



NSLPP MEETING HELD ON 06/07/2022

Attachments:

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

ADDRESS: 9 Carlyle Lane, Wollstonecraft

APPLICATION No: DA 447/21

PROPOSAL: Alterations and additions including new dormer addition

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
02-01-01	A	Site Plan	CO-AP	08/12/21
02-01-02	A	Plan – Garage Level	CO-AP	08/12/21
02-01-03	A	Plan – Level 1	CO-AP	08/12/21
02-01-04	A	Plan – Level 2	CO-AP	08/12/21
02-01-05	A	Plan – Level 3	CO-AP	08/12/21
02-02-01	A	Elevation - South	CO-AP	08/12/21
02-02-02	A	Elevation - North	CO-AP	08/12/21
02-02-03	A	Elevation - East	CO-AP	08/12/21
02-02-04	A	Elevation - West	CO-AP	08/12/21
02-03-01	A	Section – Long (AA)	CO-AP	08/12/21
02-03-02	A	Section – Short (BB)	CO-AP	08/12/21
02-03-03	A	Section – Short (CC)	CO-AP	08/12/21
02-01-06	A	Plan – Area Calculations	CO-AP	08/12/21

OWNER: Thomas Bruce Lindsay Arthur & Jenny Sara

APPLICANT: CO-AP Pty Ltd

AUTHOR: Report of Thomas Holman, Assessment Officer

DATE OF REPORT: 18 June 2022

DATE LODGED: 21 December 2021

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a semi-detached dwelling comprising internal alterations, a side and rear addition, relocation of skylights, additional skylight, and dormer addition.

The development application is reported to the North Sydney Local Planning Panel for determination because the development application contravenes a development standard imposed by an environmental planning instrument by more than 10%, which requires determination by the Panel in accordance with the directions from the NSW Minister of Planning, Industry and Environment.

The proposed works seek relocation of skylights at 11.5m (35.29% variation) and a dormer addition with a height of 10.95 m (29% variation) above the existing ground level which would not comply with the maximum permitted height of 8.5 m not in accordance with clause 4.3 in NSLEP 2013.

The application has been assessed against the relevant provisions and requirements of the relevant planning instruments including the North Sydney LEP 2013 and North Sydney DCP 2013. Consideration has also been given to the Clause 4.6 request for a variation to the height of buildings development standard as submitted by the applicant which was considered to be acceptable in the site circumstances.

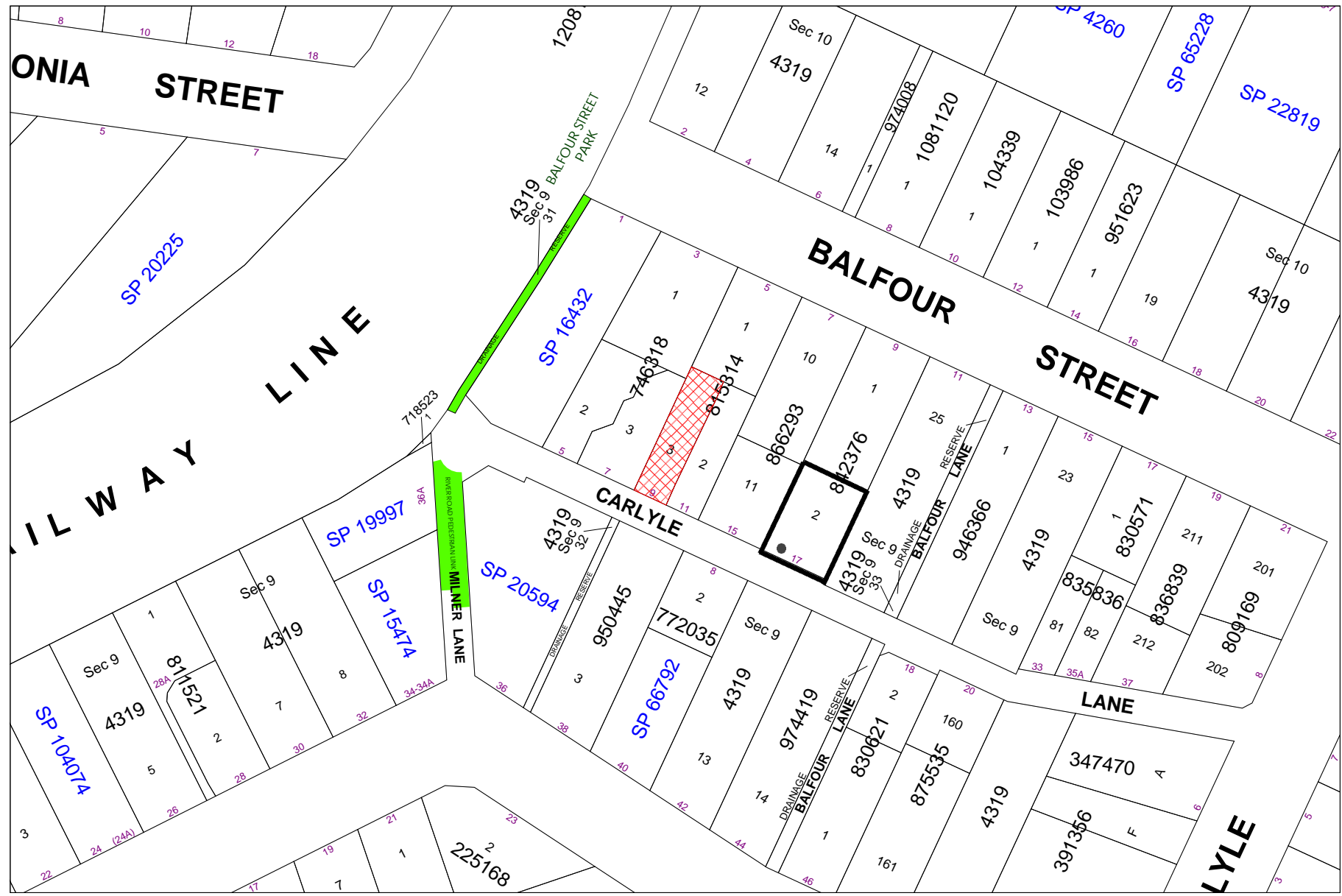
The proposed side dormer to be located on the western roof slope of the semi-detached dwelling is supportable and generally compliant with provisions in s1.4.11 of the NSDCP 2013. The dormer has no significant impact on Carlyle Lane and not located on the street elevation of the building, so there would be no impact to adjoining properties in terms of privacy or overshadowing and the design of the dormer is acceptable.

The side and rear extensions are generally supported maintaining a semi-detached dwelling that is compatible with surrounding development with a bulk, scale and form compatible with its low density residential surroundings. The development does not seek to significantly exacerbate the density of the site with works predominantly internalised or additions restricted to minor infill additions and additions to the roof.

One submission raised concerns about construction and potential inconvenience to the amenity of adjoining properties and the public realm. The issues have been addressed in this report and appropriate conditions of consent will ensure the amenity and public realm of adjoining properties is not affected during construction.

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

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for alterations and additions to a semi-detached dwelling comprising the following works:

Level 1 – FFL 57.43

- Internal alterations including the removal of partitions to form a new open plan kitchen/dining room and construction of a pantry.
- Side infill extension (2.5m² infill area) and new glazed sliding doors on the western elevation providing access to the side footpath.
- New glazed windows (W03 & W04) to the side western elevation providing sunlight to the kitchen and WC.
- New glazed sliding doors (D01) with stainless steel door frames (grey) for the front (north) elevation.
- New timber decking for the front terrace and a new glass balustrade.

Level 2 – FFL 60.255

- Internal alterations including conversion of an existing ensuite/walk-in-robe into a bathroom.
- Internal alterations reducing the size of the hallway and increasing the size of the rear bedroom.
- New skylight to the rear (north) elevation.
- An infill extension to the rear of Level 1 comprising 1.1m².
- Part demolition of existing northern front elevation balcony to form a smaller rectangular balcony with a glazed balustrade.

Level 3 – FFL 62.890

- Relocation of two skylights on the western roof slope and provision of a new skylight to the northern roof slope.
- New flat roof dormer to the western roof slope with 3 western facing windows and the elevations of the dormer comprise of zinc cladding in red/earth toned colour (Condition C8 External and Finishes will require the cladding to be earth toned and compatible with the existing roof tiles).

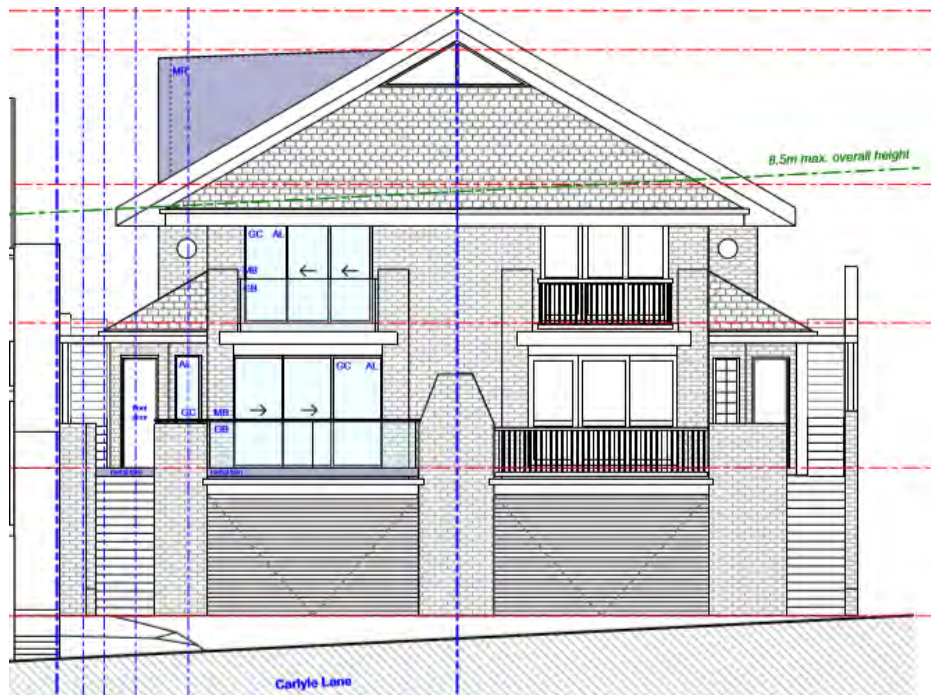


Figure 1 – Front (South Elevation) – Dwg No. 02-02-01 Rev A

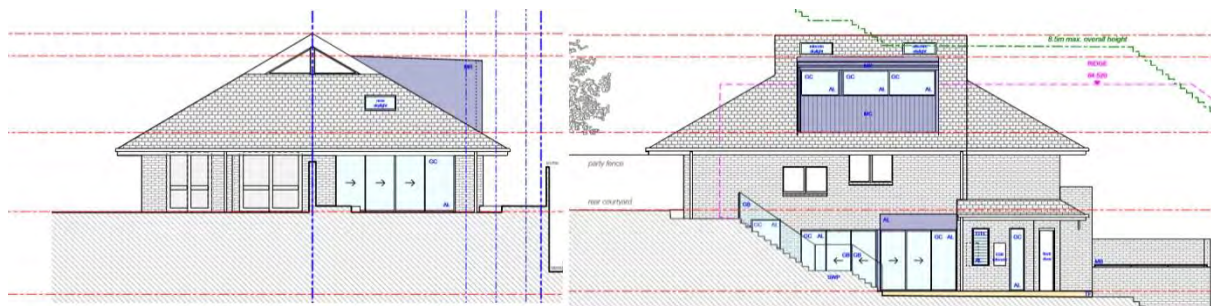


Figure 2 – Rear (North Elevation) – Dwg No. 02-02-02 Rev A and Side (West Elevation) – Dwg No. 02-02-04 Rev A

STATUTORY CONTROLS

North Sydney LEP 2013

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

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

- Chapter 2 Vegetation in non-rural areas
- Chapter 10 Sydney Harbour Catchment

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

Local Development

North Sydney Local Infrastructure Contributions Plan

POLICY CONTROLS

NSDCP 2013
NS Contributions Plan 2020

DESCRIPTION OF LOCALITY

The site is legally described as Lot 3 in Deposited Plan 815314 and is also known as 9 Carlyle Lane, Wollstonecraft. The site supports a semi-detached dwelling located on the northern side of Carlyle Lane. The subject site has a site area of 224m².

The semi-detached dwelling has brick elevations with a lower ground level garage facing Carlyle Lane, a level 1 terrace and another level 2 balcony facing Carlyle Lane. The rear garden is paved with shrubs and plants within the rear/side boundaries of the rear garden.



Figure 3 – Subject Site Front Elevation and rear garden (top) and side setback and landscaping within Carlyle Lane (below)

The site is located in an R2 Low Density Residential Zone and within a bushland buffer area situated within 300m of C2 Environmental Conservation Land.

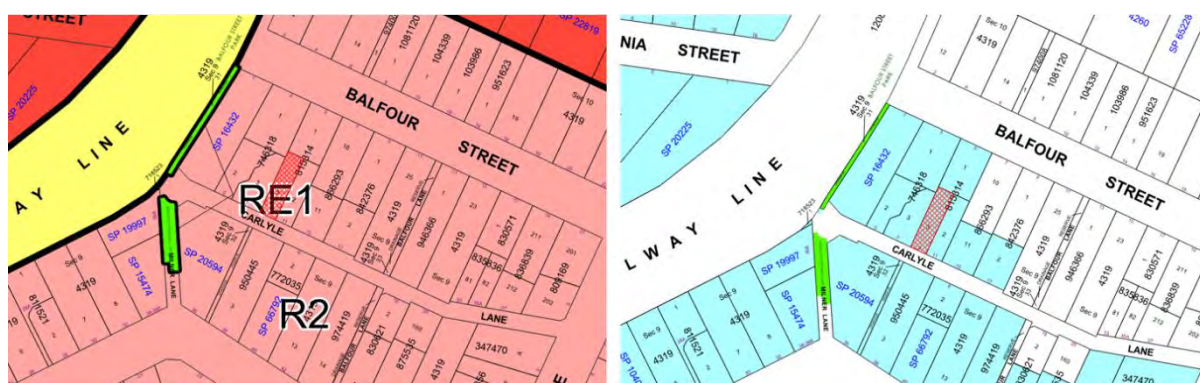


Figure 4 – Land Zoning Map with subject site hatched in red (left) and Bushland Buffer Map (right)

RELEVANT HISTORY

Previous applications

Date	Action
24/08/1998	Building Application No. 98/167 was approved by Council on 24 August 1998 for alterations and additions comprising internal alterations, replacement and new windows to the ground level elevations and conversion of an attic with provision of two skylights to the roof. Council also approved new landscaping including excavation of garden beds approved to the rear of the site.

Current Application

Date	Action
21/12/2021	Development Application No. 447/21 was lodged on 21 December 2021 for alterations and additions including a dormer addition to the subject site.
04/02/2022	DA No. 447/21 was notified to the Precinct and adjoining properties between 21 st January 2022 and 4 th February 2022.
18/05/2022	Site Visit.

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.

