1	DWG #	A00
CHKD	DRAWN	BT	REVISION	C



Image of 170 Kurraba Rd overlooking site



Image of 3 Shellcove Rd overlooking site



SITE ANALYSIS LEGEND

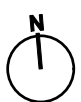
- Blue dashed arrows: SUBJECT SITE'S HARBOUR VIEWS
- Light blue dashed arrows: NEIGHBOUR'S HARBOUR VIEWS
- Pink dashed arrows: OVERLOOKING FROM NEIGHBOURS
- Red arrow: VEHICULAR ACCESS
- Black arrow: PREVAILING WINDS

1 Ste Analysis
Scale: 1:200



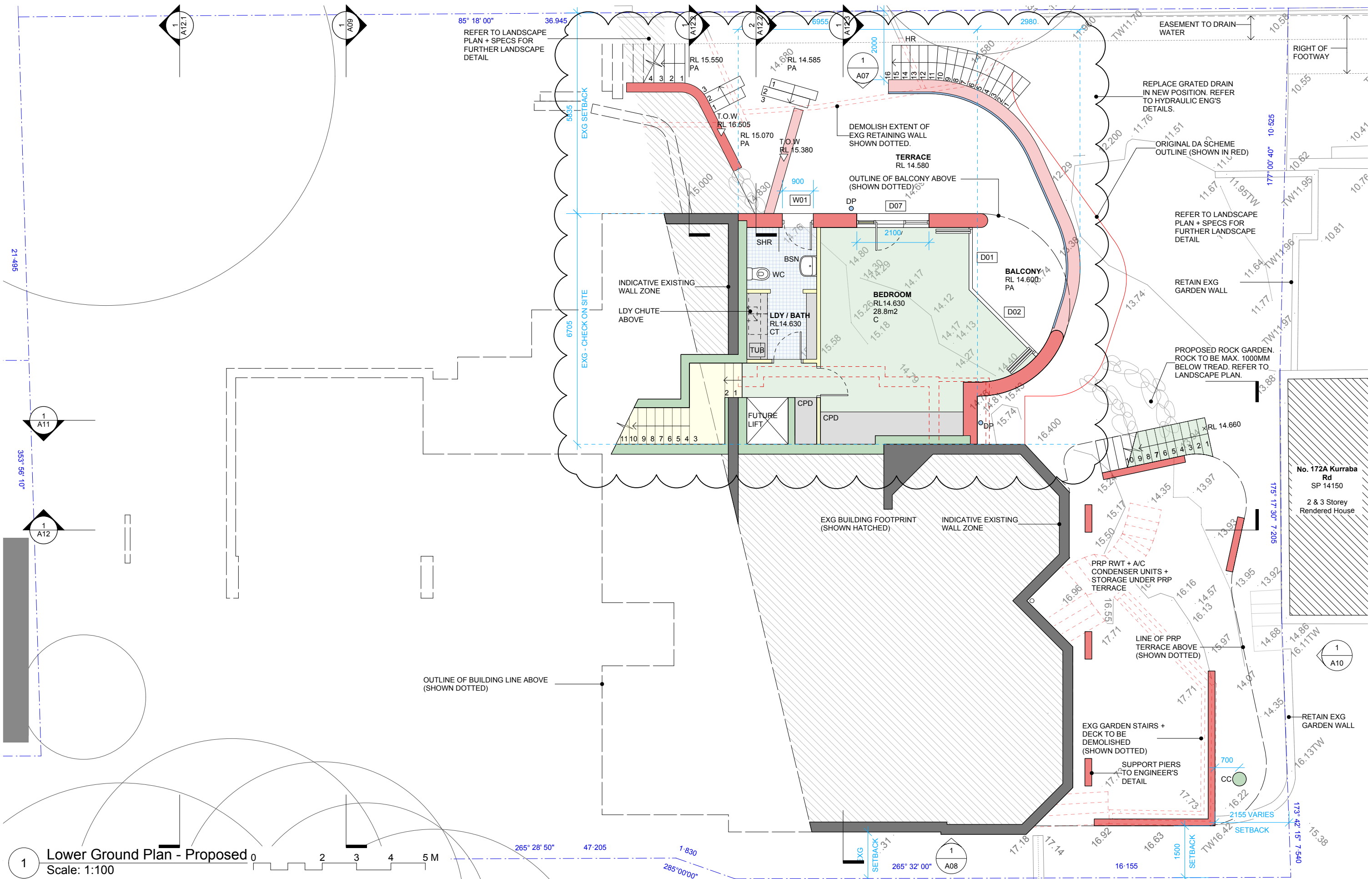
KEY	CPD	cupboard	PRP	proposed	SK	skylight
AC	D	door	PW	plywood	SC	steel column
BDY	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
BSN	EXG	existing	REN	render	TB	timber
C	HR	handrail	RL	reduced level	TF	timber flooring
CC	MF	metal fascia	SD	strip drain	TOW	top of wall
CT	PA	paving	SHR	shower	W	window

ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT



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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DATE #
DWG	Site Analysis	REVISED DA	SCALE @ A3	1:200
			DRAWN	JB
			CHKD	BT
			REVISION	C
			DWG #	A01



1 Lower Ground Plan - Proposed 0
Scale: 1:100

KEY	DESCRIPTION	KEY	DESCRIPTION	KEY	DESCRIPTION	KEY	DESCRIPTION
AC	air-conditioning	CPD	cupboard	PRP	proposed	SK	skylight
BDY	boundary	D	door	PW	plywood	SC	steel column
BSN	basin	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
C	concrete	EXG	existing	REN	render	TB	timber
CC	concrete column	HR	handrail	RL	reduced level	TF	timber flooring
CT	ceramic tile	MF	metal fascia	SD	strip drain	TOW	top of wall
		PA	paving	SHR	shower	W	window

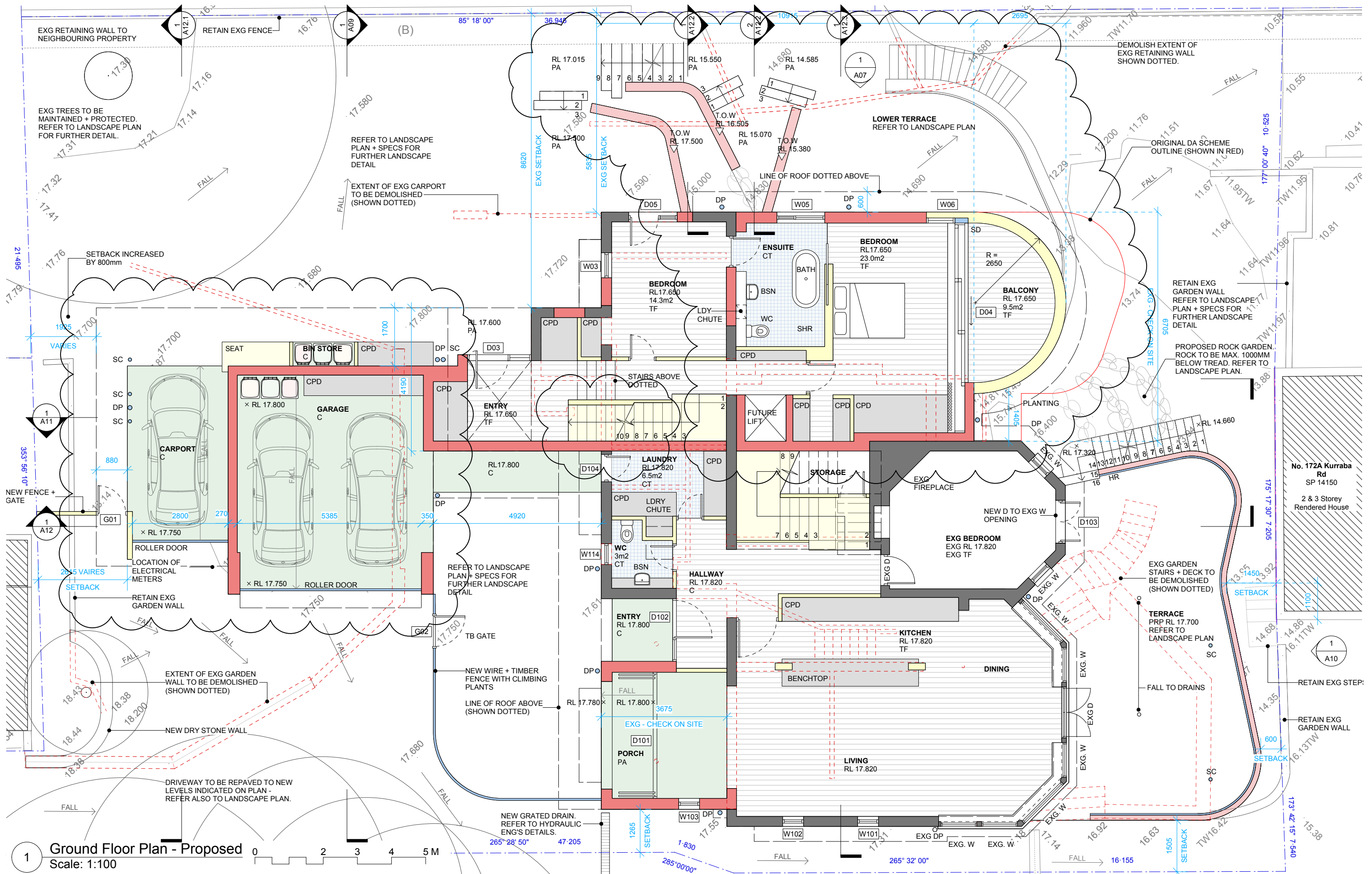
ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION ISSUED FOR DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT



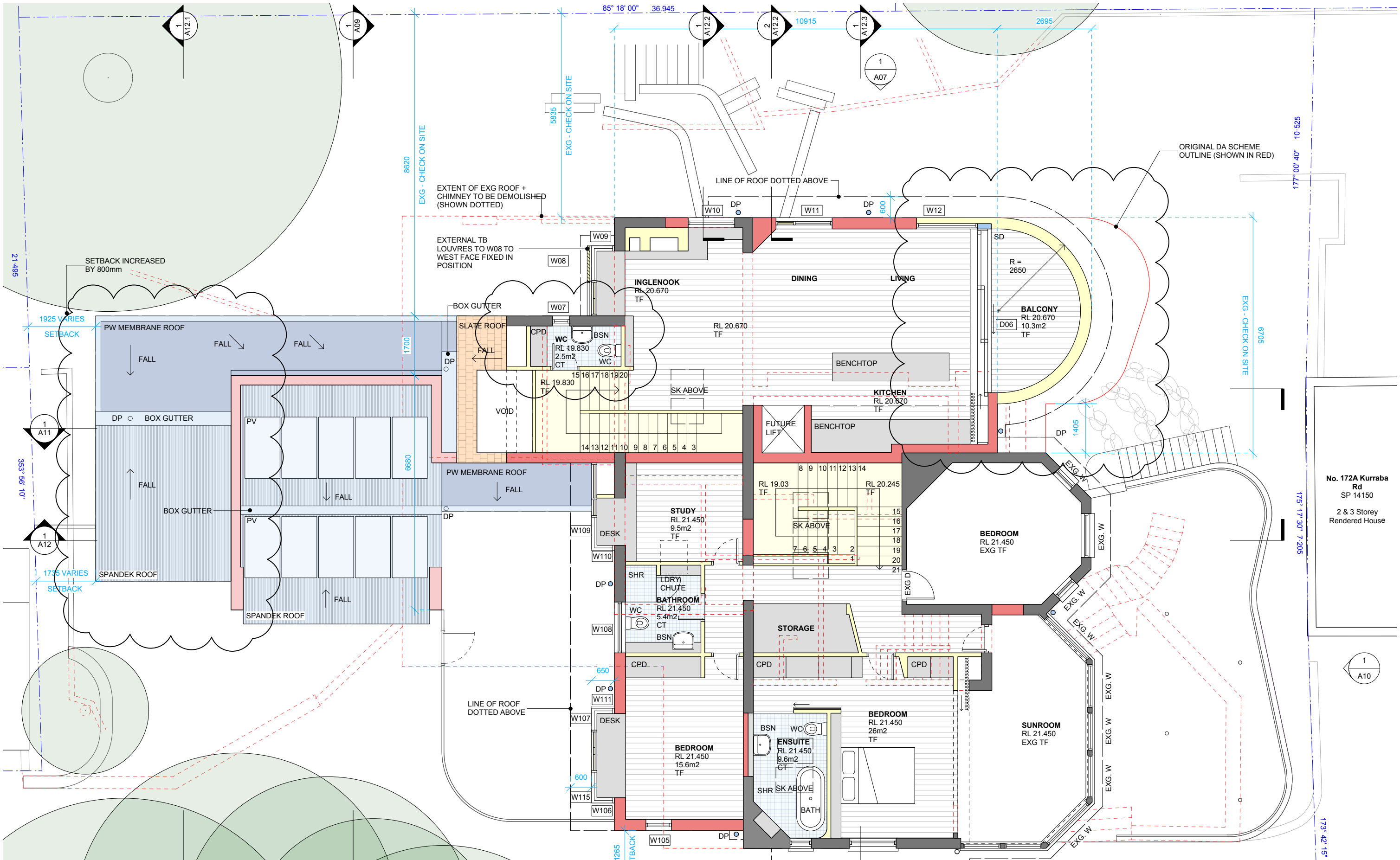
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			Proposed Lower Ground Plan	REVISION
PROJECT #			2015	DWG #
DATE #				1:100
SCALE @ A3				JB
DRAWN				BT
CHKD				REVISION
				C

A03

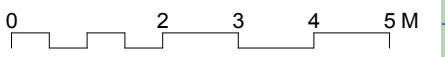


No. 172A Kurraba Rd
SP 14150
2 & 3 Storey Rendered House



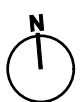
No. 172A Kurraba Rd
SP 14150
2 & 3 Storey
Rendered House

1 First Floor Plan - Proposed
Scale: 1:100



KEY	DESCRIPTION	KEY	DESCRIPTION	KEY	DESCRIPTION	KEY	DESCRIPTION
AC	air-conditioning	CPD	cupboard	PRP	proposed plywood	SK	skylight
BDY	boundary	D	door	PW	plywood	SC	steel column
BSN	basin	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
C	concrete	EXG	existing	REN	render	TB	timber
CC	concrete column	HR	handrail	RL	reduced level	TF	timber flooring
CT	ceramic tile	MF	metal fascia	SD	strip drain	TOW	top of wall
		PA	paving	SHR	shower	W	window

ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

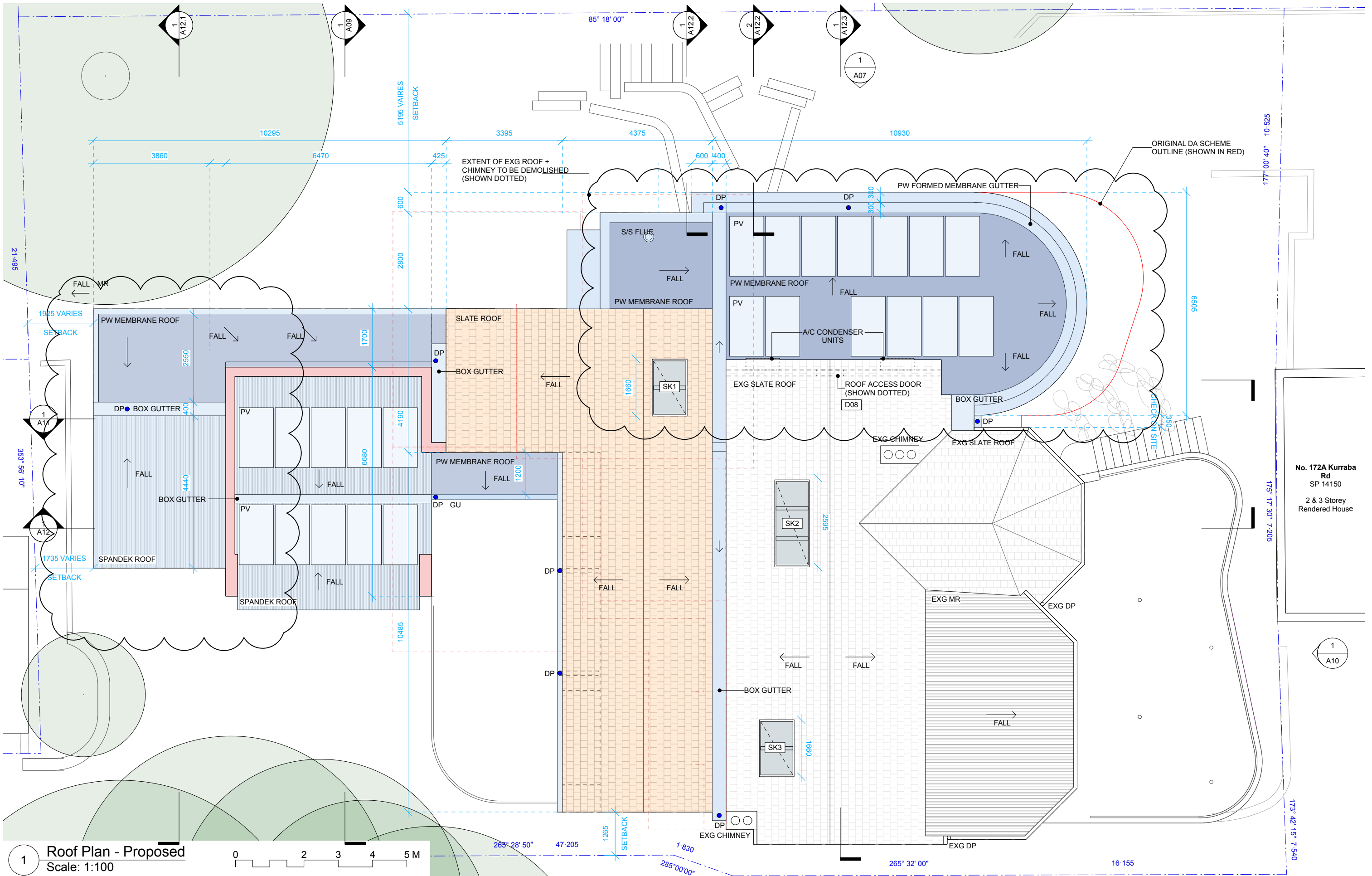


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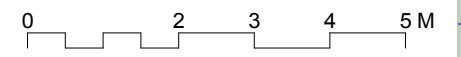
ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Proposed First Floor Plan	REVISED DA	SCALE @ A3	1:100
CHKD	BT	REVISION	C	

A05



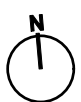
No. 172A Kurraba Rd
SP 14150
2 & 3 Storey
Rendered House

1 Roof Plan - Proposed
Scale: 1:100



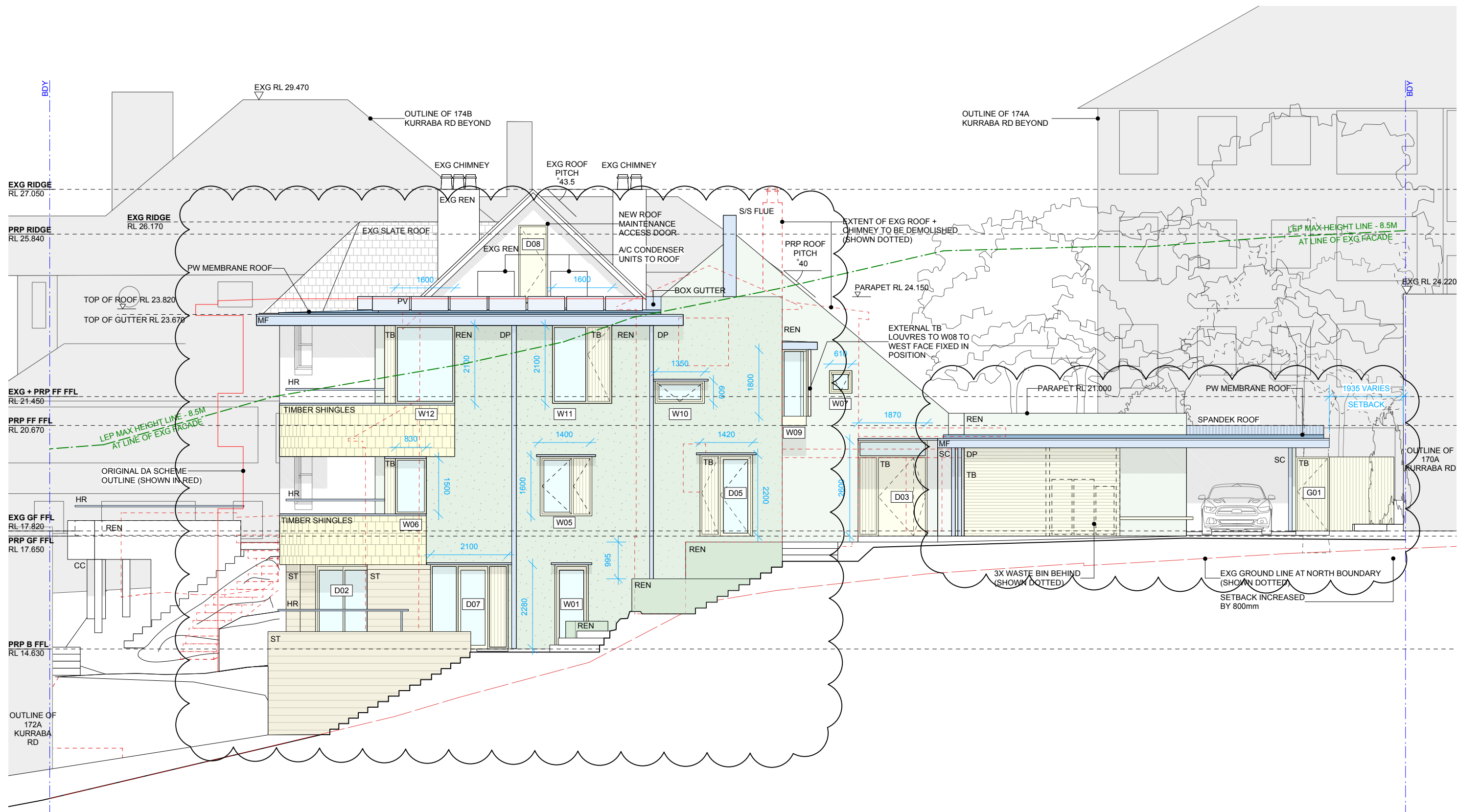
KEY	CPD	PRP	SK
AC	cupboard	proposed	skylight
BDY	door	plywood	SC
BSN	downpipe	photovoltaic panels	ST
C	existing	render	TB
CC	handrail	reduced level	TF
CT	metal fascia	strip drain	TOW
	paving	shower	W

ISSUE	DATE	DESCRIPTION
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			Proposed Roof Plan	REVISI
SCALE @ A3			1:100	A06
DRAWN			JB	
CHKD			BT	REVISION
				C



1 North Elevation - Proposed
Scale: 1:100

KEY	CPD	cupboard	PRP	proposed	SK	skylight	ISSUE
AC	D	door	PW	plywood	SC	steel column	C 10/11/21
BDY	DP	downpipe	PV	photovoltaic panels	ST	stone cladding	B 26/2/21
BSN	EXG	existing	REN	render	TB	timber	A 17/12/20
C	HR	handrail	RL	reduced level	TF	timber flooring	
CC	MF	metal fascia	SD	strip drain	TOW	top of wall	
CT	PA	paving	SHR	shower	W	window	

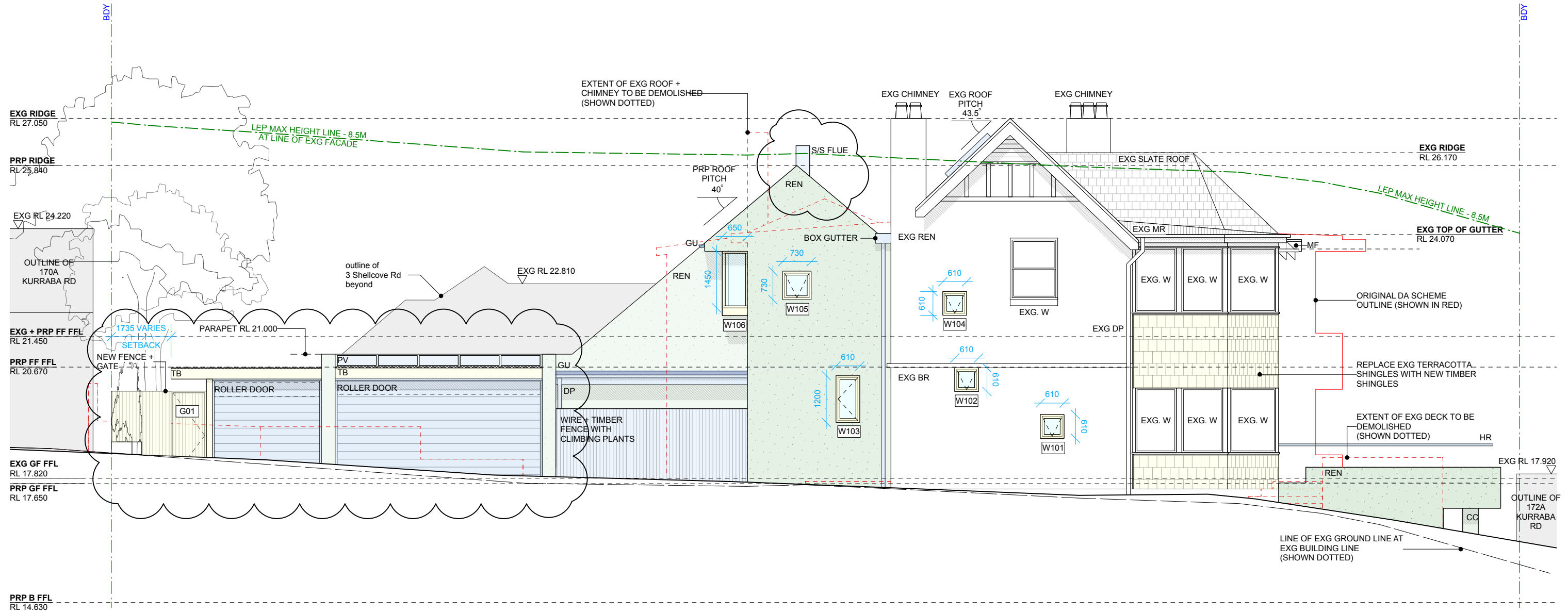
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Proposed Elevation - North	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

A07



1 South Elevation - Proposed
Scale: 1:100

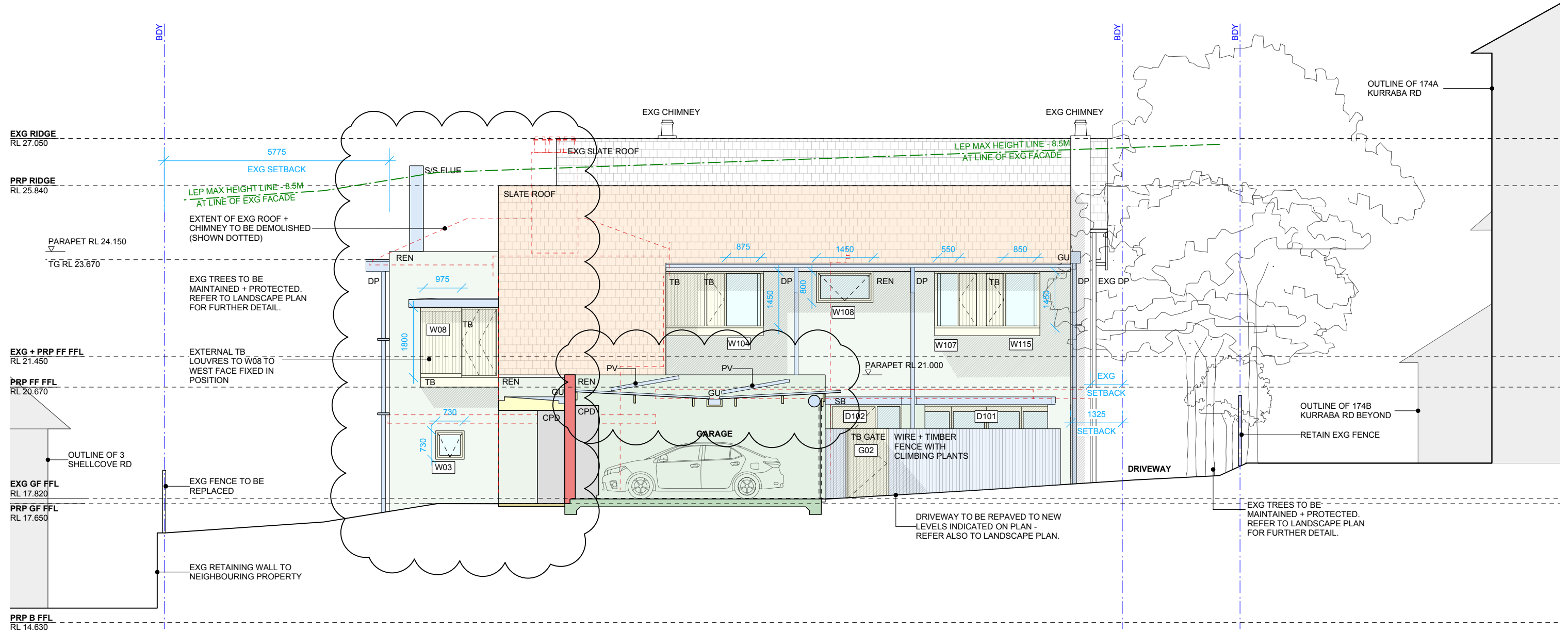
KEY	CPD	PRP	SK	ISSUE
AC	D	PW	SK	C
BDY	DP	PV	SC	B
BSN	EXG	REN	ST	A
C	HR	RL	TB	
CC	MF	SD	TF	
CT	PA	SHR	TOW	
			W	

ISSUE	DATE	REVISION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
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PROJECT	172 Kurraba Road, Kurraba Point, 2089			DATE #
DWG	Proposed Elevations - South	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C
			DWG #	A08



1 West Elevation - Proposed
Scale: 1:100

KEY	AC air-conditioning	CPD cupboard	PRP proposed	SK skylight
BDY boundary	D door	DP downpipe	PW plywood	SC steel column
BSN basin	EXG existing	DP downpipe	PV photovoltaic panels	ST stone cladding
C concrete	HR handrail	DP downpipe	REN render	TB timber
CC concrete column	MF metal fascia	DP downpipe	RL reduced level	TF timber flooring
CT ceramic tile	PA paving	DP downpipe	SD strip drain	TOW top of wall
		DP downpipe	SHR shower	W window

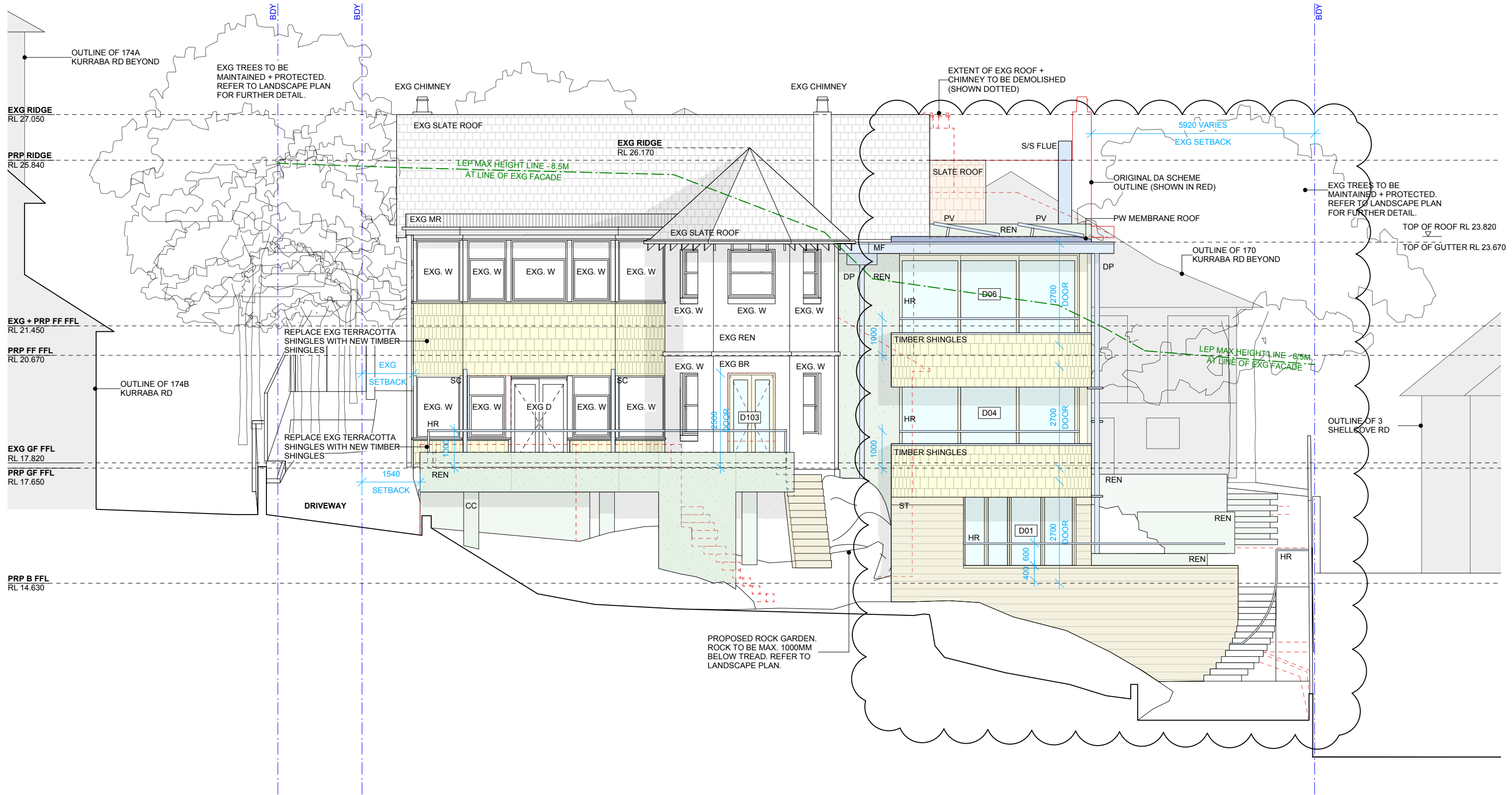
ISSUE		
C	10/11/21	REVISED DEVELOPMENT APPLICATION
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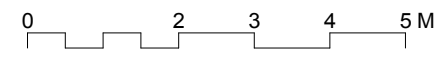
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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Proposed Elevations - West / Section D REVISED DA		SCALE @ A3	1:100
	CHKD	BT	REVISION	C

A09



1 East Elevation - Proposed
Scale: 1:100



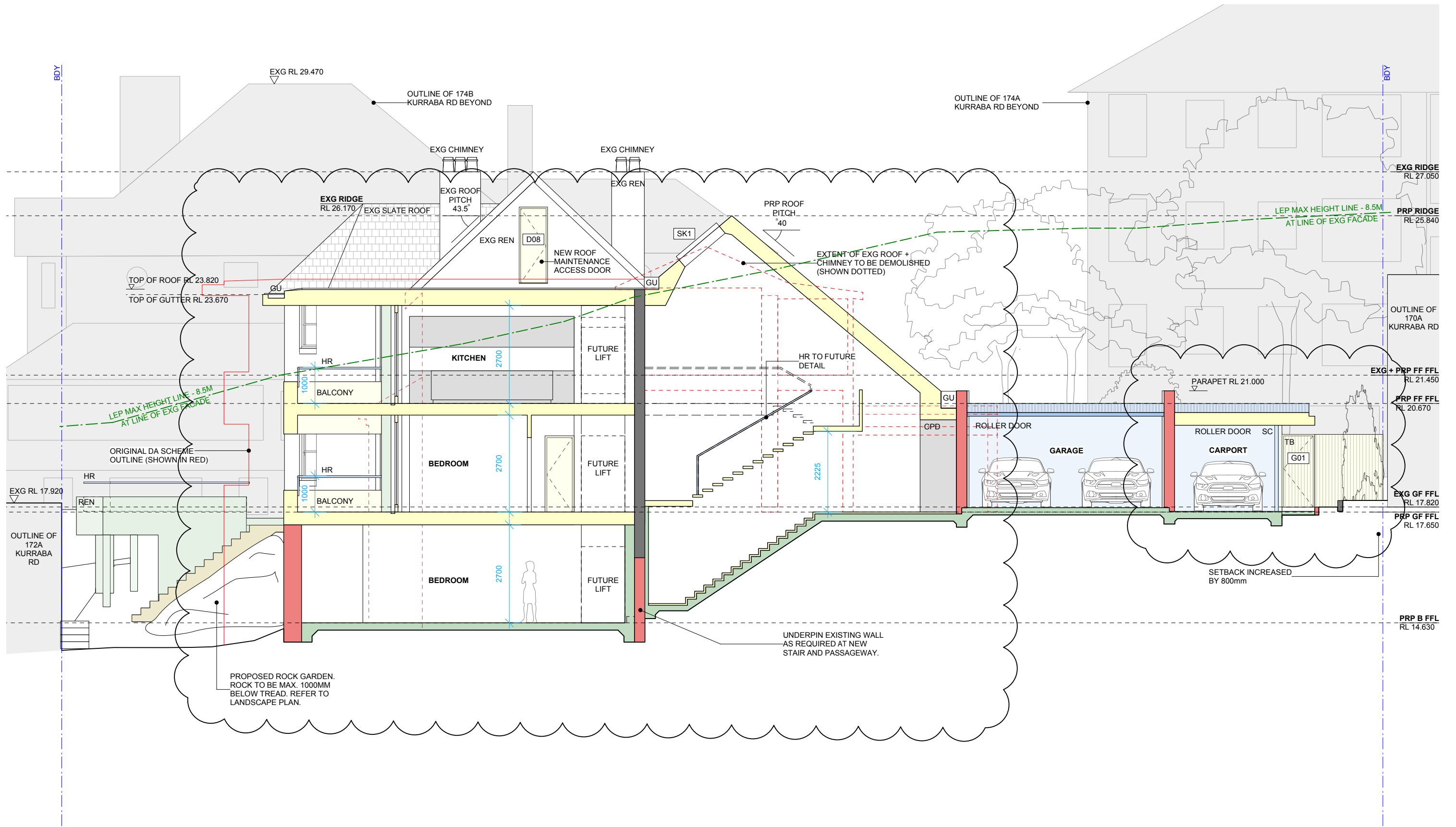
KEY	CPD	DP	EXG	HR	MF	PA	PRP	PW	PV	REN	RL	SD	SHR	SK	SC	ST	TB	TF	TOW	W	
AC	air-conditioning	cupboard	door	downpipe	existing	handrail	metal fascia	paving	proposed	plywood	photovoltaic panels	reduced level	strip drain	shower	skylight	steel column	stone cladding	timber	timber flooring	top of wall	window

ISSUE	DATE	REVISION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

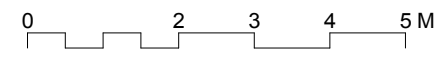
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PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			Proposed Elevations - East	REVISED DA
SCALE @ A3			1:100	A10
DRAWN			JB	
CHKD			BT	REVISION
				C