ENGINEERING

Council's Development Engineer assessed the proposed development on 13 January 2021 and raised no objections subject to appropriate conditions of consent requiring a dilapidation report to record the condition of public infrastructure and dilapidation survey/structural reports of neighbouring buildings prior to construction and a condition of consent was recommended requiring appropriate stormwater management.

SUBMISSIONS

Original proposal

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Wollstonecraft Precinct notified between 21 January 2022 to 04 February 2022. In response to the notification letter Council received one (1) submission concerned about construction matters which are listed below:

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

Basis of Submissions

- Residents in the lane should retain ongoing access to their garages and properties and residents should be given sufficient notice of construction related work or deliveries that affect access to neighbouring properties.
- Council related services such as domestic waste/garden waste removal must continue uninterrupted.
- General deliveries to neighbouring properties shall not be interrupted by the proposed works.
- On site toilet facilities must be provided and regularly cleaned.
- All rubbish associated with the construction site must remain on site and removed appropriately.
- Building materials must remain on the construction site.
- All residents properties including nature strips are not to be damaged.
- A Council ranger must carry out regular visits to ensure compliance with Council's conditions of consent.

CONSIDERATION

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

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

SEPP (Biodiversity and Conservation) 2021

- **Chapter 2 Vegetation in non-rural areas**

On 1 March 2022 the SEPP (Biodiversity and Conservation) 2021 came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Under Chapter 2 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the proposed development meets the aims of the former SEPP with works primarily affecting the existing semi-detached dwelling having no net reduction in the provision of landscaping and/or existing trees within the subject site nor the adjoining the site. The development preserves the existing amenity of trees and vegetation on the site and its surrounds.

SEPP (Biodiversity and Conservation) 2021

- **Chapter 6 Bushland in urban areas**

Under Chapter 6 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the proposed development meets the aims of the former SEPP having no impact on and preserving the nearby bushland. The works would affect the existing semi-detached dwelling with no removal of landscaping including native flora therefore the development has a nil impact on values of bushland (C2 Environmental Conservation) within 300m of the site.

SEPP (Biodiversity and Conservation) 2021

- Chapter 10 Sydney Harbour Catchment

The proposed works to the site are not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the inland location of the site with its substantial distance from the foreshore. As such, the development is acceptable having regard to the provisions contained within SREP 2005 now contained in Chapter 10 of the SEPP (Biodiversity and Conservation) 2021.

SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land

On 1 March 2022, the SEPP (Resilience and Hazards) 2021 came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Chapter 4 of this SEPP comprises the former SEPP 55 – Remediation of Land and requires Council is required to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of SEPP 55 and the Draft SEPP have been satisfactorily addressed.

SEPP (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate A444088 dated 15 December 2021 for alterations and additions has been submitted with the application to satisfy the Aims of the SEPP. **(See Condition No. C17, G5)**

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

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

2. Objectives of the zone

The objectives for a 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.*

The proposal is consistent with the relevant objectives of the zone, proposing works to the building which serves the housing needs of the occupants and does not compromise the amenity of adjoining properties or the surrounding area. The development does not impact on neighbouring amenity as it would not affect existing views, or the privacy of adjoining properties and no additional overshadowing is caused by the proposed dormer and side/rear additions.

Part 4 – Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
Site Area - 224m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	10.95m (Dormer) 11.5m (Relocated skylights above dormer but below ridge height)	8.5m	NO

3. Height of Building

The following objectives for the permissible height limit of 8.5m pursuant to clause 4.3 in NSLEP 2013 are stated below (*in italics*):

- (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.*

The proposed dormer would have a maximum height of 10.95m and the skylights relocated between the dormer and ridge of the semi-detached dwelling have a height of 11.5m which fails to comply with the permissible height limit of 8.5m not in accordance with clause 4.3 in NSLEP 2013 (exceedance of 29% for the dormer and 35.29% for the skylights). The sections below highlight the non-compliances with the height limit of 8.5m. The relocated skylights are above the maximum 8.5m height of building and the approximate location of the relocated skylights above the dormer are circled in red.

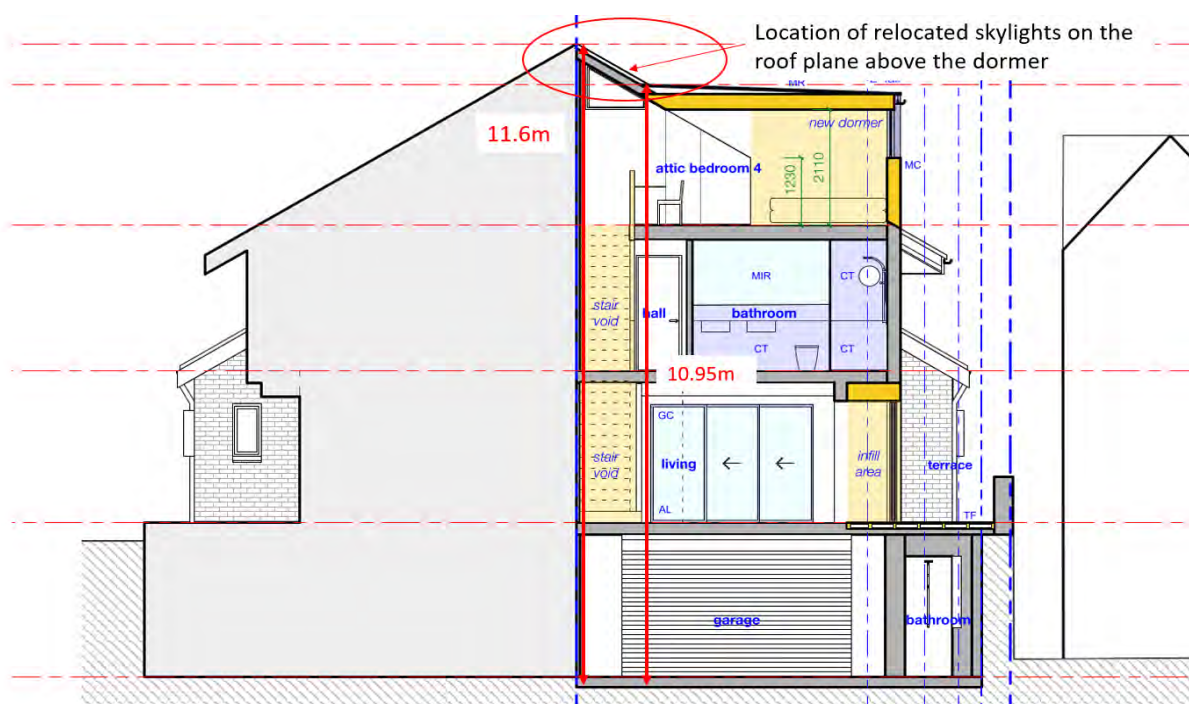


Figure 5 – Annotated Section BB (02-03-02 Rev A) showing height of dormer and skylights measured in a vertical distance from ground level (existing)

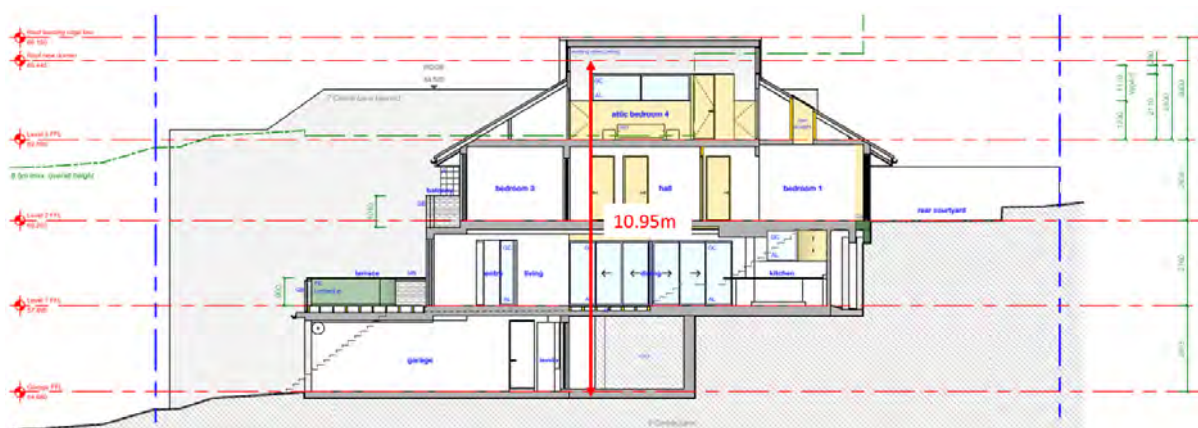


Figure 6 – Annotated Section AA (02-03-01 Rev A) showing height of dormer measured in a vertical distance from ground level (existing)

A written request to justify a contravention of the development standard for height has been submitted and considered below.

Clause 4.6(3)(a) Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

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

The existing site comprises a pre-existing semi-detached dwelling with a concrete driveway and rear garden. The existing semi-detached dwelling is generally stepped down the site and the topography of the site noticeably rises from the front boundary to the rear boundary by approximately 6-7 meters (RL 54.09 to RL 60.71).

The works will have no impact on the topography of the site with works predominantly internalised or additions to the existing dwelling roof such as the dormer addition to the western roof slope plus relocation/new skylights.

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

The proposed alterations and additions would retain the maximum height of the semi-detached dwelling with the only noticeable increase in bulk being the dormer addition within the western roof slope. The dormer is considered not to substantially affect the bulk and massing of the semi-detached dwelling or detract from views of surrounding properties. Consideration has been given to potential view loss from 5 Balfour Street located to the rear of the subject site.

5 Balfour Street is sited on higher land than the subject site. This is highlighted below in the Survey Plan submitted with Development Application No. 444/10 for alterations and additions to 5 Balfour Street. The levels of the bay windows are 67.195m and the balcony level RL is 64.45m. Due to the elevated height of the property 5 Balfour Street located to the rear of the subject site the dormer addition at a maximum RL of 65.445m would retain district views from the rear of 5 Balfour Street. Below is a photo taken from Balfour Street confirming the elevated topography of 5 Balfour Street and existing district views comprising land views, not water or iconic views.

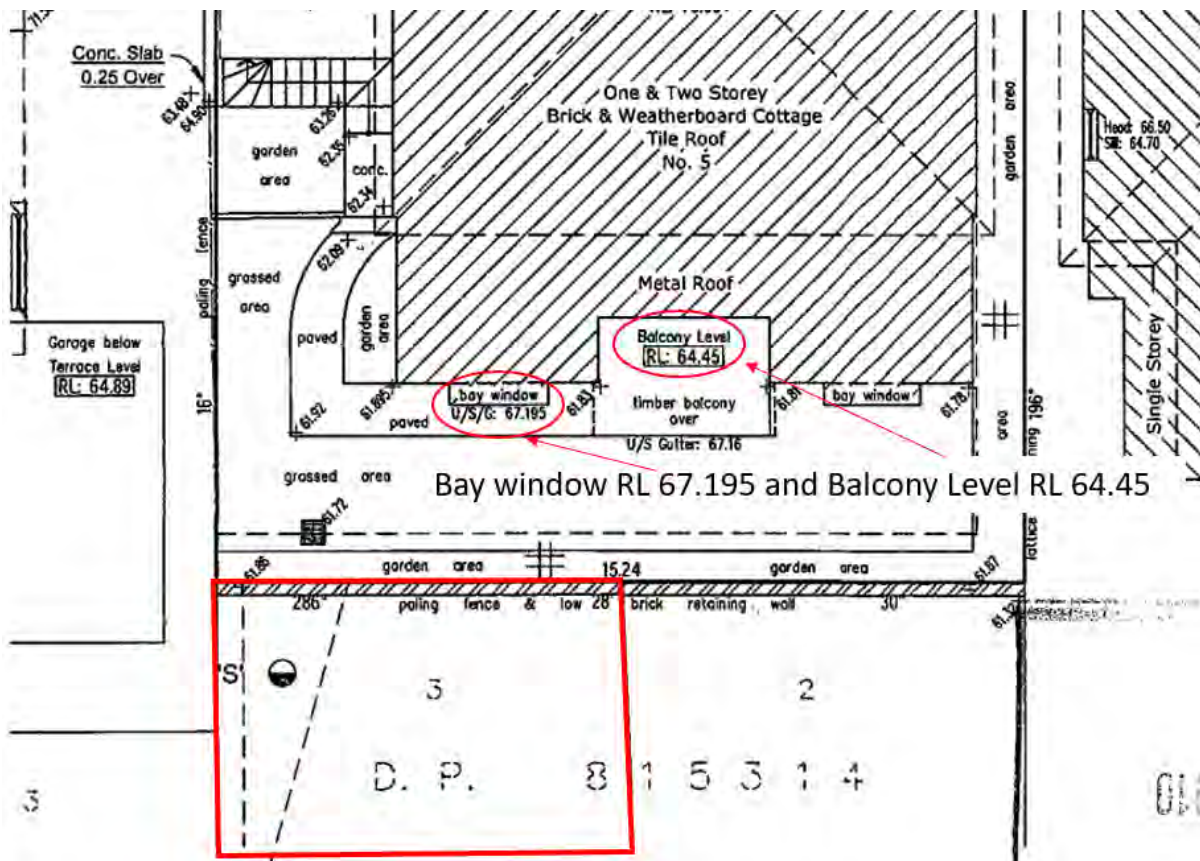


Figure 7 – Annotated Survey Plan prepared by John R. Holt Surveyors Pty Ltd for DA 444/10 (never constructed) showing RLs of bay window and balcony providing views to the rear of 5 Balfour Street

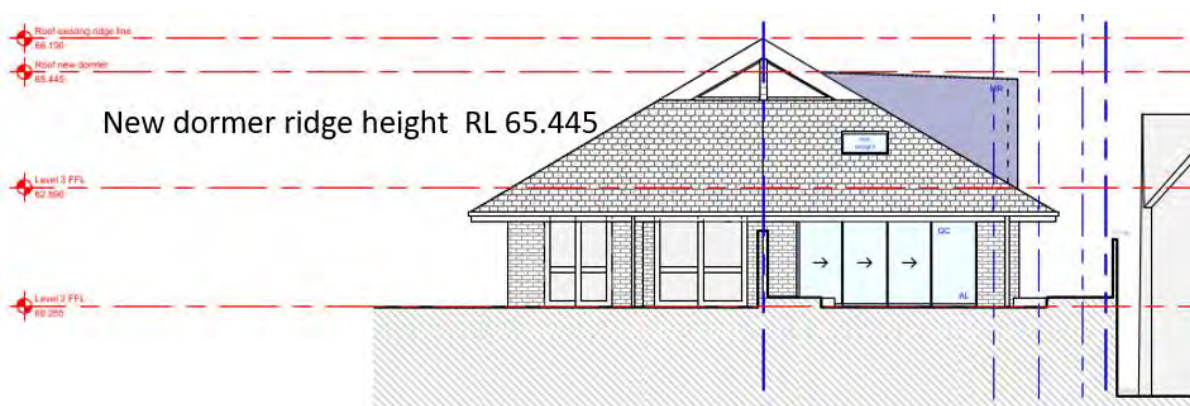


Figure 8 – Annotated North Elevation (Dwg No. 02-02-02 Rev A) detailing the maximum height of the dormer – RL 65,445