1 Section A - Proposed
Scale: 1:100



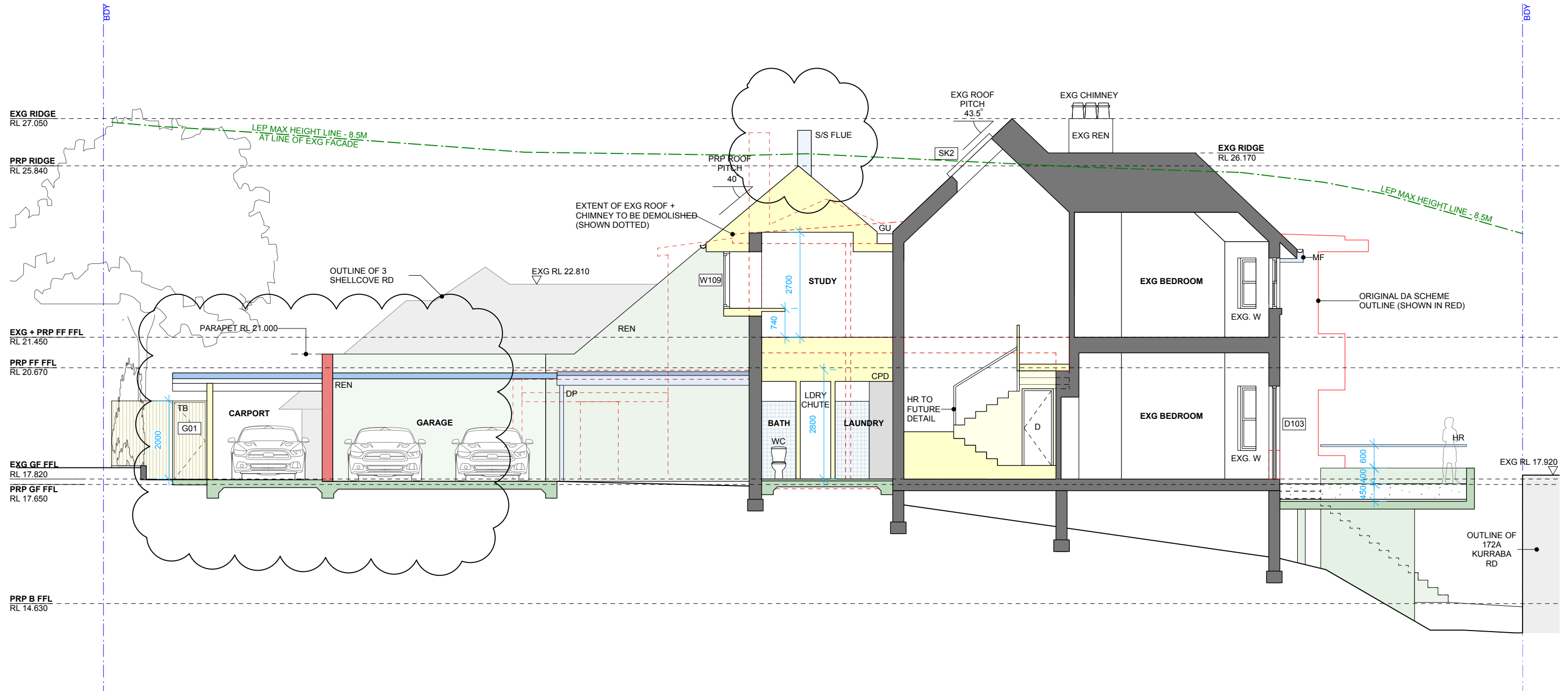
KEY	AC air-conditioning	CPD cupboard	PRP proposed	SK skylight
BDY boundary	DP door	PW plywood	SC steel column	ST stone cladding
BSN basin	EXG existing	PV photovoltaic panels	ST stone cladding	TB timber
C concrete	HR handrail	REN render	TF timber flooring	TOW top of wall
CC concrete column	MF metal fascia	RL reduced level	TOW top of wall	W window
CT ceramic tile	PA paving	SD strip drain	SHR shower	

ISSUE		
C	10/11/21	REVISED DEVELOPMENT APPLICATION
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PROJECT	172 Kurraba Road, Kurraba Point, 2089			DATE #
DWG	Proposed Section A	REVISED DA	SCALE @ A3	1:100
CHKD	JB	BT	DWG #	A11
			REVISION	C



1 Section B - Proposed
Scale: 1:100



KEY	AC	air-conditioning	CPD	cupboard	PRP	proposed	SK	skylight	ISSUE
	BDY	boundary	D	door	PW	plywood	SC	steel column	C
	BSN	basin	DP	downpipe	PV	photovoltaic panels	ST	stone cladding	B
	C	concrete	EXG	existing	REN	render	TB	timber	A
	CC	concrete column	HR	handrail	RL	reduced level	TF	timber flooring	
	CT	ceramic tile	MF	metal fascia	SD	strip drain	TOW	top of wall	
			PA	paving	SHR	shower	W	window	

ISSUE		
C	10/11/21	REVISED DEVELOPMENT APPLICATION
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A	17/12/20	ISSUED TO PLANNER FOR COMMENT

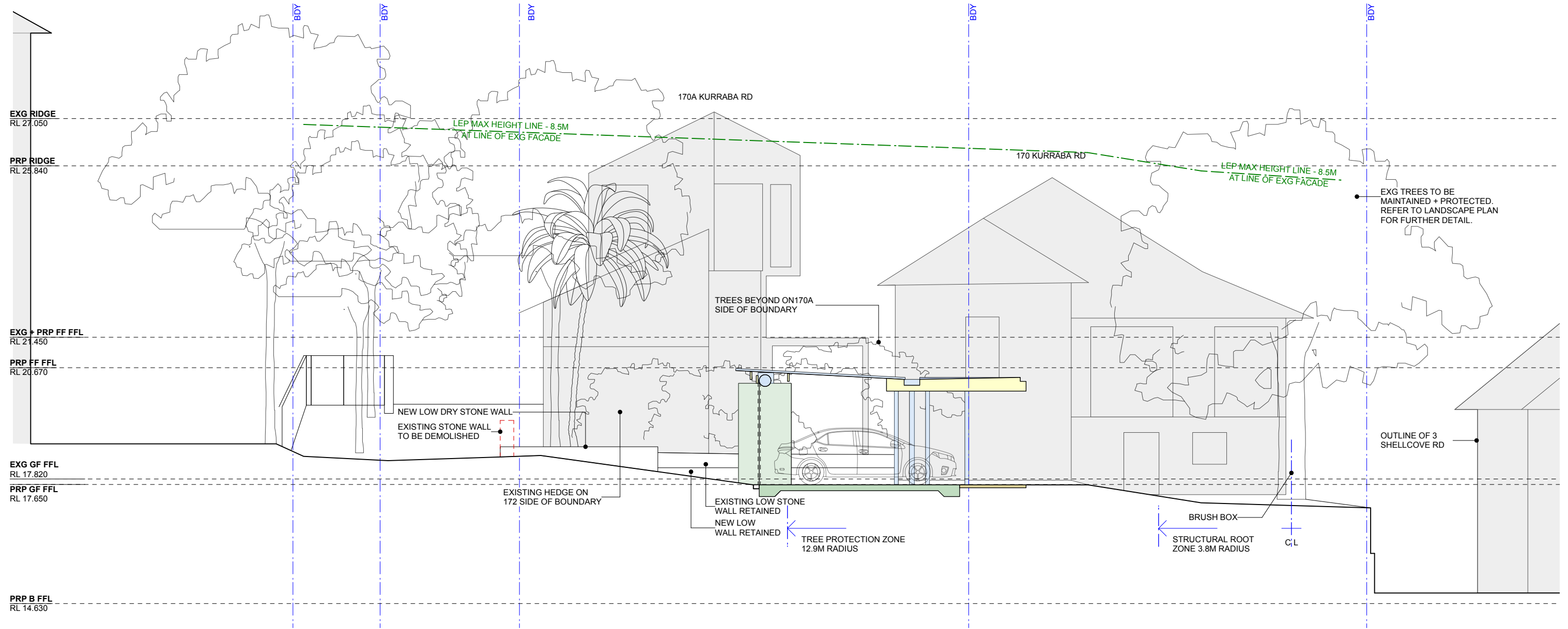
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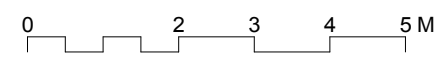
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DWG #
DWG	Proposed Section B	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C
				A12

PROFILES OF ADJOINING HOUSES BASED ON SURVEY DRAWING 2001273 SHEET 4



2 Section C - Proposed
Scale: 1:100



KEY	AC	air-conditioning	CPD	cupboard	PRP	proposed	SK	skylight
	BDY	boundary	D	door	PW	plywood	SC	steel column
	BSN	basin	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
	C	concrete	EXG	existing	REN	render	TB	timber
	CC	concrete column	HR	handrail	RL	reduced level	TF	timber flooring
	CT	ceramic tile	MF	metal fascia	SD	strip drain	TOW	top of wall
			PA	paving	SHR	shower	W	window

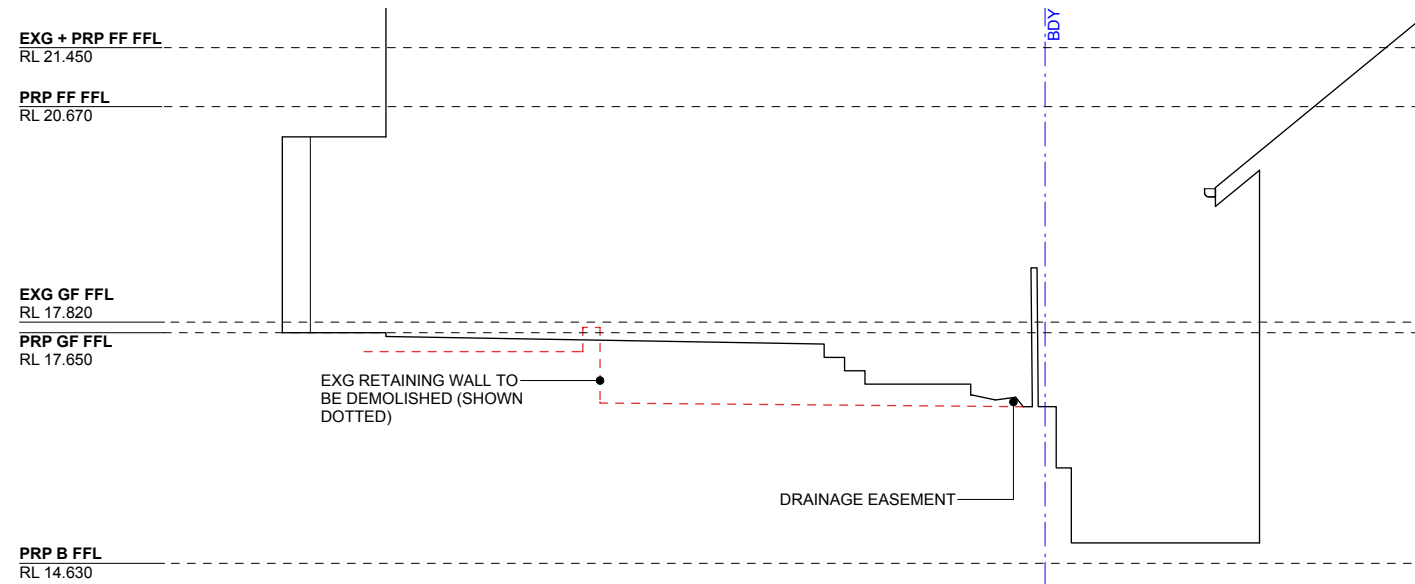
ISSUE		
C	10/11/21	REVISED DEVELOPMENT APPLICATION

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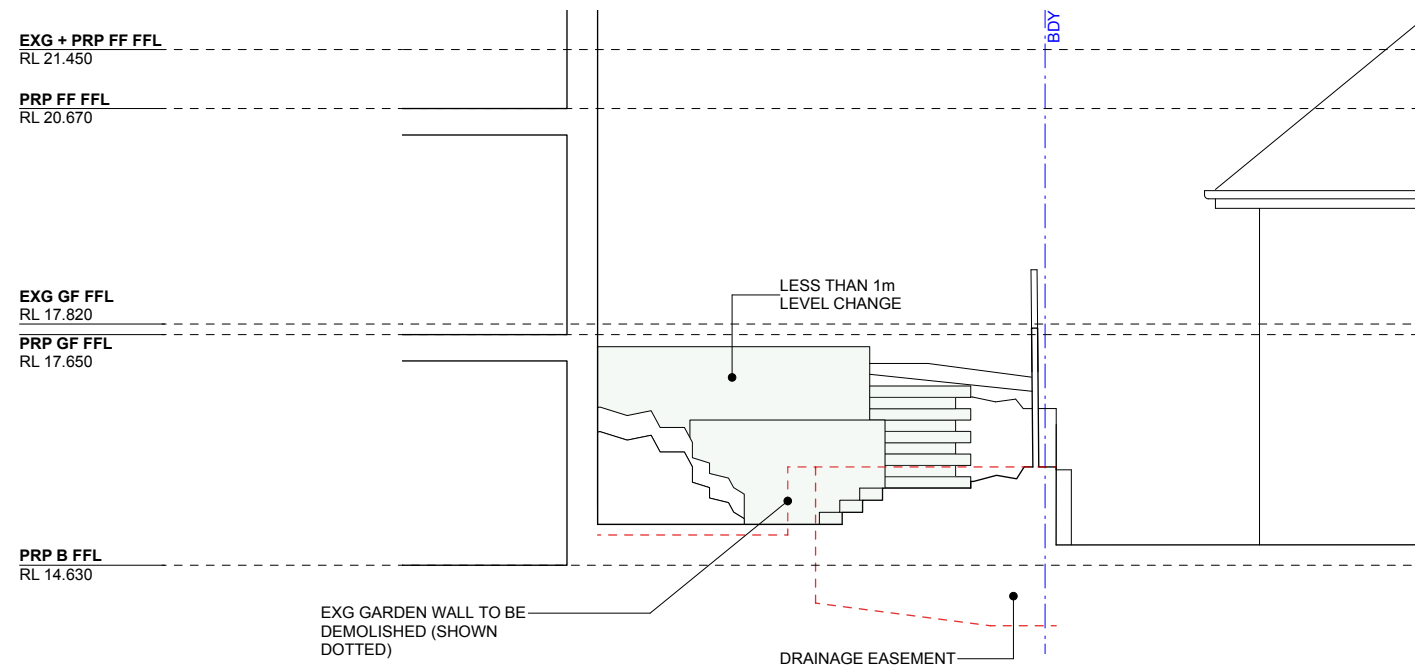
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DWG	Proposed Section C	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

A12.1



1 Section E - Proposed
Scale: 1:100



2 Section F - Proposed
Scale: 1:100



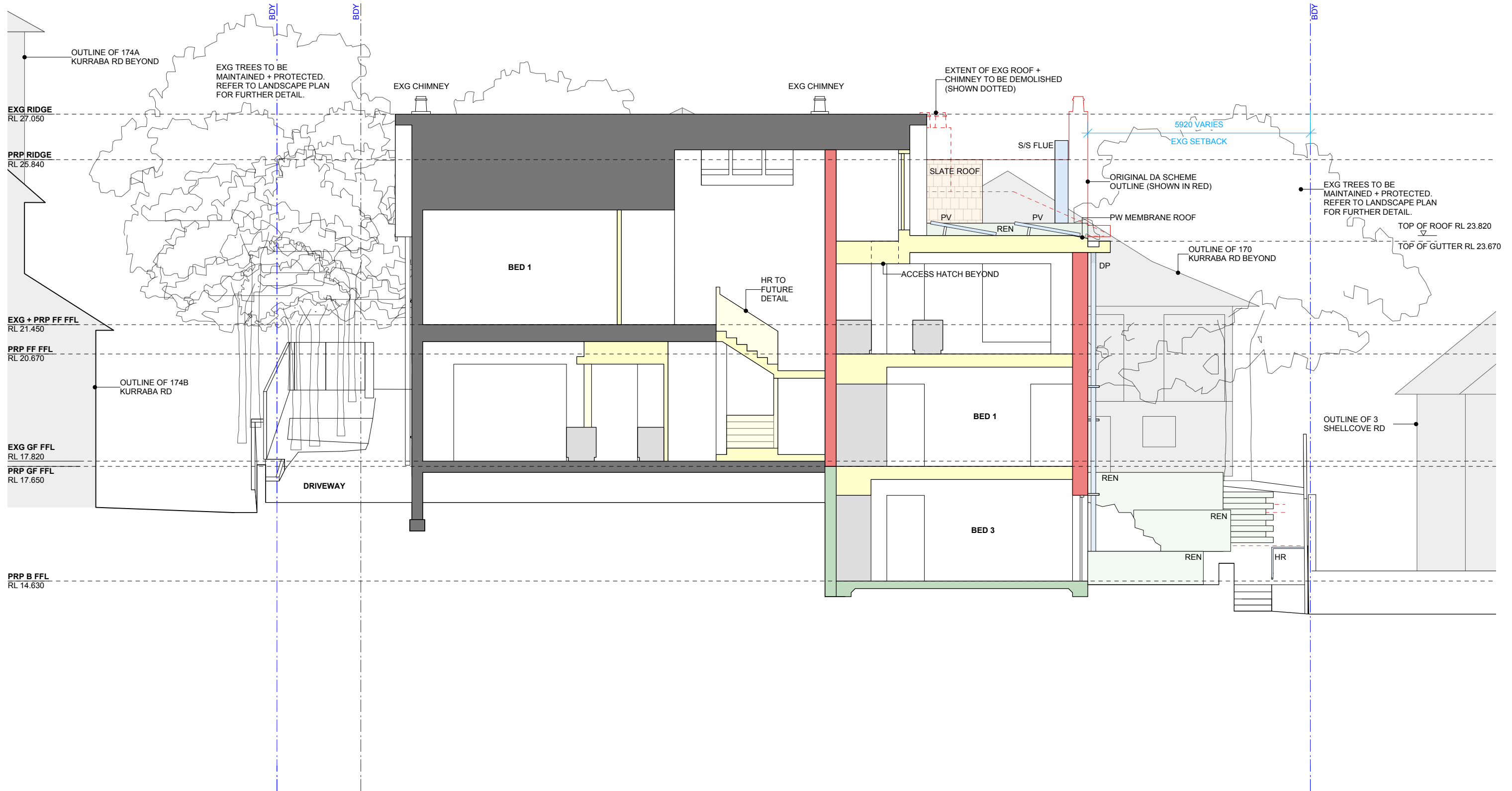
KEY		CPD		PRP		SK	
AC	air-conditioning	D	cupboard	PW	proposed plywood	SK	skylight
BDY	boundary	DP	door	PV	photovoltaic panels	SC	steel column
BSN	basin	EXG	downpipe	REN	render	ST	stone cladding
C	concrete	HR	existing handrail	RL	reduced level	TB	timber
CC	concrete column	MF	metal fascia	SD	strip drain	TF	timber flooring
CT	ceramic tile	PA	paving	SHR	shower	TOW	top of wall
						W	window

ISSUE	DATE	REVISION
C	10/11/21	REVISED DEVELOPMENT APPLICATION

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DWG	Proposed Section E + F	REVISED DA	SCALE @ A3	1:100
CHKD	BT	REVISION	DWG #	A12.2



1 Section G - Proposed
Scale: 1:100



KEY	CPD	PRP	SK	ISSUE
AC	D	PW	SK	C
air-conditioning	door	plywood	skylight	10/11/21
BDY	DP	PV	SC	REVISED DEVELOPMENT APPLICATION
boundary	downpipe	photovoltaic panels	steel column	
BSN	EXG	REN	ST	
basin	existing	render	stone cladding	
C	HR	RL	TB	
concrete	handrail	reduced level	timber	
CC	MF	SD	TF	
concrete column	metal fascia	strip drain	timber flooring	
CT	PA	SHR	TOW	
ceramic tile	paving	shower	top of wall	
			W	
			window	

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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Proposed Section G	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C
			A12.3	



1 Render of Eastern Elevation

<p>A</p>	<p>B</p>	<p>C</p>	<p>D</p>	<p>E</p>	<p>F</p>	<p>G</p>	<p>H</p>	<p>J</p>
<p>ROUGH CAST RENDER WITH PAINT FINISH NOTED AS 'REN' COLOUR: MUROBOND 'NERO' OR SIMILAR LOCATION: GENERALLY</p>	<p>SMOOTH RENDER WITH PAINT FINISH NOTED AS 'REN' COLOUR: MUROBOND 'NERO' OR SIMILAR LOCATION: TO SELECTED SECTIONS OF WALL</p>	<p>SANDSTONE CLADDING / CAPPING NOTED AS 'ST'</p>	<p>SLATE CLADDING / ROOFING TO MATCH EXG ROOF SLATE</p>	<p>SPANDEK ROOFING, GUTTERS, FASCIAS AND DOWNPIPES COLOUR: COLORBOND 'SLATE GREY' OR SIMILAR</p>	<p>PW MEMBRANE ROOFING COLOUR: MID GREY</p>	<p>TIMBER FRAMED WINDOWS + DOORS (GLAZING AS PER BASIX REQUIREMENTS) FINISH: MIXTURE OF NATURAL TIMBER TO NEW + PAINT FINISH TO EXISTING WINDOWS AND DOORS COLOUR: MUROBOND 'PELICAN' OR SIMILAR</p>	<p>STEEL HANDRAIL / BALUSTRADE NOTED AS 'HR' FINISH: MIO PAINT OR POWDERCOAT COLOUR: MUROBOND 'GRAPHITE' OR SIMILAR</p>	<p>TIMBER SHINGLE CLADDING NOTED AS 'TIMBER SHINGLES' FINISH: NATURAL TIMBER</p>

2 Proposed Materials + Finishes Schedule

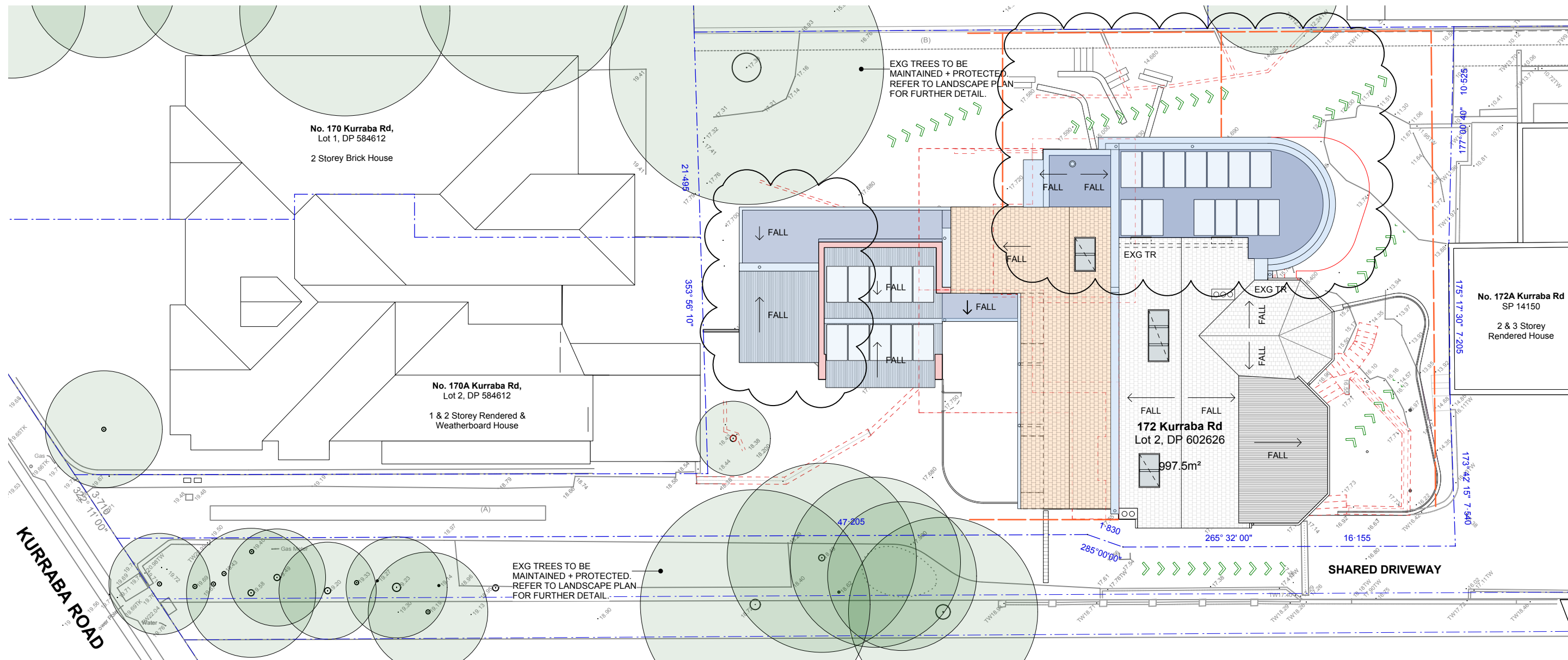
KEY	
AC	air-conditioning
BDY	boundary
BSN	basin
C	concrete
CC	concrete column
CT	ceramic tile
CPD	cupboard
D	door
DP	downpipe
EXG	existing
HR	handrail
MF	metal fascia
PA	paving
PRP	proposed
PW	plywood
PV	photovoltaic panels
REN	render
RL	reduced level
SD	strip drain
SHR	shower
SK	skylight
SC	steel column
ST	stone cladding
TB	timber
TF	timber flooring
TOW	top of wall
W	window

ISSUE		
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PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			Proposed Material + Finishes Schedule	REVISED DA
SCALE @ A3	1:1	DRAWN	JB	
CHKD	BT	REVISION	C	

A13



EROSION + SEDIMENT CONTROL PLAN LEGEND

- OVERLAND FLOW PATH
- SEDIMENT CONTROL FENCE

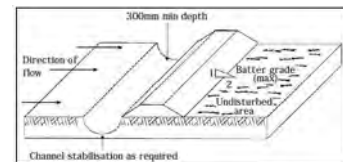
NOTES:

GENERAL:
Erosion + Sediment Control Measures to be carried out in accordance with provisions outlined in the NSWDCP Section 17 Erosion and Sediment Control.

SITE ACCESS:
- Provide a single, stabilised entry/exit point,
- Sediment or building materials should be removed from the road as required by sweeping, shoveling or sponging; not washing.

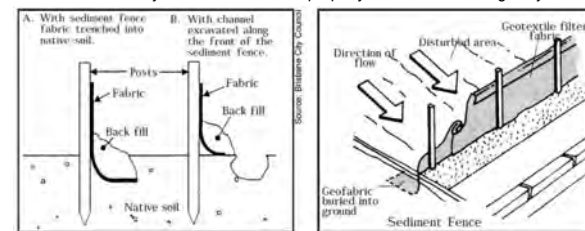
DIVERSION OF WATER:

- Divert run-off away from disturbed areas and stockpiles towards stabilised areas using banks or channels.
- On steep sites line channels with turf or geotextile fabric.
- Runoff should be treated (by a sediment fence or the like) before leaving the site.



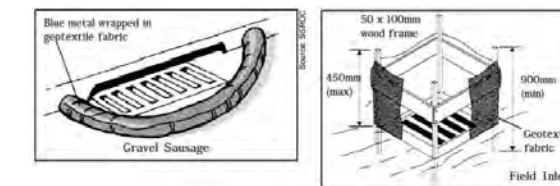
SEDIMENT FENCES:

- Sediment Fences should be installed downslope to treat site runoff.
- To be effective they need to be installed properly and maintained regularly.



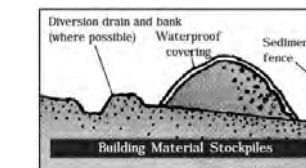
GUTTER PROTECTION:

- As a precautionary measure, sediment controls such as gravel sausages, gravel bags or sand bags should be installed around stormwater inlets if there is a risk of untreated runoff entering the waterways.



STOCKPILES

- Stockpiles should be located upslope away from drainage lines.
- Runoff should be diverted away from the stockpile.
- Protect with a waterproof covering.
- Install a sediment control device such as a sediment fence or gravel bags on the downslope side of the stockpile.
- Stockpiles must not be stored on footpaths.



1 Proposed Erosion + Sediment Control Plan
Scale: 1:200



KEY	CPD	cupboard	PRP	proposed	SK	skylight
AC	D	door	PW	plywood	SC	steel column
BDY	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
BSN	EXG	existing	REN	render	TB	timber
C	HR	handrail	RL	reduced level	TF	timber flooring
CC	MF	metal fascia	SD	strip drain	TOW	top of wall
CT	PA	paving	SHR	shower	W	window

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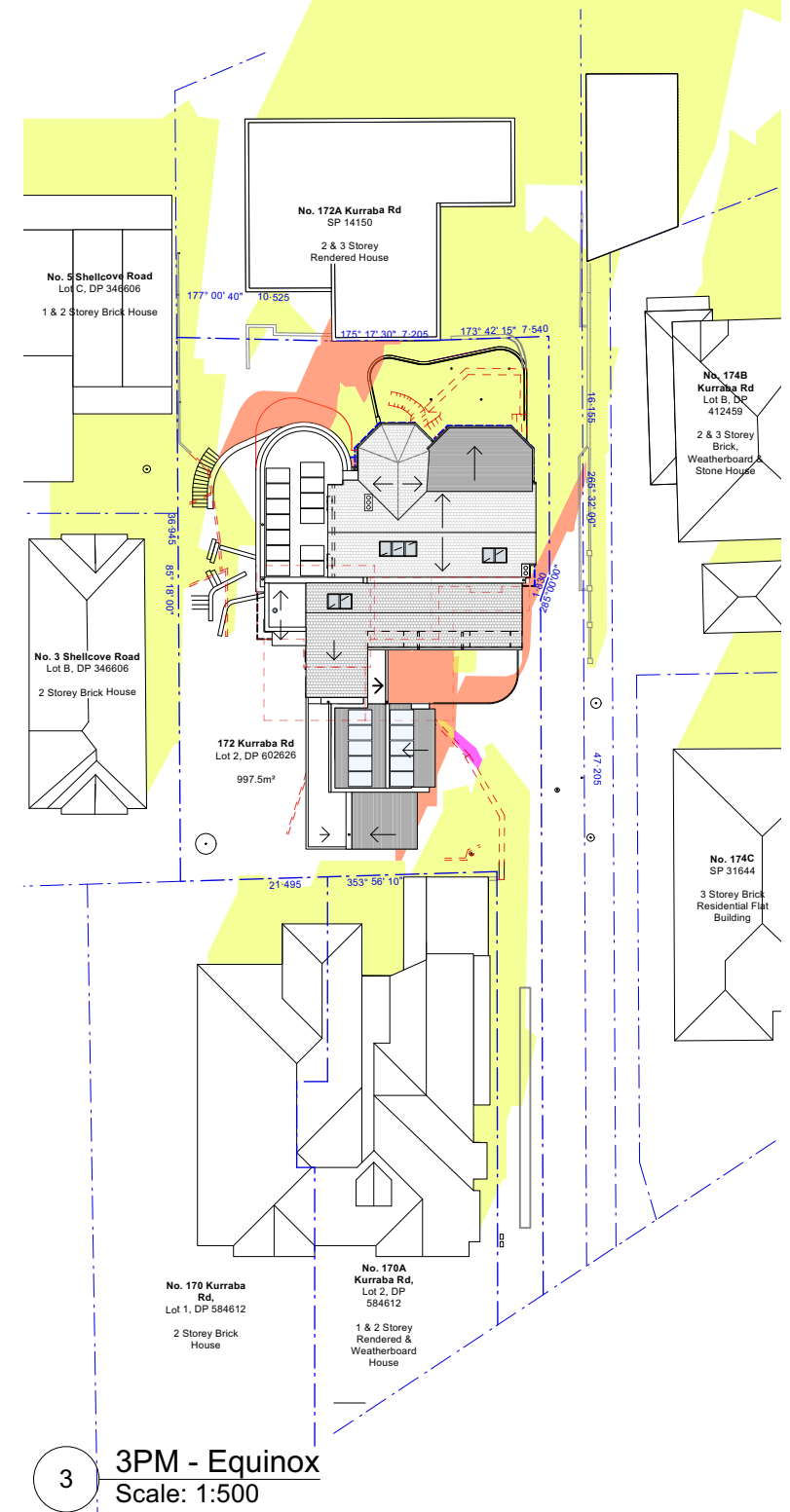
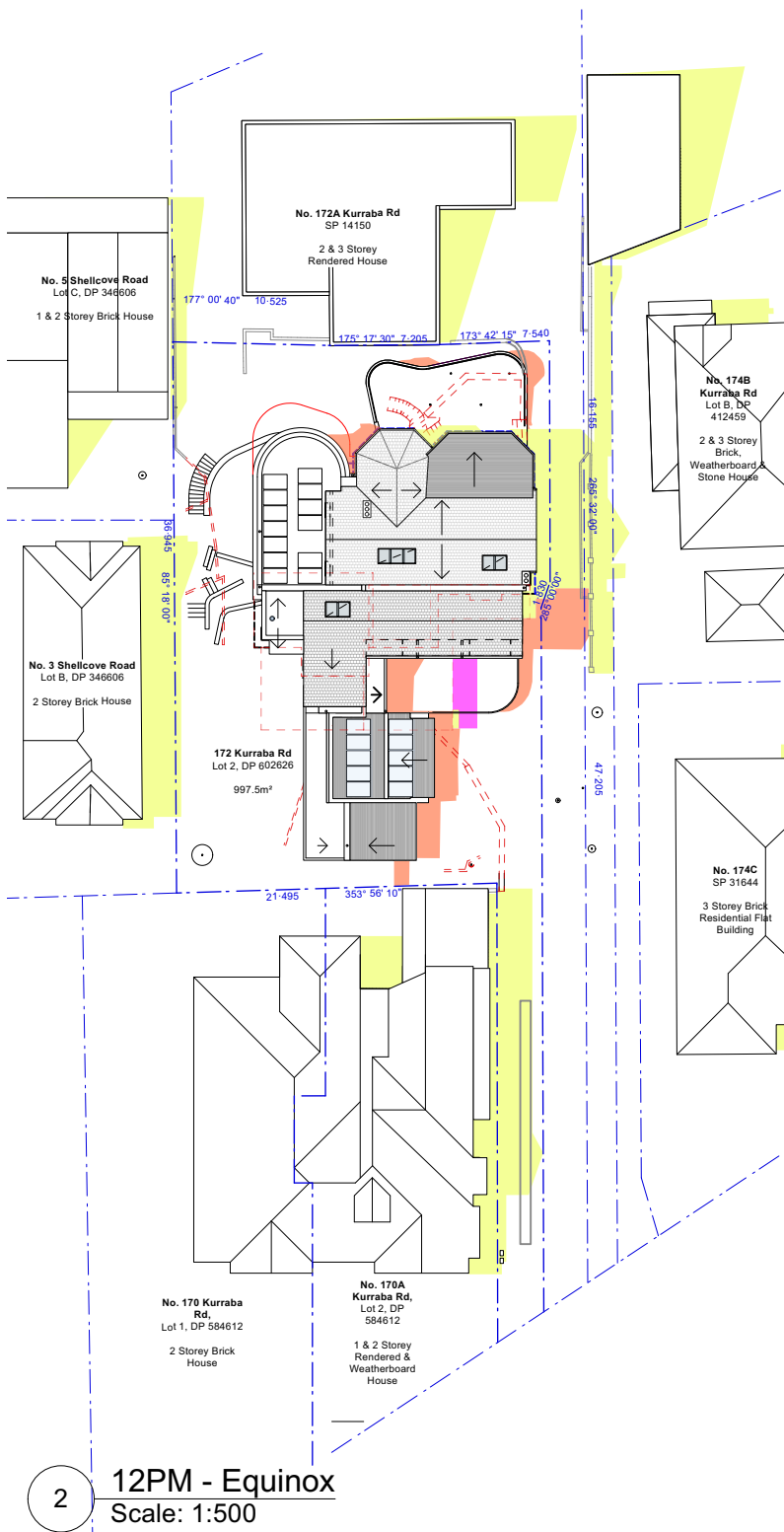
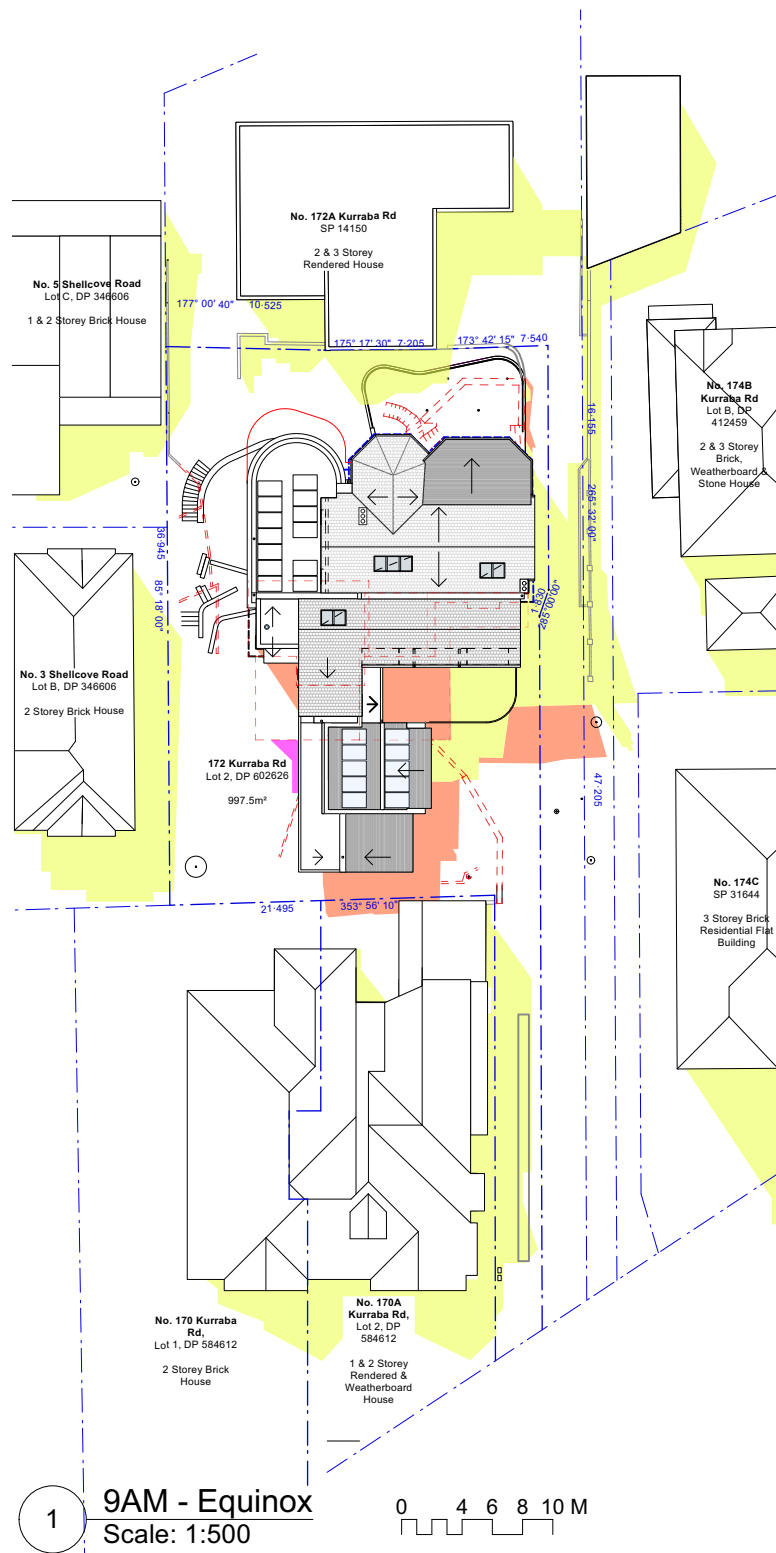