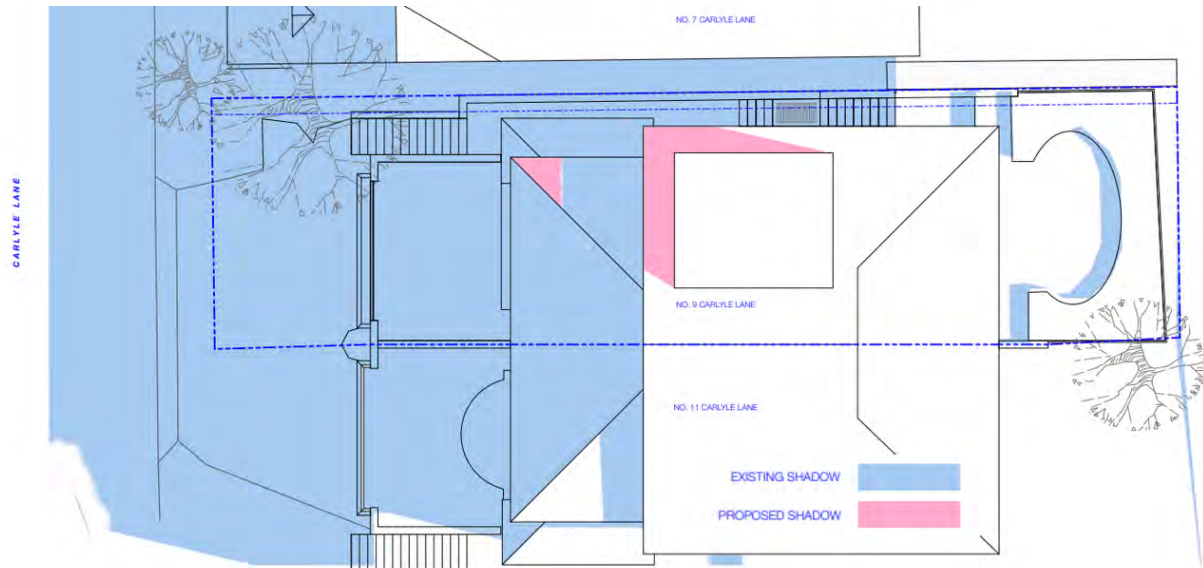
Figure 9 – Street image showing views from 5 Balfour Street and elevated siting of dwelling compared to 9 Carlyle Lane (North Sydney Council, 03 June 2022)

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

The proposed dormer would not cause any additional overshadowing over adjoining dwellings or the street with shadows cast from the dormer affecting the existing roof of the subject site's semi-detached dwelling only. The relocated skylights above the dormer will have no shadow impact.

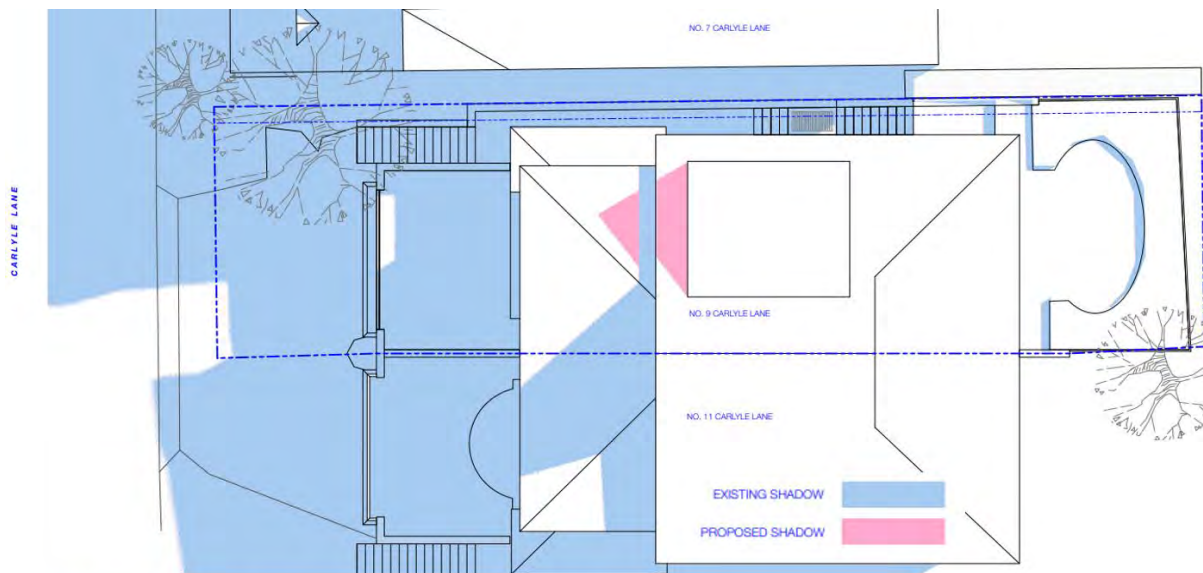
The application includes shadow diagrams at 9am, midday and 3pm for 21 June (mid-winter) confirming the existing dwelling subject to alterations and additions (internal alterations and a side dormer and relocated skylights) would not cause any additional shadows for surrounding dwellings or the streetscape.

Consequently, the development maintains the existing solar access afforded to existing dwellings and the street in accordance with the planning objective concerned with solar access to surrounding properties (see figures 10-12 below).



Existing & Proposed Shadows - June 21 - 9am

Figure 10 - Shadow Diagram at 9.00am in mid-winter (June 21) detailing shadow cast from the dormer affecting the roof of the existing semi-detached dwelling (SDP-04 Rev A)



Existing & Proposed Shadows - June 21 - 12pm

Figure 11 - Shadow Diagrams at 12.00pm in mid-winter (June 21) detailing shadow cast from the dormer affecting the roof of the existing semi-detached dwelling (SDP-05 Rev A)

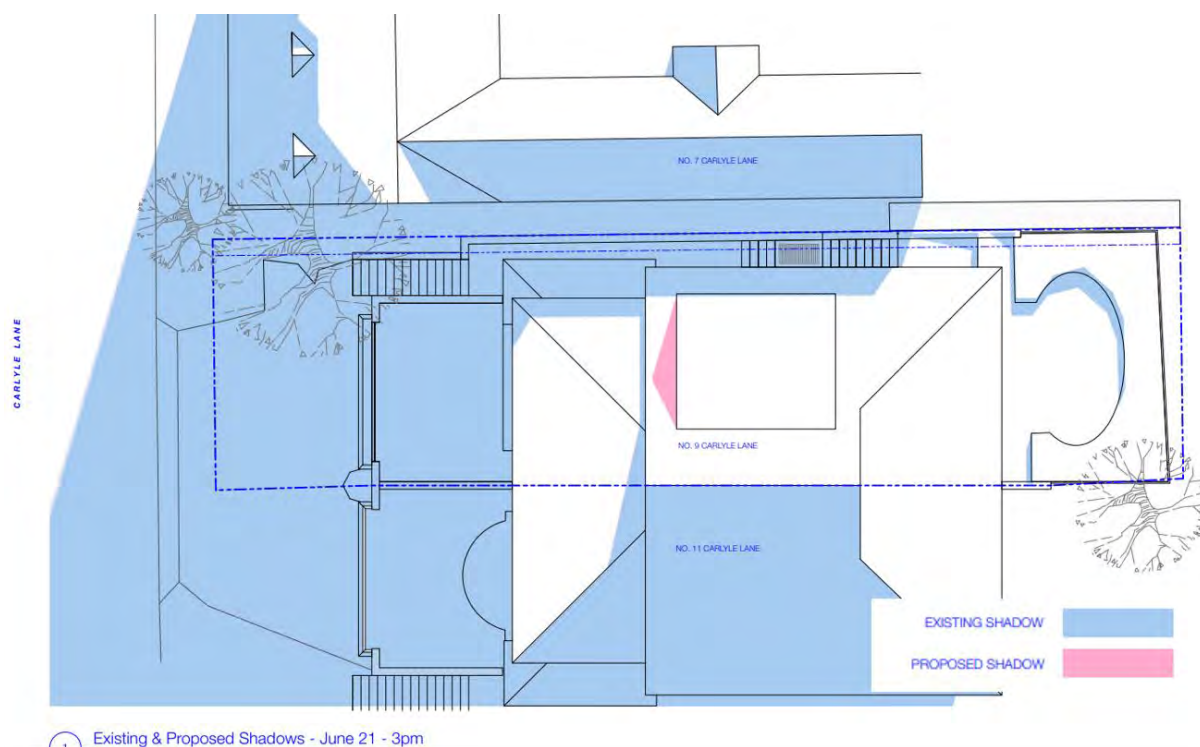


Figure 12 - Shadow Diagram at 3.00pm at mid-winter (21 June) detailing shadow cast over the roof of the semi-detached

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

The proposed additions to the existing attic bedroom to form a larger bedroom with an ensuite entails a dormer and relocation of two skylights. The skylights would direct views skywards and not towards the windows of neighbouring habitable rooms or the private open space of adjoining properties. The dormer includes three windows modest in size directing views towards the roof of the neighbouring property 7 Carlyle Lane not having any direct views to habitable rooms of the adjoining property and having no discernible impact on the visual amenity of the western neighbour. The skylight and dormer are appropriately sited on the side roof and designed to minimise overlooking of adjoining properties with predominant views directed to either the sky or the roof of the rear wing of 7 Carlyle Lane. Below is an annotated northern elevation and a nearmap image showing the no windows on the roof of the rear wing of 7 Carlyle Lane.

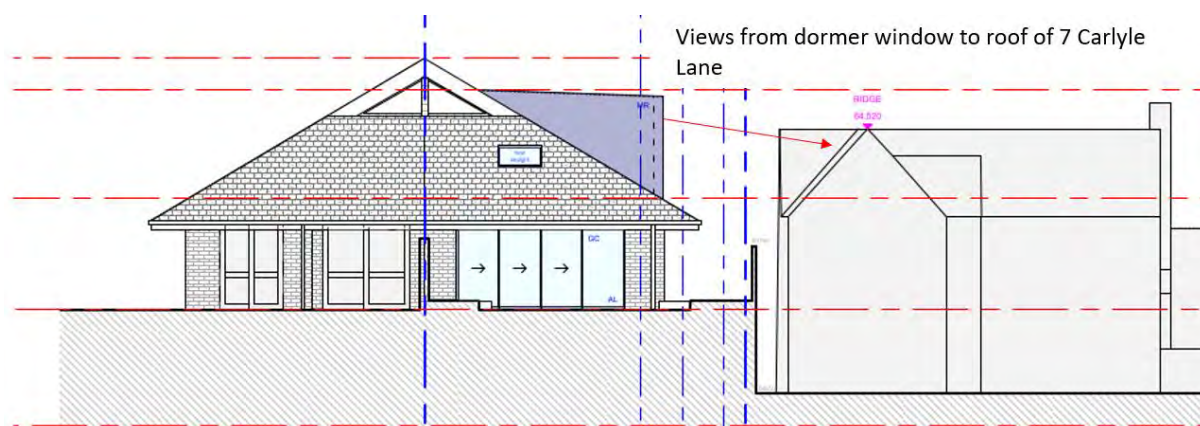


Figure 13 – Annotated North Elevation (Dwg No. 02-02-02 Rev A) identifying views from the dormer directed to the western roof slope of 7 Carlyle Lane

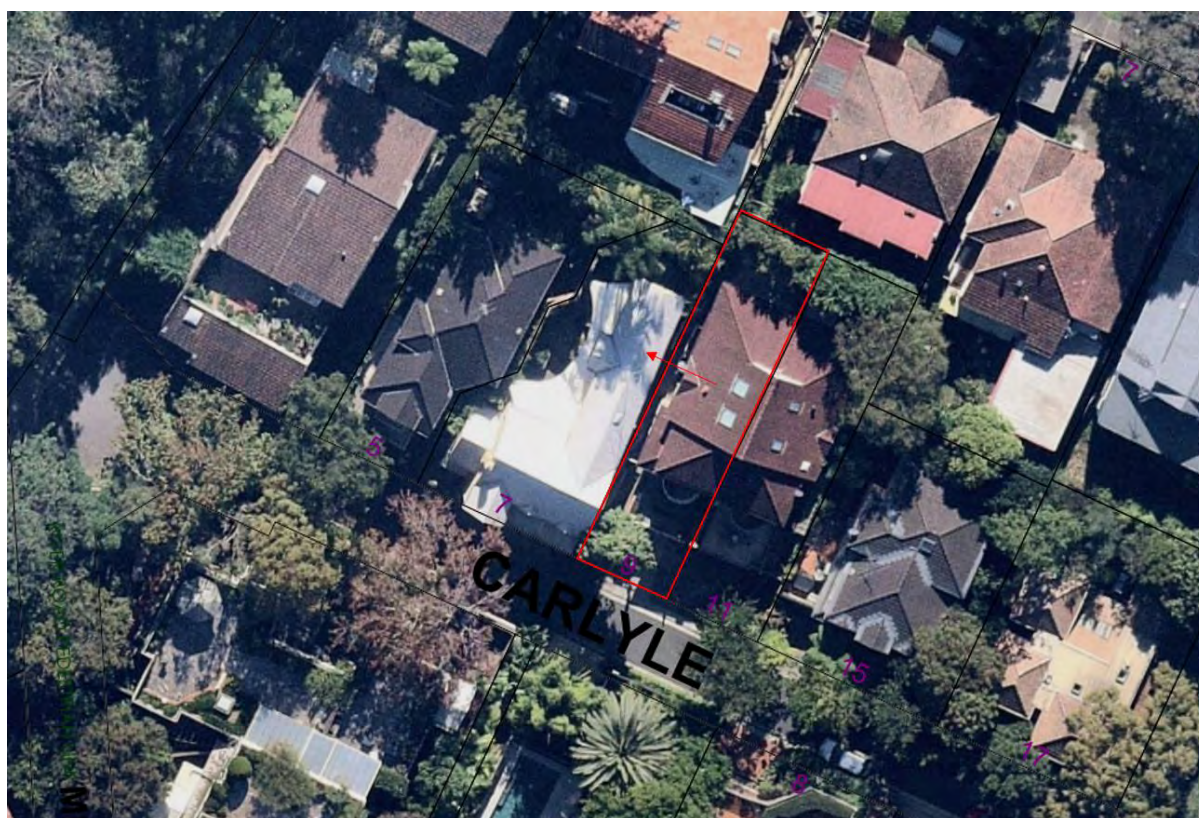


Figure 14 – Annotated Aerial photo (Nearmaps) showing site bordered in red and potential view from the dormer directed to the eastern roof slope of 7 Carlyle Lane

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

The semi-detached dwelling subject to alterations and additions is compatible with surrounding development noting that the semi-detached dwelling would retain a similar bulk, scale and form to the adjoining property (11 Carlyle Lane). The development does not seek to significantly exacerbate the density of the site with the works predominantly internal with a modest dormer on the western side of the building.

The subject site does not share a boundary to adjoining land with a differing zone surrounded by R2 Low Density Residential Land only.