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PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			Proposed Erosion + Sediment Control Plan	REVISION
PROJECT #			2015	DWG #
SCALE @ A3			1:200	A14
DRAWN			JB	
CHKD			BT	REVISION
				C

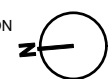


- KEY**
- EXTENT OF EXISTING SHADOW
 - EXTENT OF ADDITIONAL SHADOW CAST BY THE PROPOSED WORKS
 - EXTENT OF REDUCTION IN EXISTING SHADOW

ISSUE

C	10/11/21
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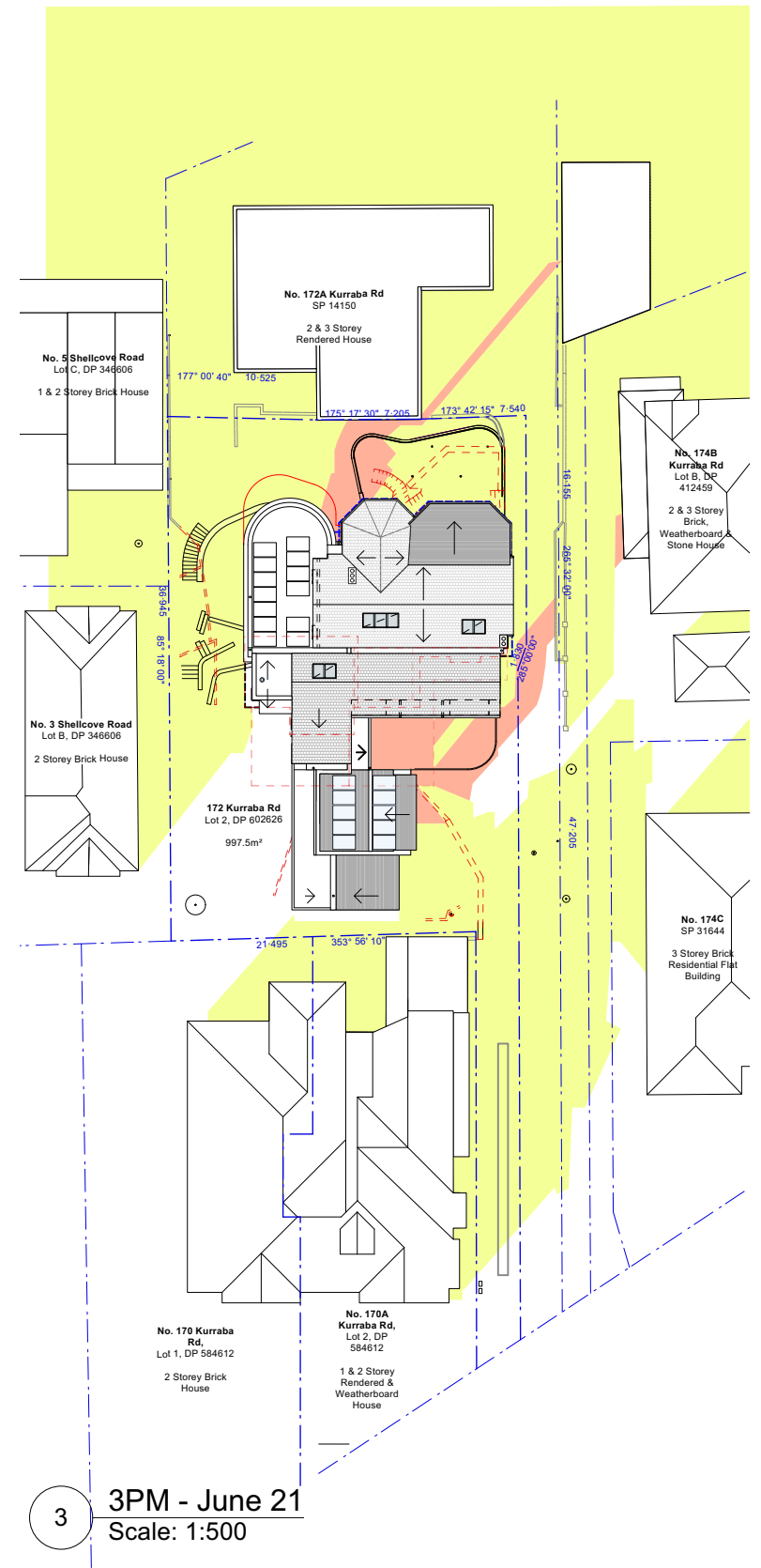
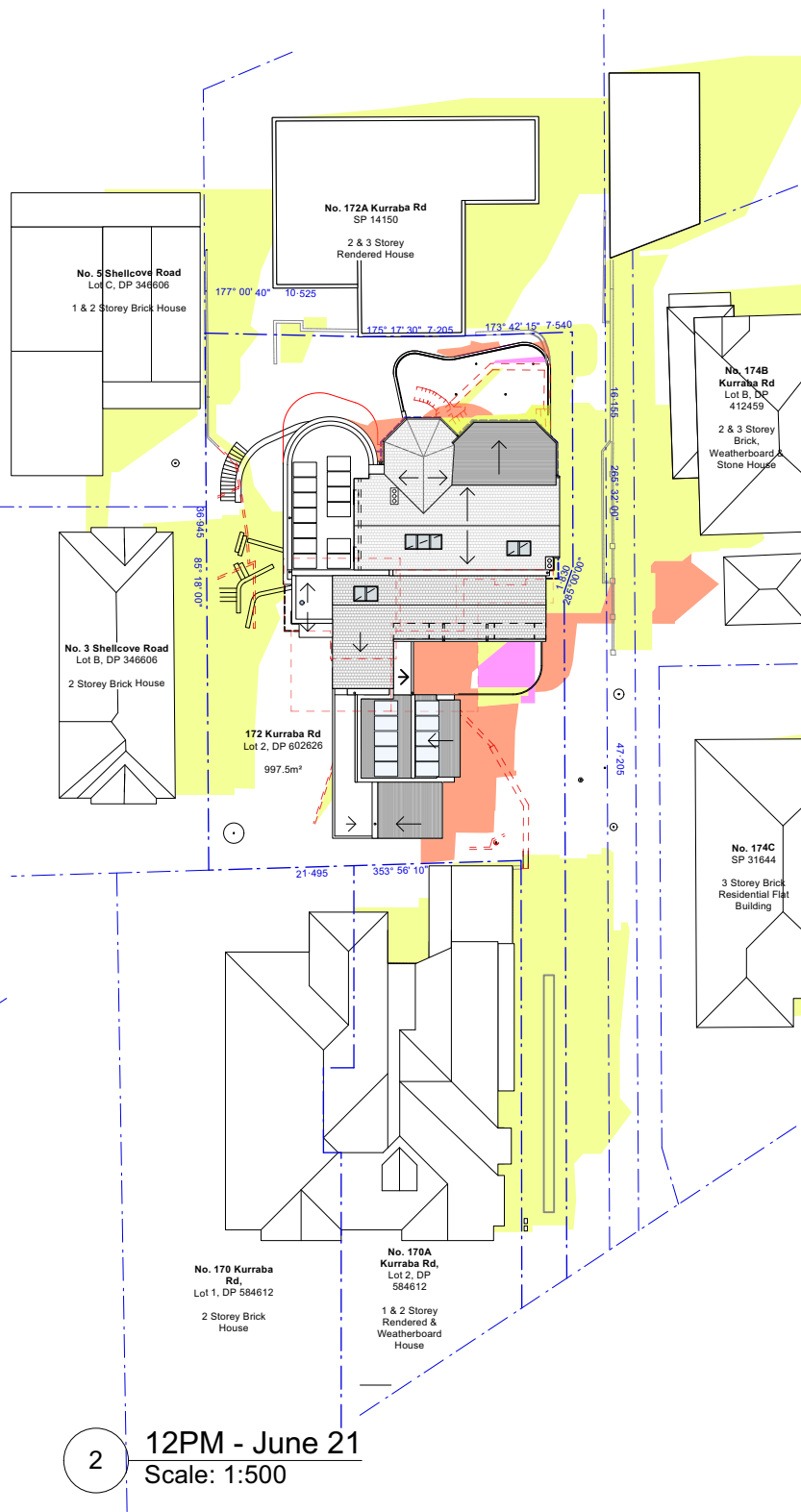
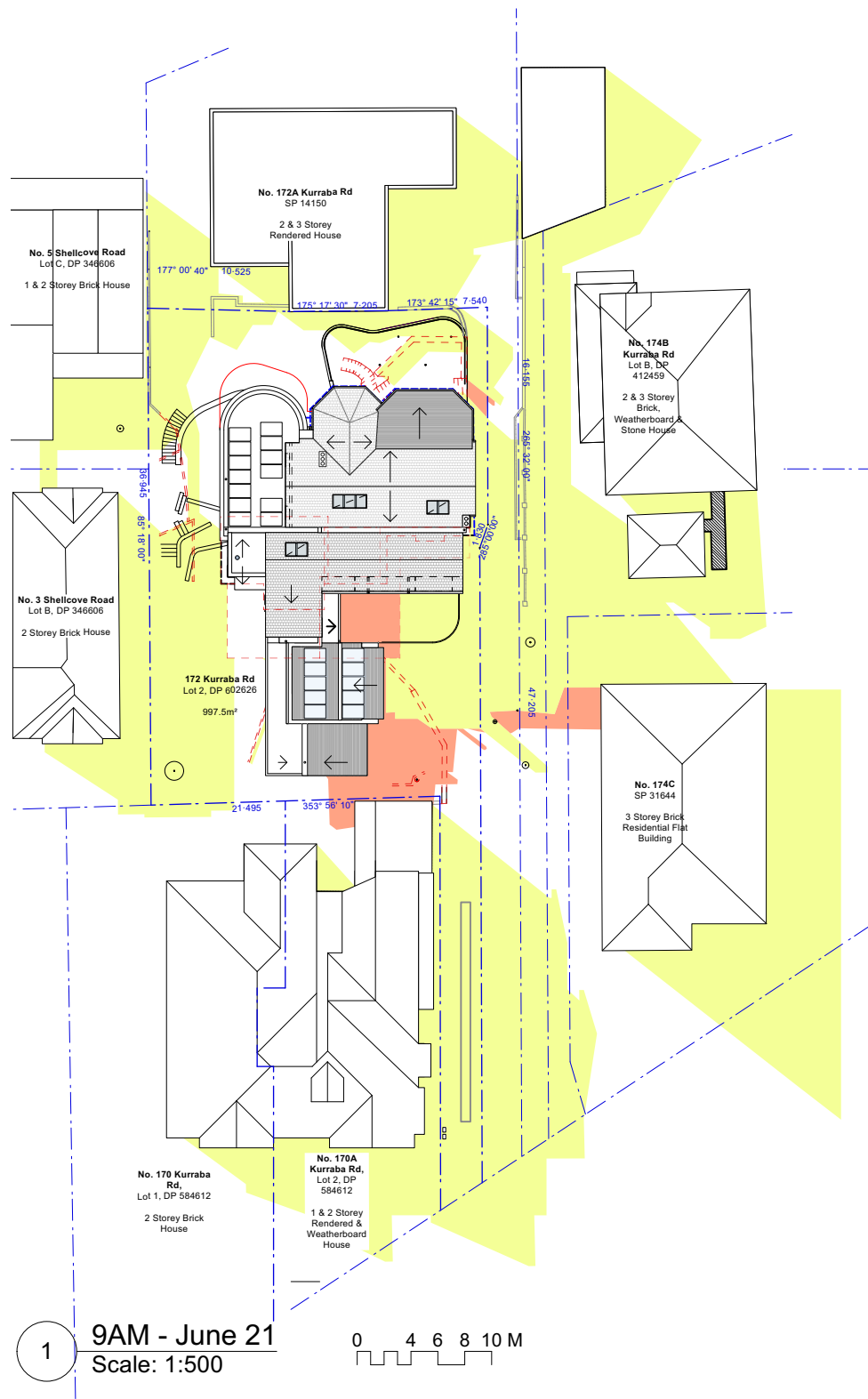


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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	Oct 2021
DWG	Shadow Diagrams		SCALE @ A3	1:500
		REVISD DA	DRAWN	JB
		CHKD	BT	REVISION
				C

A15



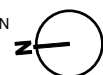
KEY

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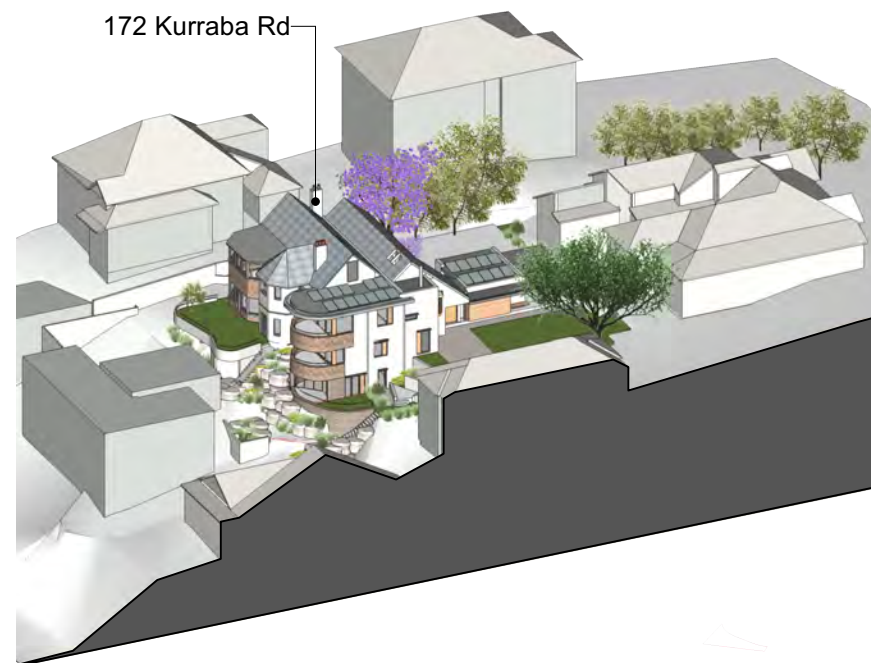
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			CHKD	BT
			REVISION	C

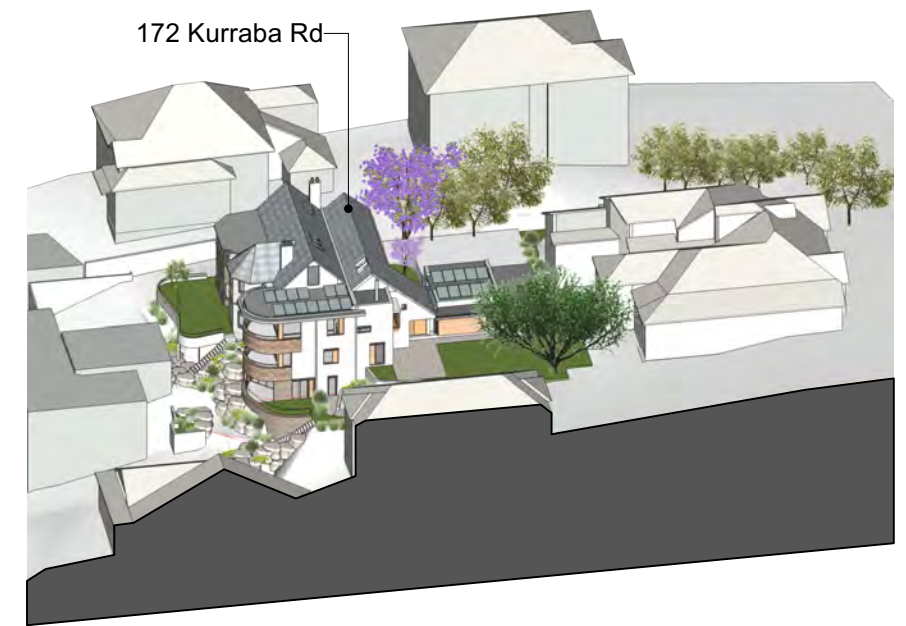
A16



1 Sun Angle View - June 21, 9am
 ALTITUDE: 18.99 DEGREES
 AZIMUTH: 42.56 DEGREES



2 Sun Angle View - June 21, 10am
 ALTITUDE: 26.36 DEGREES
 AZIMUTH: 29.98 DEGREES



3 Sun Angle View - June 21, 11am
 ALTITUDE: 31.17 DEGREES
 AZIMUTH: 15.26 DEGREES

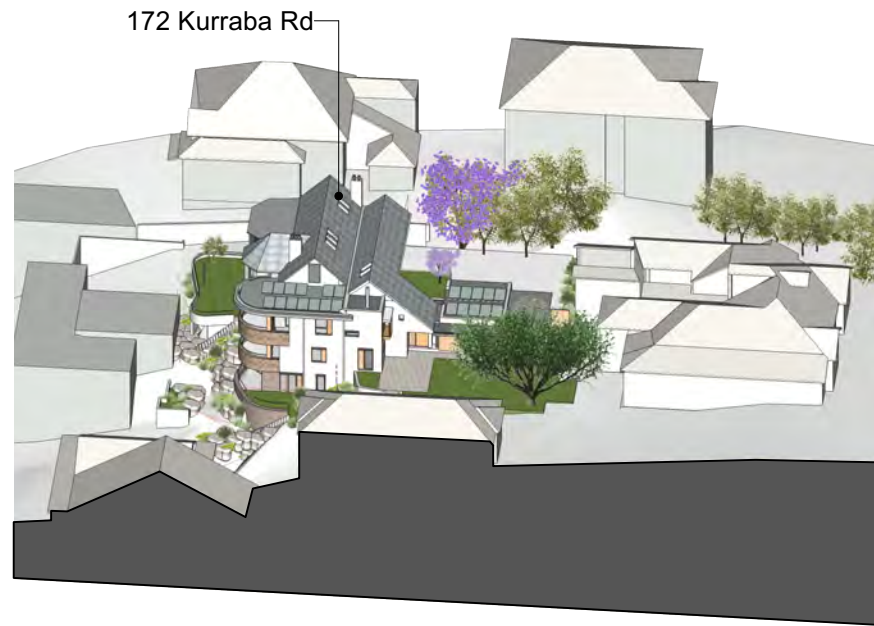
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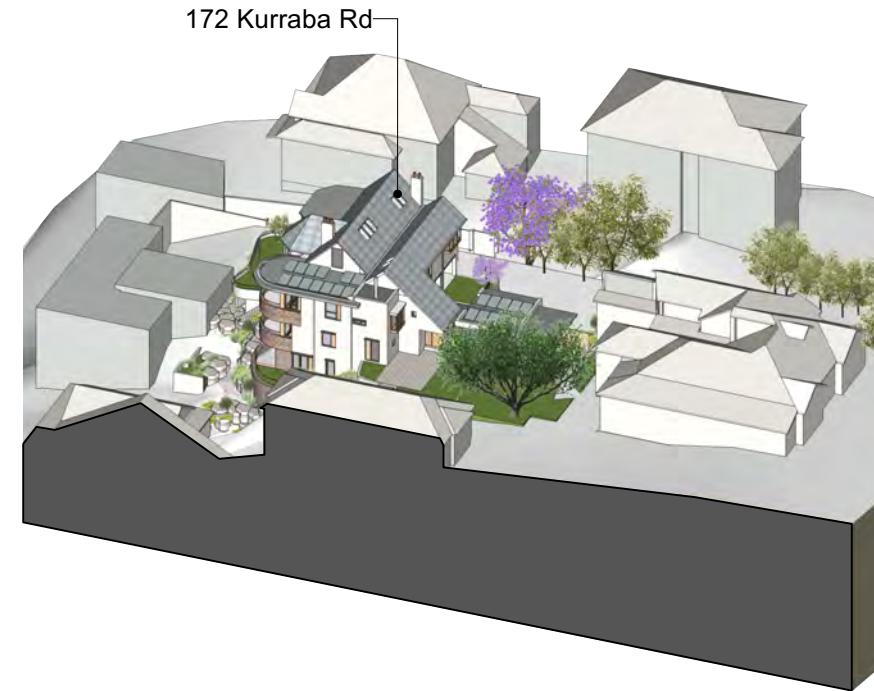
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			DRAWN	JB
			CHKD	BT
			REVISION	C

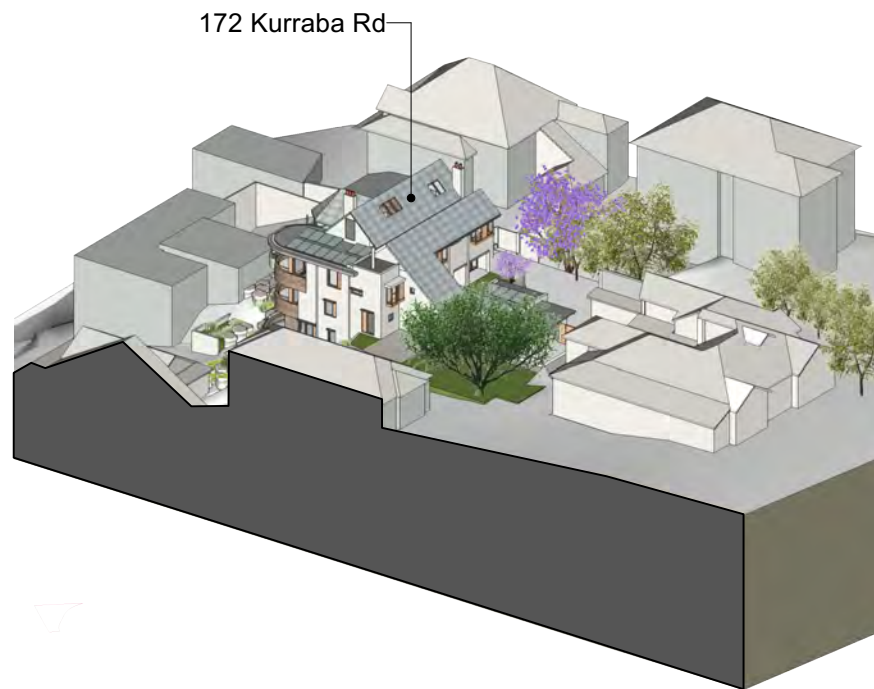
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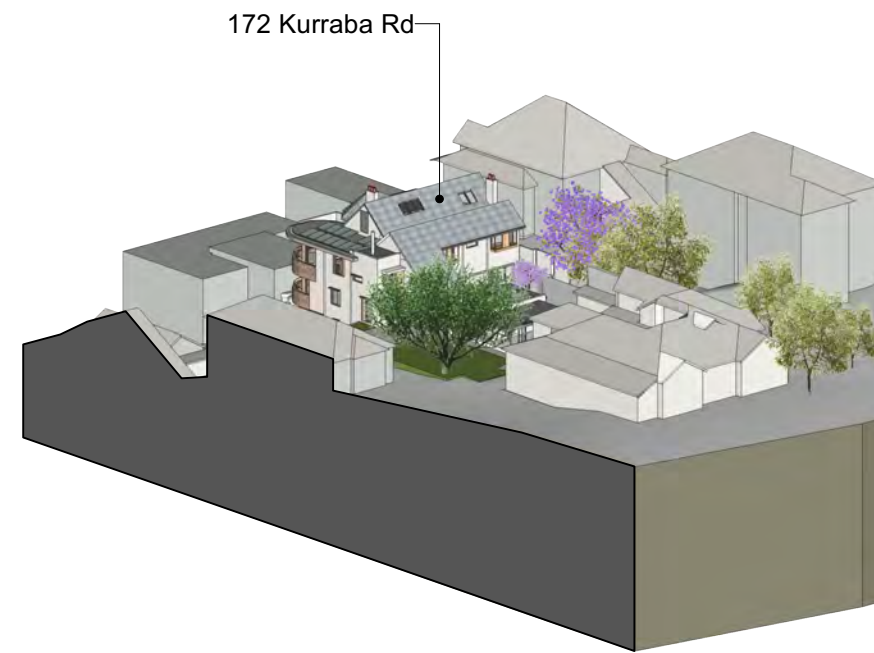
1 Sun Angle View - June 21, 12pm
 ALTITUDE: 32.74 DEGREES
 AZIMUTH: 359.15 DEGREES



2 Sun Angle View - June 21, 1pm
 ALTITUDE: 30.81 DEGREES
 AZIMUTH: 343.12 DEGREES



3 Sun Angle View - June 21, 2pm
 ALTITUDE: 25.70 DEGREES
 AZIMUTH: 326.61 DEGREES



4 Sun Angle View - June 21, 3pm
 ALTITUDE: 18.11 DEGREES
 AZIMUTH: 316.25 DEGREES

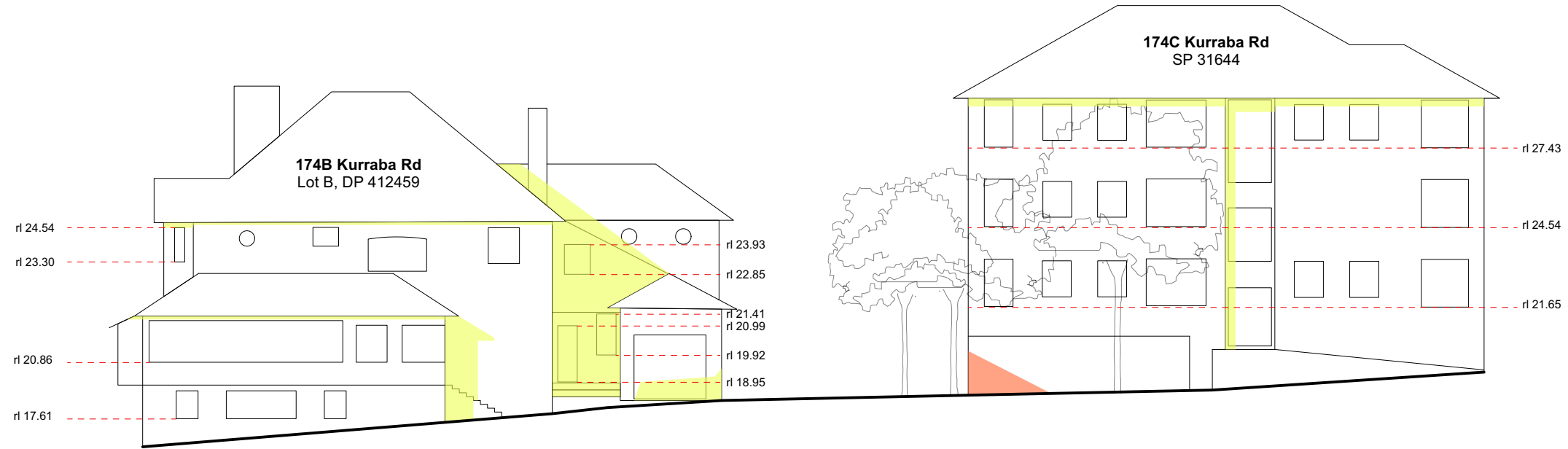
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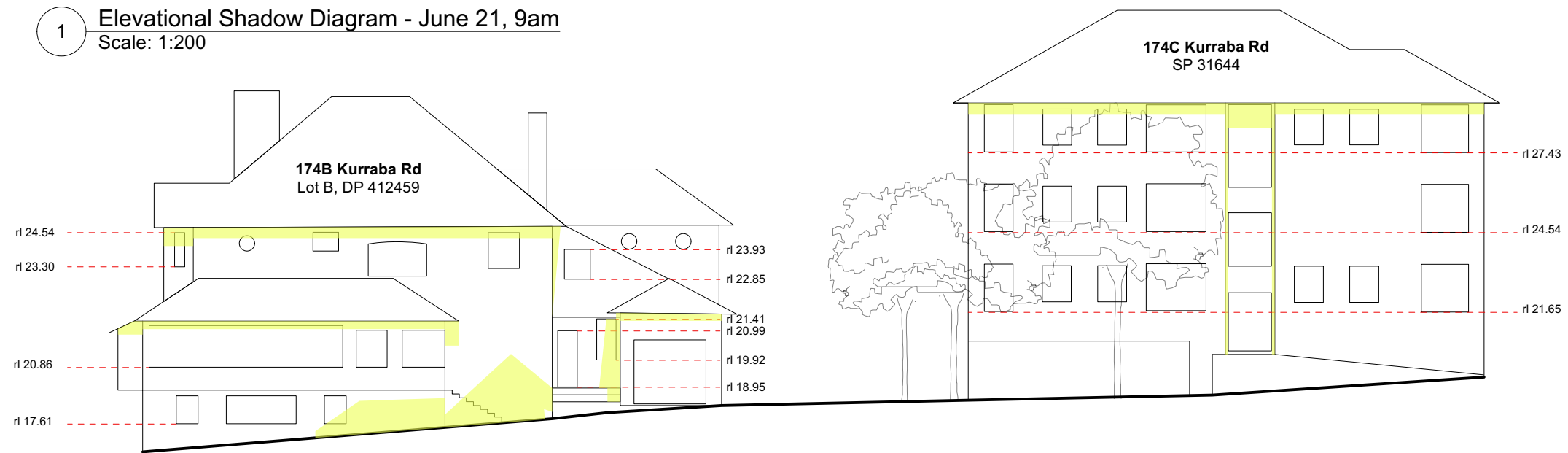
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			DRAWN	JB
			CHKD	BT
			REVISION	C

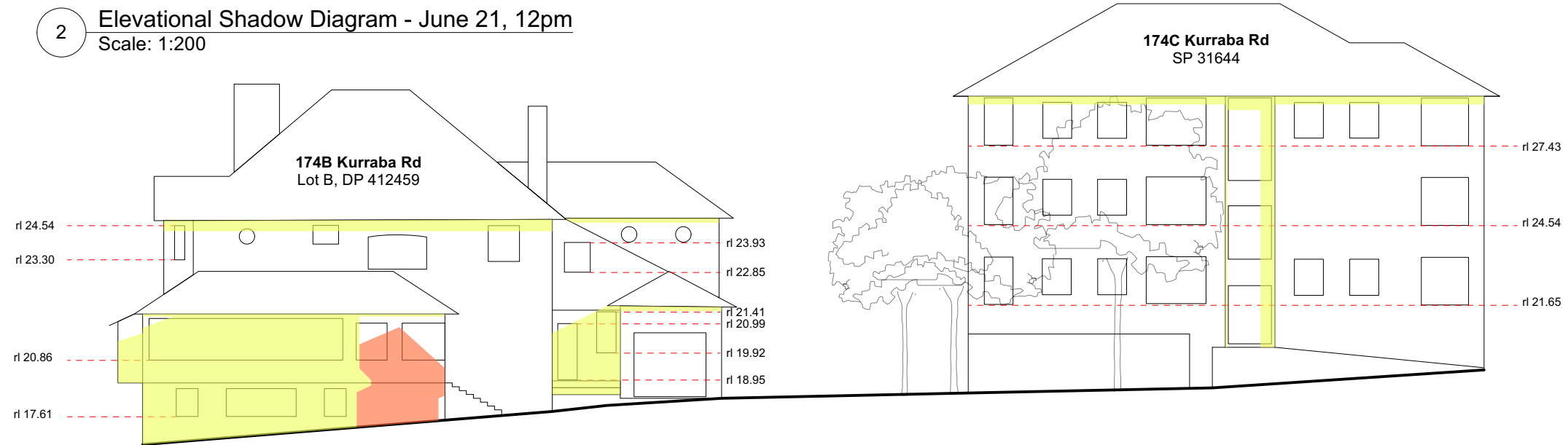
A18



1 Elevational Shadow Diagram - June 21, 9am
Scale: 1:200



2 Elevational Shadow Diagram - June 21, 12pm
Scale: 1:200



3 Elevational Shadow Diagram - June 21, 3pm
Scale: 1:200

KEY

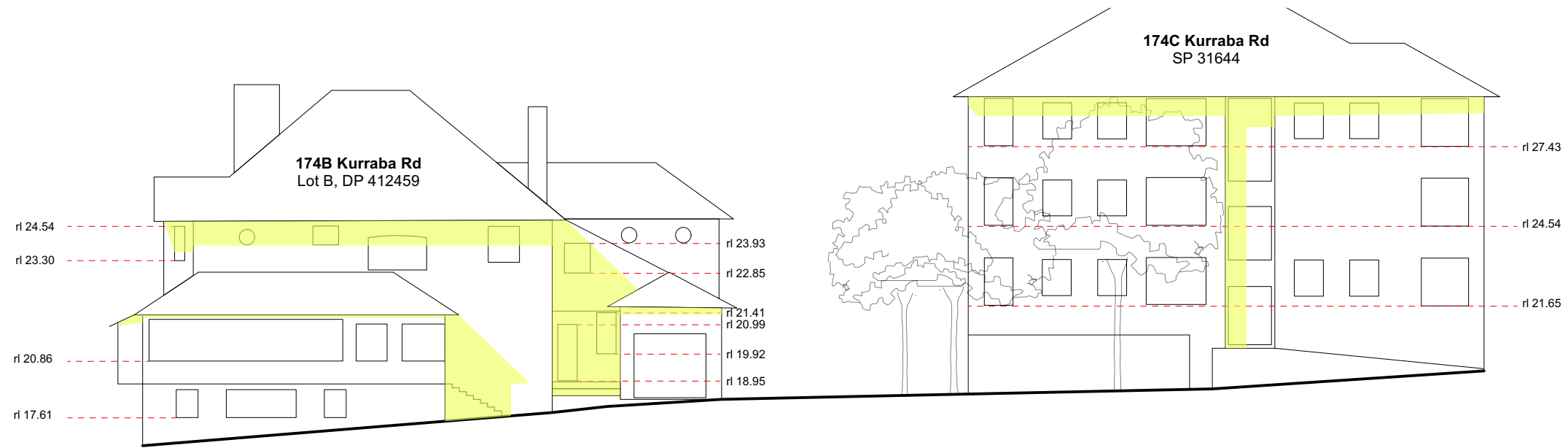
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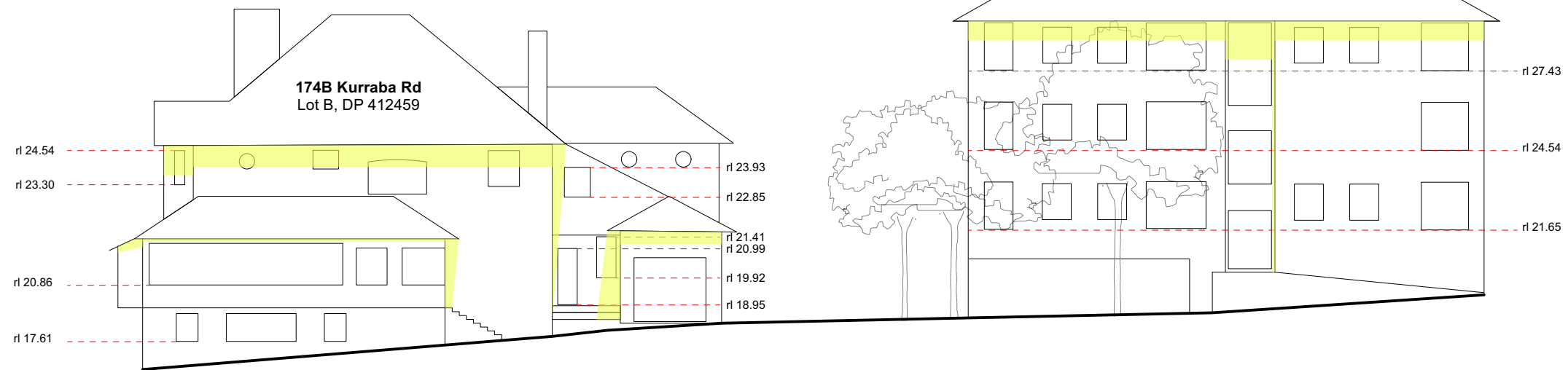
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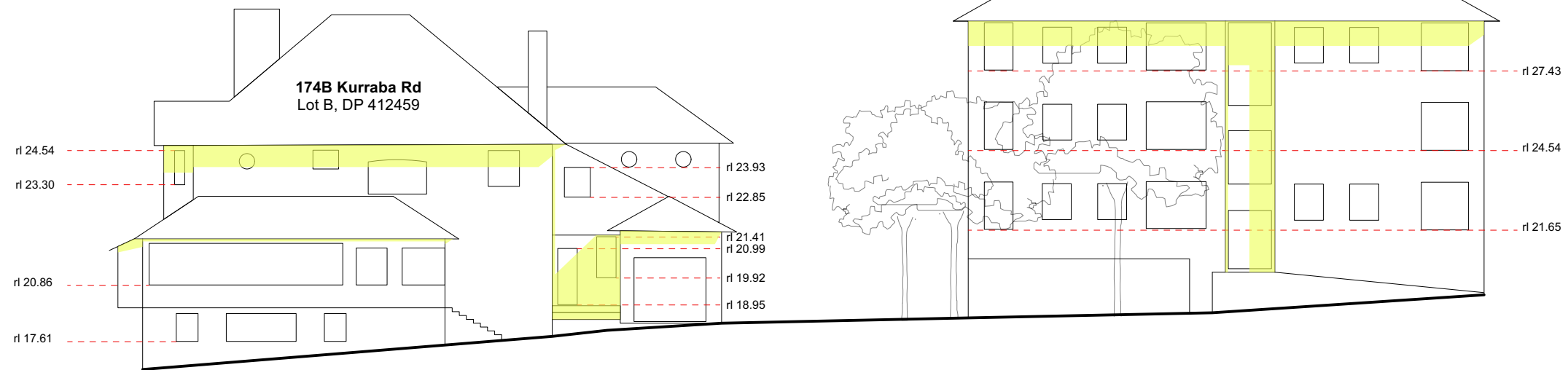
ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	Oct 2021
DWG	Shadow Diagrams	REVISED DA	SCALE @ A3	1:200
			DRAWN	JB
			CHKD	BT
			REVISION	C
			DWG #	A19



1 Elevational Shadow Diagram - Equinox, 9am
Scale: 1:200



2 Elevational Shadow Diagram - Equinox, 12pm
Scale: 1:200



3 Elevational Shadow Diagram - Equinox, 3pm
Scale: 1:200

KEY

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	EXTENT OF REDUCTION IN EXISTING SHADOW