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

The proposed alterations and additions are predominantly contained within the existing building apart from the proposed minor infill additions, an additional skylight/relocated skylights and dormer on the western side of the roof. Therefore, the scale and density of the development would remain consistent with the existing development within the surrounding low density residential area.

The existing property is a semi-detached dwelling and the proposed additions would result in a modest increase in density at the site however the roof additions including the dormer are considered appropriate in the site context.

Furthermore, the dormer is sufficiently setback from the principal elevation facing Carlyle Lane and due to the elevated character of the dwelling above the street the dormer addition will not be easily visible from the streetscape therefore having a limited impact on the character of the public realm (refer to below site plan and street photograph).

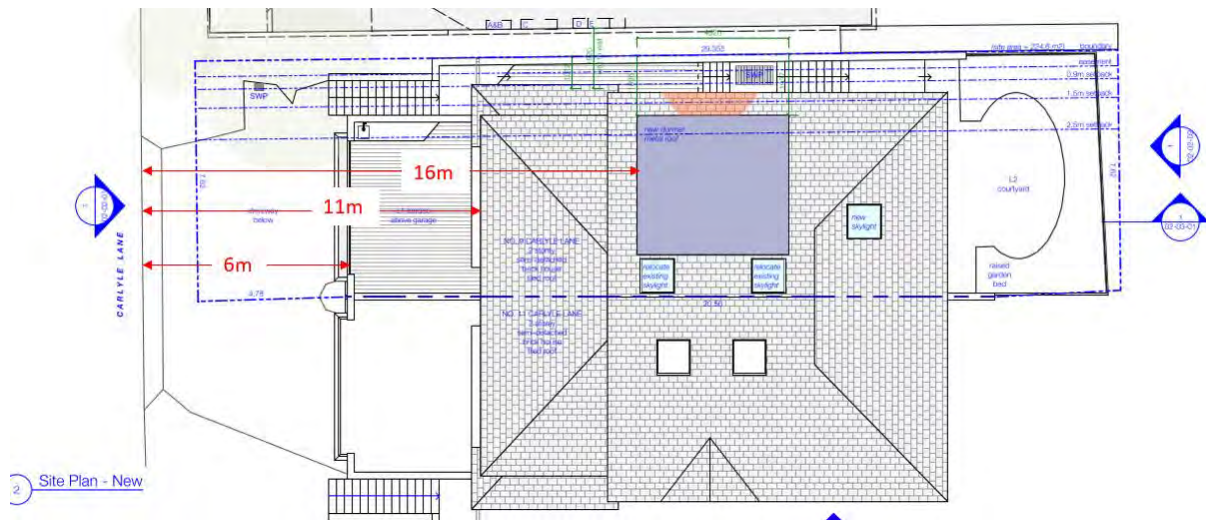


Figure 15 - Annotated Site Plan (Dwg No. 02-01-01 Rev A) detailing the setbacks of the dormer and principal elevations to Carlyle Lane



Figure 16 – Photograph of site from Carlyle Lane highlighting the elevated character of the site that is likely to minimise views of the dormer from Carlyle Lane

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

It is considered that there are sufficient environmental planning grounds in the circumstances of the case and Council has duly considered the written request from the applicant seeking to justify the contravention of the development standard.

The proposed dormer as shown within Figure 6 is 10.95m measured vertically from existing ground level and the relocated skylights located just below the roof ridge have a height of 11.5m as shown in Figure 5 exceeding the maximum 8.5m height of building by 2.45m for the dormer and 3m for the skylights.

The environmental grounds in support of the height variation prepared by Corona Projects dated 20 June 2022 states the development including the dormer and skylight meet the relevant zone objectives, the proposal is commensurate with the bulk and scale of surrounding development and that the development has negligible amenity impacts and no adverse impact on the public domain. Furthermore, the written request justifies the contravention of the development standard noting that the dormer does not exceed the height of the main roof ridge, where the works are predominantly internalised and the additions to the rear roof slope would not result in any additional amenity impacts such as overshadowing, loss of privacy or loss of views.

Whether the proposed development will be in the public interest?

The proposed development would be in the public interest as it is consistent with the objectives of the zone and the objectives of the development standard as discussed above.

Concluding Remarks

The written request to vary the development standard provided by the applicant is considered to be well founded. The written request demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation. The proposed development is, therefore, considered to be in the public interest. It is recommended that the variation be supported in the site context.

4. Earthworks

The proposal will involve some minor excavation to establish the floor slab and footings of both the side infill addition measuring 2.5m² and rear infill addition measuring 1.1m². The predominant works associated with the development application are internalised not requiring earthworks. Nevertheless, an assessment has been carried out for the earthworks required considering the matters in Clause 6.10(3) of the NSLEP 2013.

The proposed side and rear infill addition would retain the existing site topography and will require minor earthworks to construct the infill additions. The location of the infill additions is shown in the annotated photo below. The minor extent of earthworks is demonstrated in the Section below and Figure 22 later in the report comprising removal of existing tiles and some minor earthworks.




Figure 17 – Annotated photo of existing side elevation subject to infill addition and minor earthworks to construct infill addition circled in red (Dwg No. 02-03-01 Rev A)

The proposed side infill addition meets the objective of Cl. 6.10 of the NSLEP 2013 not having a detrimental impact on the environment including vegetation and not affecting neighbouring uses or heritage items on surrounding land.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

Part B Section 1- Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3 Environmental Criteria		
1.3.1 Topography	Yes	The proposed small 1.1m ² and 2.5m ² infill additions will entail minor earthworks therefore the works are satisfactory complying with the objectives in s1.3.1 of the NSDCP 2013 and likely to preserve the land stability of the site and surrounds, not affecting drainage patterns and the minor extent of excavation required is unlikely to impact upon the structural integrity of adjoining properties.
1.3.2 Bushland	Yes	The site is situated in close proximity to bushland referred to as Bushland Buffer Area B pursuant to Appendix 4 of the NSDCP 2013. The proposal is consistent with the requirements of Part B: Section 15 of the NSDCP 2013. The site does not contain remnant bushland and existing vegetation, ground levels or drainage conditions are not significantly altered.
1.3.3 Bush Fire Prone Land	N/A	The site is not located in bush fire prone land.
1.3.4 Foreshore Frontage	N/A	The property does not have a foreshore frontage.
1.3.6 Views	Yes	The development retains the views of adjoining properties with works predominantly internalised apart from an infill addition to the side and rear of property and the addition of a dormer on the side western roof slope. The dormer is unlikely to affect the bulk and massing of the semi-detached dwelling and detract from views of surrounding properties. Consideration has been applied to potential views from the most affected property to the rear (5 Balfour Street) located to the rear of the subject site. 5 Balfour Street is noted for being on higher land than the subject site. The site currently has land views only and the height of the property above that of 9 Carlyle Lane combined with the modest size of the dormer proposed will ensure equitable access to views from the rear of 5 Balfour Street in accordance with Objective O2, s1.3.6 Views of the NSDCP 2013.
1.3.7 Solar Access	Yes	The mid-winter shadow diagrams confirm that shadows from the dormer will be cast over the existing roof of the subject site having no impact to adjoining properties access to sunlight including the subject site. The subject site and adjoining dwellings retain a reasonable access to sunlight with shadows predominantly affecting the front setbacks and streetscape throughout mid-winter and the development has no additional impact therefore in accordance with Objective O1, s1.3.7 of the NSDCP 2013.
1.3.8 Acoustic Privacy	Yes	Level 1 Terrace Timber decking is proposed to replace tiles and a glazed balustrade to the front of the terrace facing Carlyle Lane with no increase in the size of the terrace. The brick dividing wall separating both Level 1 terraces (shown below) would also minimise any noise nuisance.

		 <p style="text-align: center;">Figure 18 – Photo of Front Level Terrace</p> <p>Level 2 Balcony</p> <p>The Level 2 balcony is subject to alterations reducing the size of the balcony with removal of the semi circular part of the balcony and forming a smaller rectangular balcony with a glass balustrade facing Carlyle Lane and a brick balustrade (1.01m) for both sides of the balcony. Consequently, there would be no additional noise from this altered balcony.</p> <p>The development inclusive of alterations and additions to the existing balconies is acceptable retaining a reasonable level of acoustic privacy for adjoining properties not significantly intensifying the use of the site. The Level 1 terrace remains the same size whilst the Level 2 balcony is reduced in size therefore noise emissions from these spaces will remain and not be intensified.</p> <p>The development generally complies with the Provisions and Objective O1, s1.3.8 ‘Acoustic Privacy’ of the NSDCP 2013.</p>
<p>1.3.9 Vibration</p>	<p>Yes</p>	<p>The site is located within 60m of a railway corridor (refer to below) therefore Clause 2.99 ‘Impact of rail noise’ in the SEPP (Transport and Infrastructure) 2021 requires consideration.</p> <p>To ensure the development complies with the requirements of Cl. 2.99(3) a modified condition of consent (C66 Noise and Vibration from Major Roads and Rail Corridors) will apply requiring the dwelling to adopt appropriate measures to ensure the following LAeq levels are not exceeded:</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. <p>The above condition will apply to only to the rooms affected by the proposed alterations and additions and does not necessitate alterations to parts of the dwelling not subject to alterations and additions.</p>
<p>1.3.10 Visual Privacy</p>	<p>Yes</p>	<p>Windows</p> <p>Side (West) Elevation</p> <p>New glazed bifold doors are proposed and a new window for the kitchen and WC providing outlook towards the western side setback and western boundary (refer to Figure 2 of the report).</p>

The openings proposed for the Level 1 side (west) elevation are acceptable not providing a direct outlook to windows, balconies or private open space of adjoining dwellings in accordance with Provision P3, s1.3.10 of the NSDCP 2013. This is highlighted in the below picture detailing the predominant blank wall of the adjoining property 7 Carlyle Lane.



Figure 19 – Existing side setback of 9 Carlyle Lane and eastern wall of 7 Carlyle Lane

Dormer

The dormer windows direct views towards the roof of the neighbouring property 7 Carlyle Lane not having any direct views to habitable rooms of the adjoining property and having no discernible impact to the visual amenity of the western neighbour.

Rear (North) Elevation

New bifold sliding doors are proposed for the Level 2 bedroom providing entry/exit to the rear garden of the site. The new glazed doors will have no impact on the visual privacy of the neighbouring property to the rear of the site as highlighted in the photograph below. No works are proposed to the existing rear boundary or vegetation which is to remain.



Figure 20 – Existing Rear Garden of 9 Carlyle Lane

Decks, Patios and Terraces

The development seeks to retain the size of the Level 1 terrace with views directed to Carlyle Lane. An existing brick wall provides privacy screening between the front terraces of 9 and 11 Carlyle Lane.

		<p>The new raised decking for the Level 1 terrace increases the FFL of the terrace by 14mm which is not significant and the existing brick wall (Figure 18) between the two terraces at a height of approximately 1.8m provides sufficient privacy between the two properties.</p> <p>The development comprising alterations to existing openings, new windows or glazed doors and alterations to the front terrace balcony are acceptable avoiding direct or close views into windows or private open space of adjoining dwellings and therefore a reasonable level of visual privacy between neighbours is retained.</p>
1.4 Quality built form		
1.4.1 Context	Yes	The proposal is generally compatible with the context, noting the additions including the dormer addition are not easily identifiable from the public domain. The dwelling retains its low density semi-detached character, and the topography of the site remains. The alterations and additions are considered to generally respond to the characteristics, opportunities, and constraints of the site.
1.4.2 Subdivision Pattern	Yes	The proposed work would not alter the existing lot size, shape or orientation of the site.
1.4.3 Streetscape	Yes	No works are proposed within the road reserve. However, there is potential for damage to public infrastructure through the course of construction, therefore it is recommended that a dilapidation report of public infrastructure (refer to C1) is prepared via condition of consent and a corresponding bond for damage and completion of infrastructure works (refer to C12) is recommended.
1.4.4 Laneways	Yes	Carlyle Lane is the principal frontage for the subject site. The development retains the siting of the dwelling and its setback to the laneway, no trees are sought for removal within the front setback and the existing driveway including lower ground car parking evident from Carlyle Lane would remain (refer to Figure 3).
1.4.5 Siting	Yes	The semi-detached dwelling retains its setback from Carlyle Lane with a principal façade orientated to the laneway generally concordant with directions in s1.4.5 and the character statement for the Upper Slopes Neighbourhood in Part C of the NSDCP 2013.

<p>1.4.6 Setback – Side</p> <p><i>General Residential (R2 zone)</i> 1st storey (up to 4m) – 900mm 2nd storey (up to 7m) – 1.5m 3rd storey (>7m) – 2.5m</p>	<p>Yes</p> <p>(Merit Assessment)</p>	<p>General Residential (R2 zone)</p> <table border="1" data-bbox="804 315 1422 904"> <thead> <tr> <th colspan="4">Proposed Side Setbacks</th> </tr> <tr> <th></th> <th>Existing</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Ground floor</td> <td>East Nil Setback</td> <td>East Nil Setback</td> <td>Merit</td> </tr> <tr> <td>West 1m - 2.8m</td> <td>West 1m – 1.9m</td> <td>Yes</td> </tr> <tr> <td rowspan="2">First floor</td> <td>East Nil Setback</td> <td>East Nil Setback</td> <td>Merit</td> </tr> <tr> <td>West 1.9m</td> <td>West 1.9m</td> <td>Yes</td> </tr> <tr> <td rowspan="2">Second floor (Attic)</td> <td>East Nil Setback</td> <td>East Nil Setback</td> <td>Merit</td> </tr> <tr> <td>West -</td> <td>West 1.9m</td> <td>No</td> </tr> </tbody> </table> <p>Second Floor (Attic)</p> <p>The western side elevation complies with the controls for the first two levels, however, on the second floor (attic) a 1.9m setback is proposed not a 2.5m setback. The dormer setback is acceptable because it retains the characteristic side setback pattern of the lower levels, does not significantly add to the bulk and scale of the semi-detached dwelling and the amenity of residents at the western property 7 Carlyle Lane is maintained with the dormer not casting shadows or reducing the visual amenity for the residents as addressed earlier in this assessment.</p> <p>The dormer addition with a side setback of 1.9 metres is therefore appropriate meeting the objectives in s1.4.6 ‘Setbacks’ of the NSDCP 2013.</p> <p>Internal Alterations and Rear Infill Rear Addition</p> <p>Works are proposed internally to the stairs and ground floor kitchen that has a potential to impact on the party wall between 9 and 11 Carlyle Lane. Furthermore, a rear infill extension is proposed to the first floor which would have a nil side setback to 11 Carlyle Lane therefore the questions identified in the Land and Environment Court Planning Principle “Building to the side boundary in residential areas” in Galea v Marrickville Council [2003] must be considered.</p> <p>Is the street characterised by terrace housing?</p> <p>The site supports an existing semi-detached dwelling and although the immediate surrounds comprise of detached dwellings semi-detached dwellings are permitted with consent in the R2 Low Density Zone and therefore semi-detached dwellings and other properties with nil side setbacks are appropriate in the street/locality.</p> <p>What is the height and length of the wall on the boundary?</p> <p>The works on the boundary predominantly include internal alterations to reconfigure the stairs that abut the party wall and provide an extension to the kitchen floor area abutting the party wall. The rear infill addition with a nil side setback for the first floor is approximately 1.2m² with a length of 500mm.</p>	Proposed Side Setbacks					Existing	Proposed	Complies	Ground floor	East Nil Setback	East Nil Setback	Merit	West 1m - 2.8m	West 1m – 1.9m	Yes	First floor	East Nil Setback	East Nil Setback	Merit	West 1.9m	West 1.9m	Yes	Second floor (Attic)	East Nil Setback	East Nil Setback	Merit	West -	West 1.9m	No
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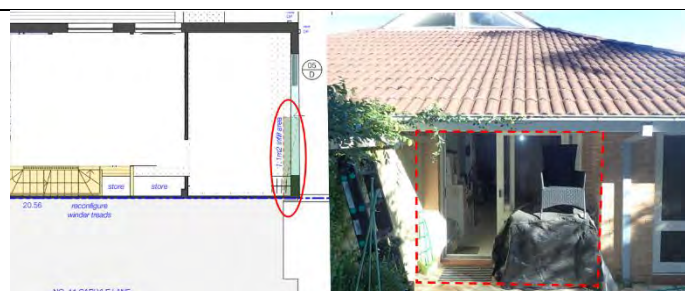


Figure 21 – Level 2 Floor Plan showing stairs adjoining party wall and rear addition with nil setback (left) and photo of the rear elevation subject to an infill addition (right)

The infill addition abutting the side boundary with 11 Carlyle Lane is highlighted above and is considered a minor addition small in scale not having any adverse impact to the neighbouring properties in terms of overshadowing and visual privacy.