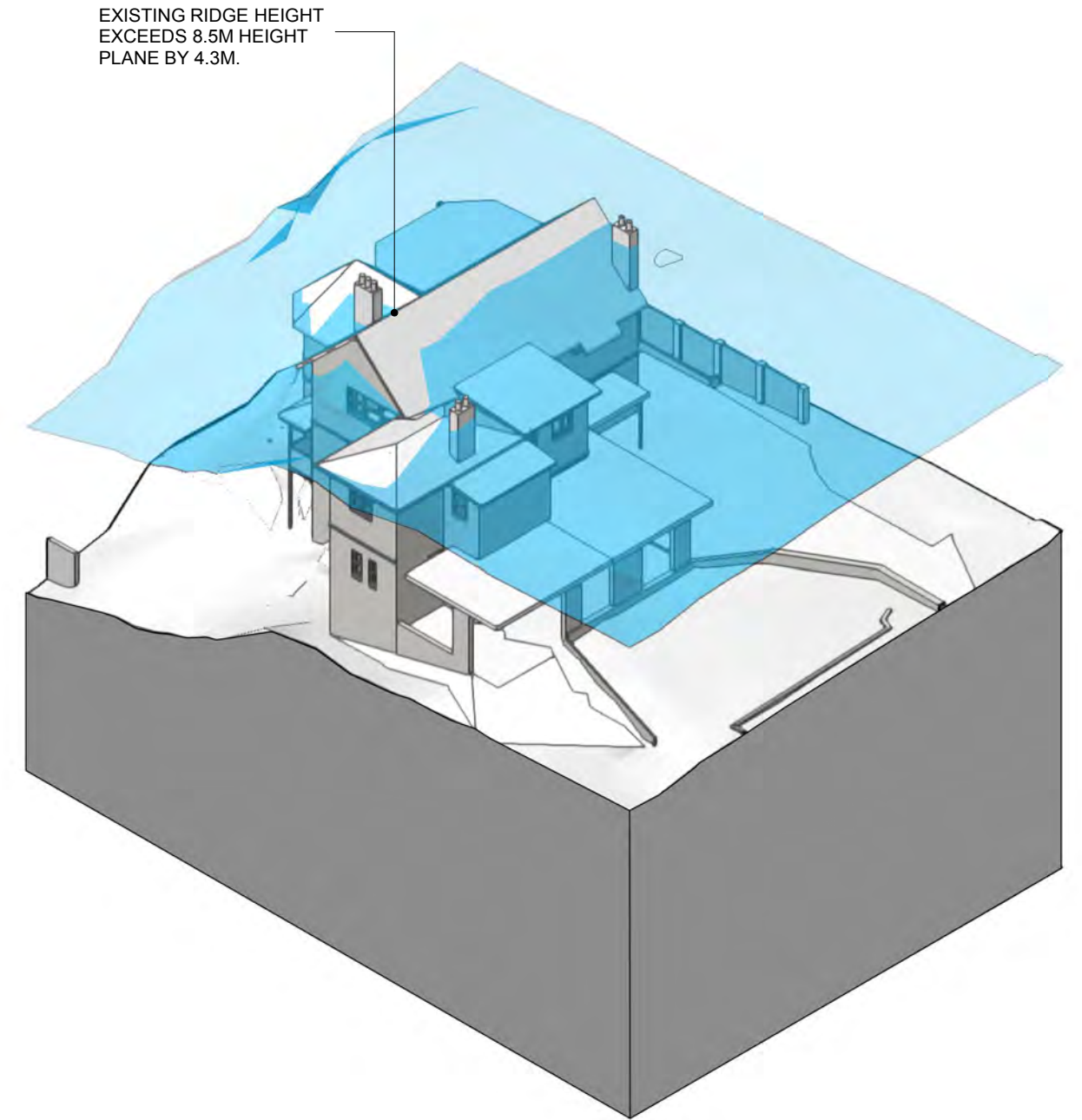
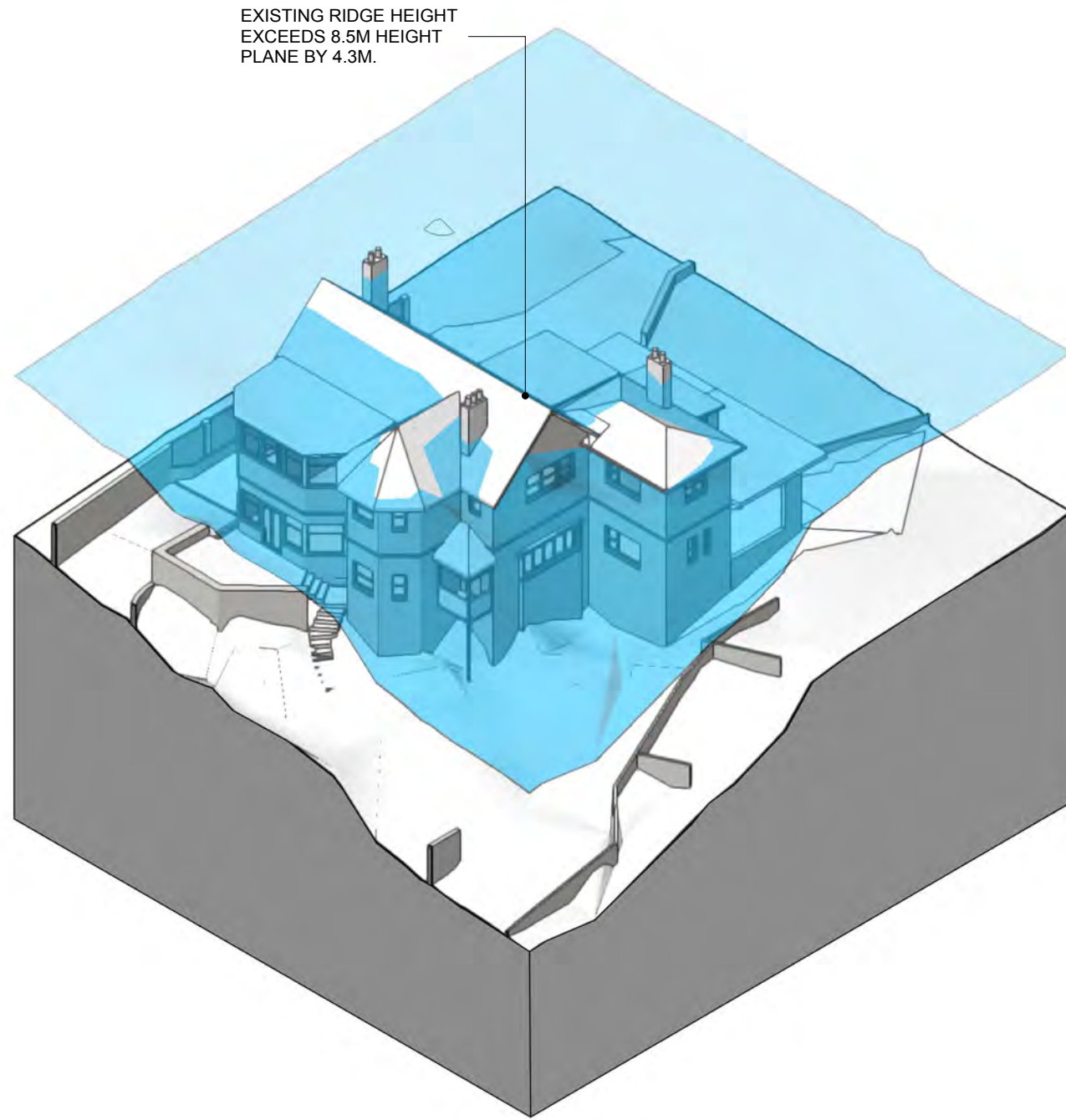
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DWG	Shadow Diagrams	REVISED DA	SCALE @ A3	1:200
			DRAWN	JB
			CHKD	BT
			REVISION	C

A20



1 Building Height Plane - Existing Building

2 Building Height Plane Diagram - Existing Building

KEY
 HEIGHT PLANE TAKEN 8.5M ABOVE GROUND PLANE TO SHOW MAX PERMISSIBLE BUILDING HEIGHT AS PER THE NSLEP 2013.

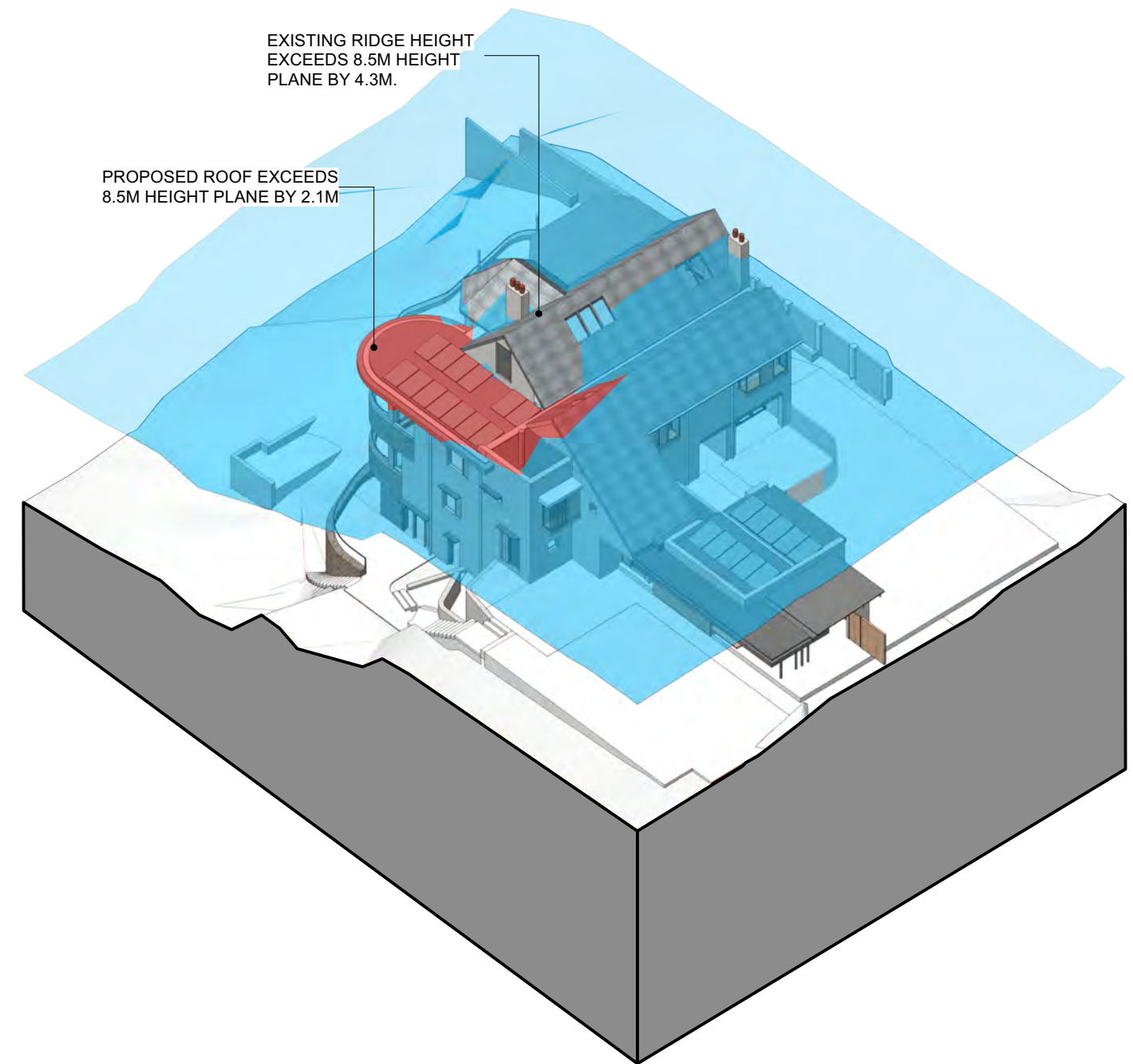
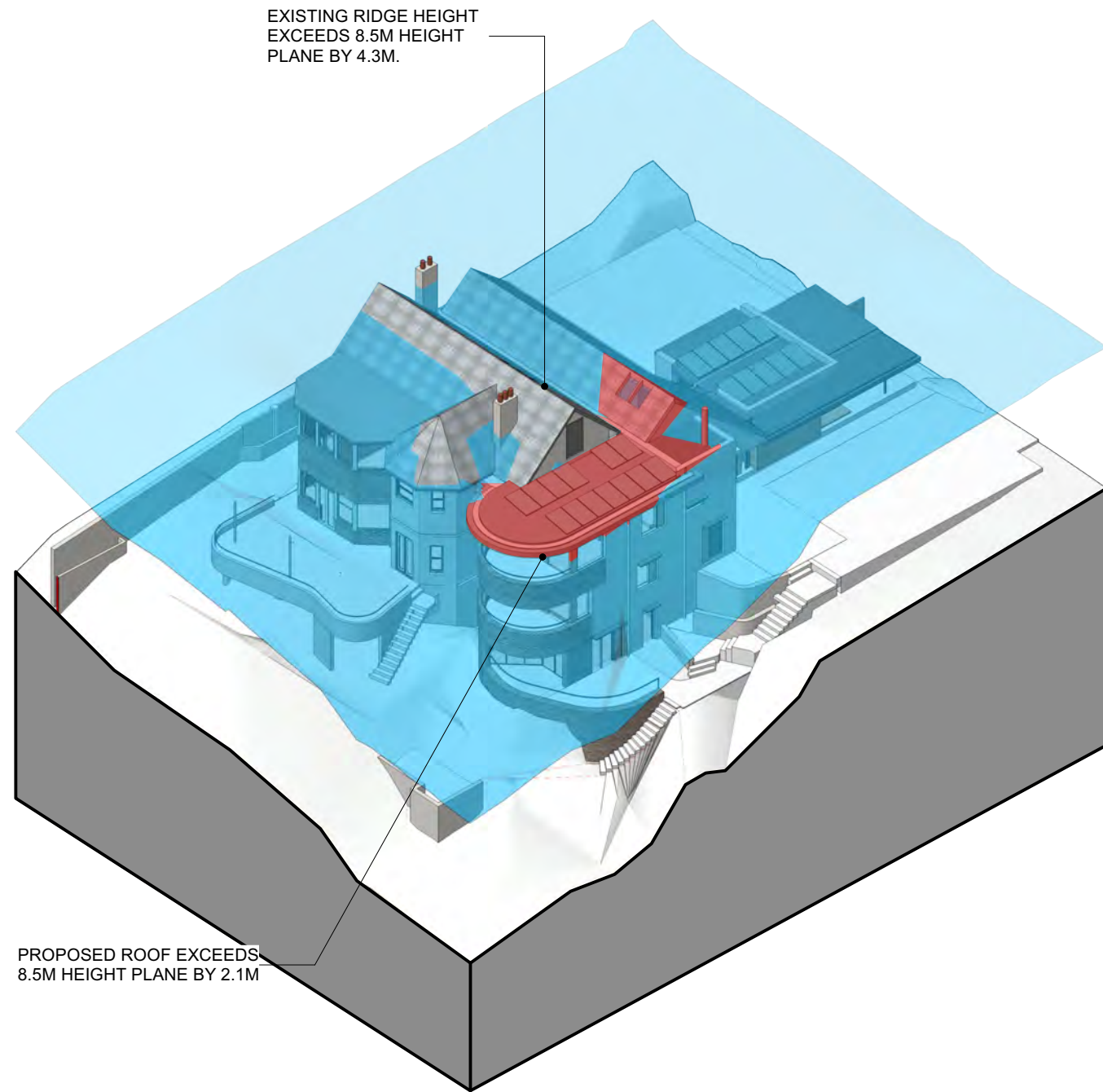
KEY	CPD	cupboard	PRP	proposed	SK	skylight
AC	D	door	PW	plywood	SC	steel column
BDY	DP	downpipe	PV	photovoltaic panels	ST	stone cladding
BSN	EXG	existing	REN	render	TB	timber
C	HR	handrail	RL	reduced level	TF	timber flooring
CC	MF	metal fascia	SD	strip drain	TOW	top of wall
CT	PA	paving	SHR	shower	W	window

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DATE #
DWG	Height Plane Diagrams	REVISED DA	SCALE @ A3	NTS
			DRAWN	JB
			CHKD	BT
			REVISION	C

A21



1 Building Height Plane Diagram - Proposed Scheme

2 Building Height Plane Diagram - Proposed Scheme

KEY

HEIGHT PLANE TAKEN 8.5M ABOVE GROUND PLANE TO SHOW MAX PERMISSIBLE BUILDING HEIGHT AS PER THE NSLEP 2013.

EXTENT OF PROPOSED SCHEME EXCEEDING MAX HEIGHT OF 8.5M ABOVE GROUND LINE.

KEY	CPD	PRP	SK
AC	door	proposed	skylight
BDY	downpipe	plywood	steel column
BSN	existing	photovoltaic panels	stone cladding
C	handrail	render	timber
CC	metal fascia	reduced level	timber flooring
CT	paving	strip drain	top of wall
		shower	window

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DWG	Height Plane Diagrams	REVISED DA	SCALE @ A3	NTS
			DRAWN	JB
			CHKD	BT
			REVISION	C

A22



1 3D View - South East Elevation



3 3D View - South West Elevation



5 3D View - West Elevation



2 3D View - North East Elevation



4 3D View - North Elevation



6 3D View - Entry

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DWG	3D Views	REVISED DA	SCALE @ A3	NTS
			DRAWN	JB
			CHKD	BT
			REVISION	C

A23

BASIX + GENERAL NOTES

HOT WATER

The applicant must install the following hot water system in the development - **gas instantaneous.**

CONSTRUCTION

The applicant must construct the new or altered construction in accordance with the specifications listed in the table below;

Construction	Additional insulation required (R-value)	Other specifications
Concrete slab on ground floor	Nil	Nil
Suspended floor with enclosed subfloor: concrete (R0.6)	R0.70 (down) (or R1.30 including construction)	Nil
Floor above existing dwelling or building	Nil	Nil
External wall: brick veneer	R1.6 (or R1.70 including construction)	Nil
Internal wall shared with garage: 200mm AAC block (R1.31)	Nil	Nil
Flat ceiling, pitched roof	Ceiling: R1.08 (up), roof: foil backed blanket (100mm)	Dark (solar absorptance > 0.70)
Flat ceiling, flat roof: framed	Ceiling: R1.08 (up), roof: foil backed blanket (100mm)	Dark (solar absorptance > 0.70)

SKYLIGHTS

The applicant must install the skylights in accordance with the specifications listed in the table below.

Skylight number:	Area of glazing incl. frame	Shading device	Frame + glass type
SK1	2.3m2	No shading	Timber, low-E internal/argon fill/clear external (or U-value: 2.5, SHGC: 0.456)
SK2	3.6m2	No shading	Timber, low-E internal/argon fill/clear external (or U-value: 2.5, SHGC: 0.456)
SK3	2.3m2	No shading	Timber, low-E internal/argon fill/clear external (or U-value: 2.5, SHGC: 0.456)

WINDOWS + GLAZED DOORS

The applicant must install the windows, glazed doors + shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

For projections described in millimetres, the leading edge of each eave, pergola verandah, balcony or awning must be no more than 500mm above the head of the window or glazed door and no more than 2400mm above the sill.

For projections described as a ration, the ration of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the below table.

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	N	1.8	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W3	W	0.5	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W5	N	1.2	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W6	N	1.2	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W7	N	0.36	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W8	W	1.9	0	0	external louvre/blind (fixed)	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W9	N	0.9	0	0	eave/verandah/pergola/balcony >=750 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W10	N	0.8	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W11	N	2	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W12	N	3.4	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
D01	E	4.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D02	NE	6.4	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D03	N	1.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D04	E	13.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D05	N	1.8	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
D06	E	13.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W101	S	0.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W102	S	0.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W103	S	0.7	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W104	S	1.2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W105	S	0.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W106	S	0.8	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W107	W	0.8	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W108	W	1.2	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W109	W	1.2	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W110	S	0.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W111	N	0.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D101	W	1.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D102	W	1.64	0	0	awning (fixed) >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D103	E	3	0	0	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.19)
D104	W	1.9	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
D07	N	6	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W114	W	0.4	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W115	W	1.2	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)

ISSUE

C	10/11/21
B	26/2/21
A	17/12/20

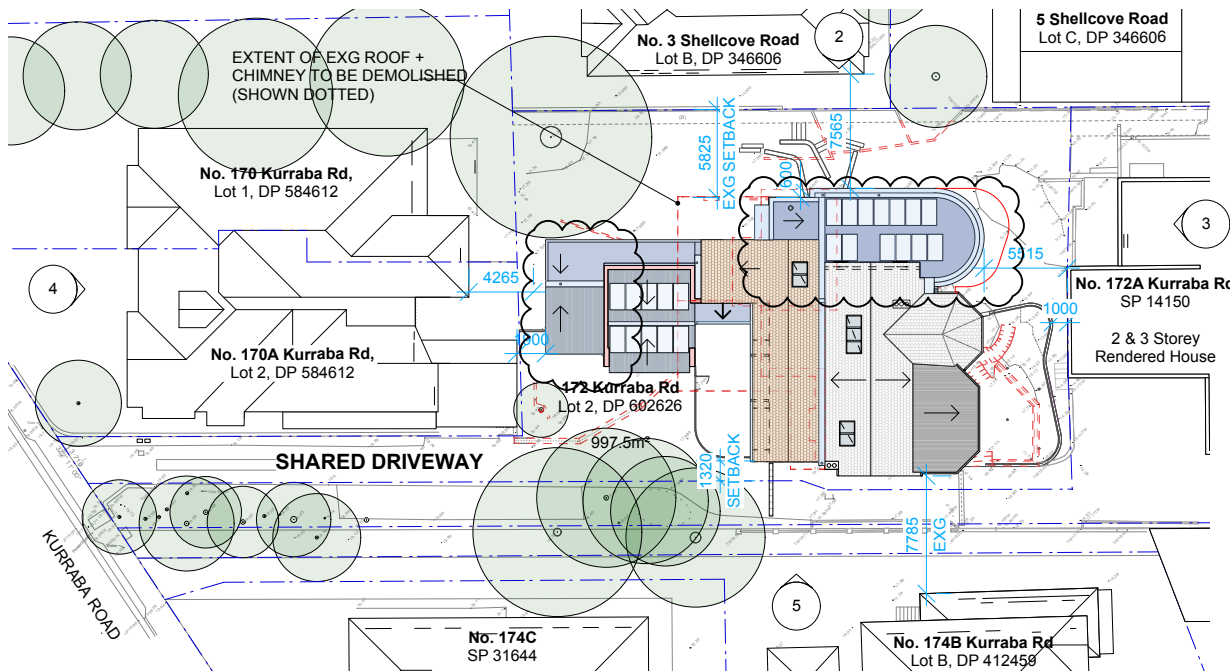
REVISED DEVELOPMENT APPLICATION
ISSUED FOR DEVELOPMENT APPLICATION
ISSUED TO PLANNER FOR COMMENT

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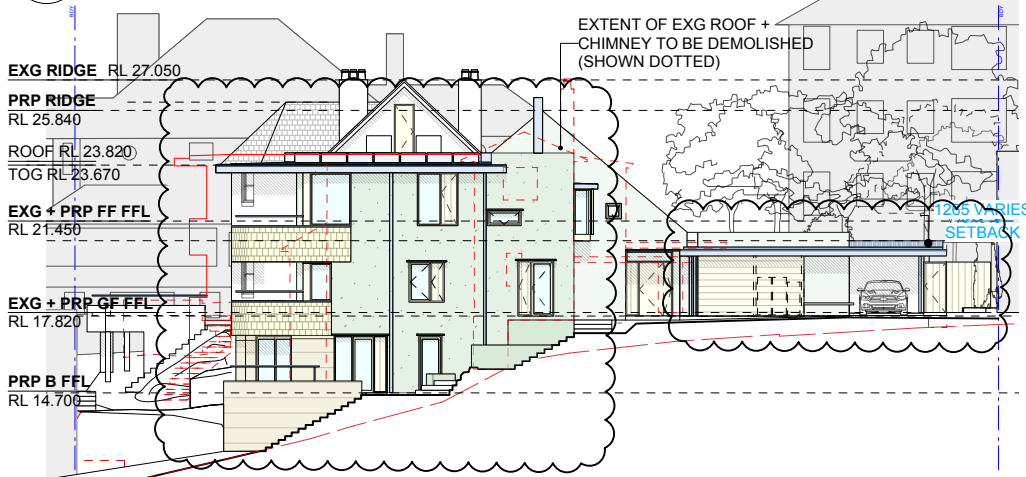
Berkemeier | Trousdale | Border

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DWG #
DWG	BASIX + General Notes		REVISION DA	A24
CHKD	BT	REVISION	C	



1 Site Plan - Proposed
Scale: 1:500



2 North Elevation - Proposed
Scale: 1:300

MATERIAL KEY - ELEVATION

- timber finish
- concrete / cement render finish
- slate / roof tile finish
- stone finish
- metal finish
- extent of exg to be demolished

AMENDMENT TO ORIGINAL DA



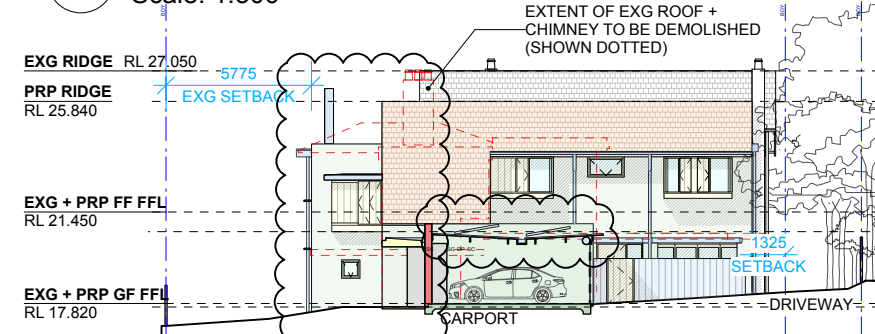
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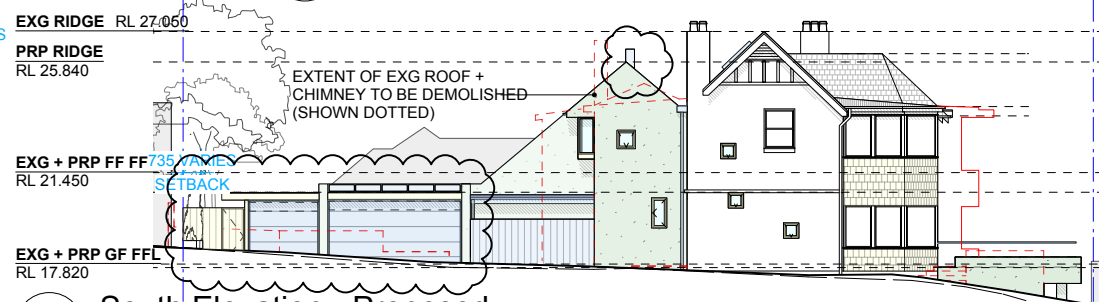
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3 East Elevation - Proposed
Scale: 1:300

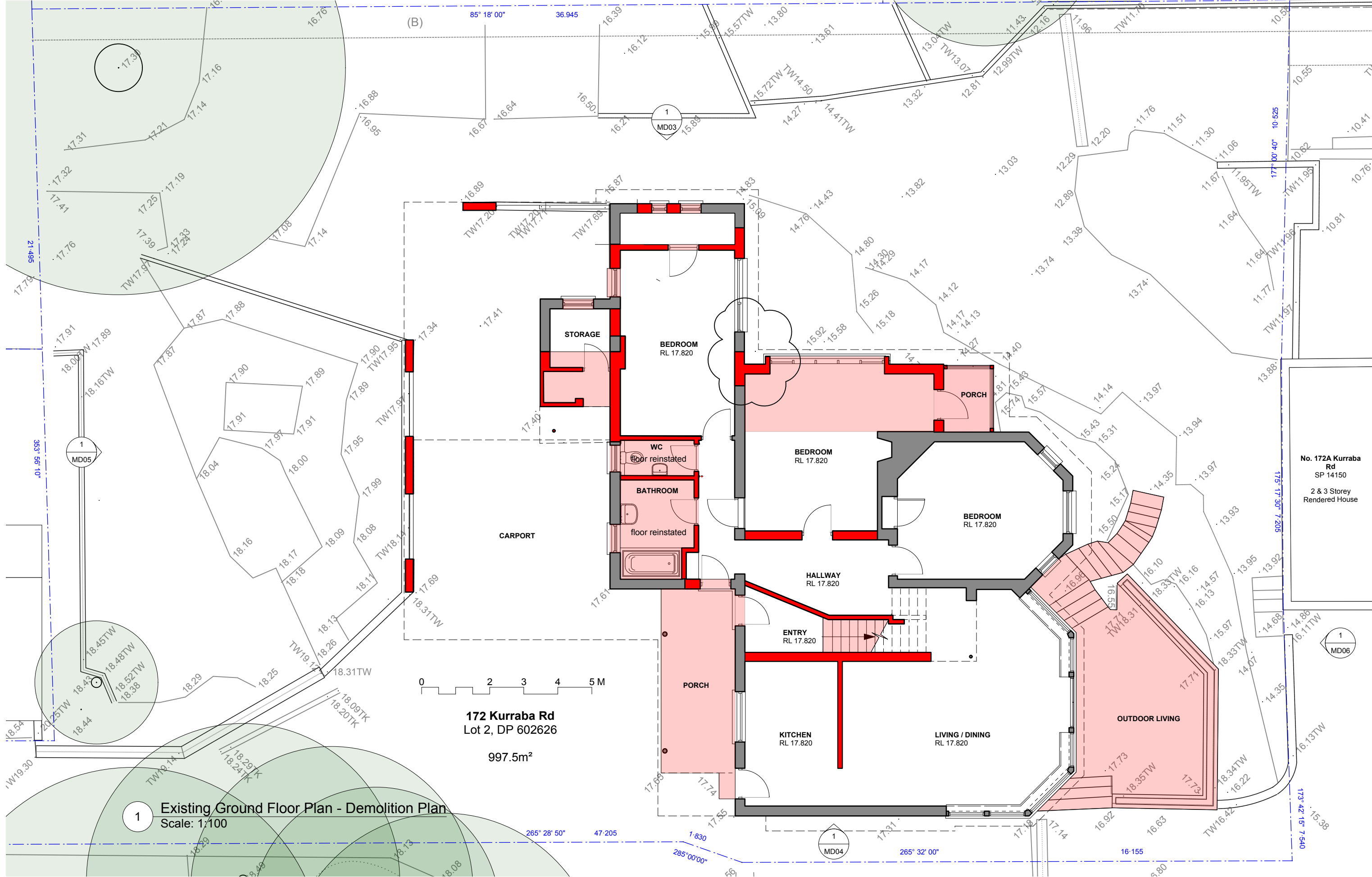


4 West Elevation - Proposed
Scale: 1:300



5 South Elevation - Proposed
Scale: 1:300

ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Notification Plan	REVISED DA	SCALE @A4: 1:300	A25
CHKD	BT	REVISION	C	



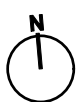
1 Existing Ground Floor Plan - Demolition Plan
Scale: 1:100

172 Kurraba Rd
Lot 2, DP 602626
997.5m²

No. 172A Kurraba Rd
SP 14150
2 & 3 Storey
Rendered House

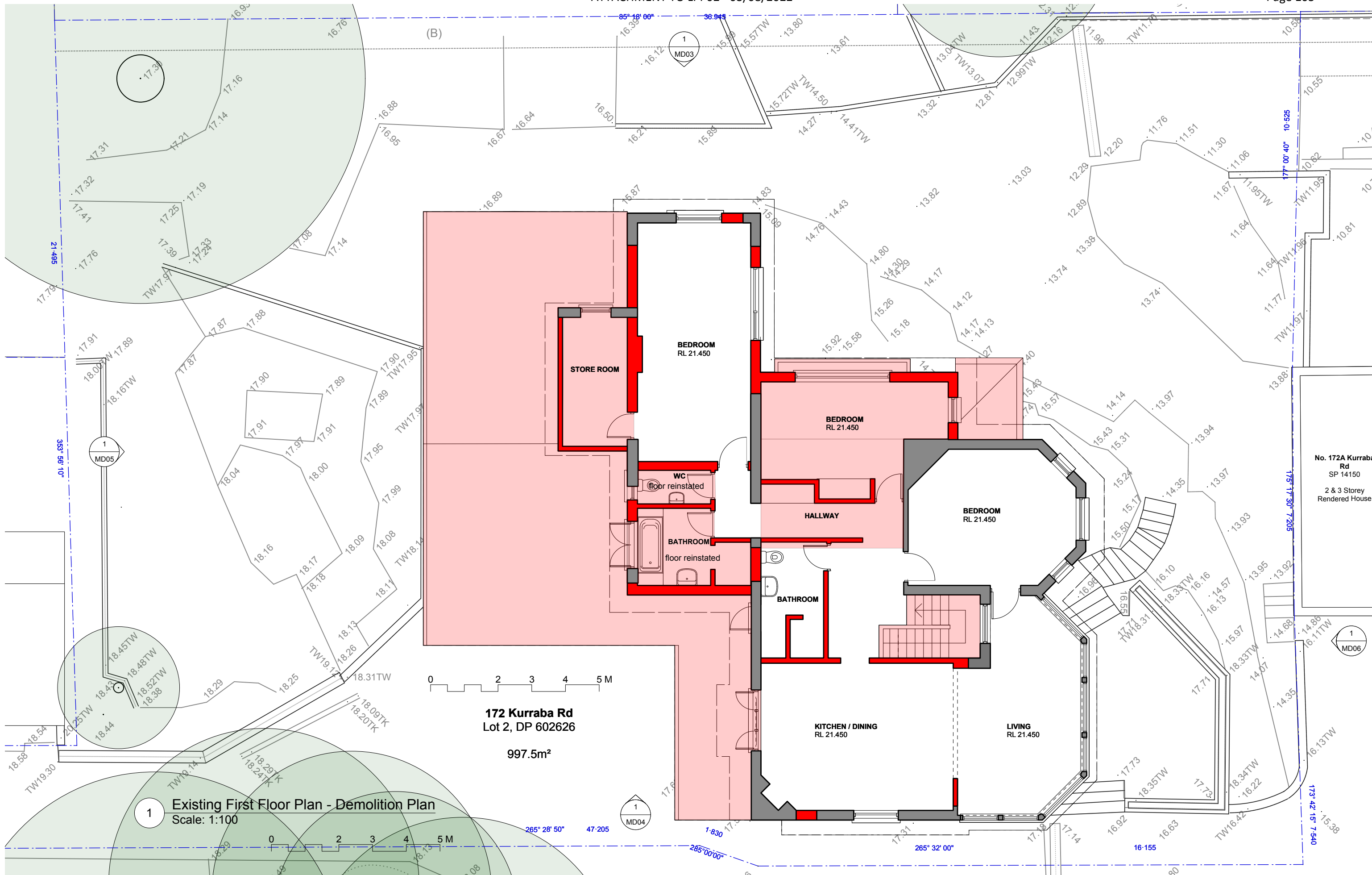
KEY - DEMOLITION PLAN
 wall / structure to be demolished
 floor area / roof area to be demolished

ISSUE	DATE	DESCRIPTION
B	10/11/21	REVISED DEVELOPMENT APPLICATION
A	29/03/21	ISSUED FOR DA



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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			Ground Floor Demolition Plan	REVISED DA
DATE #		SCALE @ A3	1:100	DWG #
DRAWN		CHKD	BT	REVISION
				DEM 01
				B



No. 172A Kurraba Rd
SP 14150
2 & 3 Storey
Rendered House

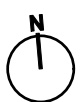
172 Kurraba Rd
Lot 2, DP 602626
997.5m²

1 Existing First Floor Plan - Demolition Plan
Scale: 1:100

KEY - DEMOLITION PLAN

- wall / structure to be demolished
- floor area / roof area to be demolished

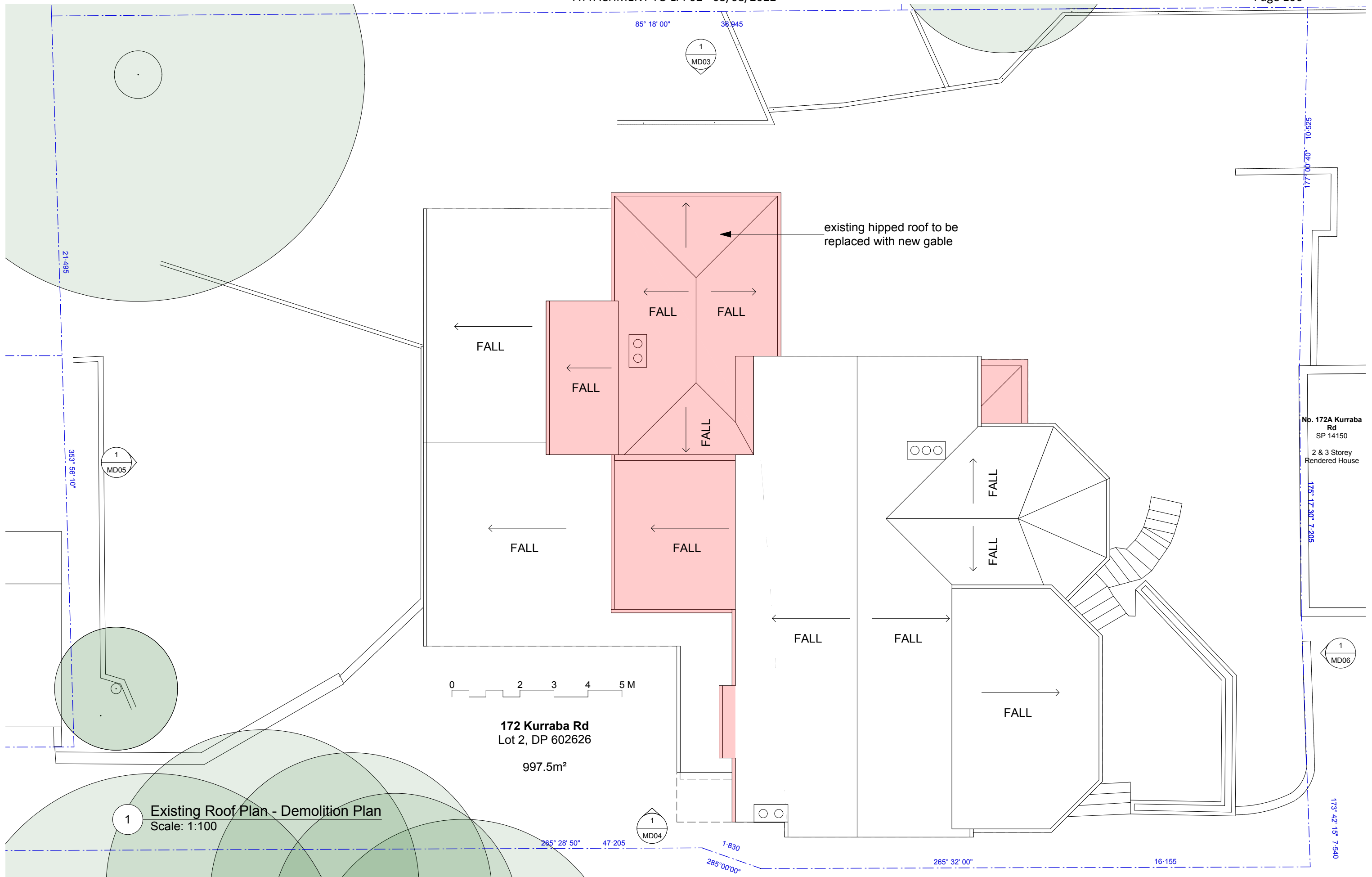
ISSUE	DATE	DESCRIPTION
B	10/11/21	REVISED DEVELOPMENT APPLICATION
A	29/03/21	ISSUED FOR DA



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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			First Floor Demolition Plan	REVISED DA
DATE #			SCALE @ A3	1:100
DRAWN			JB	
CHKD			BT	
DWG #			DEM 02	
REVISION			B	



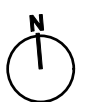
No. 172A Kurraba Rd
SP 14150
2 & 3 Storey
Rendered House