Has the applicant control over the adjoining site(s) or the agreement of their owners?

The internal alterations can be completed without control or access to the adjoining site and the rear infill addition similarly can be completed without access to the adjoining property. Party Wall Consent has not been received however, the minor internal works that adjoin the party wall, which includes reconfiguration of the stairs and extension of the kitchen floor, can be completed without any horizontal or vertical reliance on the party wall. A condition of consent will be applied ensuring the structural adequacy of 11 Carlyle Lane and measures required to ensure no damage to the adjoining property. The condition will also require the common party wall not be extended or altered or relied upon with regards to works that abut the party wall (C3 Structural Adequacy – Semi detached and Terrace Buildings).

What are the impacts on the amenity and/or development potential of adjoining sites?

Construction of the rear infill addition is small in scale and will be located under the existing eaves of the dwelling. Due to the small scale of the rear infill addition (1.1m²) there would no impact on the amenity of the adjoining property not affecting the development potential of the adjoining property.

The internal works within the dwelling to reconfigure the stairs and kitchen would also have no impact on the amenity or development potential of the adjoining site.

Are there arrangements in place for the maintenance of the wall or gutters?

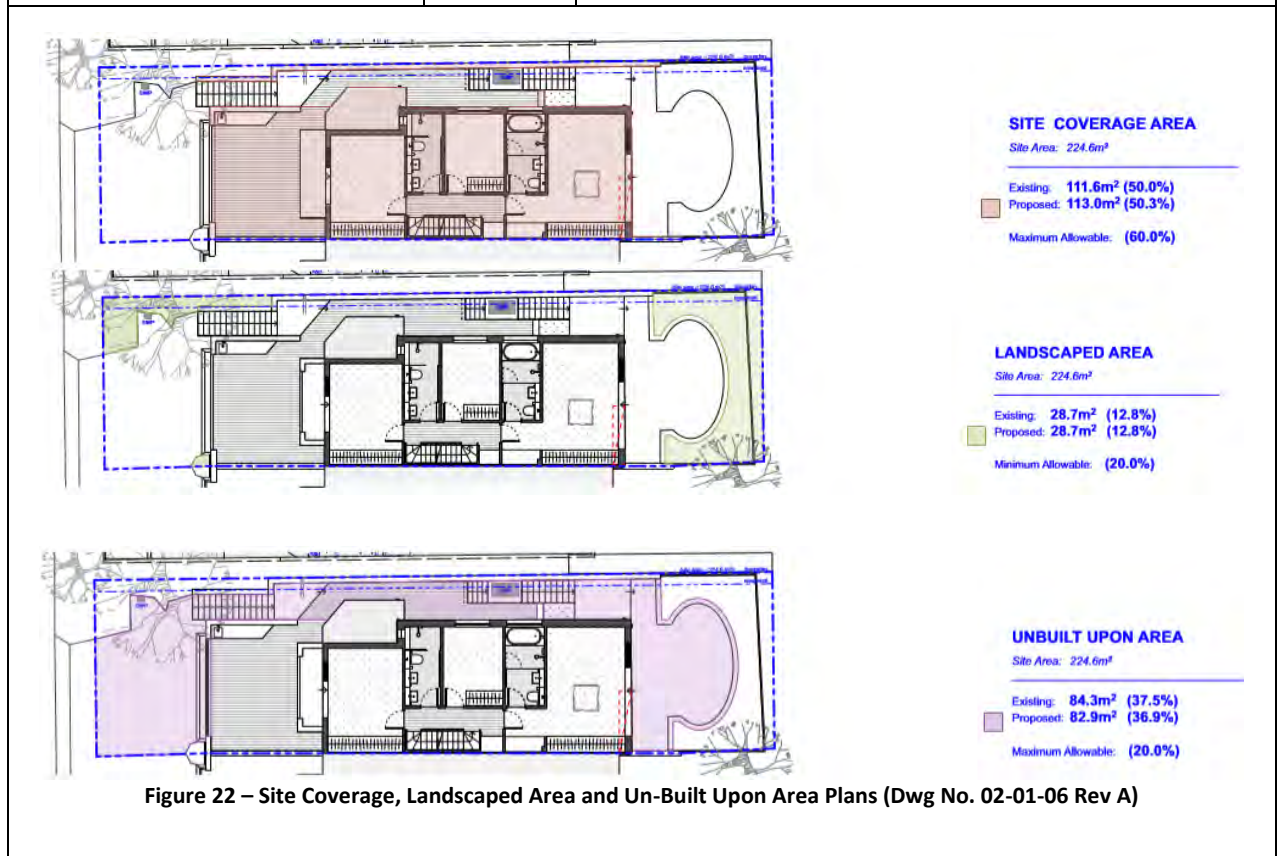
The rear infill addition is to be contained within the boundary of the subject site allowing maintenance from the subject site. The infill addition will be under the existing roof of the dwelling therefore no alterations to existing stormwater or guttering is required with existing guttering to remain maintainable from within the site.

Consideration of the proposed internal works to the attic and rear verandah roof against the questions in the Planning Principle “Building to the side boundary in residential areas” confirms the works with a nil setback are characteristic of the site and surrounds and would preserve the amenity of the adjoining property.

P1	Front setback	Yes	The proposed front setback measured from the front façade to the front boundary is consistent with the building line of the adjoining semi-detached dwelling (11 Carlyle Lane) and no front additions are proposed apart from alterations to the size/shape of the first floor balcony and provision of glazed balustrades to the balcony/terrace of the subject site.
P5	Rear Setback	Yes	The rear setback will remain matching that of 11 Carlyle Lane with an infill rear addition proposed. The rear building alignments of the two semi-detached dwellings will remain as conveyed in the Site Plan (Dwg No. 02-01-01 Rev A).
1.4.7	Form Massing Scale	Yes	Provision P5 of s 1.4.7 of the NSDCP 2013 requires facades of buildings that front the street not to be dominated by large expanses of glass. Alterations are proposed to the front façade replacing the existing timber framed glass doors on Level 1 and Level 2 with new glazed doors with metal door frames (grey). However, the size of the openings do not change therefore the façade of the building retains the same expanse of glass apart from the replacement of a metal balustrade with a glazed balustrade. The alterations to the front façade would retain similar sized openings and retain sufficient compatibility in character to the adjoining semi-detached dwelling 11 Carlyle Lane.
1.4.8	Built Form Character	Yes	9 and 11 Carlyle Lane do have a uniformity in appearance particularly the front facades of the dwellings. However, the works to the front façade seeking replacement glazed doors (without the increase in size of openings) and provision of glazed balustrades is not considered to significantly detract from the character shared between the two properties. Other key characteristics of the dwellings will remain including the lower ground garages with brick surrounds and hipped terracotta roof profiles with glazed gablet facing Carlyle Lane. The development is considered to generally comply with Objective O1 and Provision P1, s1.4.8 of the NSDCP 2013.
1.4.9	Dwelling Entry	Yes	The development retains a front door and windows from a habitable room orientated to the street maintaining a sense of address.
1.4.10	Roofs	Yes	The existing pitched roof of the semi-detached dwelling including terracotta tiles will remain.
1.4.11	Dormers	Yes	The proposed dormer generally complies with the provisions in s1.4.11 of the NSDCP 2013. The dormer has no significant impact on the visual privacy of 7 Carlyle Lane. The site is not a heritage item or located in a conservation area and the existing semi-detached dwelling ridge line will remain. The dormer is not located on the street elevation of the building and the sides of the dormer do not contain glass. In summary, the dormer is acceptable in the site context.
1.4.12	Colours and Materials	Yes	The semi-detached dwelling is subject to amendments with replacement and new glazed windows/door with metal frames. However, the masonry facades of the dwelling will remain with a higher proportion of masonry than glazing especially for the Carlyle Lane façade. The applicant has proposed zinc 'red' cladding for the elevations of the dormer stipulated on the West Elevation (02-02-04 Rev A). However, the visual images of the colour of the cladding shown in the West Elevation is more earthy and brown in appearance. To ensure the colour of the cladding is appropriate and compatible with the existing colour/appearance of the terracotta tile roof of the dwelling a modified standard condition of consent is recommended (C8 External Colours and Finishes). The condition will ensure the cladding colour to be earth toned and compatible with the appearance of the existing roof.

1.5 Quality Urban Environment		
1.5.4	Vehicle Access and Parking	Yes The existing car parking will remain including a two bay lower ground garage facing Carlyle Lane that complies with the maximum parking rates in the DCP. Separate pedestrian access to the semi-detached dwelling will remain.
1.5.5	Site Coverage <i>Semi-detached dwelling</i> Site area = 224.6m ² Table B-1.6: Max Site Coverage	Yes The proposal involves a total site coverage of 50.3% (113.0m ²) including the existing garage, existing dwelling and proposed rear/side infill additions. A maximum site coverage of 60% applies to the proposed development in accordance with exclusions expressed in P2 to s1.5.5 of DCP 2013. The development subject to alterations and additions complies with the maximum 60% site coverage stipulated in Table B-1.6 of the NSDCP 2013.

Lot Size	Cover (max)
0-229	60%



<p>1.5.6 Landscape Area (min) & Un-built upon area (max)</p> <p><i>Attached/ detached/ semi-detached dwelling</i> <i>Site area = 224.6m²</i></p> <table border="1"> <thead> <tr> <th colspan="3">Table B-1.7: Landscape requirements</th> </tr> <tr> <th>Lot size</th> <th>Landscape (min)</th> <th>UBA (max)</th> </tr> </thead> <tbody> <tr> <td>0-229</td> <td>20%</td> <td>20%</td> </tr> <tr> <td>230-499</td> <td>30%</td> <td>20%</td> </tr> <tr> <td>500-749</td> <td>40%</td> <td>20%</td> </tr> <tr> <td>750-999</td> <td>45%</td> <td>20%</td> </tr> <tr> <td>1000+</td> <td>50%</td> <td>20%</td> </tr> <tr> <td>All</td> <td>40%</td> <td>15%</td> </tr> </tbody> </table>	Table B-1.7: Landscape requirements			Lot size	Landscape (min)	UBA (max)	0-229	20%	20%	230-499	30%	20%	500-749	40%	20%	750-999	45%	20%	1000+	50%	20%	All	40%	15%	<p>Merit</p>	<p>The proposed development has been assessed and the landscape area requirements as follows:</p> <table border="1"> <thead> <tr> <th>Control</th> <th>Existing</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Site coverage</td> <td>111.6m² (49.7%)</td> <td>113.0m² (50.3%)</td> <td>Yes</td> </tr> <tr> <td>Landscape area</td> <td>28.7m² (12.8%)</td> <td>28.7m² (12.8%)</td> <td>No</td> </tr> <tr> <td>Unbuilt-upon area</td> <td>84.3m² (37.5%)</td> <td>82.9m² (36.9%)</td> <td>No</td> </tr> </tbody> </table> <p>Landscape area (20% min required)</p> <p>The site comprises two landscaped areas to the front and rear of the site. The development seeks alterations to the existing dwelling and minor infill additions reducing the provision of un-built upon area therefore having a nil impact on the provision of landscaping within the site. It is noted that the works do not diminish or affect existing landscaping so the proposal is considered acceptable given the small size of the lot that limits opportunities for the provision of additional landscaping.</p> <p>Un-built upon area (20% max permitted)</p> <p>The site has an existing un-built upon area of 84.3m² (37.5%) inclusive of paths, driveways and an existing paved rear courtyard. The un-built upon area is reduced slightly due to the proposed infill additions. Although the site does not comply with un-built upon area requirements the development does not exacerbate the non-compliance and the site coverage does comply.</p> <p>Although there is an existing landscaped area non-compliance the development would have no impact on the existing landscaped appearance of the site and it is noted areas of the site defined as site coverage such as the terrace above the garage provides opportunity for on structure landscaping softening the built form of the semi-detached dwelling and contributing to the landscaped appearance of the laneway (refer to Figure 16 & 18).</p>	Control	Existing	Proposed	Compliance	Site coverage	111.6m ² (49.7%)	113.0m ² (50.3%)	Yes	Landscape area	28.7m ² (12.8%)	28.7m ² (12.8%)	No	Unbuilt-upon area	84.3m ² (37.5%)	82.9m ² (36.9%)	No
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<p>1.5.7 Landscaping</p>	<p>Yes</p>	<p>The development proposes internal alterations, additions to the dwelling and minor infill additions affecting un-built upon areas only. There would be no loss of soft landscaping and the trees within the front setback and landscaping within the rear garden will remain.</p>																																								
<p>1.5.8 Front Gardens</p>	<p>Yes</p>	<p>No works are proposed to the existing front setback noting an existing driveway providing vehicular access to/from the site will remain. A landscaped area within the front setback and associated tree will remain.</p>																																								
<p>1.5.9 Private and Communal Open Space</p>	<p>Yes</p>	<table border="1"> <thead> <tr> <th>Control – lot size</th> <th>Proposed</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Dwellings</td> <td></td> <td></td> </tr> <tr> <td>0 -229 – 40m²</td> <td>40m²</td> <td>Yes</td> </tr> </tbody> </table> <p>The development retains an area of approximately 40m² private open space within the rear garden for outdoor recreation including a paved courtyard and raised garden bed compliant with DCP 2013.</p> <p>Additionally, the dwelling has an above ground terrace and balcony adding to the outdoor amenity of residents.</p>	Control – lot size	Proposed	Compliance	Dwellings			0 -229 – 40m ²	40m ²	Yes																															
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<p>1.5.12 Garbage Storage</p>	<p>Yes</p>	<p>The existing garage provides sufficient space for the on site storage of garbage and recycling bins with ease of access to the street.</p>																																								
<p>1.6 Efficient Use of Resources</p>																																										
<p>1.6.1 Energy Efficiency</p>	<p>Yes</p>	<p>A valid BASIX Certification (Certificate No. A444088) has been submitted as part of the development application documentation.</p>																																								

CHARACTER STATEMENTS – PART C

Waverton / Wollstonecraft Planning Area (The Upper Slopes)

The application generally conforms with the significant elements and characteristics for the Upper Slopes Neighbourhood maintaining a residential use and a semi-detached dwelling that follows the site topography and the property is setback and aligned with the laneway frontage. There are considered no conflict with the proposed development and desired future character/built form for the Upper Slopes Neighbourhood stipulated in Part C of the NSDCP 2013.

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 s7.12 contributions towards the provision of local infrastructure. The reason being that the development cost is more than \$100,000 therefore subject to contributions pursuant to s1.3.3 of the contribution plan. The semi-detached dwelling subject to alterations and additions will not accrue s7.11 contributions because there is no net increase in dwellings on the land. Confirmation of contributions payable in accordance with Council's Contributions Plan is as follows:

Contribution amounts payable

Applicable contribution type		
s7.12 contribution details	Development cost:	\$721,211.74
<i>(payment amount subject to indexing at time of payment)</i>	Contribution:	\$7,212.00

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|---|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |
| 4. Landscaping/Open Space Provision | Yes |
| 5. Traffic generation and Carparking provision | Yes |
| 6. Loading and Servicing facilities | N/A |
| 7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |

8.	Site Management Issues	N/A
9.	All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and the Wollstonecraft Precinct notified between 21 January 2022 to 04 February 2022. In response to the notification Council received one (1) submission to the proposal where the following matters were raised:-

- ***Council related services such as domestic waste/garden waste removal must continue uninterrupted and general deliveries to neighbouring properties including resident access shall not be interrupted.***

Council services including domestic deliveries shall remain unimpeded from the proposed development subject to appropriate conditions of consent requiring conditions of consent requiring onsite storage of building materials and plant and equipment. Furthermore, conditions of consent will ensure no obstructions of public parking and all footways and roadways adjacent the site not to be obstructed (E4 Road Reserve Safety).

- ***On site toilet facilities must be provided and regularly cleaned.***

A standard condition of consent is recommended requiring amenities for workers on site (E14 Site Amenities and Facilities).

- ***All rubbish associated with the construction site must remain on site and removed appropriately.***

A condition of consent will require a Waste Management Plan to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The Waste Management Plan will require evidence of on-site waste storage and the approved Waste Management Plan must be complied with at all times.

- ***Building materials must remain on the construction site.***

A standard condition of consent is recommended requiring plant and equipment to remain on site (E33 Plant and Equipment Kept Within Site).

- ***All residents properties including nature strips are not to be damaged.***

Various conditions of consent are recommended to ensure a dilapidation survey is completed for public infrastructure and neighbouring buildings (C1 Dilapidation Report Damage to Public Infrastructure & C3 Dilapidation Survey Private Property) and also a structural adequacy report to be prepared (C6 Structural Adequacy – Semi-detached). Furthermore, Council's Development Engineer recommends a bond for any damage to public infrastructure and a standard condition of consent is recommended ensuring precautions are taken to prevent damage to adjoining properties (G11 Damage to Adjoining Properties).

- ***A Council ranger must carry out regular visits to ensure compliance with Council's conditions of consent.***

The scale of the works comprising alterations and additions to a semi-detached dwelling should be constructed without compromising the amenity of adjoining properties or having an adverse impact on the laneway subject to appropriate conditions of consent. If works are not in accordance with conditions of consent or there is damage to public infrastructure or unauthorised storage of materials within the lane the development will be subject to a compliance investigation and potential regulatory action may be taken. Furthermore, the certifier will be required to ensure conditions of consent are complied with prior and during construction of the development.

PUBLIC INTEREST

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

SUITABILITY OF THE SITE

The proposal would be located in a R2 Low Density Residential Zone where semi-detached dwellings are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION + REASONS

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

Consideration has been given to the written request made by the applicant pursuant to clause 4.6 seeking a variation to the height of buildings development standard clause 4.3 of the NSLEP 2013 for the dormer and relocated skylight and is considered well founded demonstrating the variation to the building height development standard is justifiable not having an adverse impact on the character of the locality and would not have a detrimental impact to the amenity of neighbouring properties in terms of view loss, overshadowing and loss of privacy.

The development is acceptable maintaining a semi-detached dwelling that has a scale and density consistent with the R2 Low Density Residential surrounds.

The proposed side dormer to be located on the western roof slope of the semi-detached dwelling is supportable generally compliant with provisions in s1.4.11 of the NSDCP 2013. The dormer has no significant impact on Carlyle Lane not located on the street elevation of the building, has no impact to adjoining properties in terms of privacy or overshadowing and the design of the dormer is acceptable.

Council received one submission that raised concerns about construction and potential inconvenience to the amenity of adjoining properties and the public realm. The issues have been discussed in this report and with appropriate conditions of consent.

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

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Wollstonecraft Precinct for 14 days where a number of issues were raised that have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the laneway.

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 and grant consent to Development Application No. 447/21 for alterations and additions to a semi-detached dwelling on land at 9 Carlyle Lane, Wollstonecraft, subject to the attached standard conditions of consent.

THOMAS HOLMAN
ASSESSMENT OFFICER

ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
9 CARLYLE LANE, WOLLSTONECRAFT
DEVELOPMENT APPLICATION NO. 447/21

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.	Rev	Description	Prepared by	Dated
02-01-01	A	Site Plan	CO-AP	08/12/21
02-01-02	A	Plan – Garage Level	CO-AP	08/12/21
02-01-03	A	Plan – Level 1	CO-AP	08/12/21
02-01-04	A	Plan – Level 2	CO-AP	08/12/21
02-01-05	A	Plan – Level 3	CO-AP	08/12/21
02-02-01	A	Elevation - South	CO-AP	08/12/21
02-02-02	A	Elevation - North	CO-AP	08/12/21
02-02-03	A	Elevation - East	CO-AP	08/12/21
02-02-04	A	Elevation - West	CO-AP	08/12/21
02-03-01	A	Section – Long (AA)	CO-AP	08/12/21
02-03-02	A	Section – Short (BB)	CO-AP	08/12/21
02-03-03	A	Section – Short (CC)	CO-AP	08/12/21

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

Plans on Site

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

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)

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)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining properties Nos. 7 and 11 Carlyle Lane, Wollstonecraft detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

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

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

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

(Reason: Proper management of records)

Structural Adequacy (Semi-detached and Terrace Buildings)

- C3. A report from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property No. 11 Carlyle Lane, Wollstonecraft which certifies their ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

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

Works that abut the party wall of No. 11 Carlyle Lane must not rely on the party wall for lateral or vertical support and supported independently of the party wall.

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

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

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

Sediment Control

- C5. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

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

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

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

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

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

Waste Management Plan

- C6. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and

- c) Administrative arrangements for waste and recycling management during the construction process.

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

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

Skylight(s)

- C7. 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)

External Colours and Finishes

- C8. The external colours and finishes shall match those as existing and/or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The proposed dormer cladding shall not be red but earth toned and should be compatible with the colour of the existing semi-detached dwelling roof tiles.

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

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

Work Zone

- C9. 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

- C10. 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)

Stormwater Disposal

- C11. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

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

- C12. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$5,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent.
 - c) remedying any defects in any such public work that arise within six months after the work is completed.

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

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

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

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

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

Asbestos Material Survey

- C13. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

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

Noise and Vibration from Major Roads and Rail Corridors (A)

- C14. To minimise the impact of noise from the adjoining major road or rail corridor, parts of the building subject to alterations and additions shall be acoustically designed and constructed to comply with the requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

To minimise the impact of vibration from any adjoining rail corridor, the building shall be acoustically designed and constructed to comply with the requirements of "Assessing Vibration: a technical guideline" issued by the NSW Environment Protection Authority.

(Reason: To comply with State regulations and to ensure a suitable level of amenity not affected by excessive noise and vibration from surrounding activities)

Section 7.12 Contributions

- C15. 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 **\$7,212.00**.

Indexation

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

Timing of Payment

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

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

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

Security Deposit/Guarantee Schedule

- C16. 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 (\$)
Infrastructure Damage Bond	\$5,000.00
TOTAL BONDS	\$5,000.00

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$7,212.00
TOTAL FEES	\$7,212.00

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

C17. 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. A444088 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)

D. *Prior to the Commencement of any Works (and continuing where indicated)***Public Liability Insurance - Works on Public Land**

D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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

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

Commencement of Works' Notice

D2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work**Parking Restrictions**

- E1. 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

- E2. 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

- E3. 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)

Removal of Extra Fabric

- E4. 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

- E5. 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

- E6. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

- E7. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

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

Developer's Cost of Work on Council Property

- E8. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

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

No Removal of Trees on Public Property

- E9. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

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

Special Permits

- E10. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

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

1) **On-street mobile plant**

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

(Reason: Proper management of public land)

2) **Hoardings**

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

(Reason: Proper management of public land)

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

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

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

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

(Reason: Proper management of public land)

Construction Hours

E11. 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)

Installation and Maintenance of Sediment Control

- E12. 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

- E13. 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

- E14. 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

- E15. 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)

Prohibition on Use of Pavements

- E16. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E17. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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

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

Waste Disposal

- E18. 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

- E19. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

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

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

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

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

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

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

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

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

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

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

Construction Certificate

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

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

Occupation Certificate

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

(Reason: Statutory)

Commencement of Works

- F6. 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

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

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

Site Sign

- F8. 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)

Damage to Adjoining Properties

- G2. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

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

Utility Services

- G3. 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

- G4. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following:

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

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

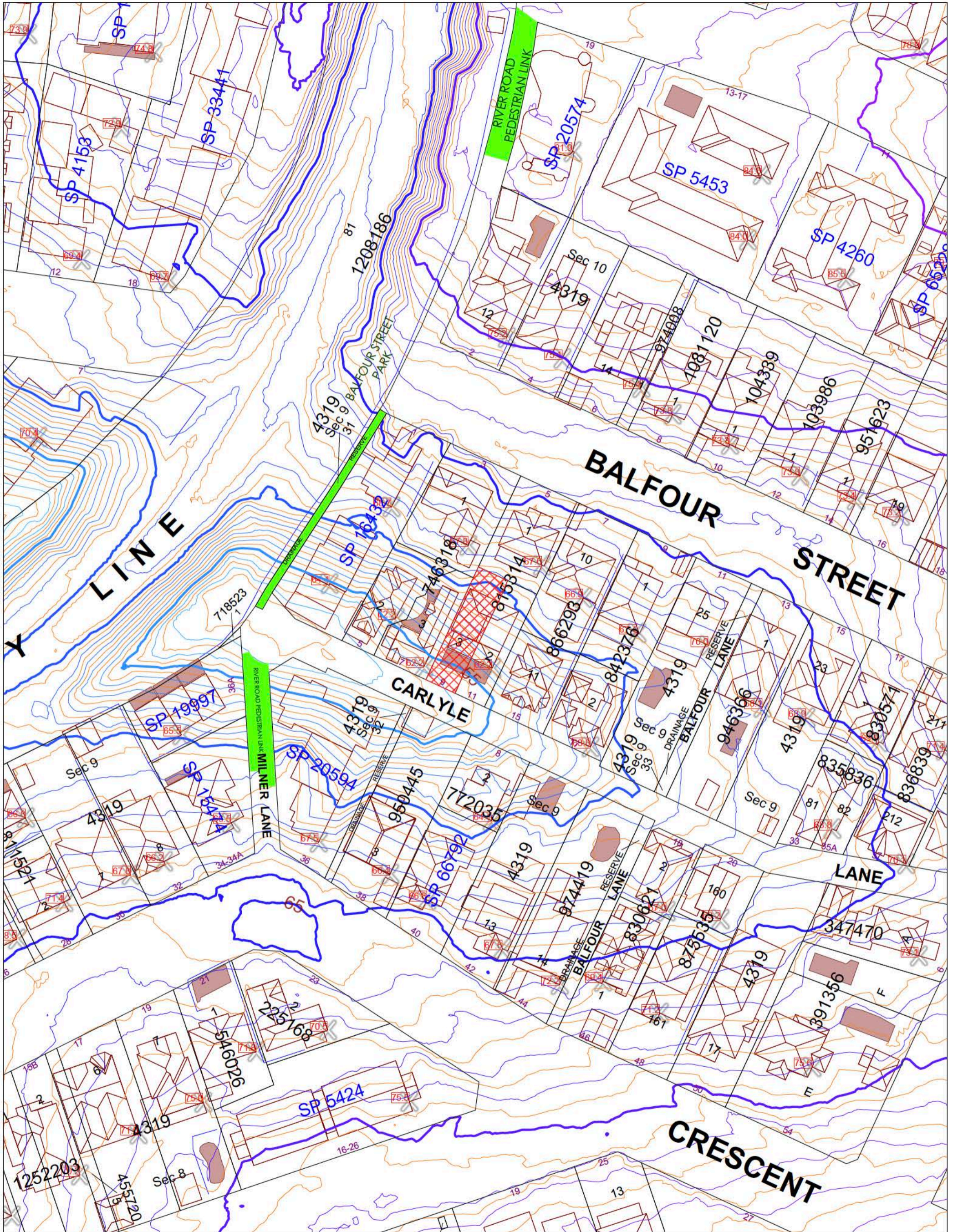
Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

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

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)



North Sydney Council

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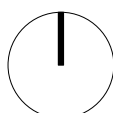
Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.