1 Existing Roof Plan - Demolition Plan
Scale: 1:100

172 Kurraba Rd
Lot 2, DP 602626
997.5m²

KEY - DEMOLITION PLAN
 wall / structure to be demolished
 floor area / roof area to be demolished

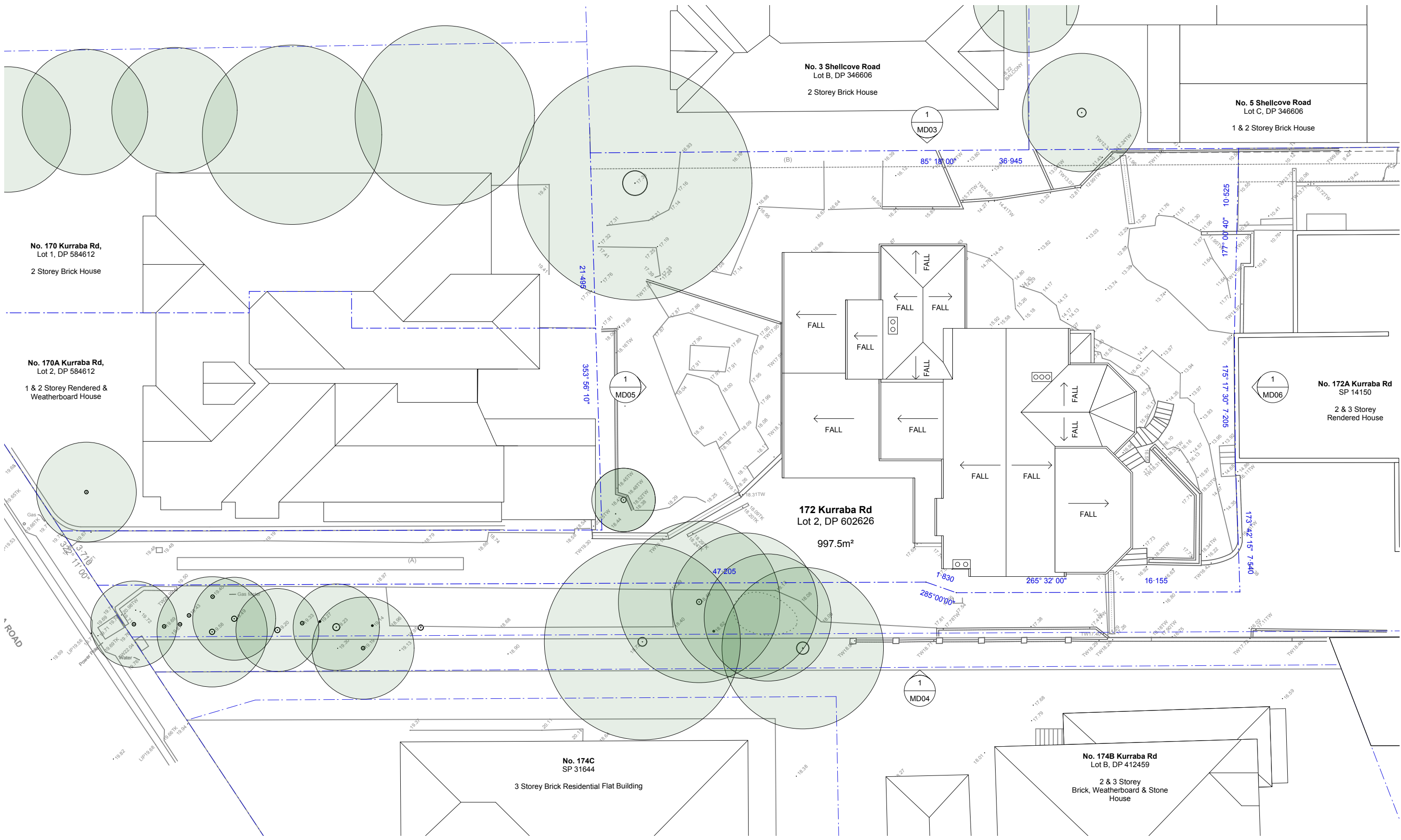
ISSUE	DATE	DESCRIPTION
B	10/11/21	REVISED DEVELOPMENT APPLICATION
A	29/03/21	ISSUED FOR DA



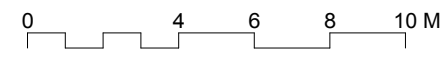
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			Roof Demolition Plan	REVISED DA
DATE #		SCALE @ A3		1:100
DRAWN		CHKD		JB
DWG #		REVISION		B

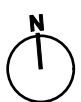
DEM 03



1 Site Plan - Existing
Scale: 1:200



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

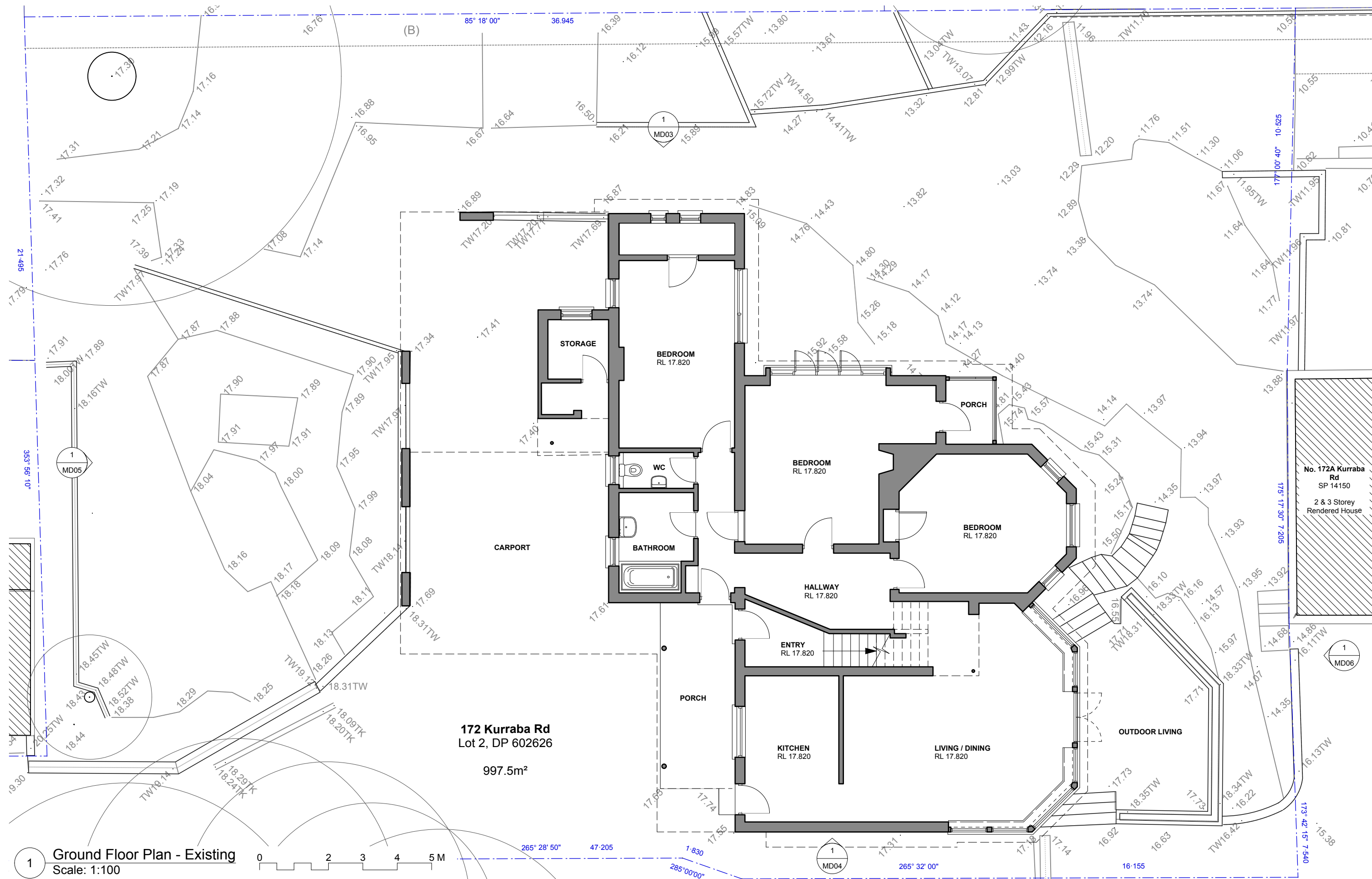


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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Existing Site Plan	REVISED DA	SCALE @ A3	1:200
CHKD			DRAWN	JB
			CHKD	BT
			REVISION	C

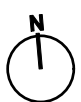
MD01



1 Ground Floor Plan - Existing
Scale: 1:100



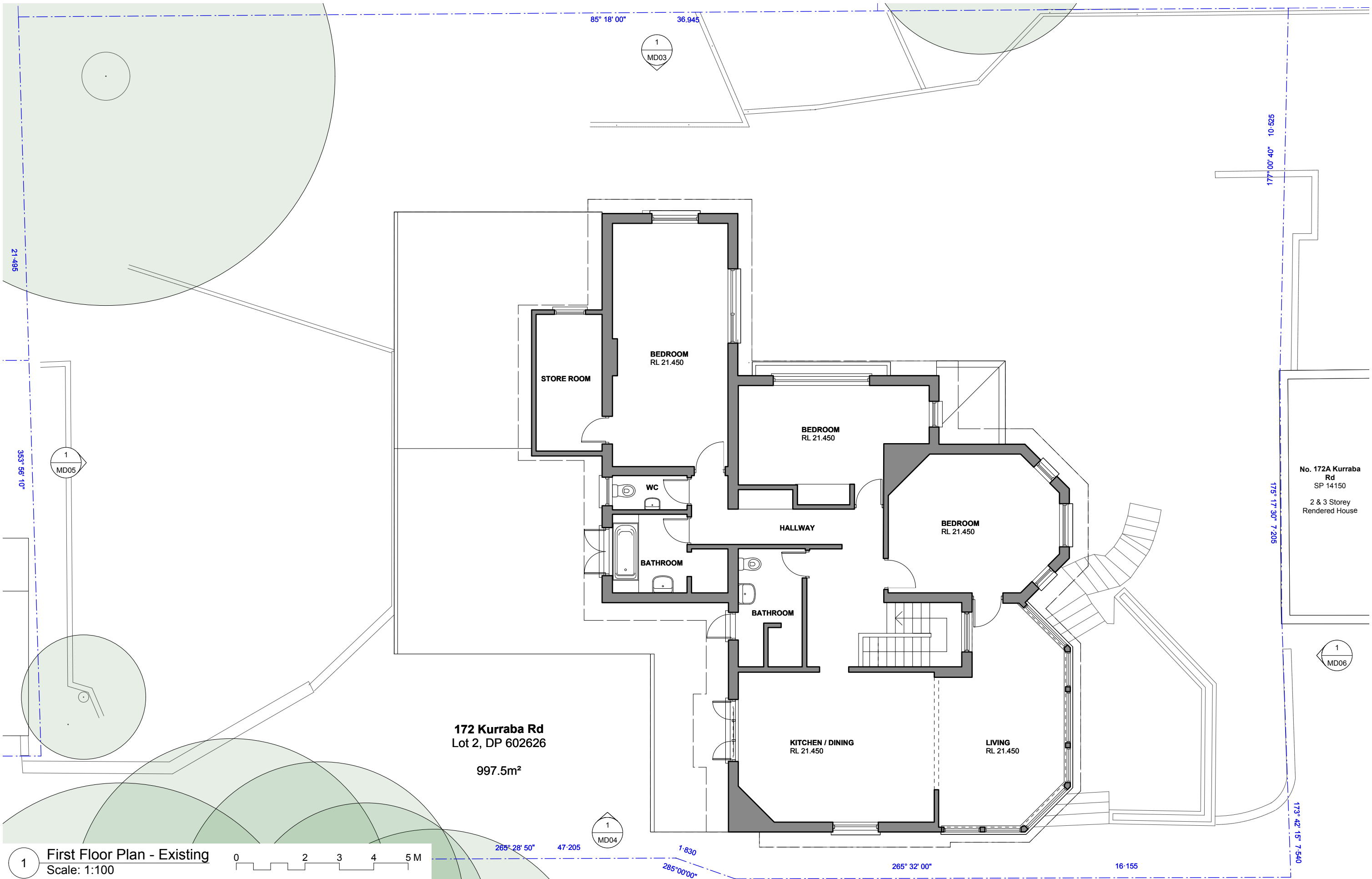
ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT



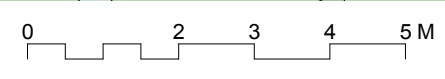
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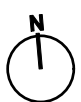
ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DWG #
DWG	Existing Ground Floor Plan			MD02
DATE	REVISD DA			SCALE @ A3 1:100
CHKD	BT	REVISION	C	



1 First Floor Plan - Existing
Scale: 1:100



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
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A	17/12/20	ISSUED TO PLANNER FOR COMMENT



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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089			DWG #
DWG	Existing First Floor Plan			MD03
SCALE @ A3	1:100	DRAWN	JB	REVISION
CHKD	BT	REVISION	C	



1 North Elevation - Existing
Scale: 1:100



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

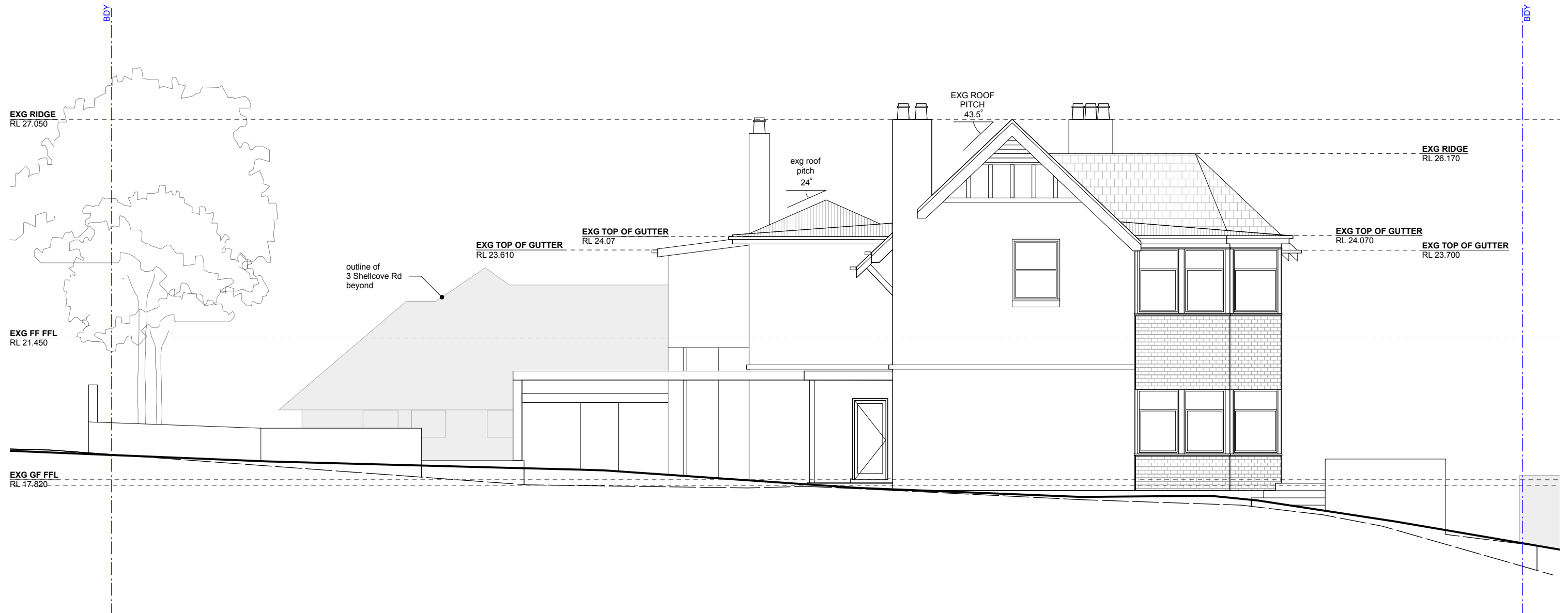
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Existing Elevation - North	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

MD04



1 South Elevation - Existing
Scale: 1:100



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Existing Elevations - South	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

MD05



1 West Elevation - Existing
Scale: 1:100



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Existing Elevations - West	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

MD06



1 East Elevation - Existing
Scale: 1:100



ISSUE	DATE	DESCRIPTION
C	10/11/21	REVISED DEVELOPMENT APPLICATION
B	26/2/21	ISSUED FOR DEVELOPMENT APPLICATION
A	17/12/20	ISSUED TO PLANNER FOR COMMENT

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Existing Elevations - East	REVISED DA	SCALE @ A3	1:100
			DRAWN	JB
			CHKD	BT
			REVISION	C

MD07

LANDSCAPE DRAWINGS FOR DEVELOPMENT APPLICATION

PROJECT
172 KURRABA RD, KURRABA NSW 2086

CLIENT
PAUL BERKEMEIER

PROJECT NO.
201203

LANDSCAPE ARCHITECT
Jane Irwin Landscape Architecture

Studio 203, 61 Marlborough Street
Surry Hills NSW
Australia 2010

61 2 92126957
info@jila.net.au
www.jila.net.au

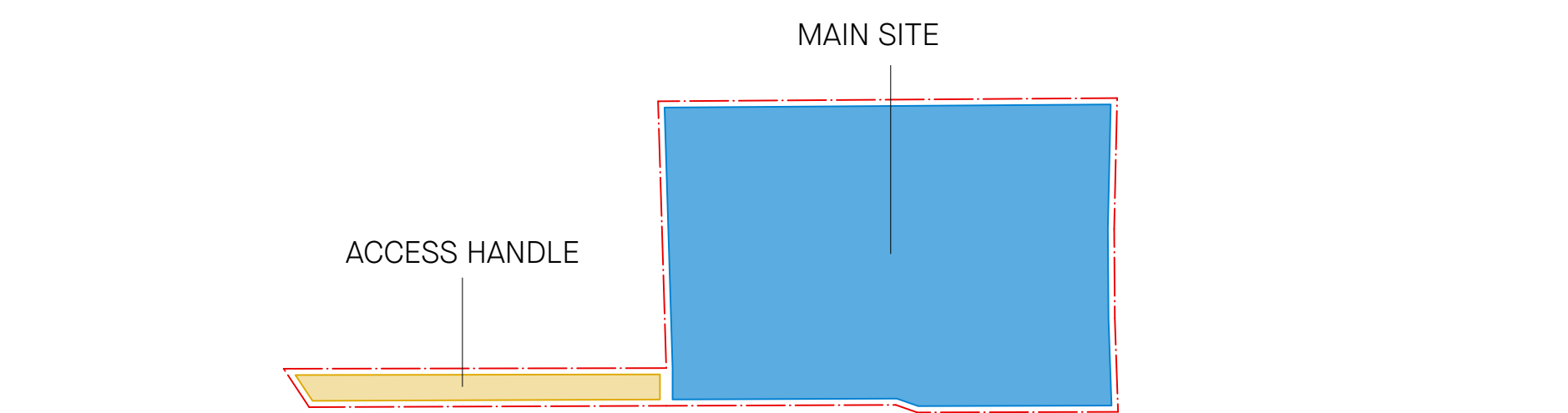
LANDSCAPE DRAWING SCHEDULE

LA-000	Coversheet
LA-001	Schedules and Landscape Calculations
LA-101	Site Plan
LA-201	Landscape Plan

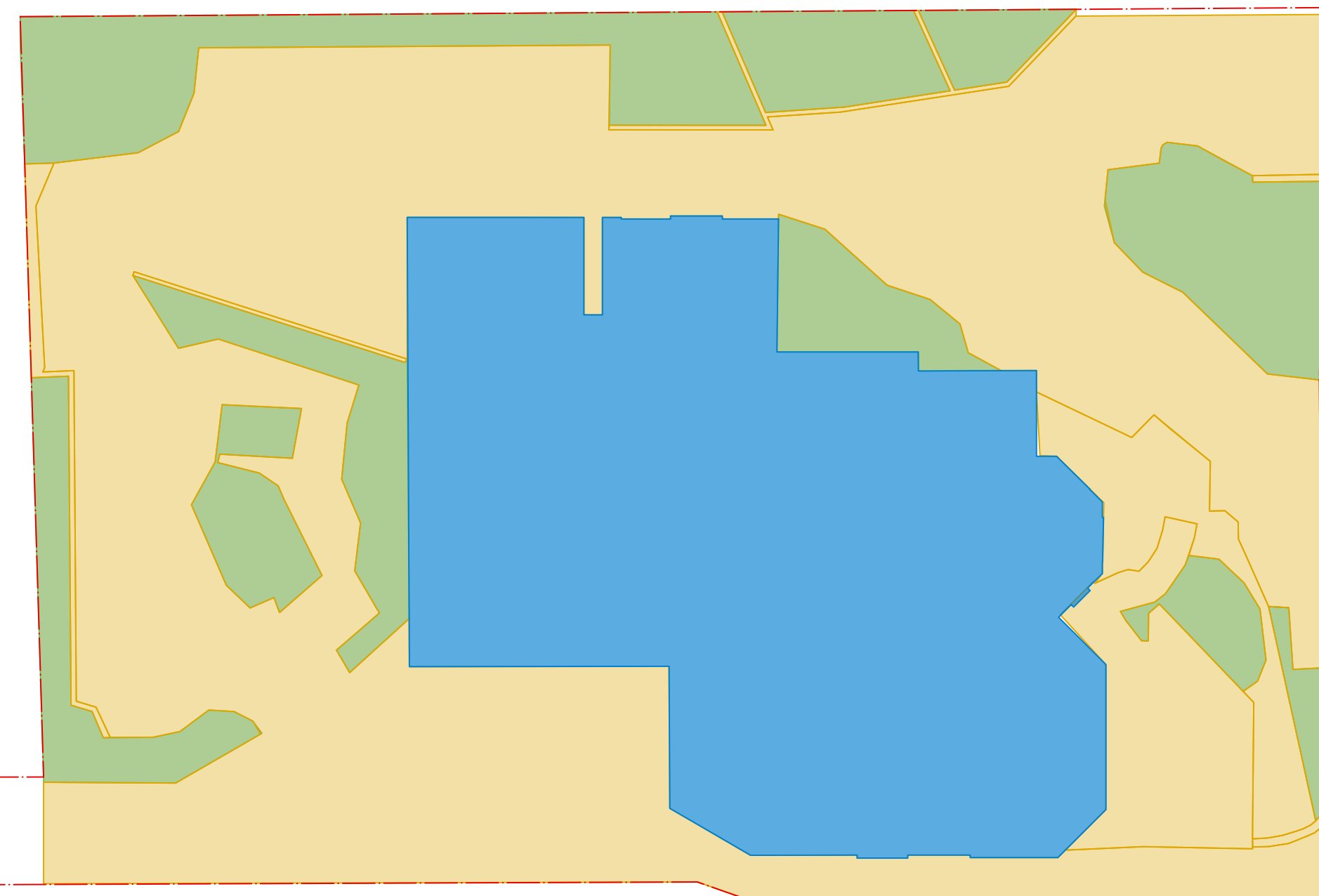
REV	DATE	STATUS	REASON FOR ISSUE	DRAWN	GENERAL NOTES	COLLABORATORS	Jane Irwin Landscape Architecture	DRAWING TITLE	JOB NO.	201203	DATE
A	10/2/21	DRAFT	For Coordination	DD	- ALL DIMENSIONS IN MILLIMETRES - CONFIRM ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORK. - USE FIGURED DIMENSIONS ONLY. - DO NOT SCALE. - COMPLY WITH RELEVANT AUTHORITY REQUIREMENTS, THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARD WHEN EXECUTING WORKS DESCRIBED IN THIS DRAWING.	B T B Berkemeier Trousdale Border ARCHITECTURE STUDIO	Studio 203 61 Marlborough Street Surry Hills NSW Australia 2010	Coversheet	STAGE	DA	10/11/21
B	17/2/21	DRAFT	For Coordination	JEF				PROJECT	STATUS	FINAL	REV
C	19/2/21	FINAL	For DA submission	JEF				172 Kurraba Road	DRAWN	JEF	D
D	10/11/21	FINAL	Updated to Council RFIs	JEF				CLIENT Paul Berkemeier	CHECKED	JI	DWG NO.
								ADDRESS 172 Kurraba Rd, Kurraba Point NSW 2086	SCALE	N/A	LA-000
								ABN 62 120 299			

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LANDSCAPE CALCULATIONS



KEY PLAN



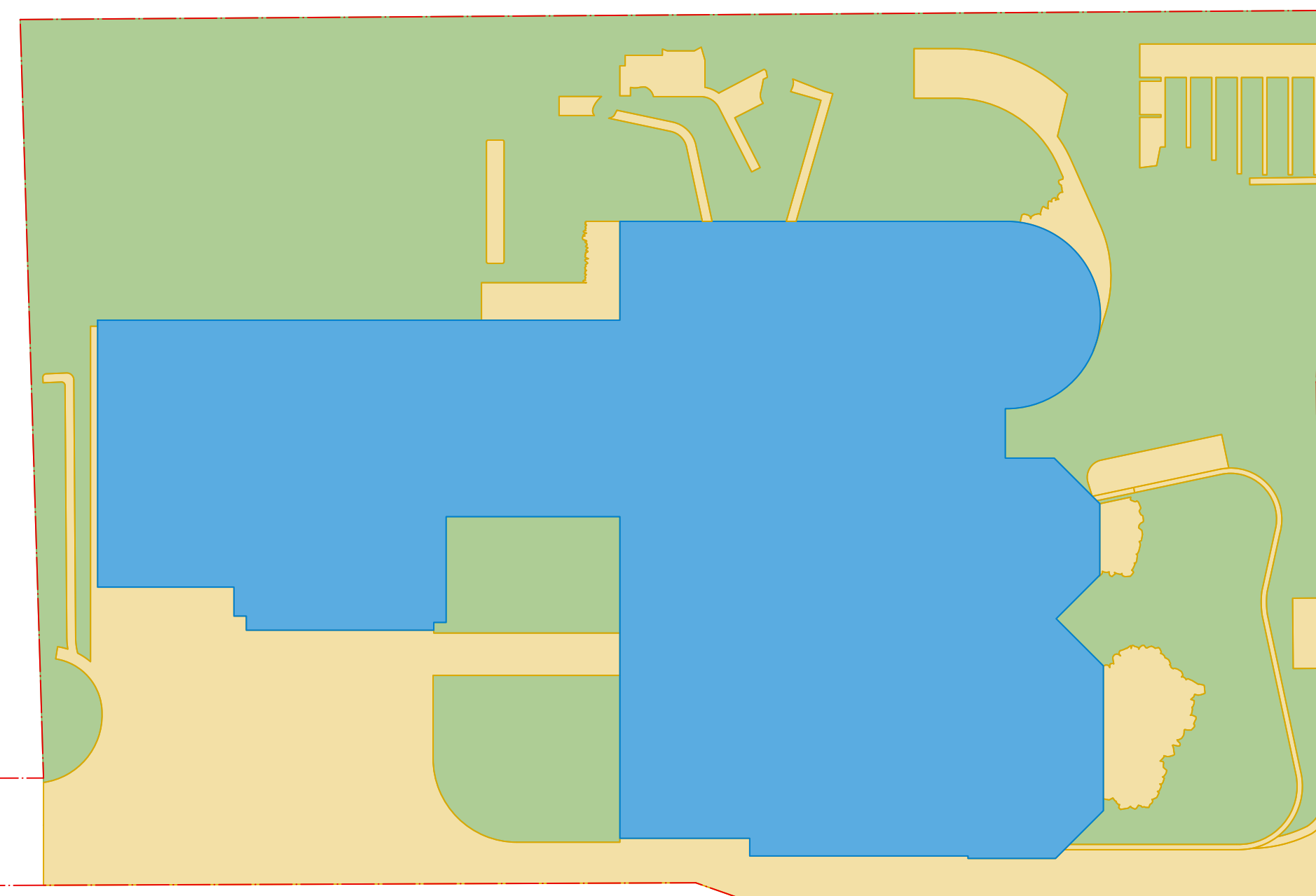
SITE AREA : 997.5m²
 MAIN SITE : 906.3m²
 ACCESS HANDLE : 91.2m²

EXISTING LANDSCAPE AREAS (EXCL. ACCESS HANDLE)

SITE COVER : 266.6m²
 29.4%
 DCP control : 45% maximum

LANDSCAPE : 162.4m²
 17.9%
 DCP control : 40% minimum

UNBUILT AREA : 477.3m²
 52.7%
 DCP control : 15% maximum



PROPOSED LANDSCAPE AREAS (EXCL. ACCESS HANDLE)

SITE COVER : 342.4m²
 37.7%
 DCP control : 45% maximum

LANDSCAPE : 384.4m²
 42.4%
 DCP control : 40% minimum

UNBUILT AREA : 179.5m²
 19.8%
 DCP control : 15% maximum

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	DENSITY	POT SIZE	MATURE SIZE
Proposed Trees					
			As shown		
T1	Angophora hispida	Dwarf Apple	45L	4m	7 m
T2	Citrus sp.	Citrus Tree	45L	4m	4m
T3	Hibiscus splendens	Native Hibiscus - hollyhock	45L	5m	5m
T4	Logestromia natchez - White	White Crepe Myrtle	75L	9m	9m
T5	Plumeria rubra	Frangipani	75L	5m	5m
T6	Trema aspera	Native Peach	45L	4m	4m
OG - Ornamental gardens, perennials, herbs and flowering shrubs					
			6-9/m2		
	Aeonium 'velour'	Spurge	140mm	5m	5m
	Ajuga australis upright form	Australian Bugle	tube	0.3m	0.3m
	Brachyscome White Bliss	Cut leaf Daisy Cultivar	tube	0.3m	0.3m
	Cerastium tomentosum	Snow in Summer	140mm	0.1m	0.1m
	Conostylis candidans	Cottonheads	140mm	0.5m	0.5m
	Convolvulus cneorum	Silver Bush	140mm	0.3m	0.3m
	Dampiera linearis Cobalt Mound	Cobalt Mound	140mm	6m	6m
	Euphorbia characias subsp wulfenii	Spurge	140mm	3m	3m
	Euphorbia Silver Swan	Silver Swan Spurge	300mm	3m	3m
	Hardenbergia violacea 'Mini Ha Ha'	Spurge	140mm	0.3m	0.3m
	Helichysum italicum	curry plant	140mm	5m	5m
	Lampranthus aureus	Iceplant	140mm	0.3m	0.3m
	Lavender spp	Lavender varieties	300mm	varies	varies
	Phlomis frutescens	Jerusalem Sage	140mm	1m	1m
	Plectranthus parvifolius	Cocksbur Flower	300mm	0.7m	0.7m
	Rosmaninus officinalis prostratus	Prostrate Rosemary	300mm	0.4m	0.4m
	Sedum morganianum	Donkeys Tail	140mm	0.2m	0.2m
N1 - Predominantly native shrubs and groundcovers for rocky places					
			6/m2		
	Acacia baileyana prostrate form	Swan Neck Agave	140mm	0.5m	0.5m
	Agave attenuata	Swan Neck Agave	5L	0.6m	0.6m
	Astromyrtus dulcis	Midgen Berry	140mm	0.5m	0.5m
	Brachyscome White Bliss	Cut leaf Daisy Cultivar	tube	0.3m	0.3m
	Correa alba pannosa	Pink Blush Correa	300mm	0.5m	0.5m
	Dampiera stricta	Blue Dampiera	140mm	0.3m	0.3m
	Doronicum alicia-dora Seaspray	Plume Grass	140mm	0.2m	0.2m
	Dichelachne ciliolata	Plume Grass	140mm	0.7m	0.7m
	Eremophila glabra compact	Silver Ball	300mm	0.3m	0.3m
	Eucalyptus Moon Lagoon	Moon Lagoon Eucalyptus	5L	4m	4m
	Geranium solanderi australe	Austral Cranesbill	140mm	0.2m	0.2m
	Goodenia ovata 'Gold Cover'	Gold Cover	140mm	0.2m	0.2m
	Hardenbergia violacea 'Mini Ha Ha'	Spurge	140mm	0.4m	0.4m
	Leptospermum vertical drop	Vertical drop	140mm	0.3m	0.3m
	Lamandia filiformis	Wattle Mat Rush	140mm	0.7m	0.7m
	Myoporum parvifolium	Creeping Boobialla	140mm	0.2m	0.2m
	Viola hederacea	Native Violet	tube	0.1m	0.1m
	Westringia frutescens Mundi	Prostrate Coast Rosemary	140mm	0.3m	0.3m
S1 - Shrubs for edge planting (separation from neighbours)					
			4/m2		
	Acacia limbiata 'Crimson Blush'	Spurge	300mm	2m	2m
	Adenanthos sericeus compact	Dwarf Woolly Bush	300mm	1m	1m
	Babingtonia virgata nana	Dwarf Twiggy Myrtle	300mm	1m	1m
	Baeckia imbricata	Heath Myrtle	300mm	1.5m	1.5m
	Banksia marginata	Silver Banksia	300mm	2m	2m
	Correa alba	White Correa	300mm	1.2m	1.2m
	Correa baeueifrenii	Chefs Cap Correa	300mm	1.5m	1.5m
	Crowea saligna	Crowea	300mm	1.5m	1.5m
	Epacris impressa	Common Heath	140mm	1m	1m
	Eremophila nivea	Silky Eremophila	140mm	1.5m	1.5m
	Eriostemon australasius	Waxflower	140mm	2m	2m
	Persoonia chamaeoptys	Prostrate Geebung	140mm	2m	2m
	Taenidium frutescens	Germander	140mm	1.5m	1.5m
	Westringia frutescens	Coastal Rosemary	300mm	2m	2m
	Ziera pilosa	Hairy Ziera	300mm	1m	1m
IF - Plants for infiltration zone					
			6m2		
	Balaskion tetraphyllum	Tassel Cord Rush	tube	1.5m	1.5m
	Bauera rubioides	River Dog Rose	tube	0.7m	0.7m
	Pratia pedunculata	White star creeper	tube	<0.1m	<0.1m
	Ranunculus inundatus	River buttercup	tube	0.3m	0.3m
G1 - Climbing plants					
			As Shown		
	Muehlenbeckia complexa	Maidenhair Vine	140mm	2m	2m
	Hibbertia scandens	Snake Vine	140mm	3m	3m
P1 - Palm garden					
			4/m2		
	Cordyline petiolaris	Slender Palm Lily	5L	4m	4m
	Alyxia buxifolia	Seabox	300mm	2m	2m
F1 - Ferns for shady places					
			6/m2		
	Astromyrtus dulcis	Midgen Berry	140mm	1.5m	1.5m
	Dampiera stricta	Blue Dampiera	140mm	0.4m	0.4m
	Pteris tremula	Australian Brake	140mm	0.3m	0.3m
	Doodia aspera	Rasp Fern	tube	0.3m	0.3m
	Viola hederacea	Native Violet	tube	0.1m	0.1m
Turf					
	SWB	Sir Walter Buffalo	turf roll		
	Zoysia	Zoysia tenuifolia	No-Mow Zoysia continuous mat		

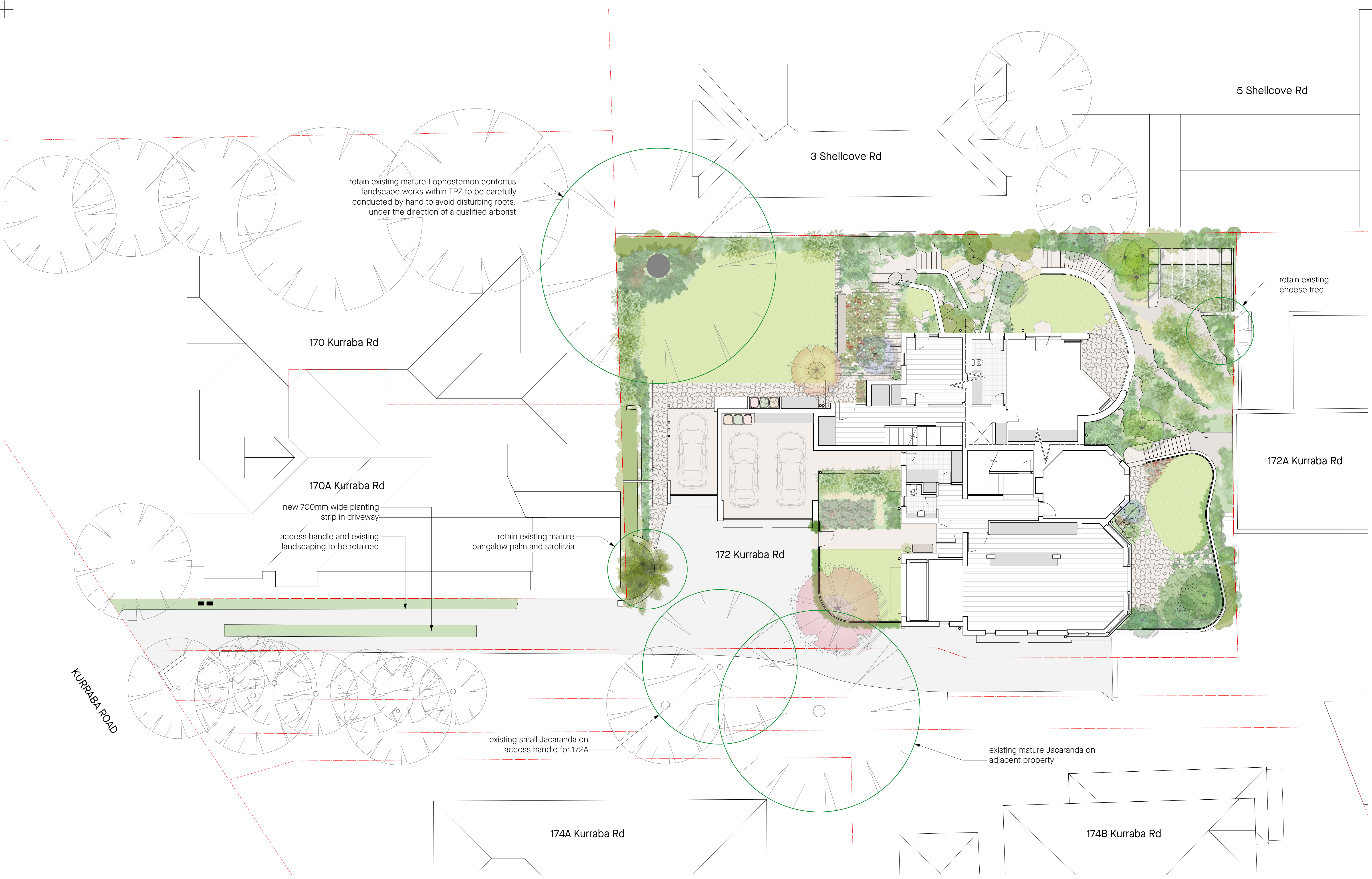
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A	10/2/21	DRAFT	For Coordination	DD	- ALL DIMENSIONS IN MILLIMETRES - CONFIRM ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORK. - USE FIGURED DIMENSIONS ONLY. - DO NOT SCALE.
B	17/2/21	DRAFT	For Coordination	JEF	COMPLY WITH RELEVANT AUTHORITY REQUIREMENTS, THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARDS WHEN EXECUTING WORKS DESCRIBED IN THIS DRAWING.
C	19/2/21	FINAL	For DA submission	JEF	
D	26/2/21	FINAL	Amended to client comments	JEF	
E	10/11/21	FINAL	Updated to Council RFIs	JEF	