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	DRAWING Cover Page		SCALE / A3 NTS
	PROJECT NUMBER 2123	DRAWING NUMBER 00-00-01	REVISION A

Drawing Codes

Code	Description	Code	Description	Code	Description	Code	Description
AL	Aluminium						
CS	Concrete slab						
CT	Ceramic tile						
EDB	Electrical distribution board						
FC	Fibre cement						
GB	Glass clear balustrade						
GC	Glass clear window						
GTL	Glass louvre translucent						
MB	Metal balustrade						
MC	Metal cladding						
MIR	Mirror with polished edges						
MR	Metal roofing						
SWP	Stormwater pit						
TF	Timber Floor						
TM	Timber solid						

NOTE

xx1/xx2 for material specifics refer to 'SCHEDULES A - G'

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PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Drawing Codes		SCALE / A3 NTS
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Drawing List

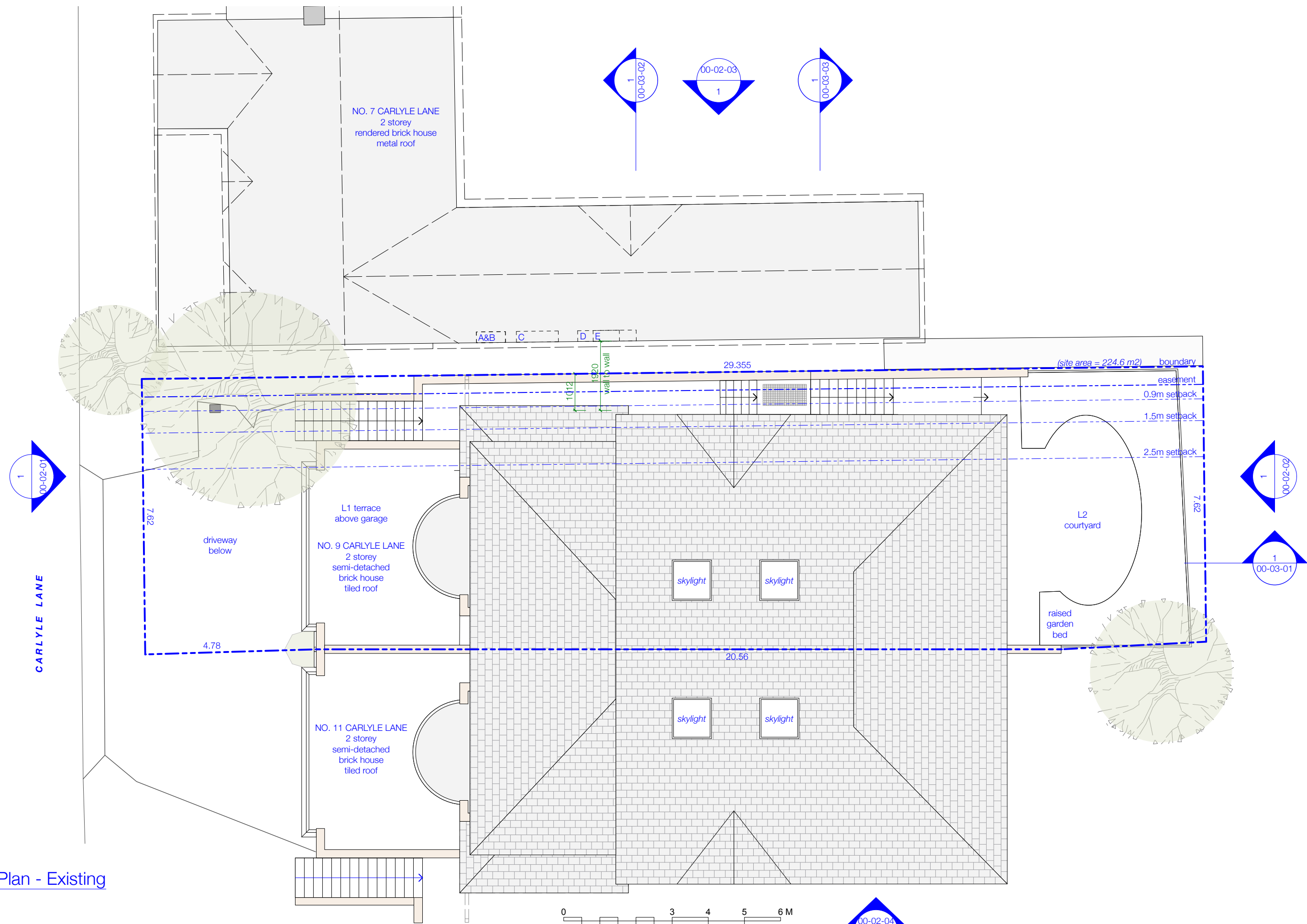
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00-00 SERIES	GENERAL INFORMATION (A3)													
00-00-01	Cover Page	ISO A3	A	08/12/21										
00-00-02	Drawing Codes	ISO A3	A	08/12/21										
00-00-03	Drawing List		A	08/12/21										
00-01 SERIES	EXISTING GA DRAWINGS	ISO A3												
00-01-01	Existing - Site Plan	ISO A3	A	08/12/21										
00-01-02	Existing - Plan - Garage	ISO A3	A	08/12/21										
00-01-03	Existing - Plan - Level 1	ISO A3	A	08/12/21										
00-01-04	Existing - Plan - Level 2	ISO A3	A	08/12/21										
00-01-05	Existing - Plan - Level 3	ISO A3	A	08/12/21										
01 SERIES	DEMOLITION PLANS	ISO A3												
01-01-01	Demolition - Plan - Level 1	ISO A3	A	08/12/21										
01-01-02	Demolition - Plan - Level 2	ISO A3	A	08/12/21										
01-01-03	Demolition - Plan - Level 3	ISO A3	A	08/12/21										
01-01-04	Demolition - Plan - Roof	ISO A3	A	08/12/21										
02 SERIES	GA DRAWINGS	ISO A3												
02-01-01	Site Plan		A	08/12/21										
02-01-02	Plan - Garage Level	ISO A3	A	08/12/21										
02-01-03	Plan - Level 1	ISO A3	A	08/12/21										
02-01-04	Plan - Level 2	ISO A3	A	08/12/21										
02-01-05	Plan - Level 3	ISO A3	A	08/12/21										
02-01-06	Plan - Area Calculations		A	08/12/21										
02-02-01	Elevation - South	ISO A3	A	08/12/21										
02-02-02	Elevation - North	ISO A3	A	08/12/21										
02-02-03	Elevation - East	ISO A3	A	08/12/21										
02-02-04	Elevation - West	ISO A3	A	08/12/21										
02-03-01	Section - long (AA)	ISO A3	A	08/12/21										
02-03-02	Section - short (BB)	ISO A3	A	08/12/21										
02-03-03	Section - short (CC)	ISO A3	A	08/12/21										
NP-00-00	Notification Plan	ISO A3	A	07/12/21										
SDP-01	Shadow Diagram - 21/03 - 09.00	ISO A3	A	08/12/21										
SDP-02	Shadow Diagram - 21/03 - 12.00	ISO A3	A	08/12/21										
SDP-03	Shadow Diagram - 21/03 - 15.00	ISO A3	A	08/12/21										
SDP-04	Shadow Diagram - 21/06 - 09.00	ISO A3	A	08/12/21										
SDP-05	Shadow Diagram - 21/06 - 12.00	ISO A3	A	08/12/21										
SDP-06	Shadow Diagram - 21/06 - 15.00	ISO A3	A	08/12/21										
SDP-07	Shadow Diagram - 21/09 - 09.00	ISO A3	A	08/12/21										
SDP-08	Shadow Diagram - 21/09 - 12.00	ISO A3	A	08/12/21										
SDP-09	Shadow Diagram - 21/09 - 15.00	ISO A3	A	08/12/21										

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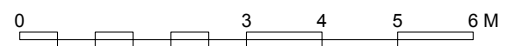
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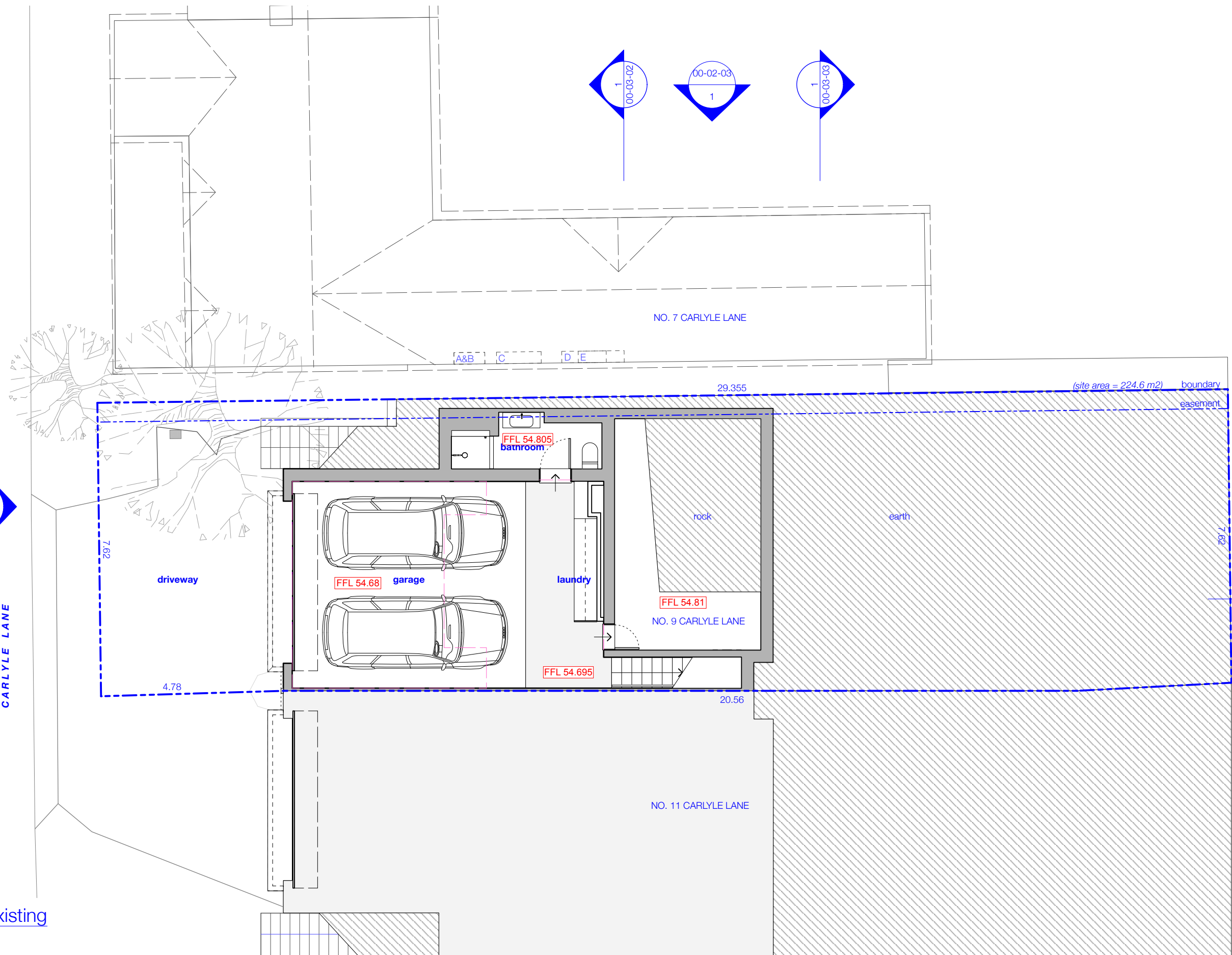
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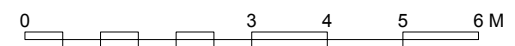
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PROJECT NUMBER	2123	DRAWING NUMBER	00-01-01
			REVISION
			A