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DRAWING TITLE
 Schedules and Landscape Calculations
 PROJECT
 172 Kurraba Road
 CLIENT
 Paul Berkemeier
 ADDRESS
 172 Kurraba Rd, Kurraba Point NSW 2086
 ABN 62 120 299

JOB NO. 201203
 STAGE DA
 STATUS FINAL
 DRAWN JEF
 CHECKED JI
 SCALE N/A
 DATE 10/11/21
 REV E
 DWG NO. LA-001



REV	DATE	STATUS	REASON FOR ISSUE	DRAWN
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B	17/2/21	DRAFT	For Coordination	JEF
C	19/2/21	FINAL	For DA submission	JEF
D	23/2/21	FINAL	Amended to client comments	JEF
E	10/11/21	FINAL	Updated to Council RFIs	JEF

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DRAWING TITLE

Site Plan

PROJECT

172 Kurraba Road

CLIENT

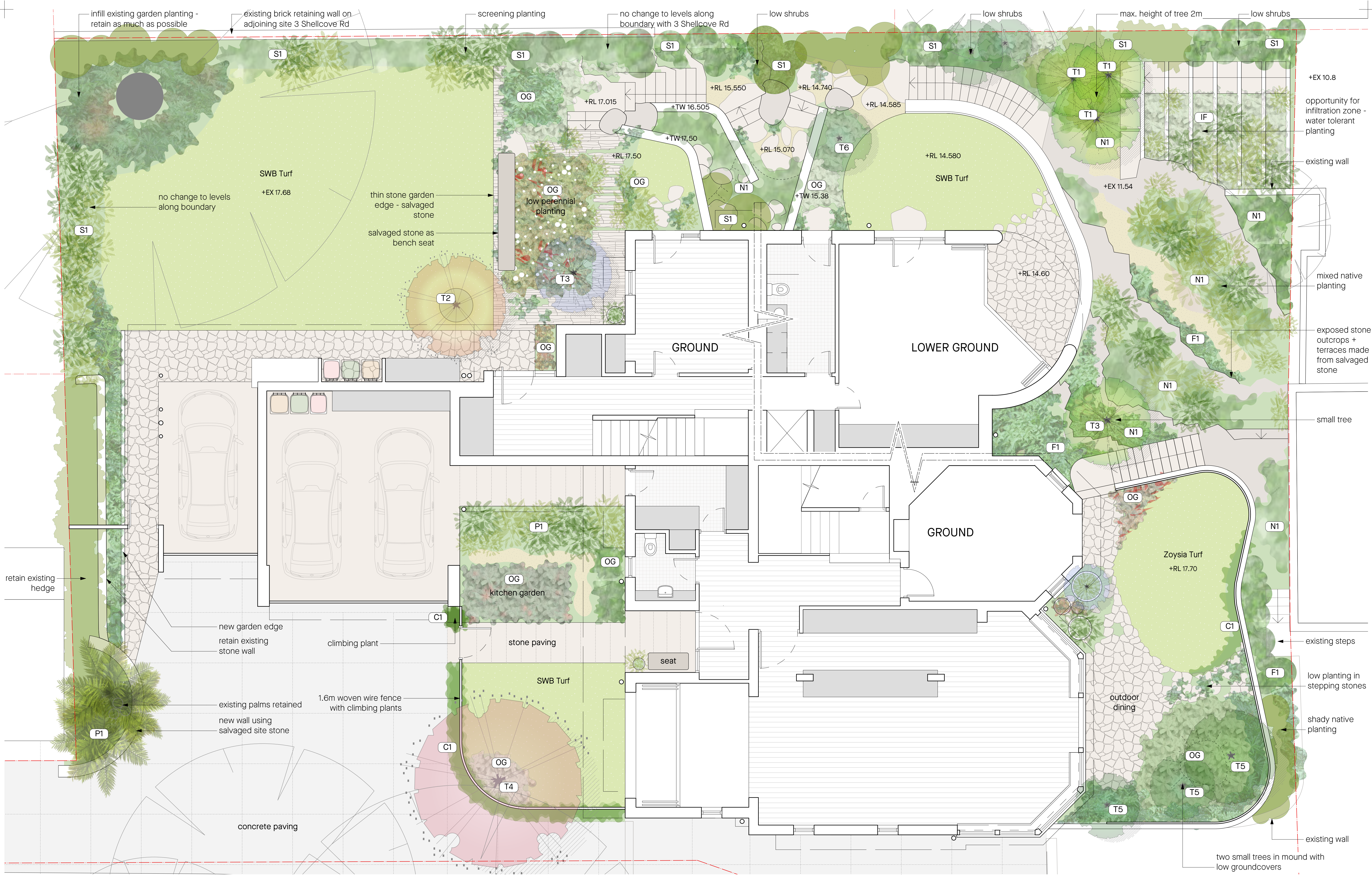
Paul Berkemeier

ADDRESS

172 Kurraba Rd, Kurraba Point NSW 2086

ABN 62 120 299

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	STAGE	DA	REV	E
	STATUS	FINAL	DWG NO.	LA-101
	DRAWN	JEF		
	CHECKED	Ji		
	SCALE	1:200 @ A3 1:100 @ A1		



REV	DATE	STATUS	REASON FOR ISSUE	DRAWN
B	17/2/21	DRAFT	For Coordination	JEF
C	19/2/21	FINAL	For DA submission	JEF
D	23/2/21	FINAL	Amended to client comments	JEF
E	26/2/21	FINAL	Amended to client comments	JEF
F	10/11/21	FINAL	Updated to Council RFIs	JEF

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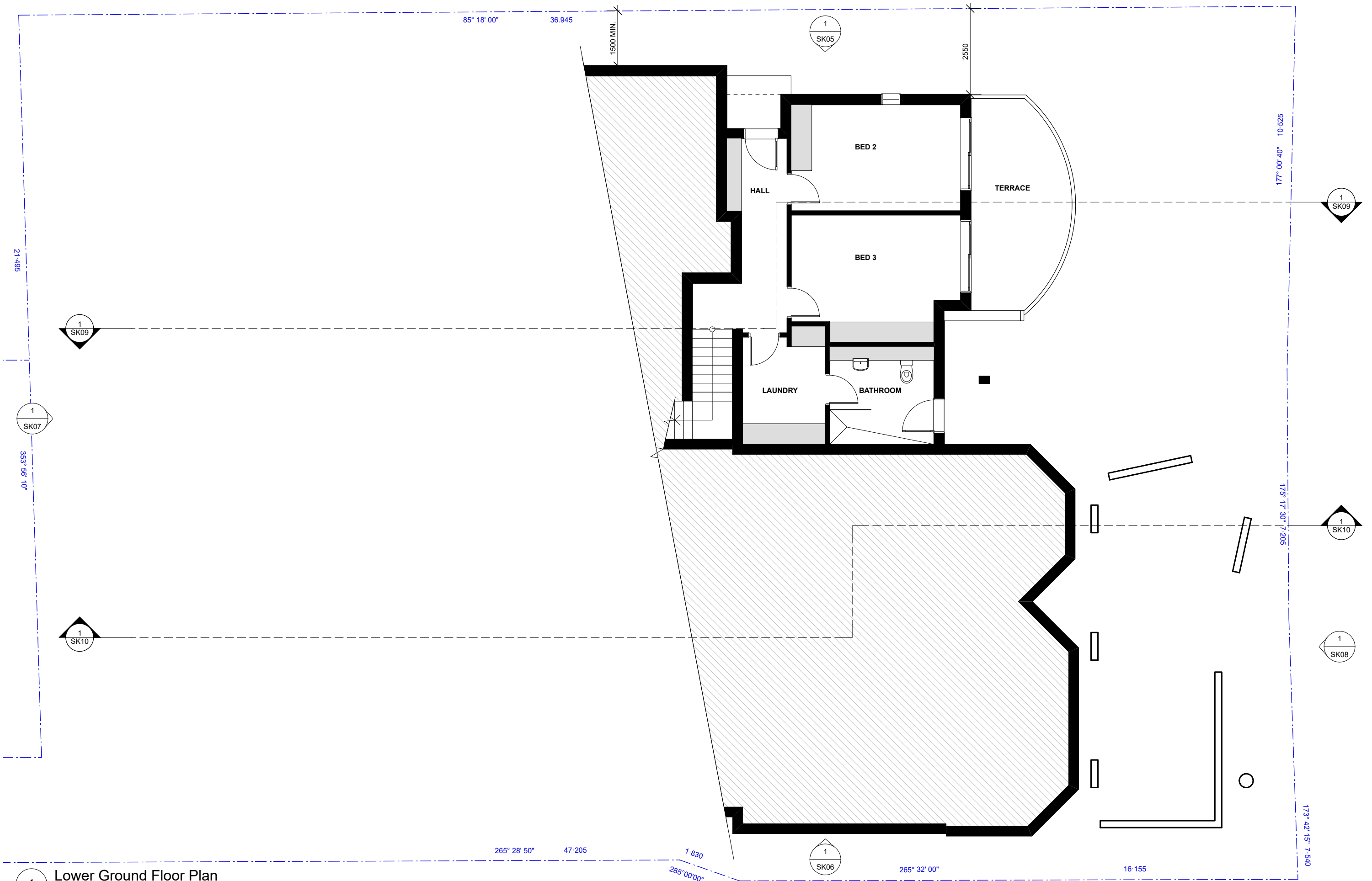
DRAWING TITLE
 Landscape Plan

PROJECT
 172 Kurraba Road

CLIENT
 Paul Berkemeier

ADDRESS
 172 Kurraba Rd, Kurraba Point NSW 2086

JOB NO.	201203	DATE	10/11/21
STAGE	DA	REV	F
STATUS	FINAL	DWG NO.	LA-201
DRAWN	JEF	SCALE	1:100 @ A3 1:50 @ A1
CHECKED	JL		



1 Lower Ground Floor Plan
Scale: 1:100

ISSUE	DATE	FOR INFORMATION
D	3/12/21	FOR INFORMATION
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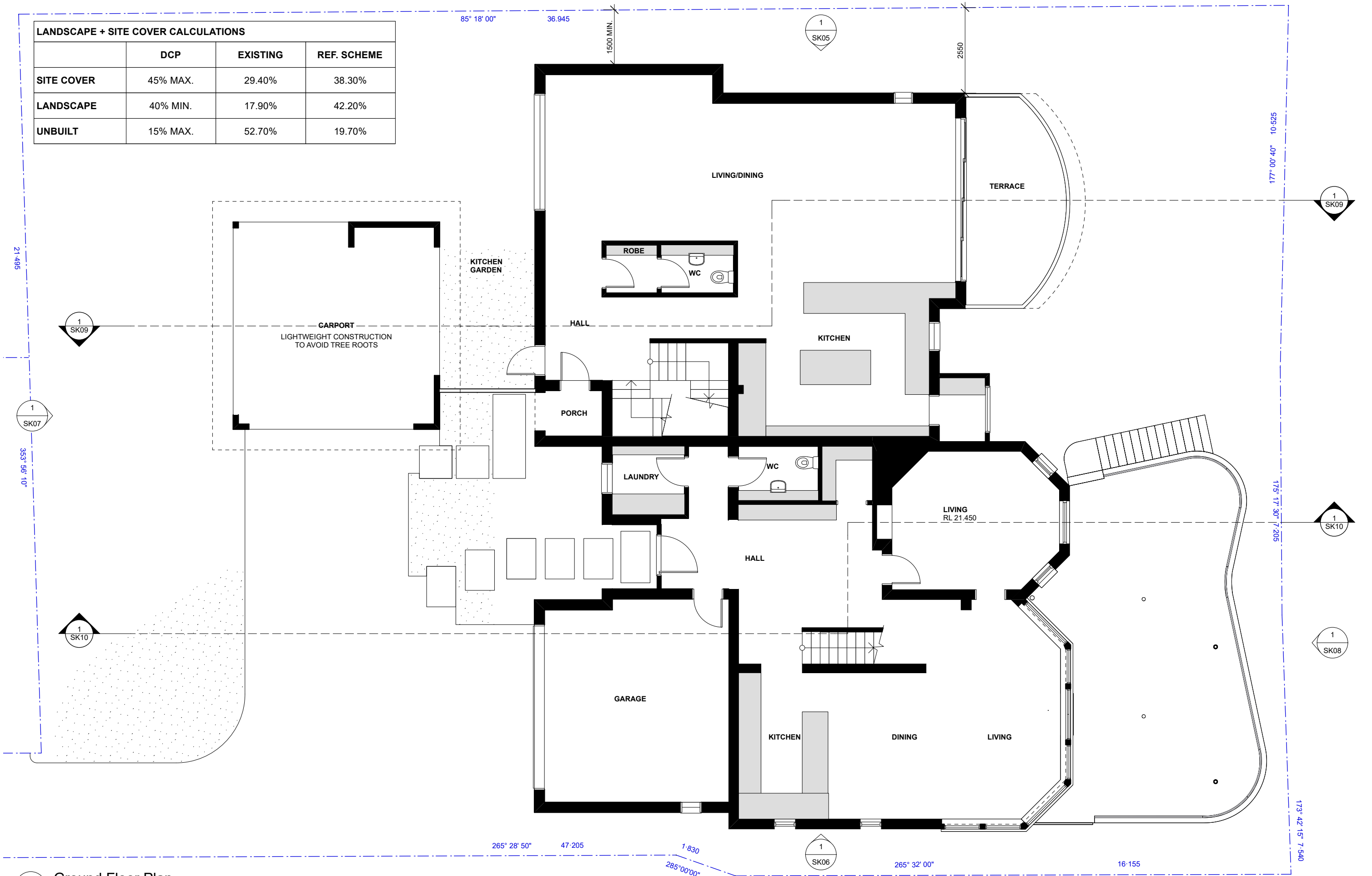
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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Lower Ground Floor Plan - Reference Scheme 'A'		SCALE @ A3	1:100
			DRAWN	TB,JB
			CHKD	BT
			REVISION	D

SK01

LANDSCAPE + SITE COVER CALCULATIONS			
	DCP	EXISTING	REF. SCHEME
SITE COVER	45% MAX.	29.40%	38.30%
LANDSCAPE	40% MIN.	17.90%	42.20%
UNBUILT	15% MAX.	52.70%	19.70%



1 Ground Floor Plan
Scale: 1:100

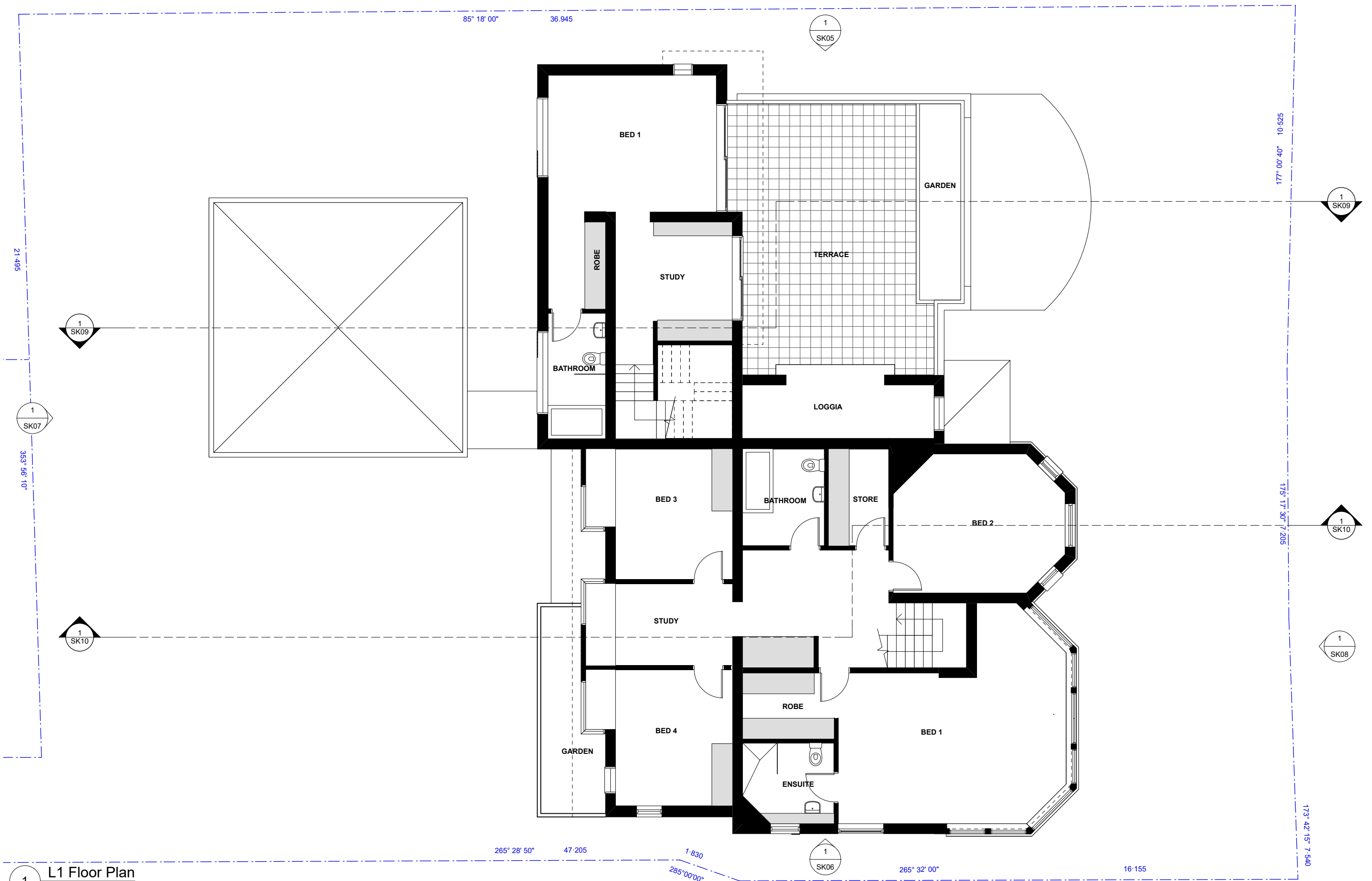
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PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			Ground Floor Plan- Reference Scheme 'A'	SK02
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			DRAWN	TB,JB
			CHKD	BT
			REVISION	D



1 L1 Floor Plan
Scale: 1:100

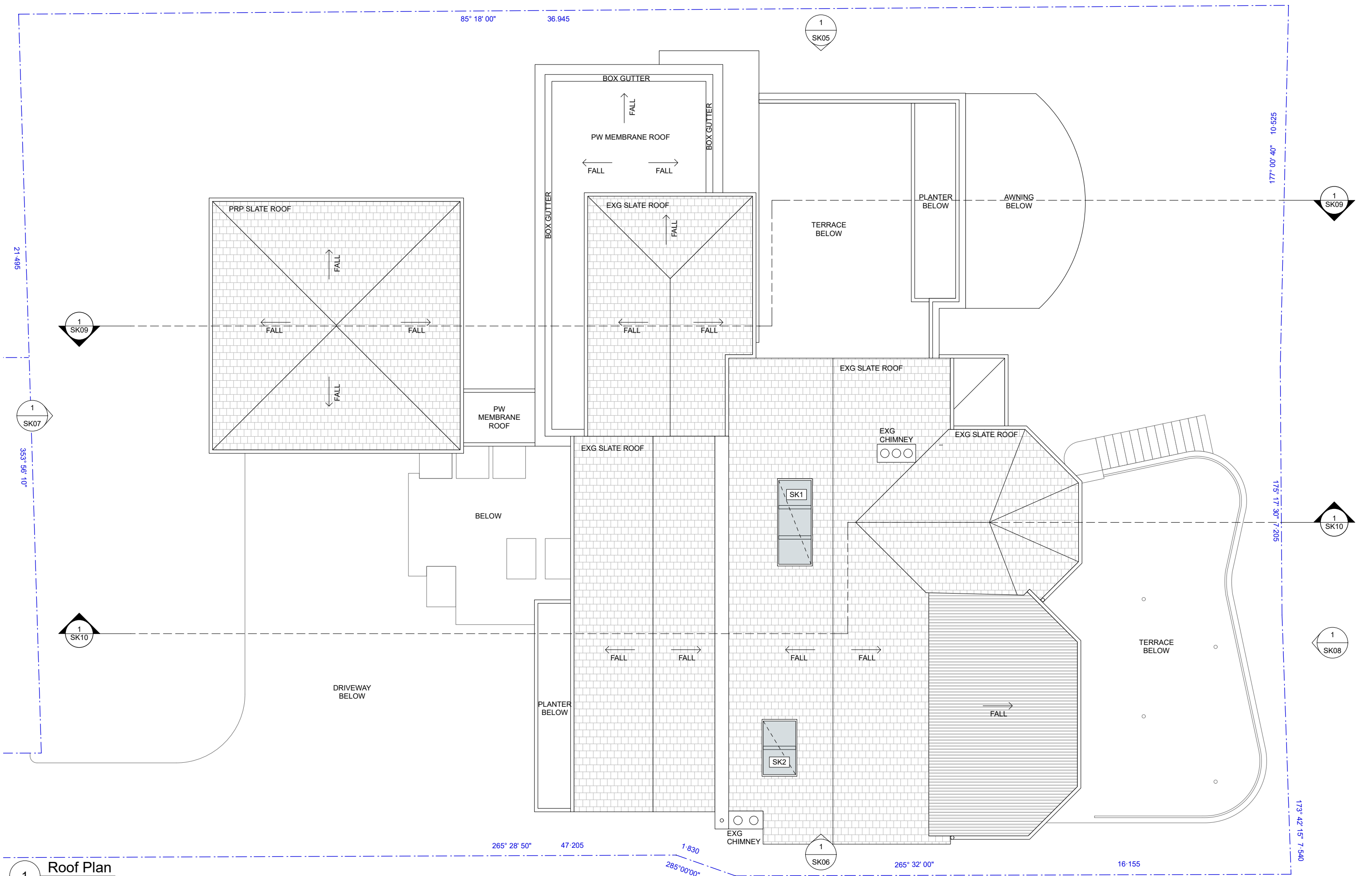
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PROJECT			172 Kurraba Road, Kurraba Point, 2089	DWG #
DWG			L1 Floor Plan- Reference Scheme 'A'	SK03
SCALE @ A3		1:100	DRAWN TB,JB	
CHKD		BT	REVISION D	



1 Roof Plan
Scale: 1:100

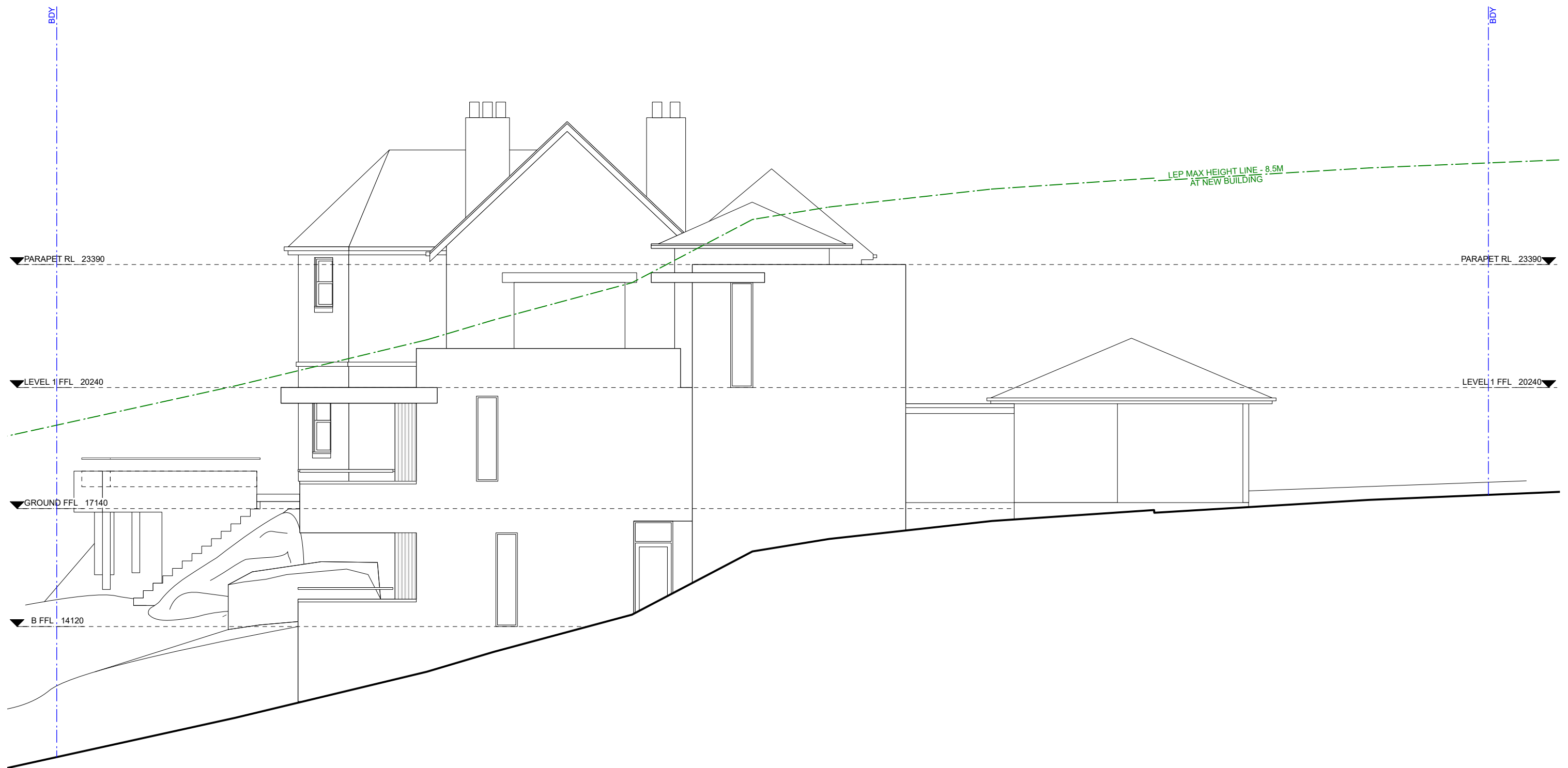
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PROJECT	172 Kurraba Road, Kurraba Point, 2089			
DWG	Roof Plan- Reference Scheme 'A'			
DATE #	SCALE @ A3	1:100	DWG #	SK04
DRAWN	TB,JB		REVISION	
CHKD	BT		A	



1 North Elevation
Scale: 1:100

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PROJECT			172 Kurraba Road, Kurraba Point, 2089	
DWG			North Elevation- Reference Scheme 'A'	
DATE #		DWG #		
SCALE @ A3		1:100		
DRAWN		TB,JB		
CHKD		BT		
REVISION		D		

SK05



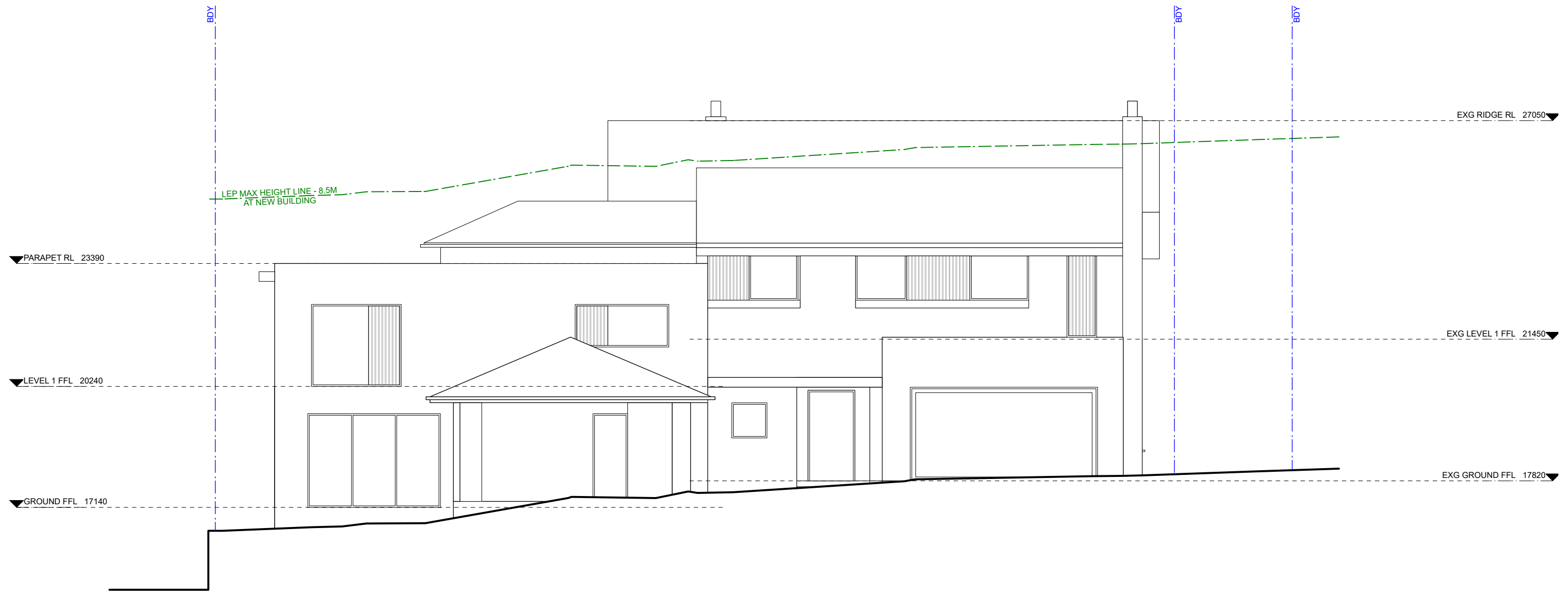
1 South Elevation
Scale: 1:100

ISSUE	DATE	FOR INFORMATION
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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	South Elevation- Reference Scheme 'A'		SCALE @ A3	1:100
	DRAWN	TB,JB	SK06	
	CHKD	BT		



1 West Elevation
Scale: 1:100

ISSUE	DATE	DESCRIPTION
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PROJECT			172 Kurraba Road, Kurraba Point, 2089		SCALE @ A3	1:100
DWG			West Elevation- Reference Scheme 'A'		DRAWN	TB,JB
			CHKD	BT	REVISION	D

SK07



1 East Elevation
Scale: 1:100

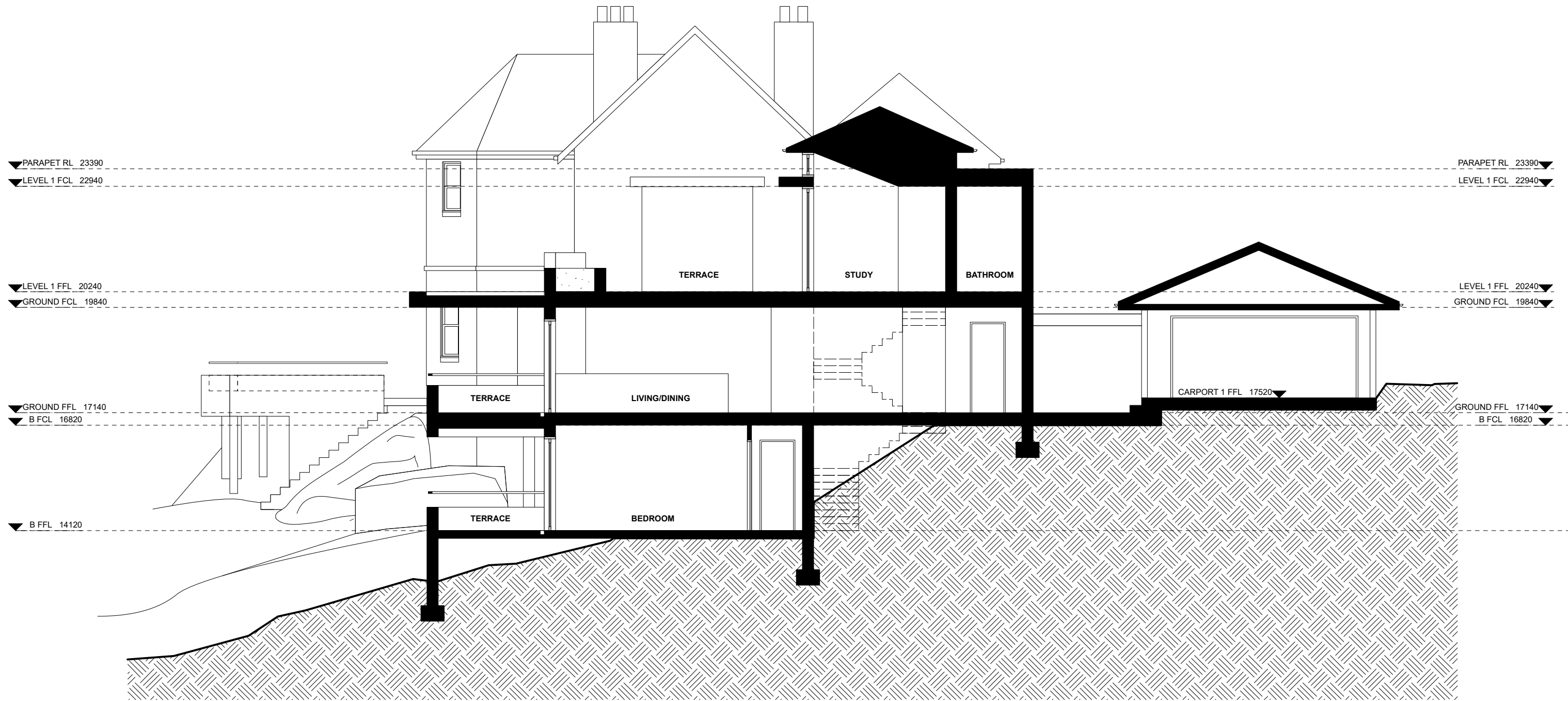
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C	19/11/21	FOR INFORMATION
B	12/11/21	FOR INFORMATION

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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	East Elevation- Reference Scheme 'A'		SCALE @ A3	1:100
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			CHKD	BT
			REVISION	D

SK08



1 Section A
Scale: 1:100

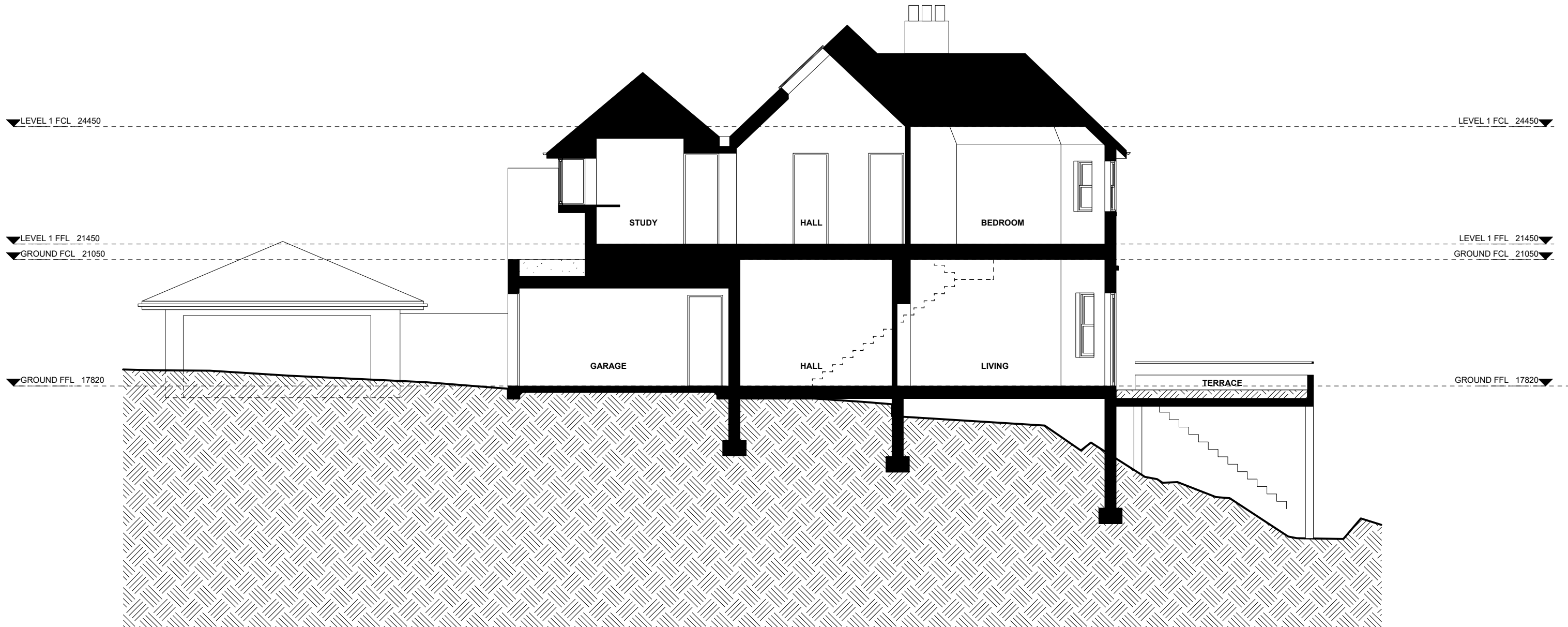
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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Section A- Reference Scheme 'A'		SCALE @ A3	1:100
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			CHKD	BT
			REVISION	A

SK09



1 Section B
Scale: 1:100

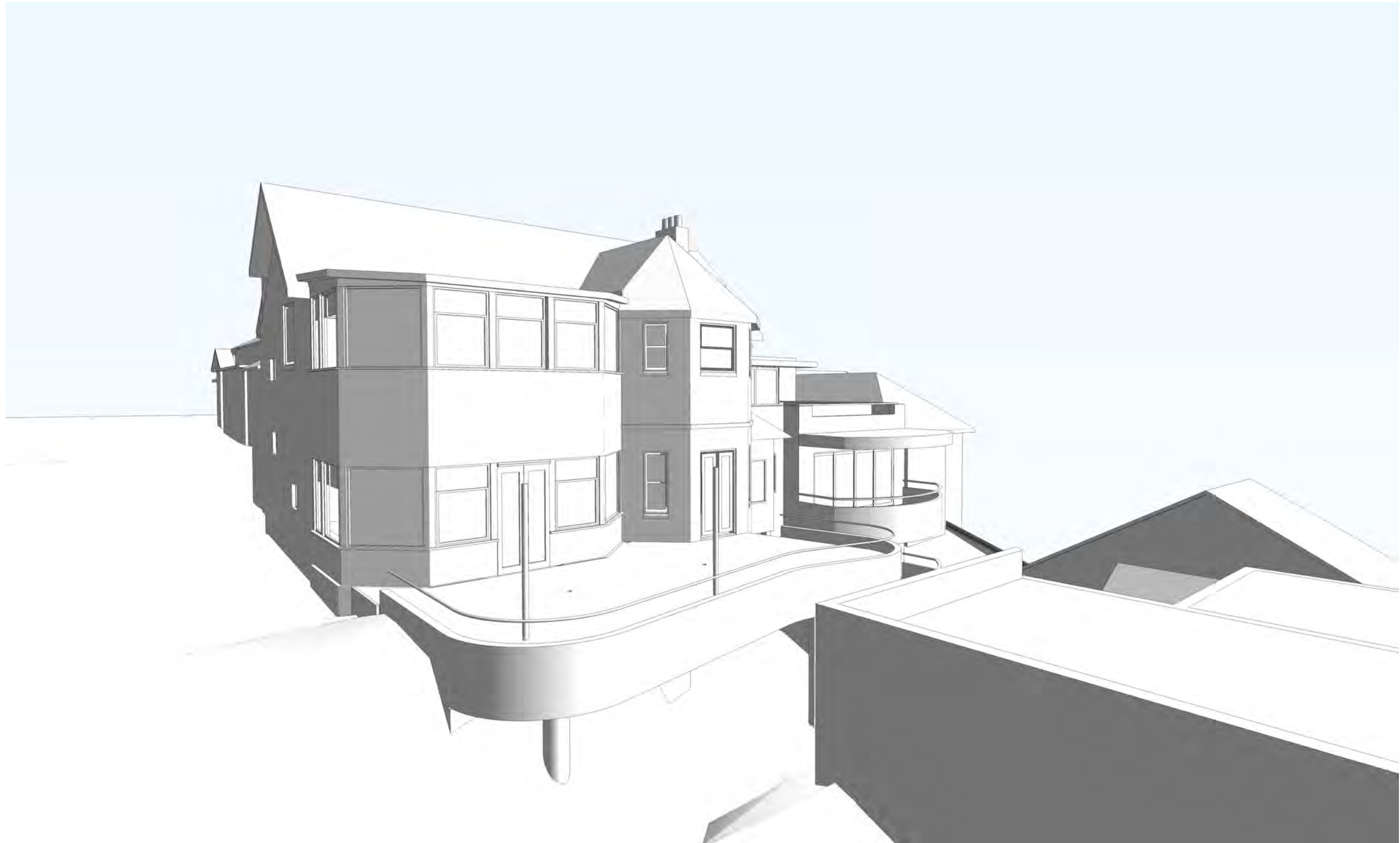
ISSUE	DATE	DESCRIPTION
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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	SectionB- Reference Scheme 'A'		SCALE @ A3	1:100
			DRAWN	TB,JB
			CHKD	BT
			REVISION	A

SK10



1 Massing View 1
Scale: NTS

ISSUE	DATE	FOR INFORMATION
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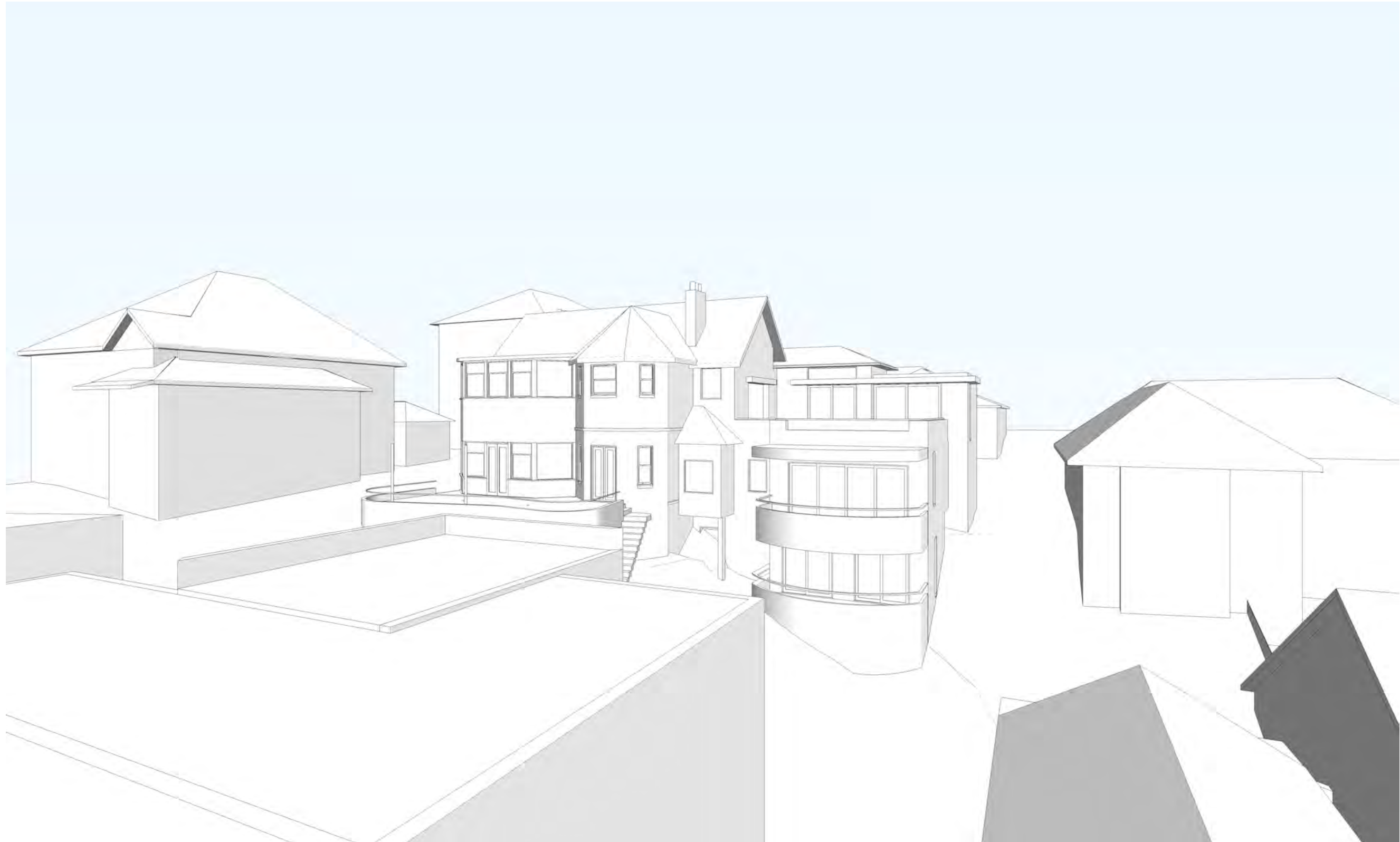
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DWG	Massing View 1- Reference Scheme 'A'		SCALE @ A3	NTS
			DRAWN	TB,JB
			CHKD	BT
			REVISION	D

SK11



1 **Massing View 2**
Scale: NTS

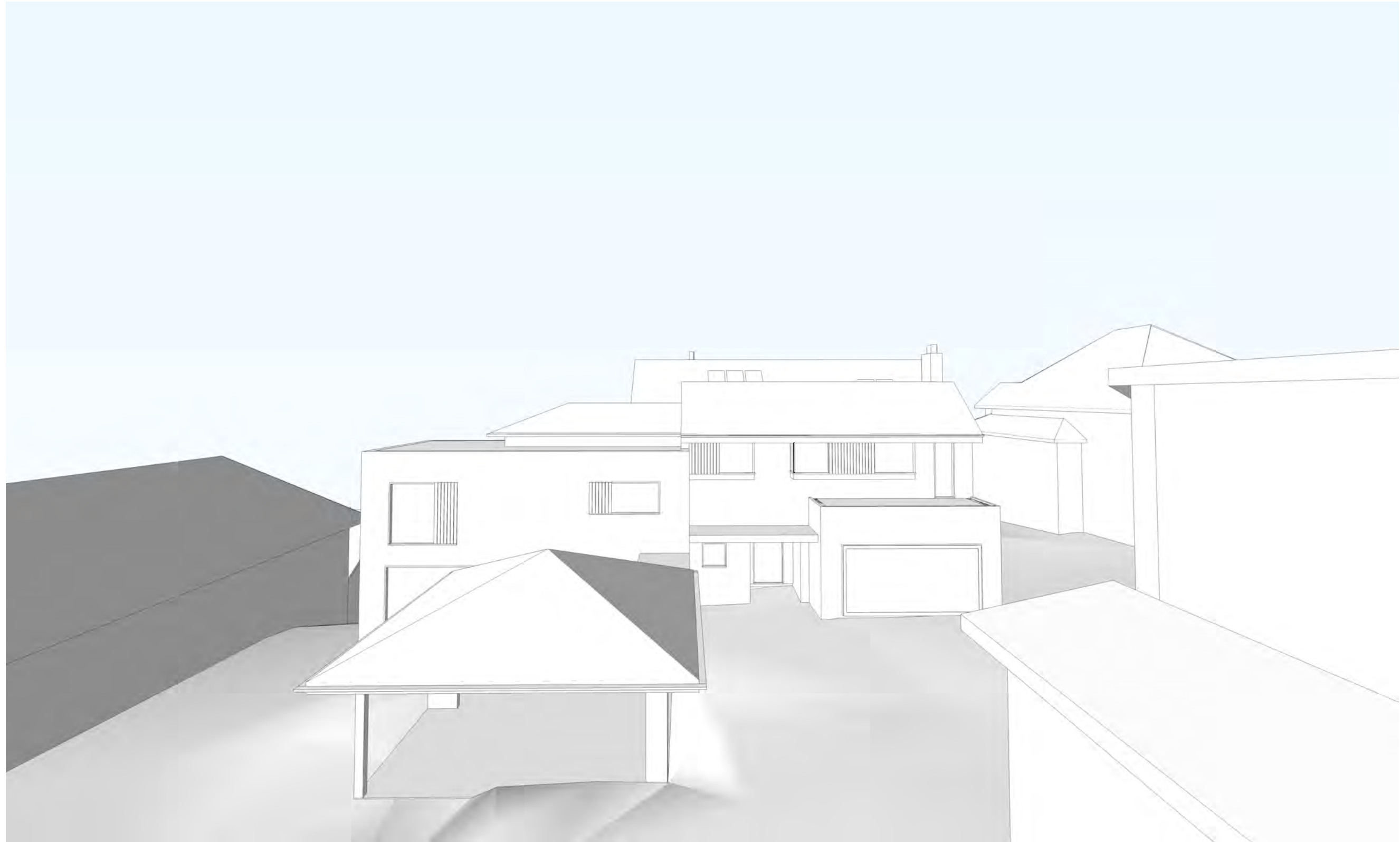
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DWG	Massing View 2- Reference Scheme 'A'		SCALE @ A3	NTS
			DRAWN	TB,JB
			CHKD	BT
			REVISION	D

SK12



1 **Massing View 3**
Scale: NTS

ISSUE	DATE	FOR INFORMATION
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C	19/11/21	FOR INFORMATION
B	12/11/21	FOR INFORMATION

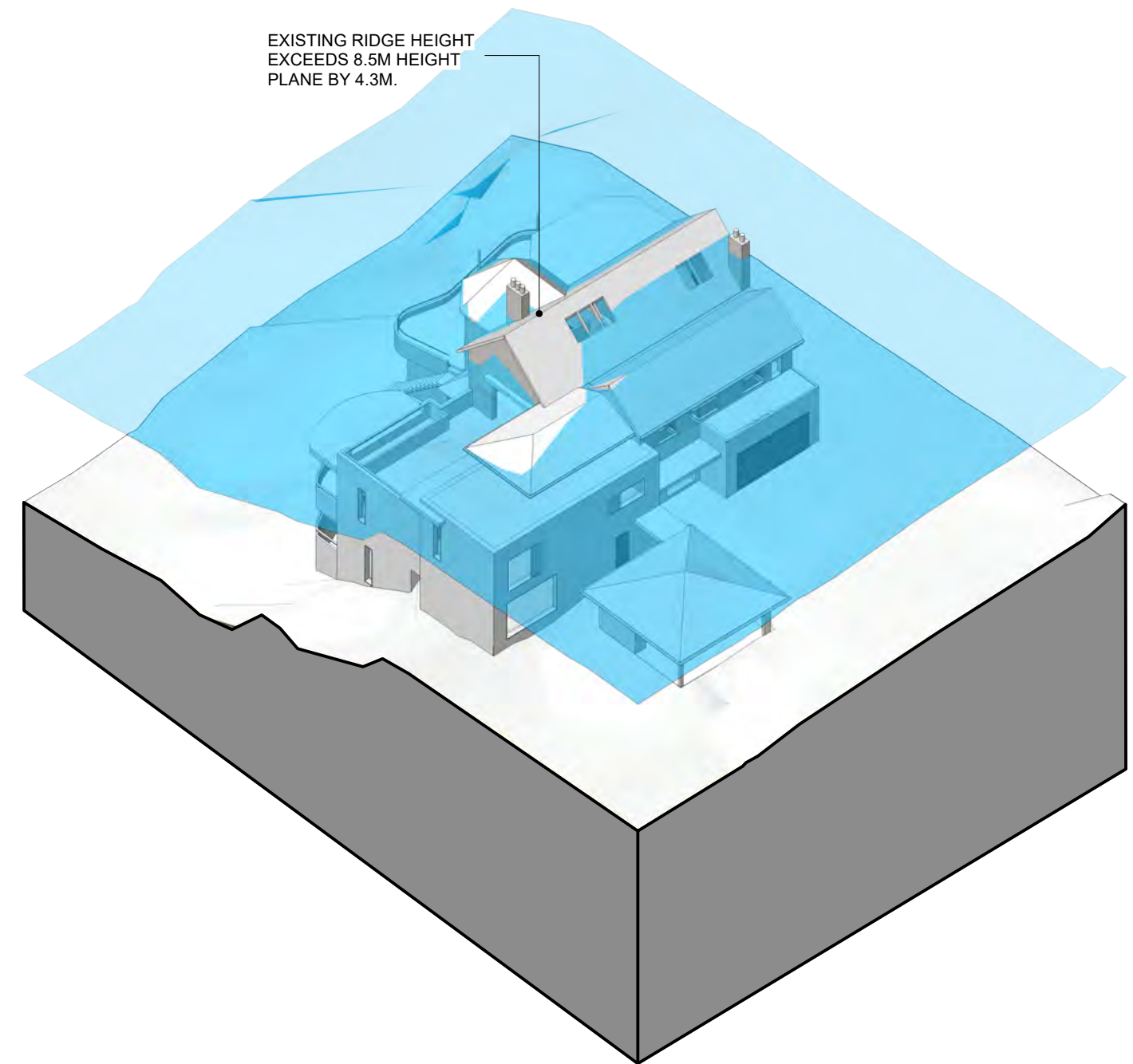
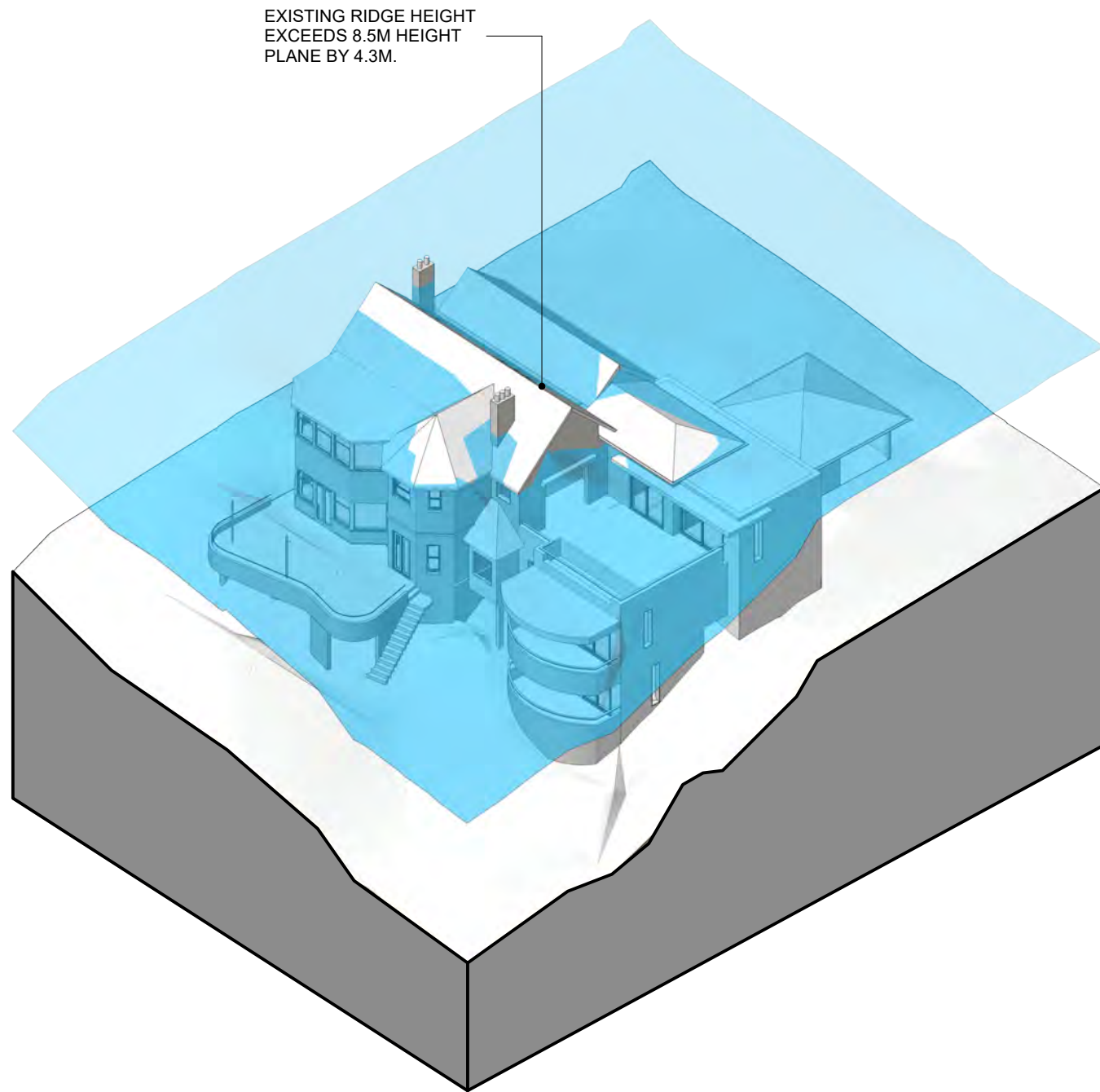
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PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Massing View 3- Reference Scheme 'A'		SCALE @ A3	NTS
			DRAWN	TB,JB
			CHKD	BT
			REVISION	D

SK13



1 Building Height Plane - Reference Scheme A

2 Building Height Plane - Reference Scheme A

KEY
 HEIGHT PLANE TAKEN 8.5M ABOVE GROUND PLANE TO SHOW MAX PERMISSIBLE BUILDING HEIGHT AS PER THE NSLEP 2013.

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ISSUE	DATE	REVISION	PROJECT #	2015
PROJECT	172 Kurraba Road, Kurraba Point, 2089		DATE #	DWG #
DWG	Height Plane Diagrams		SCALE @ A3	NTS
			DRAWN	TB,JB
			CHKD	BT
			REVISION	A

SK14

Justification under Clause 4.6 of North Sydney Local Environmental Plan 2013– Exceptions to Development Standards.

172 Kurraba Road, Kurraba Point

Clause 4.3 Height of Buildings

Control 8.5m

Existing 12.8m

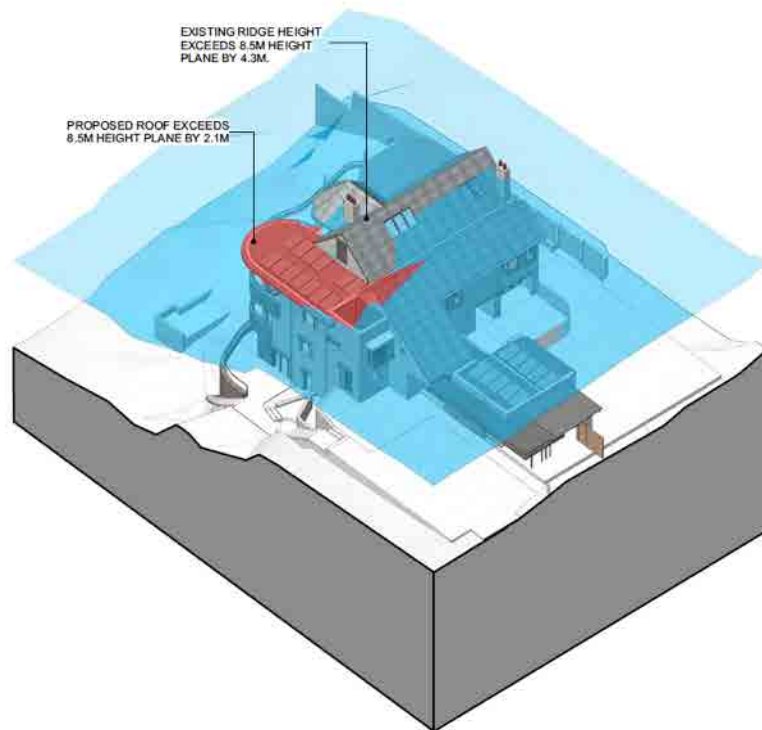
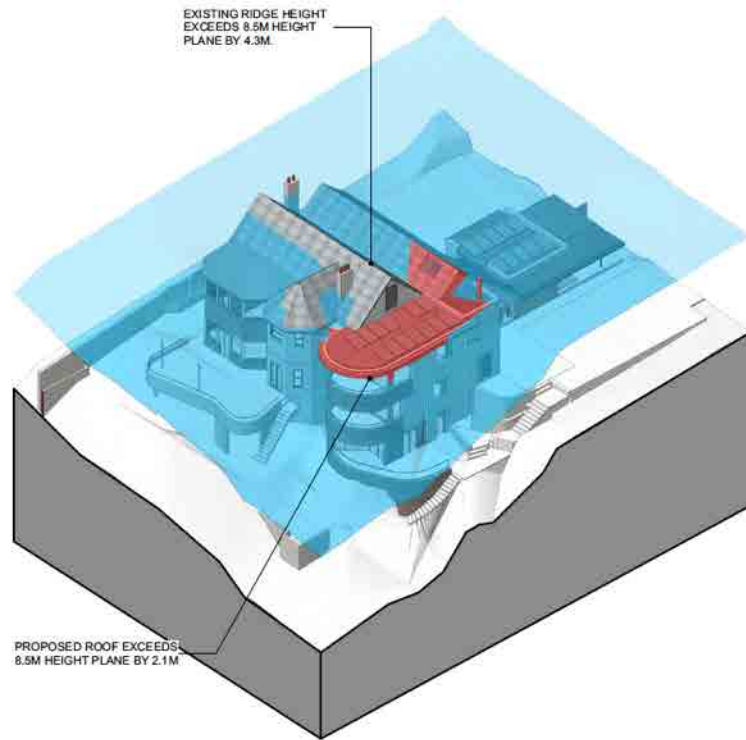
Proposed 10.6m

1.0 Introduction

The proposed development comprises alterations and additions to the existing part two/three storey attached dual occupancy at 172 Kurraba Road, Kurraba Point. The existing building has a height of 12.8 to the top of the ridge, which exceeds the height control of 8.5m. It is proposed to carry out works above the 8.5m height control to reconfigure the existing attached dual occupancy as side by side residences with direct access to outdoor private opens space, rather than the current configuration of one dwelling above the other (with the upper dwelling having no direct access to private outdoor open space). These new works will breach the 8.5m height control (10.6m) but will not exceed the existing building height of 12.8m.

While the proposed dwelling has an existing height 12.8m, the proposed extension has a maximum height of 10.6m at the leading edge of the roof (2.1m above the 8.5m control) and exceeds the 8.5m height control as demonstrated in the extended 3D ground plane survey diagrams below.

Overall, the maximum height of the dwelling is not increased above that which currently exists (12.8m). The proposed additions breach the height control (10.6m) and works occurs above the 8.5m height control so that a Clause 4.6 is required.



The site is located approximately 2.4km south-east of the North Sydney CBD and within 1.5km south of the Neutral Bay shopping strip. The immediate area is characterised by large single dwellings, attached dwellings and semi-detached dwellings with larger medium density residential flat buildings to the south along Kurraba Road. Shell Cove is directly opposite the site to the east providing water views from the upper levels. The buildings tend to step down the slope, obtaining views to the east of Shell Cove and Cremorne Point and to the south-east of the Harbour and the foreshore reserves.



The subject site seen in context over Shell Cove.

The land falls steeply to the east with the street pattern generally following the ridgeline and contours. This creates a series of terraces generally retained below the street and offering views to the east. The subject site is located on the eastern side of Kurraba Road south of the intersection with Shellcove Road. The site has its frontage to Kurraba Road and backs onto the properties fronting Shell Cove to the rear.

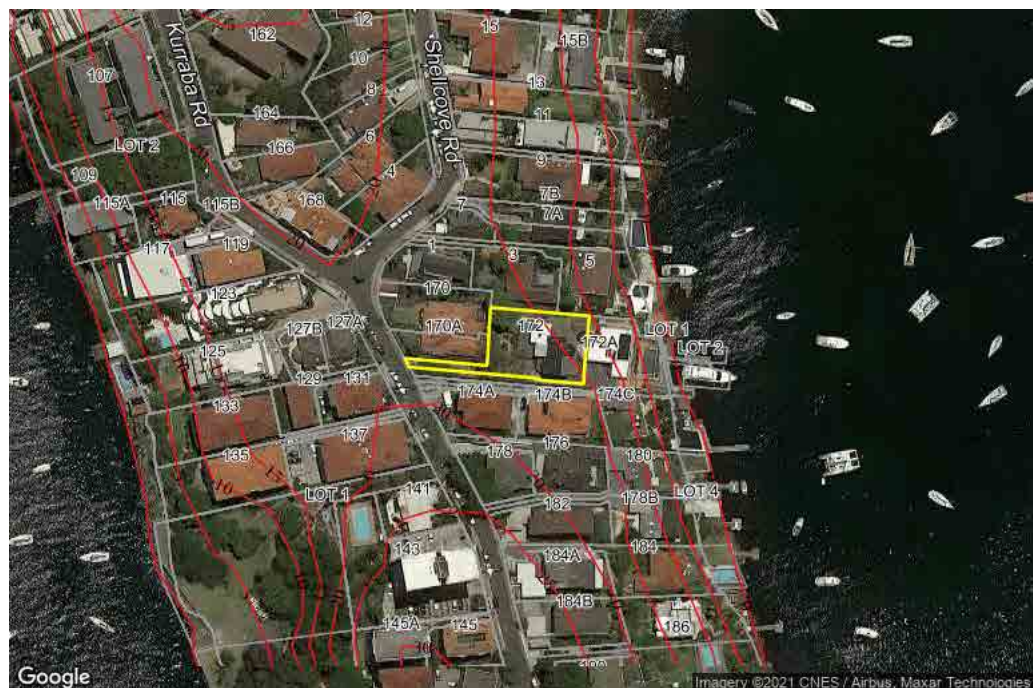
The subject site is set at a similar level to Kurraba Road and is currently reached by a 30m long concrete shared driveway adjoining the building fronting the street to the west (170A Kurraba Road). A substantial drop off and series of retaining walls occupy the eastern part of the site while the levels of the western part of the site are fairly consistent with the street frontage level. The northern and southern boundaries are planted to provide some screening (the southern planting being located on the axe-handle of 172A Kurraba Road) while the west accommodates a large double carport and low walled entry garden with low scale planting. The garden is predominantly paved in concrete.



Source: RPData 2021



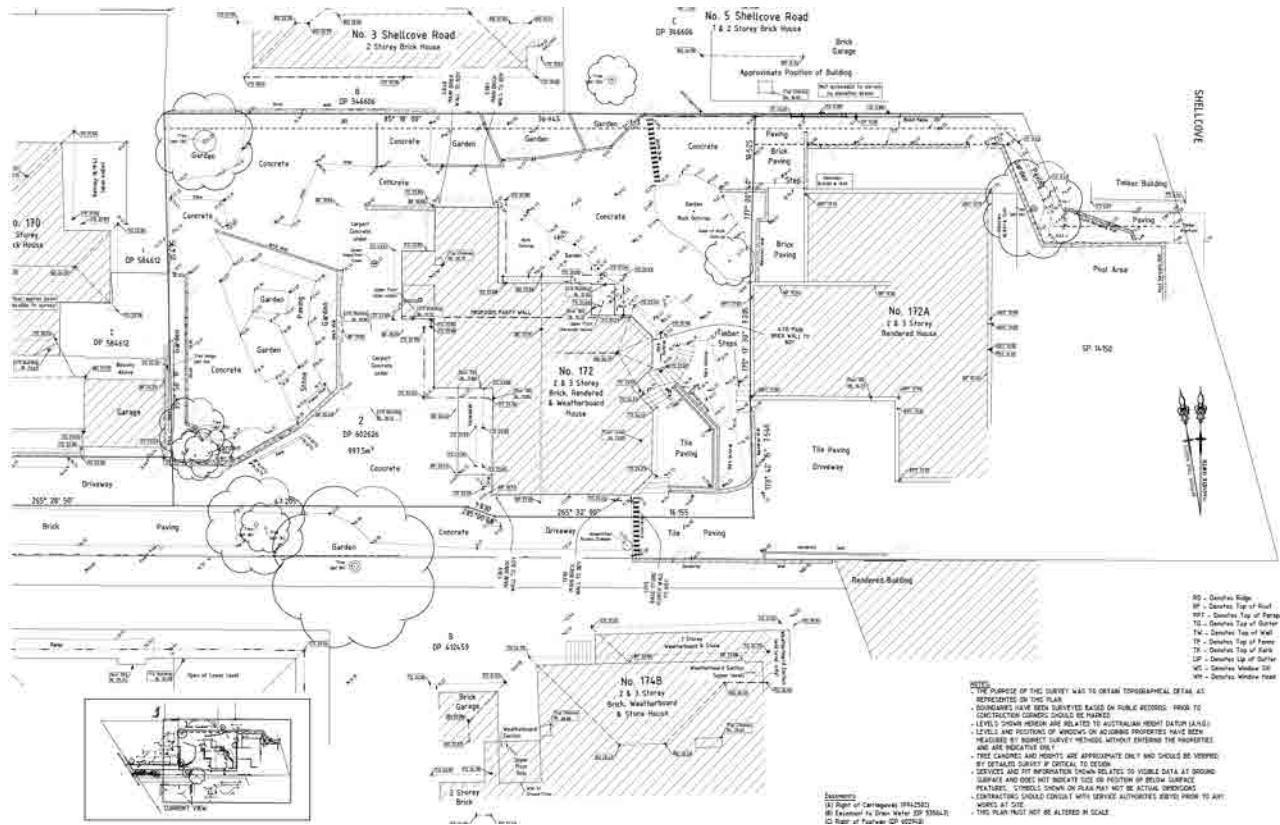
Site with 5m contour overlay Source: RPData 2021



Site with 5m contour overlay Source: RPData 2021

The subject site is legally described as Lot 2 DP 602626 and is known as 172 Kurraba Road, Kurraba Point. The site has an area of approximately 997.5m² and is irregular in shape.

The site has an western boundary to Kurraba Road of approximately 3.71m and a common eastern boundary of approximately 25.27m. The common northern boundary is approximately 36.945m (excluding the 30.5m battle-axe) and the common southern boundary is 36.485m (excluding the 30.5m battle-axe).



Extract Beveridge Williams Survey 2020

The land falls from west to east across the site from RL19.76 to RL10.58 (around 9.18m). A two storey, part three storey attached dual occupancy of masonry construction with a gabled roof occupies the lot. The dwelling is a located on the flatter portion of the site and supported by a series of sandstone terraces where the land falls rapidly to the east.

The existing attached dual occupancy at 172 Kurraba Road is an example of a two storey, Edwardian period house in the Queen

Anne/Arts and Crafts style set on a battle-axe block to the east side of the street. The house is partly intact in form but has been extended, heavily altered internally and converted to two apartments.¹

The house is in roughcast render set on a rockface sandstone base with a gabled, slate roof with terracotta ridge cappings and rendered masonry chimneys. The two storey, rear additions have a series of flat and skillion roofs. There is a faceted projecting bay to the east with a hipped, slate roof that flanks a two storey, faceted verandah with a flat roof and tiled spandrel. The verandah has been enclosed with timber framed glazing. There is a small sunroom (now enclosed) to the north-western corner supported on a timber post.

The entry to both apartments is to the west off a flat roof 'verandah' supported on decorated cast iron columns that connects to a flat roof carport at the rear that is supported on painted brick columns. The house has been converted to apartments with the original stair altered and enclosed. The layout of the major rooms is similar at both levels and each level has access to the rear additions.

¹ John Oultram 172 Kurraba Road, Kurraba Point Heritage Impact Statement 2021 p3



View to the west of paved north garden showing change in levels.



View to the west of paved north garden showing change in levels and 170 Kurraba Road behind with water views through the northern setback.



View to the south-west of eastern garden showing change in levels.



View to the north from paved terrace towards Shell Cove and Cremorne Point.



View to the west along shared driveway adjoining living room windows.



North elevation



West elevation

The existing attached dual occupancy on the subject site is currently configured as two dwellings, one above the other. It is proposed to carry out alterations and additions to the northern side of the building to reconfigure the attached dual occupancy as two dwellings side by side. This will afford each dwelling direct access to outdoor private open space. The allotment is currently extensively concreted and it is proposed to reinstate the gardens and landscaping.

The additions to the dwelling have been sited to the north within a narrow footprint so that the view corridor from 170 Kurraba Road to Shell Cove is maintained over a 5.8m northern setback. This northern setback is concreted forming a very steep, obstructed, former driveway. This northern setback is proposed to be terraced and landscaped with the landscaping kept low to maintain the views while also maintaining privacy.

The proposed extension is sited to the east of the existing northern wing of the attached dual occupancy, maintaining the primary roof form of the existing dual occupancy and slotting the extension in beside but beyond the sight lines.

The existing attached dual occupancy is two storey to the south and includes a lower ground level to the north within the sandstone footings. The proposed extension utilises this steep, natural change in level to create an intentionally narrow footprint, across three levels, thereby minimising view loss and visual bulk and provide a living area on the upper level (with direct access to a balcony), two bedrooms on the ground floor and a third bedroom on the lower ground level. The lower ground level opens directly onto a new terraced a garden area, which achieves privacy through the slope of the land.

The existing attached dual occupancy was proposed to be reconfigured on the south side to provide a living area at ground floor which opened onto a landscaped garden terrace (with a northern exposure) and three bedrooms on the level above. A landscaped entry court was provided to the west with a drying area and double garage.

The proposed development application was submitted in May 2021 and was notified to the surrounding properties. While the applicant had consulted with several adjoining owners and had configured the original proposed application to maintain views, an objection was received from 1 Shellcove Road regarding view loss across the side boundary of the subject site from the upper level master bedroom. Due to the extensive COVID lockdown access was not provided to the property to assess the view impact. The applicant was only provided with two photographs from the master bedroom (shown below: the first which has used a zoom lens and the second appears to have used a standard lens.)



Zoomed photo



Standard photo (actually cropped from the northern window)

Council's planning assessment officer, Luke Donovan, inspected the property on 18th June 2021 and took his own photographs. The one taken from the northernmost window of the first floor bedroom is also shown below. Luke Donovan advised that it was taken with an iPad Pro with a focal length equivalent of 50mm. The owner of 1 Shellcove road gave permission for the photograph to be sent to the applicant and to be used for the sole purpose of assessing the view impacts. Luke Donovan resigned from Council in early October.



Luke Donovan photograph from 1 Shellcove with iPad Pro with a focal length equivalent of 50mm.



Luke Donovan photograph from 1 Shellcove with iPad Pro with a focal length equivalent of 50mm cropped for view assessment.

The applicant erected height poles for both the compliant building envelope and the proposed development and the proposed amended development to allow a detailed view analysis for the Council Officer and Planner. However, access to the interior of 1 Shellcove Road and the Master bedroom was denied so that access was only available from the garden and from Cremorne Point across the bay which has made the view analysis assessment complicated.

It is noted that the original proposed extension to the dual occupancy was sited outside of the compliant building envelope (and caused a breach to the building height as a result of the fall in the local topography in order to maintain views to the properties to the rear at 170 & 170A Kurraba Road.

The applicant has prepared a reference scheme (Reference scheme A) which comfortably complies with the North Sydney LEP and DCP requirements (but creates far greater view impacts for the properties to the rear at 170 & 170A Kurraba Road as well as to 1 Shellcove Road). As a consequence of the Tenacity Consulting decision the applicant has prepared an amended scheme which seeks to provide a more skilful design resolution which maintains views for the neighbours by reducing the footprint while breaching the height control as a result of local fall in the topography.

The amended proposal significantly increases the existing landscaped area from 17.9% to 42.4% (40% control) and the existing unbuilt upon area is decreased from 52.7% to 19.8% (15% control) on the site and the proposed site cover is 37.7% (45% control). The amended proposal creates a series of private gardens and terraces for the occupants who are currently overlooked from the raised terraces and balconies of the properties to the west and north and from the shared driveway and access to the south which directly abuts the southern elevation of the existing dual occupancy and entry to the dwellings.

The proposal has been amended to reduce the extent of the footprint of the addition to the east by 1.7m and has reduced the height of the addition by 1m and reduced the height of the main roof form by 250mm so as to preserve views for the properties to the rear and retain views for the property to the north-west (1 Shellcove Road) which currently obtains slot views across the side boundary of the subject site. It is apparent that the compliant reference scheme would create significant view loss for the surrounding properties and that the proposed amended scheme provides view sharing in accordance with the Tenacity Principle.

It is apparent from the view loss diagrams below that the Compliant Reference Scheme A would have significant view impacts on the properties to the rear at 170 and 170A Kurraba Road and much more significant impacts on 1 Shellcove Road. The purpose of the original proposed DA scheme was to preserve water views for 170 and 170A Kurraba Road as developed during consultation with those neighbours. The amended DA retains the views for the properties at 170 and 170A Kurraba Road and significantly improves the element of view sharing for 1 Shellcove Road as indicated in the scheme.



ORIGINAL DA



REFERENCE SCHEME 'A'



REVISED DA

The amended proposal retains significantly more of the water views within Shell Cove and extends the retention of the land water interface and the views to the horizon. It is considered that the amended proposal provides an acceptable extent of view sharing for all of the surrounding neighbours.

The proposed works are intended to retain the integrity of the contributory item within the conservation area, while addressing the amenity issues which have arisen over the past decades as the surrounding properties have been developed over time to gain views to Shell Cove over the subject site.



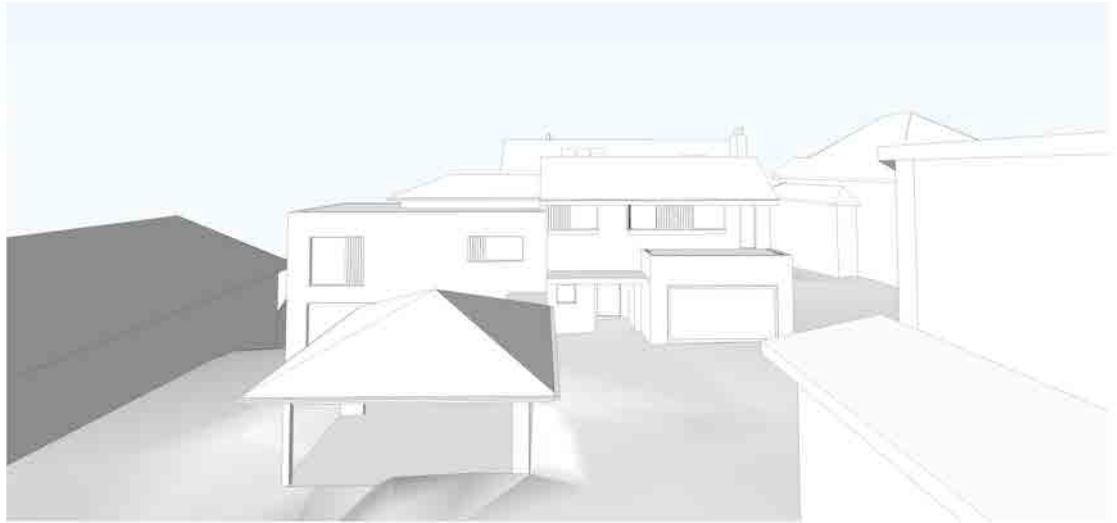
View of paved north garden overlooked by neighbouring properties to the west and north.



View of Shell Cove over northern garden of the subject site from 170 Kurraba.

While the proposal could have created a larger site cover footprint, where the proposed site cover is 40% and the control is 45%, this would have led to loss of views for the adjoining property at 170 Kurraba Road. Consequently, a narrower footprint was adopted which meant that the proposal expanded further to the east rather than adopting the alternate design of being located further west and north where the land is flatter.

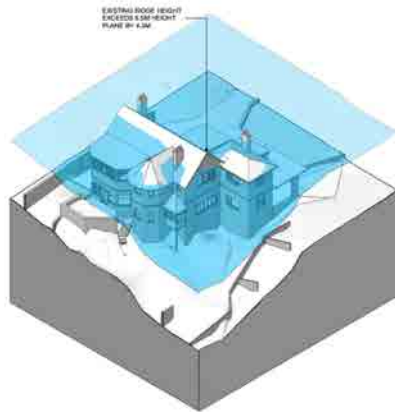
The following alternate scheme demonstrates how a compliant scheme would affect the water views of the property at 170 Kurraba Road. The following Building Height Blanket Diagrams demonstrate the existing building, a compliant building (notated as the reference scheme) and the proposed scheme.



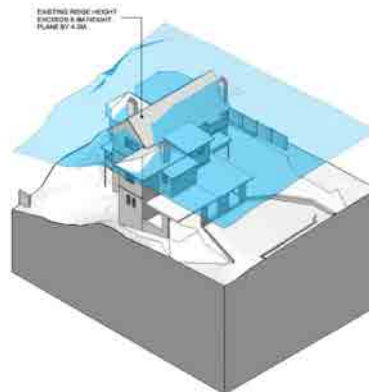
The Height Compliant Reference Scheme (View from west)



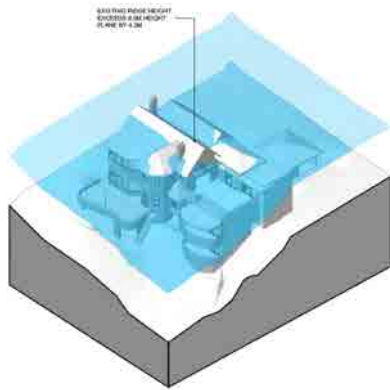
The Height Compliant Reference Scheme (View from east)



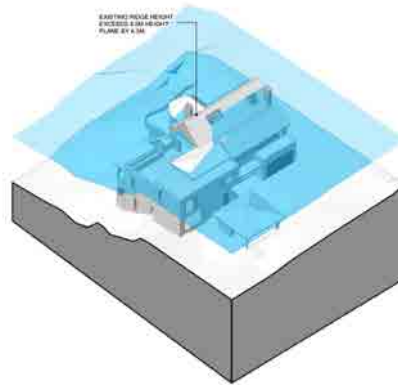
1 Building Height Plane - Existing Scheme



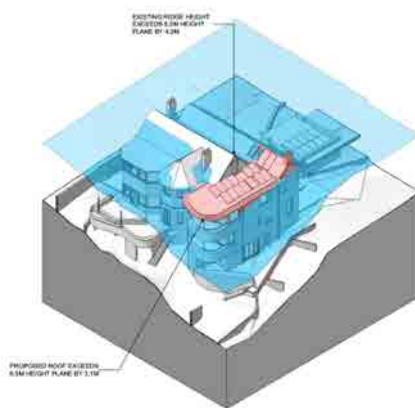
2 Building Height Plane Diagram - Existing Scheme



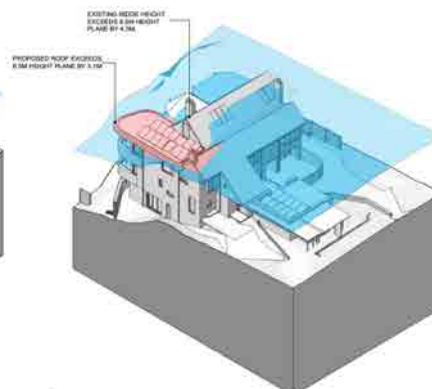
1 Building Height Plane - Reference Scheme A



2 Building Height Plane - Reference Scheme A



1 Building Height Plane Diagram - Proposed Scheme



2 Building Height Plane Diagram - Proposed Scheme

The images which follow demonstrate the impact of the compliant scheme on the water views of the property at 170 Kurraba Road.



Existing view from deck of 170 Kurraba Road, standing position.



View from deck of 170 Kurraba Road showing impact of the original DA scheme. Glass handrail was requested in owner's submission rather than painted steel.



View from deck of 170 Kurraba Road showing impact of the complying Reference Scheme A. The view of Cremorne Point and Shell Cove is completely blocked.



View from deck of 170 Kurraba Road showing impact of the revised DA scheme. Handrail is not required because of changes to retaining wall and garden design.

Reference Scheme A obstructs most of the view while the amended development application maintains and even improves the outlook to Shell Cove and Cremorne Point.

Furthermore, the property known as 170A Kurraba Road has an upper level balcony which enjoys the view in the photograph below.



Existing view from first floor deck of 170A Kurraba Road.



View from first floor deck of 170A Kurraba Road showing impact of the original DA scheme. The view of the ridge line of Cremorne Point is increased, but some of the slope and reserve obscured by the new roof.



View from first floor deck of 170A Kurraba Road showing impact of Reference Scheme A. The view of the ridge line of Cremorne Point is increased by removal of existing chimney but water and landscape to the north-east are blocked.



View from first floor deck of 170A Kurraba Road showing impact of the revised DA scheme. The view of the ridge line of Cremorne Point is increased by removal of existing chimney. The reduced length of new gable and redesigned parapet balance the view gain/loss of the western slope and reserve

It is apparent from consideration of the Reference Scheme A and the proposal that the views and outlook from the 170A Kurraba Road upper level balcony will be maintained.

-
1. that the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 2. that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
 3. that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction to those matters must be informed by the objective of providing flexibility in the application of the relevant control to achieve better outcomes for and from the development in question.

The Land and Environment Court has given consideration to the matters that must be addressed in relation to whether a variation to development standards should be approved. While these cases originally referred to the former SEPP 1, the principles still remain relevant. More recently, further guidance on the approach to apply to applications to vary development standards under clause 4.6 of the Standard Instrument was provided by the Land and Environment Court. This Clause 4.6 gives consideration to the matters raised in:

- Big Property v Randwick City Council [2021];
- HPG Projects Pty Ltd v Mosman Municipal Council [2021];
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;
- Turland v Wingecarribee Shire Council [2018] NSWLEC 1511;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;
- Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386; and
- Moskovich v Waverley Council [2016] NSWLEC 1015.
- Wehbe v Pittwater Council [2007] NSW LEC 827; and
- Winten Property Group Ltd v North Sydney Council [2001] 130 LGERA 79 at 89;

In accordance with the above requirements, this Clause 4.6 variation request:

2. identifies the development standard to be varied;
3. identifies the variation sought;
4. establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
5. demonstrates there are sufficient environmental planning grounds to justify the contravention;
6. demonstrates that the proposed variation is in the public interest; and
7. provides an assessment of the matters the secretary is required to consider before providing concurrence.

This Clause 4.6 variation request relates to the development standard for Height of Buildings under Clause 4.3 of the NSLEP and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Mersonn dated December 2021. This Clause 4.6 variation request demonstrates that compliance with the Height of Buildings development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify variation to the standard.

2.0 Development Standard to be Varied

The development standard that is sought to be varied as part of this application is Clause 4.3 of the NSLEP, relating to the Height of Buildings. Under the NSLEP 2013, the site is afforded Height of Buildings of 8.5m.

3.0 Nature of the Variation Sought

The maximum Height of Buildings on the site under the NSLEP 2013 for this application is 12.8m. The existing building on the site has a height of 12.8, therefore the existing building is already in excess of the

maximum Height of Buildings development standard applicable under the NSLEP 2013 and any work proposed above the 8.5m Height of Buildings (despite not increasing the Height of Buildings further than that which exists) requires a variation to the maximum Height of Buildings development standard through clause 4.6.

The proposed development does not seek consent to increase the Height of Buildings on the site but does propose work which occurs above 8.5m and to a height of 10.6m for the new work. The existing building exceeds the Height of Buildings development standard applicable under the NSLEP 2013 by 50.6% and while works are proposed at this higher level the proposal does not increase the height of the existing building. The proposed extension exceeds the height control by 24.7% as a consequence of the localized fall in the topography.

It is well established in case law that the extent of the numerical variation does not form part of the test required to be exercised under Clause 4.6. Decisions in respect of *Micaul Holdings P/L V Randwick City Council* (55% exceedance of height and 20% exceedance of FSR) and *Moskovich V Waverley Council* (65% exceedance of FSR) support this.

4.0 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The five methods outlined in *Wehbe* include:

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Method).*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Method).*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Method).*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents*

departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Method).

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

In this instance, the First Method is of particular assistance in establishing that compliance with a development standard is unreasonable or unnecessary.

The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action v Woollahra Municipal Council* [24] and *Turland v Wingecarribee Shire Council* [42]).

In this instance, the whole of the proposed development is that aspect of the development that exceeds the development standard, because the existing building already exceeds the relevant maximum Height of Buildings development standard and therefore any work proposed above the 8.5m height would require a further variation to that standard.

4.1 The objectives of the development standard are achieved notwithstanding the non-compliance (First Method)

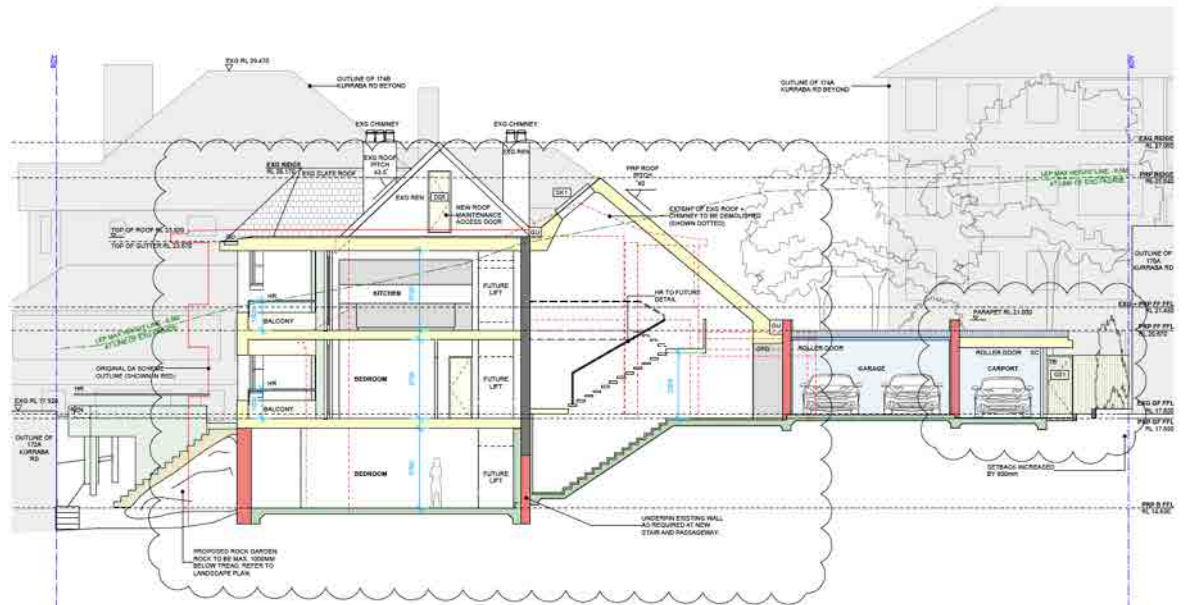
The objectives of Clause 4.3 Height of Buildings in NSLEP 2013 are;

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

-
- a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
 - (b) to promote the retention and, if appropriate, sharing of existing views,*
 - (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
 - (d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
 - (e) to ensure compatibility between development, particularly at zone boundaries,*
 - (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

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

The proposal steps following the landform, creating a lower ground floor level in response to the topography of the site. Similarly, the bulk and scale of the building steps down by providing a flat roof on the proposed extension rather than extending the gable ended roof. This is clearly understood by the amended drawings below.



Amended Development Application Section A

It is also apparent from consideration of the landscape plan, below that the development conforms to and reflects natural landforms, by stepping development on sloping land and following the natural gradient.

Amended Landscaping and External Works



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

The proposal presents as a building predominantly within the relative height of the existing building as it presents to Shell Cove and steps down the slope of the site. The breach to the height control arises from a combination of a localised fall of the topography within the site. The setbacks and envelope of the existing building are improved and increased in order to retain views both above, across the site as well as across the side boundary views.

It is unfortunate that the applicant has not been provided access to 1 Shellcove Road to carry out the view analysis in order to assess the view impacts. Consequently, the applicant has prepared view impact analysis using surveyed information, height poles and photographs provided by the Council officer. The applicant has also considered the photographs provided and carried out a Tenacity assessment.

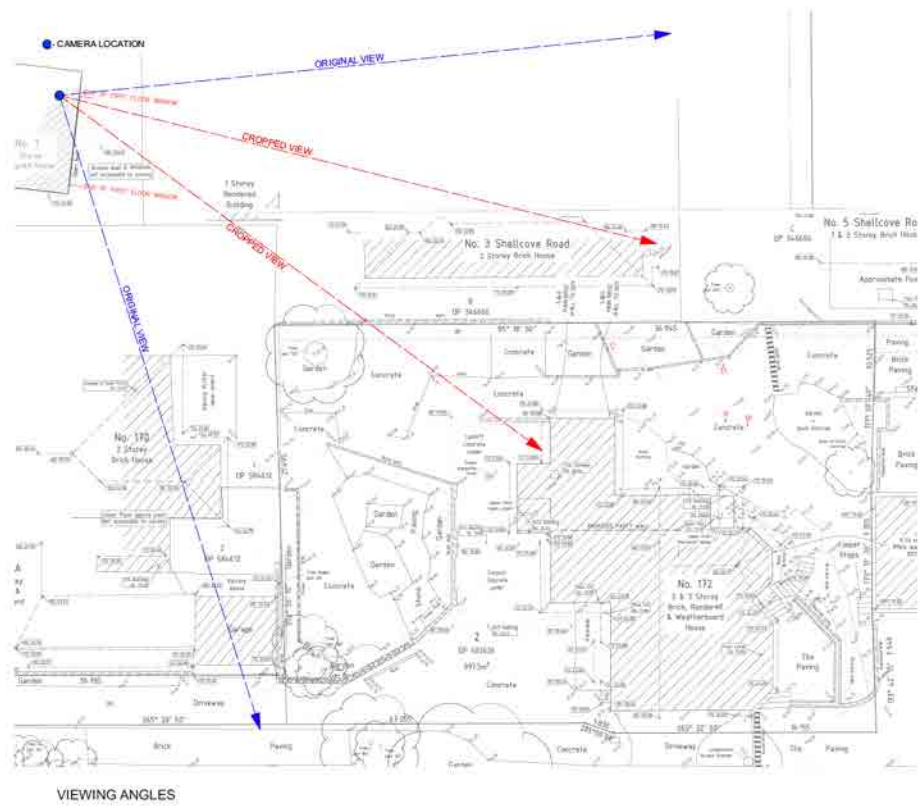
1 Shellcove Road



Luke Donovan photograph from 1 Shellcove with iPad Pro with a focal length equivalent of 50mm.



Luke Donovan photograph from 1 Shellcove with iPad Pro with a focal length equivalent of 50mm cropped for view assessment.



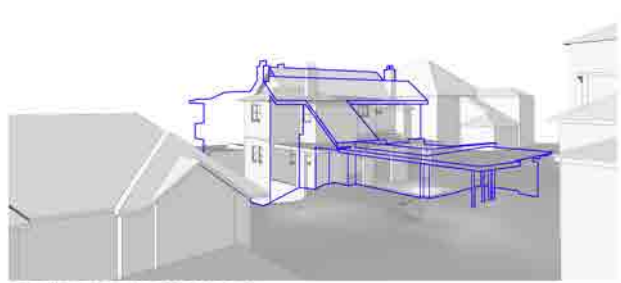
VIEWING ANGLES



EXISTING BUILDING SHOWING HEIGHT POLE POSITIONS
VIEWED FROM 1 SHELLCOVE ROAD



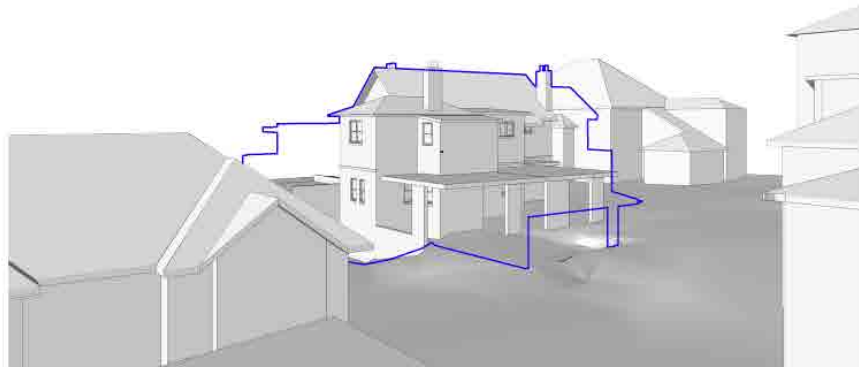
EXISTING BUILDING



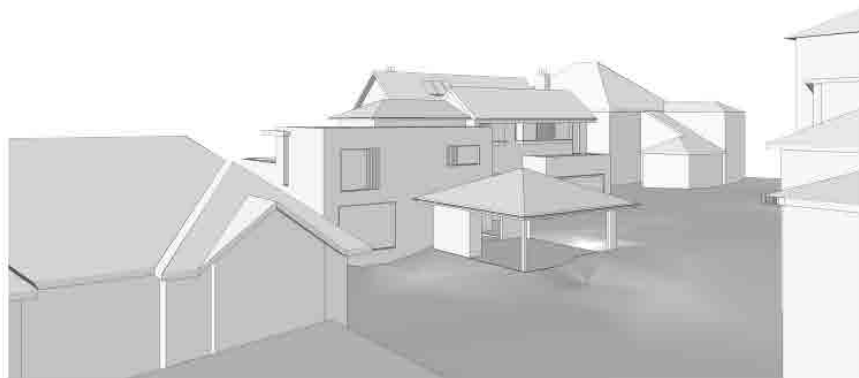
ORIGINAL DA WIREFRAME OVERLAY



ORIGINAL DA



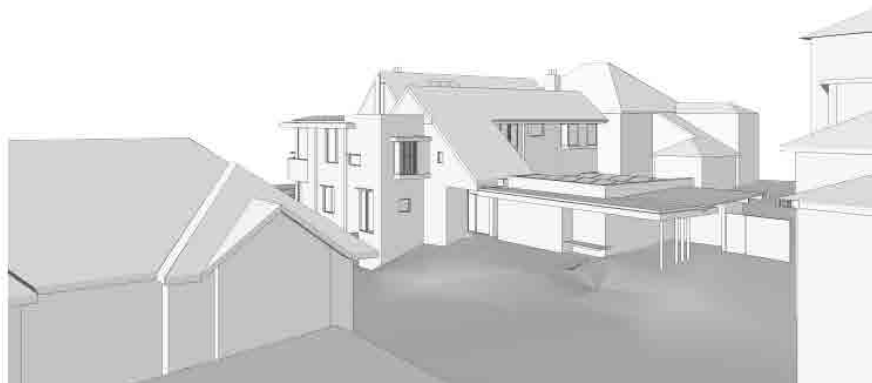
REFERENCE SCHEME 'A' WIREFRAME OVERLAY



REFERENCE SCHEME 'A'



REVISED DA WIREFRAME OVERLAY






REVISED DA



WIREFRAME OUTLINES: ORIGINAL DA, REFERENCE SCHEME A AND REVISED DA

LEGEND:

-  - REFERENCE SCHEME A OUTLINE
-  - ORIGINAL DA OUTLINE
-  - REVISED DA OUTLINE



ORIGINAL DA



REFERENCE SCHEME 'A'

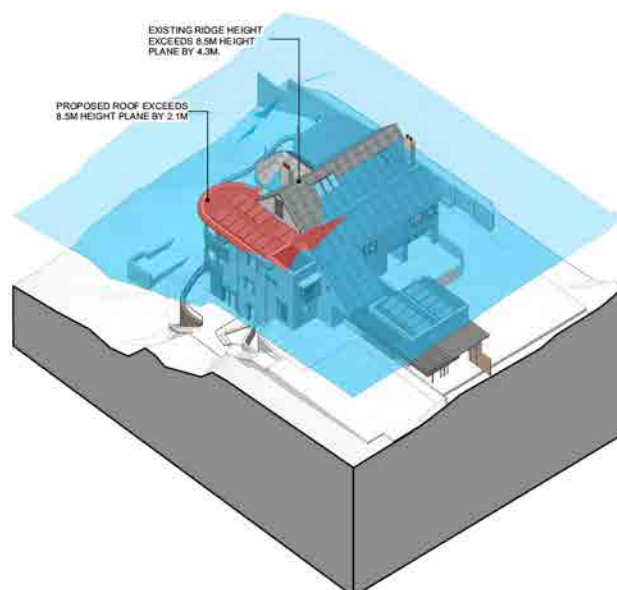


REVISED DA

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The dwelling at 1 Shellcove Road enjoys localised views from the upper level of the dwelling across the side boundary. There are partial water views of Shell Cove, and land/water interface views and horizon views. There are no iconic views. The views are partial and affected by the surrounding buildings, trees and landscaping. The proposal reduces a small portion of the water view and land water interface (but retains the majority).

Where the water view and land water interface is obscured this is through compliant portions of the building. It is noted that the compliant Reference Scheme A has significantly greater view loss and the amended proposal reduces these view impacts with the reduction in the building footprint to achieve view sharing for the surrounding neighbours.



27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views are obtained from the upper level of the dwelling from both a sitting and standing position. It is noted that the view is achieved across the side boundary of the subject site.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact on the views is minor given the retention of the upper level views across the side boundary and that the compliant Reference Scheme A has significantly greater view loss than the amended proposal which reduces these view impacts with the reduction in the building footprint to achieve view sharing for the surrounding neighbours.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one

that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

It is considered that the amended application which improves the view impacts, through a modified roof form and reduced building footprint and increased setbacks and reduced height. It is noted that the compliant Reference Scheme A is compliant with all of the planning controls but would have a very significant view impact for all of the neighbours. The amended proposal is considered to be a more skilful design.

The view impact is considered acceptable and the view sharing reasonable.

170 Kurraba Road

The images which follow demonstrate the impact of the compliant scheme on the water views of the property at 170 Kurraba Road.



Existing view from deck of 170 Kurraba Road, standing position.



View from deck of 170 Kurraba Road showing impact of the original DA scheme. Glass handrail was requested in owner's submission rather than painted steel.



View from deck of 170 Kurraba Road showing impact of the complying Reference Scheme A. The view of Cremorne Point and Shell Cove is completely blocked.



View from deck of 170 Kurraba Road showing impact of the revised DA scheme. Handrail is not required because of changes to retaining wall and garden design.

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The dwelling at 170 Kurraba Road enjoys localised views from the raised deck and ground floor of the dwelling across the rear boundary. There are partial water views of Shell Cove, and partial land/water interface views and horizon views. There are no iconic views. The views are partial and affected by the surrounding buildings, trees and landscaping. The proposal retains the majority of the views by setting the proposal back significantly from the northern boundary. It is noted that the compliant Reference Scheme A has significantly greater view loss than the amended proposal which reduces these view impacts with the reduction in the building footprint to achieve view sharing for the neighbour to the rear.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views are obtained from the raised deck and ground floor level of the dwelling from both a sitting and standing position. It is noted that the view is retained.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens

are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact on the views is negligible given the retention views by setting the building back and recuing the footprint and that the compliant Reference Scheme A has significantly greater view loss than the amended proposal.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

It is considered that the amended application which improves the view impacts, through the removal of the handrail, increased setbacks and reduced height. It is noted that the compliant Reference Scheme A is compliant with all of the planning controls but would have a very significant view impact for all of the neighbours. The amended proposal is considered to be a more skilful design.

The view impact is considered acceptable and the view sharing reasonable.

170A Kurraba Road



Existing view from first floor deck of 170A Kurraba Road.



View from first floor deck of 170A Kurraba Road showing impact of the original DA scheme. The view of the ridge line of Cremorne Point is increased, but some of the slope and reserve obscured by the new roof.



View from first floor deck of 170A Kurraba Road showing impact of Reference Scheme A. The view of the ridge line of Cremorne Point is increased by removal of existing chimney but water and landscape to the north-east are blocked.



View from first floor deck of 170A Kurraba Road showing impact of the revised DA scheme. The view of the ridge line of Cremorne Point is increased by removal of existing chimney. The reduced length of new gable and redesigned parapet balance the view gain/loss of the western slope and reserve

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The dwelling at 170A Kurraba Road enjoys localised views from the upper level deck of the dwelling across the rear boundary. There are partial water views of Shell Cove, and partial land/water interface views and horizon views. There are no iconic views. The views are partial and affected by the surrounding buildings, trees and landscaping. The proposal retains the majority of the views by setting the proposal back significantly from the northern boundary. It is noted that the compliant Reference Scheme A has significantly greater view loss than the amended proposal which reduces these view impacts with the reduction in the building footprint to achieve view sharing for the neighbour to the rear.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views are obtained from the upper level deck of the dwelling across the rear boundary from both a sitting and standing position. It is noted that the view is retained.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens

are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact on the views is negligible given the retention views by setting the building back and reducing the footprint and that the compliant Reference Scheme A has significantly greater view loss than the amended proposal.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

It is considered that the amended application improves the view impacts, through the removal of the roof form, increased setbacks and reduced height. It is noted that the compliant Reference Scheme A is compliant with all of the planning controls but would have a very significant view impact for all of the neighbours. The amended proposal is considered to be a more skilful design.

The view impact is considered acceptable and the view sharing reasonable.

The proposal is consistent with this objective.

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

Full shadow diagrams and views from the sun have been prepared demonstrating compliance with solar access requirements for the occupants of the subject site and the adjoining properties.



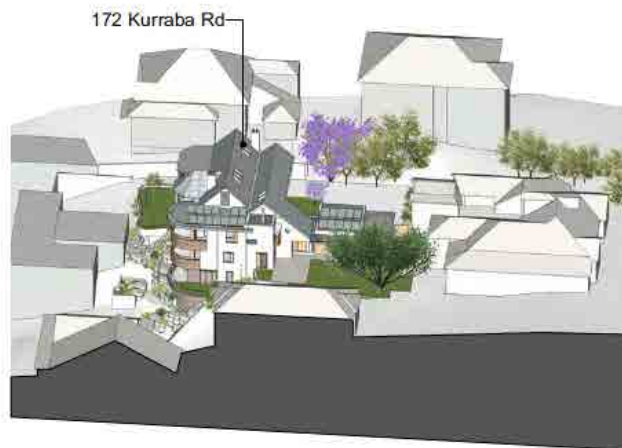
1 Sun Angle View - June 21, 9am
 ALTITUDE: 18.99 DEGREES
 AZIMUTH: 42.56 DEGREES



2 Sun Angle View - June 21, 10am
 ALTITUDE: 26.36 DEGREES
 AZIMUTH: 29.98 DEGREES



3 Sun Angle View - June 21, 11am
ALTITUDE: 31.17 DEGREES
AZIMUTH: 15.26 DEGREES



1 Sun Angle View - June 21, 12pm
ALTITUDE: 32.74 DEGREES
AZIMUTH: 359.15 DEGREES



2 Sun Angle View - June 21, 1pm
ALTITUDE: 30.81 DEGREES
AZIMUTH: 343.12 DEGREES



3 Sun Angle View - June 21, 2pm
ALTITUDE: 25.70 DEGREES
AZIMUTH: 326.61 DEGREES



4 Sun Angle View - June 21, 3pm
ALTITUDE: 18.11 DEGREES
AZIMUTH: 316.25 DEGREES

It is clearly apparent from the views from the sun provided above that the location of the northern extension generally casts its shadow onto the existing building and does not create any additional shadow impact on the windows of the surrounding properties or private open spaces, reserves or streets.

The proposal is consistent with this objective.

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

The amended proposal maintains privacy for residents of existing dwellings being oriented to the east and where windows do face west they have been screened to avoid privacy implications.

The proposal is consistent with this objective.

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

The amended proposal presents as a building predominantly within the maximum height of buildings as viewed from the foreshore and neighbouring properties and is compatible with the surrounding development. The height of the proposal is considered to be consistent with the desired character of the locality and the surrounding buildings and the proposal provides an appropriate built form and land use intensity, consistent with the objectives of this clause.

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

The amended proposal provides an appropriate scale and density of development that is in accordance with, and promotes the character of, the local area consistent with this objective. The height of the amended proposal is considered to be consistent with, and appropriate to, the condition of the site and its context and consistent with the desired character of the locality and the surrounding buildings.

The proposal is consistent with this objective.

It is demonstrated in the plans that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties, consistent with the objectives of this clause. The proposal presents as a building predominantly within the maximum height of buildings as viewed from the foreshore and neighbouring properties. The height of the proposal is considered to be consistent with the desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight. The proposal provides an appropriate built form and land use intensity, consistent with the objectives of this clause. It is considered that these objectives are met by the proposal.

The height of the proposal is considered to be consistent with, and appropriate to, the condition of the site and its context. The desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight. The

proposal provides an appropriate built form and land use intensity consistent with the objectives of this clause.

It is of significance that the proposal has been amended to reduce the extent of the footprint of the addition to the east by 1.7m and has reduced the height of the addition by 1m and reduced the height of the main roof form by 250mm so as to preserve views for the properties to the rear and retain views for the property to the north-west (1 Shellcove Road) which currently obtains slot views across the side boundary of the subject site. It is apparent that the compliant reference scheme would create significant view loss for the surrounding properties and that the proposed amended scheme provides view sharing in accordance with the Tenacity Principle.

It is demonstrated in the amended plans that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties consistent with the objectives of this clause. The proposed external works to the building are located to minimise any view impacts.

The amended SEE details that the proposal is largely consistent with the relevant environmental planning instruments and does not give rise to any adverse environmental impacts in respect to overshadowing, traffic, heritage, wind, reflectivity, stormwater, flooding, noise, waste, economic and social impacts.

It is considered that, on balance, this is a better planning outcome promoting high quality development consistent with the character of the area.

It is considered that these objectives are met by the proposal.

5.0 There are sufficient environmental planning grounds to justify contravening the development standard

Clause 4.6(3)(b) of the NSLEP 2013 requires the departure from the

development standard to be justified by demonstrating:

That there are sufficient environmental planning grounds to justify contravening the development standard.

There are sufficient environmental planning grounds to justify a flexible approach to the application of the Height of Buildings control as it applies to the site. In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site.

The applicable circumstances that relate to the site are discussed below.

The proposal makes efficient use of the existing building envelope and restricts the footprint of the proposed extension where the site currently has significant breaches of the fundamental development controls. The amended proposal significantly increases the existing landscaped area from 17.9% to 42.4% (40% control) and the existing unbuilt upon area is decreased from 52.7% to 19.8% (15% control) on the site and the proposed site cover is 37.7% (45% control). The amended proposal creates a series of private gardens and terraces for the occupants who are currently overlooked from the raised terraces and balconies of the properties to the west and north and from the shared driveway and access to the south which directly abuts the southern elevation of the existing dual occupancy and entry to the dwellings.

While the proposal could have created a larger site cover footprint, where the proposed site cover is 40% and the control is 45%, this would have led to loss of views for the adjoining properties at 170 and 170A Kurraba Road. Consequently, a narrower footprint was adopted which meant that the proposal expanded further to the east rather than adopting the alternate of further west and north where the land is flatter.

It is considered that this is a better planning outcome to utilise the existing volume and restricted footprint rather than an attempt to extend the property to the rear where greater amenity impacts may occur.

A consideration of the application and the submitted shadow diagrams demonstrate that no significant overshadowing, privacy, view or bulk and scale amenity impacts arise from the proposal. It is considered that the proposal is the better planning outcome encouraged by the provisions of Clause 4.6.

While a Clause 4.6 exemption application is required for the works above the 8.5m height control all of these works are considered complimentary to the heritage status of the building and where external to the envelope are benign and with no significant environmental or amenity impact.

The proposed works above the height have no significant view impact and cause no overshadowing and no significant bulk or scale changes to the existing dwelling.

In the circumstances where there are sound environmental and site specific environmental planning grounds, the reasons for the breach to the height control are considered to justify contravention of the control and consequently the exception to the height control standard under Clause 4.6 is considered acceptable.

Further because the existing building exceeds the Height of Buildings development standard, any addition of height (or work above the height control to existing fabric) to the existing building will require a variation to this development standard under Clause 4.6. By allowing a variation to the Height of Buildings development standard in this instance, an opportunity is presented for the proposed development to achieve the benefits of view sharing and improve the existing building's relationship with the surrounding development, and to meet the relevant DCP controls which are currently in breach by the existing building. In this regard, there are sufficient environmental planning grounds to justify

contravening the development standard. The proposed additional height sought in this Clause 4.6 better allows the built form on the site to achieve the desired future character of the locality, as expressed under the DCP, as compared to the do-nothing scenario.

6.0 It is in the public interest because it is consistent with the objectives of the particular standard and the zone.

6.1 Consistency with the objectives of the development standard.

The proposed development is consistent with the objectives of the Height of Buildings development standard, for the reasons discussed in Section 4.1 of this report.

6.2 Consistency with the Zoned R2 – Low Density Residential Zone objectives.

The objectives for development in this zone are;

1 *Objectives of zone*

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

The proposed development improves the provision of housing for the needs of the community within a low density residential environment by improving the amenity of the offering and increasing the vitality of the area.

The proposal increases the variety of housing types by including side by side dual occupancies to maximise the amenity within the proposed dwellings and the opportunity for the community to utilise the high level of services and amenities in the established low density residential zone. The proposal increases the concentration of housing to take advantage of its access transport, services and facilities.

The stepped building form, reduced footprint and generous landscaping provides a suitable visual transition in lower density residential areas.

The proposal provides for a comfortable and sustainable living environment that also has regard to solar access, privacy, noise, views, vehicular access, parking and landscaping ensuring the development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.

The proposal provides for a suitable transition to the east by stepping the building and adjusting its form to the north and west stepping the building down the slope.

The proposal ensures that a high level of residential amenity is achieved and maintained both for the future occupants by providing an improved internal amenity and for the neighboring sites through the provision of a stepped building form, reduced footprint, increased setbacks and generous landscaping and deep soil.

The proposal is considered to meet the objectives for development in the zone. The proposal is considered consistent with the objectives of the standard and for development in this zone as required by this subclause.

It is demonstrated in the amended plans that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties consistent with the objectives of this clause. The proposed external works to the building are located to minimise any view impacts.

The amended SEE details that the proposal is largely consistent with the relevant environmental planning instruments and does not give rise to any adverse environmental impacts in respect to overshadowing, traffic, heritage, wind, reflectivity, stormwater, flooding, noise, waste, economic and social impacts.

The proposal is considered to meet the objectives for development in the zone.

The proposal is considered consistent with the objectives of the standard and for development in this zone as required by this subclause.

7.0 Secretary's Concurrence.

Under Clause 4.6(5) of NSLEP 2013, the Secretary's concurrence is required prior to any variation being granted. The following section provides a response to those matters set out in Clause 4.6(5) of the NSLEP, which must be considered by the Secretary.

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning
The variation to the Height of Buildings standard of NSLEP 2013 will not raise any matter in which could be deemed to have State or Regional significance. The extent of variation sought is minor in the context of the existing building height and the works do not increase the existing height.

The public benefit of maintaining the development standard.

Maintaining the development standard would not result in any public benefit in this situation. As detailed within the amended SEE, the height and bulk of the existing building is predominantly unchanged and the proposal responds to the surrounding urban context and the requirements of the North Sydney DCP 2013.

The current built-form provided by the existing building is generally consistent with the bulk and scale of the surrounding buildings, and requiring compliance with the Height of Buildings standard would result in an inconsistent building form.

The proposed development would allow the building as a whole to better meet the objectives of the DCP by physically responding to the form of the contributory building and its context and reinforcing the character of locality with appropriate consideration afforded the surrounding heritage buildings. The proposed variation to the Height of Buildings standard therefore allows the site to better meet the objectives of the DCP and the desired future character of the area. DCPs are guiding documents, prepared to express the desired future character, protect the public interest and are prepared through an extensive public exhibition process.

Therefore, to better meet the objectives of the DCP can be said to improve the development's presentation to the public domain and is in the public interest.

Any other matters to be taken into consideration by the Secretary
None.

In accordance with PS 18-003 (Variations to Development Standards), the Secretary's concurrence will need to be sought as the variation proposal is greater than 10%.

8.0 Conclusion

The assessment above demonstrates that compliance with the maximum Height of Buildings development standard contained in Clause 4.3 of NSLEP 2013 is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded on environmental planning grounds.

It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a superior outcome in planning and design terms. This Clause 4.6 variation demonstrates, notwithstanding the non-compliance with the maximum building height development standard, that:

- The development as proposed will deliver a superior built-form outcome in consideration of the site's heritage significance and its location amongst the surrounding heritage buildings;
- The development as proposed will provide environmental benefits particular to the site through the provision of improved amenity for future occupants of the development and for the surrounding area generally; and
- Compliance with the development standard would be both unreasonable and unnecessary in the instance because the development is able to fully satisfy the objectives of the R2 Low Density Residential and the objectives of the Height of Buildings development standard.

The NSLEP 2013 applies a maximum Height of Buildings development standard for the site of 8.5m. The existing development has been lawfully constructed and comprises an existing maximum height of 12.8m, therefore the existing building is already in excess of the maximum Height of Buildings development standard allowable under the NSLEP 2013.

This variation therefore seeks consent for the proposed works as consistent with the character and form of the contributory building and the surrounding buildings and does not result in an over development of the site or any adverse impacts on the public domain. The proposed additional height is commensurate with surrounding developments and the built form that characterises the locality. It is also consistent with the design approach applied to other heritage buildings within the immediate vicinity.

Consistent with the aim of Clause 4.6 to provide an appropriate degree of flexibility to achieve better outcomes for and from development, a

departure from the Height of Buildings development standard is considered appropriate in these circumstances.

Despite the numerical non-compliance with the Height of Buildings development standard, the proposed development is considered to satisfy the objectives of the development standard and the R2 Low Density Residential.

The proposal will provide environmental benefits particular to the site through the provision of improved amenity for future occupants of the development and for the surrounding area generally. On this basis, the Clause 4.6 variation is considered well founded and should be supported.

In this instance it is considered appropriate to make an exception to the Height of Buildings development standard under the provisions of Clause 4.6 for the reasons outlined in the preceding discussion.



Signature:

Name: Andrew Darroch

Date: December 2021