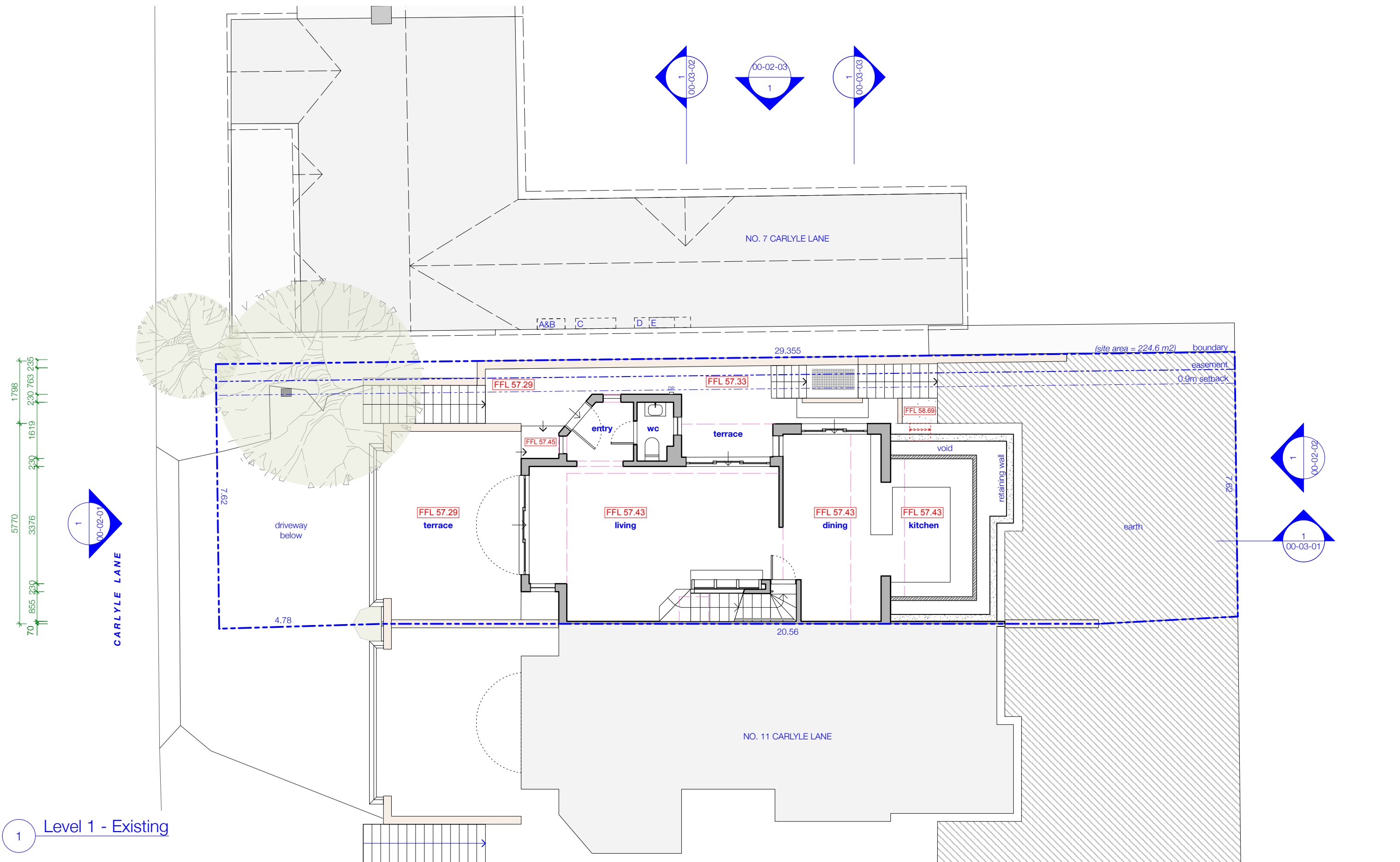
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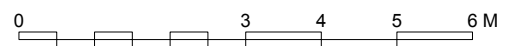
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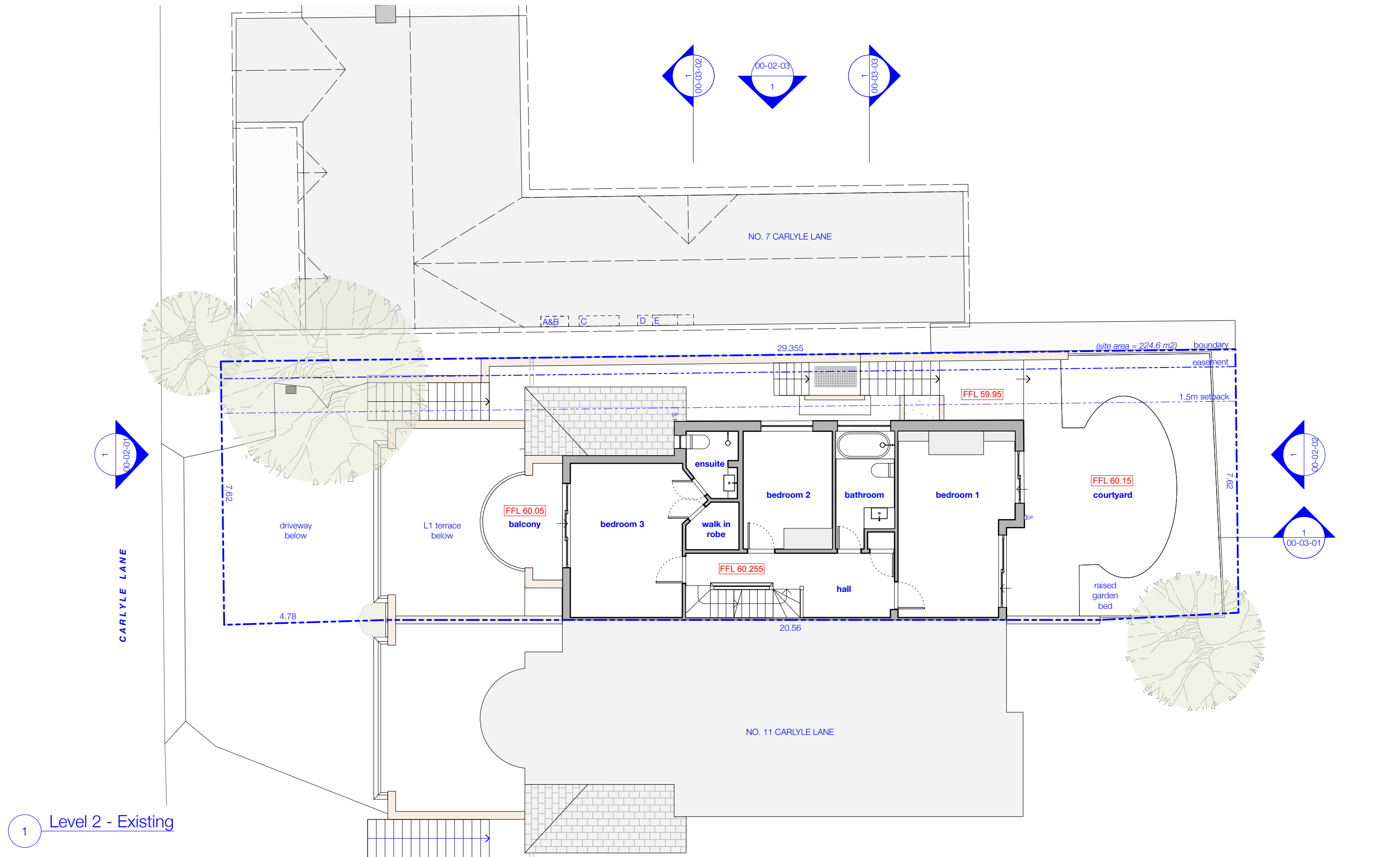
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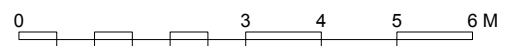
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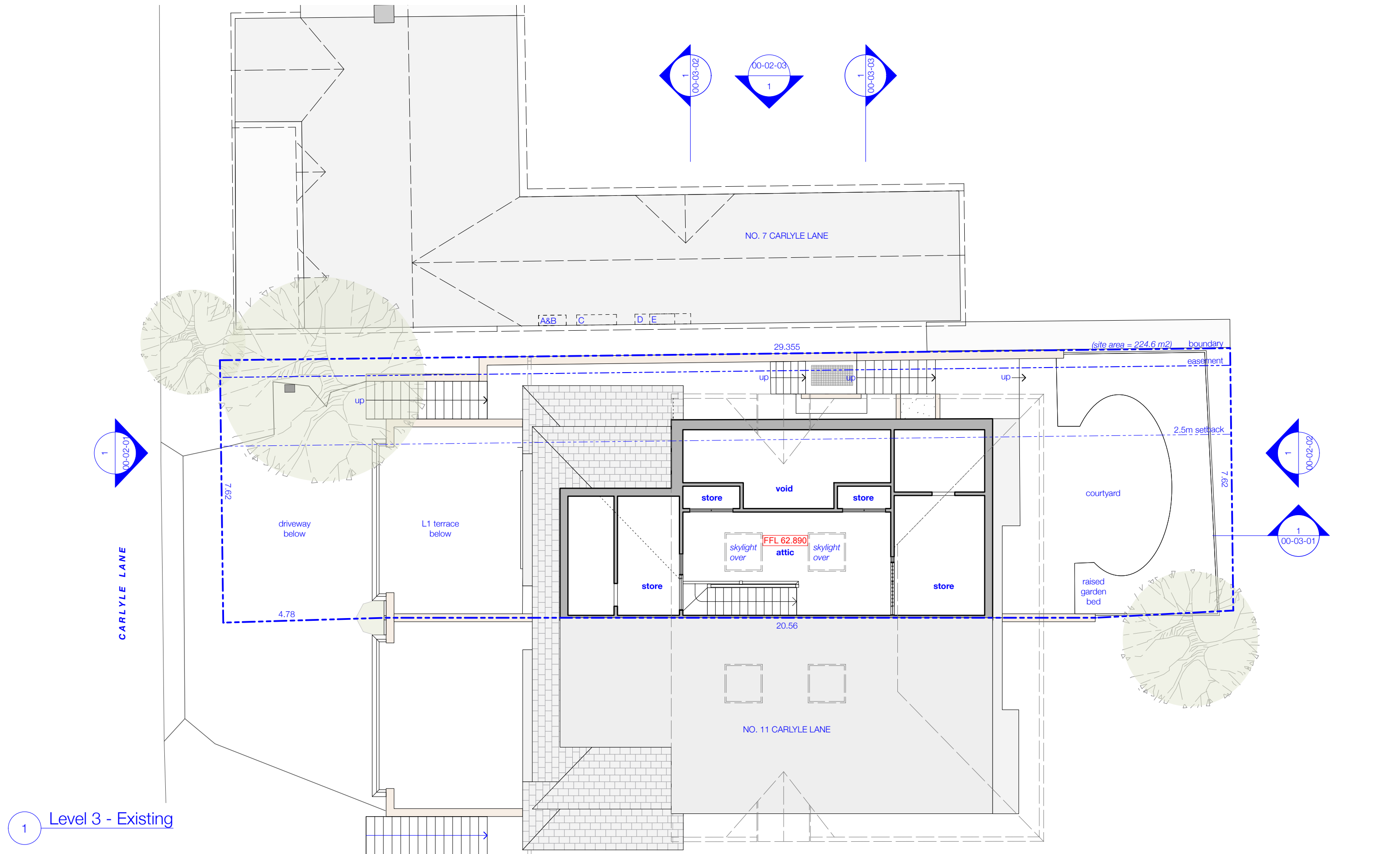
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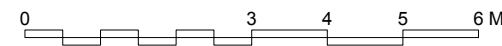
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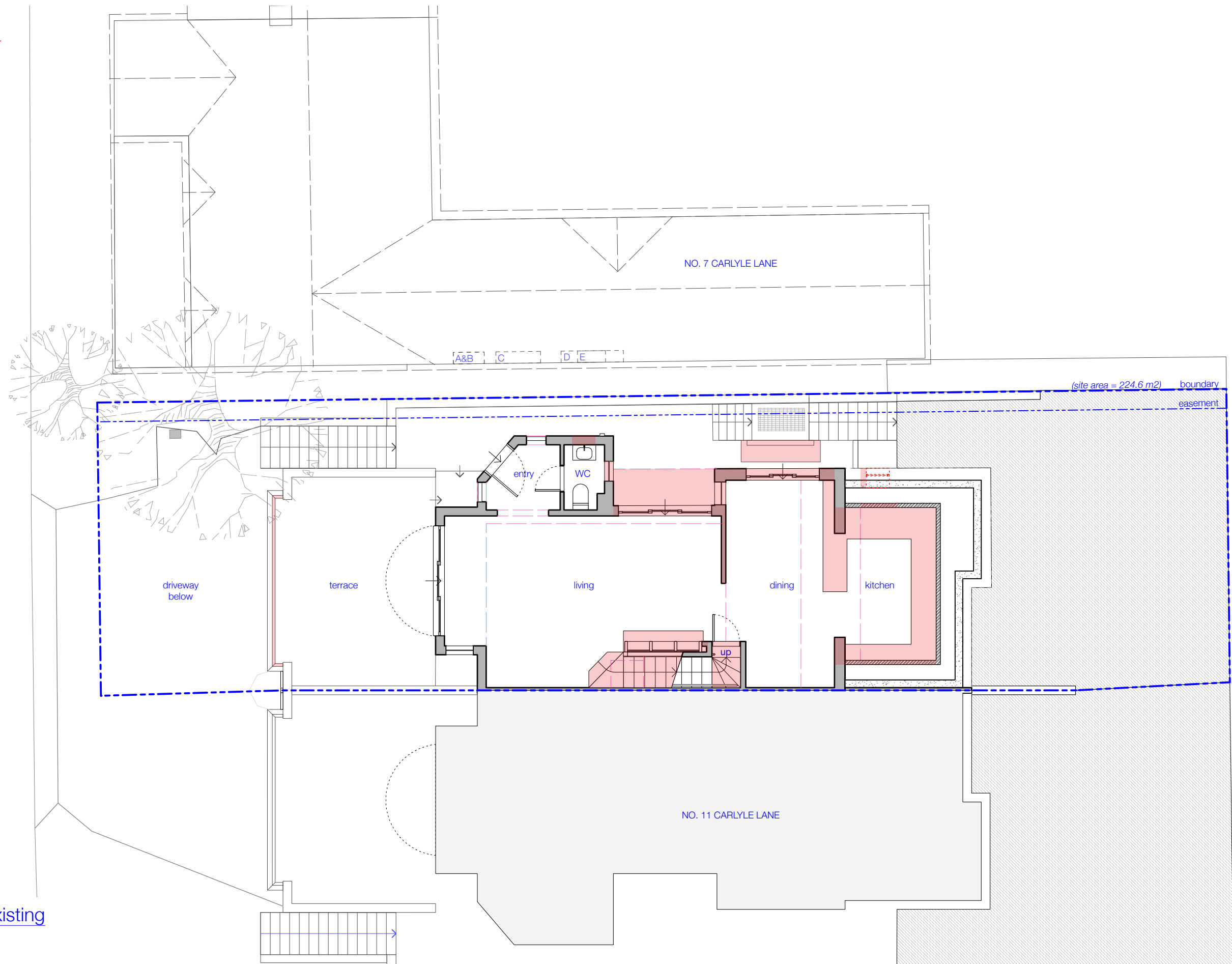
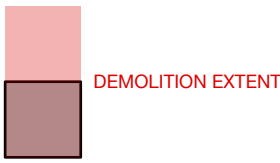
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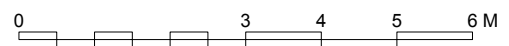
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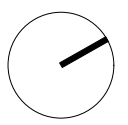
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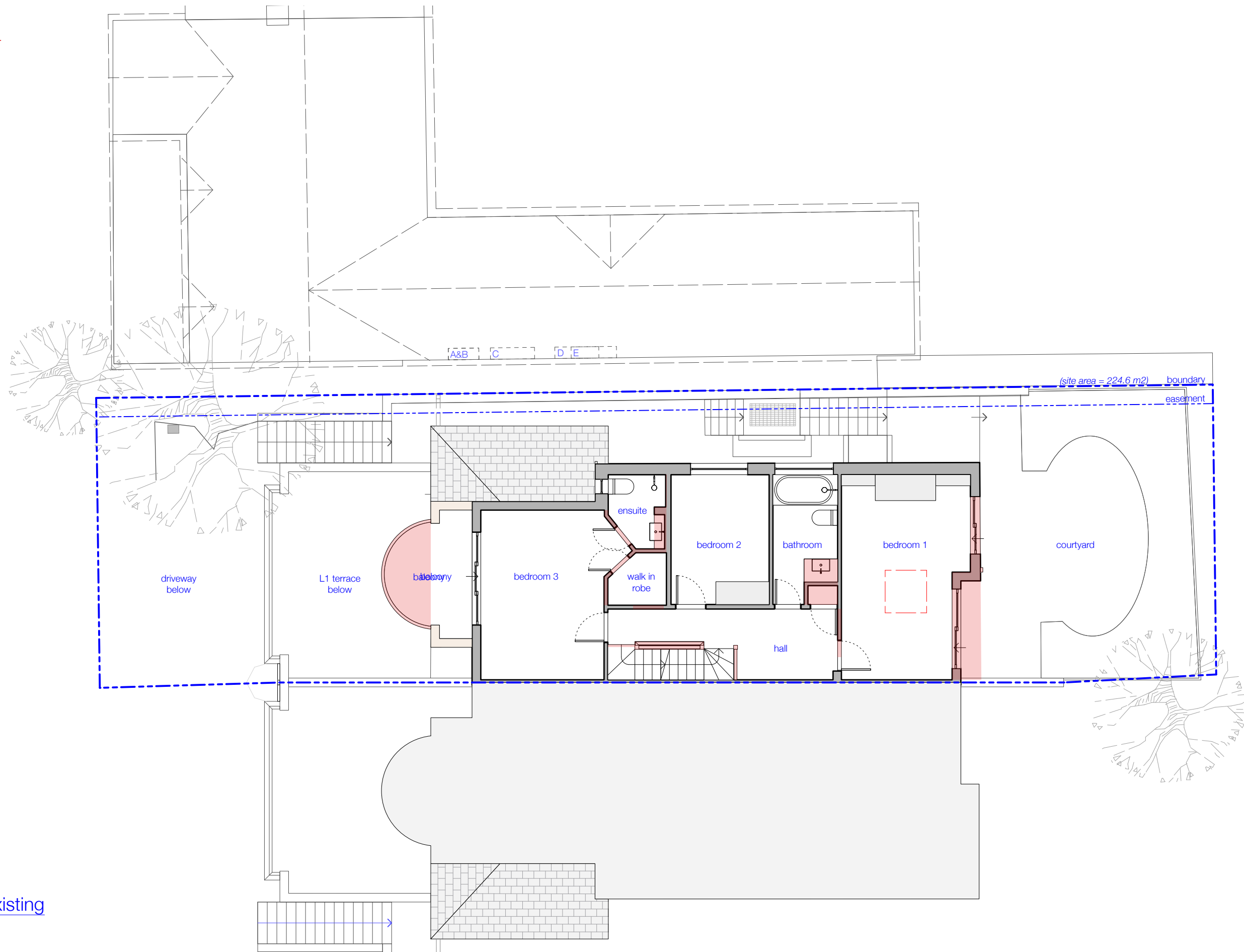
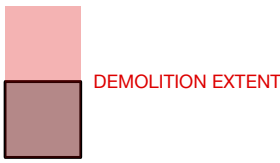
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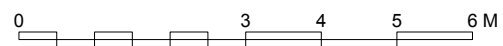
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PROJECT NUMBER 2123	DRAWING NUMBER 01-01-01	REVISION A



1 Level 2 - Existing

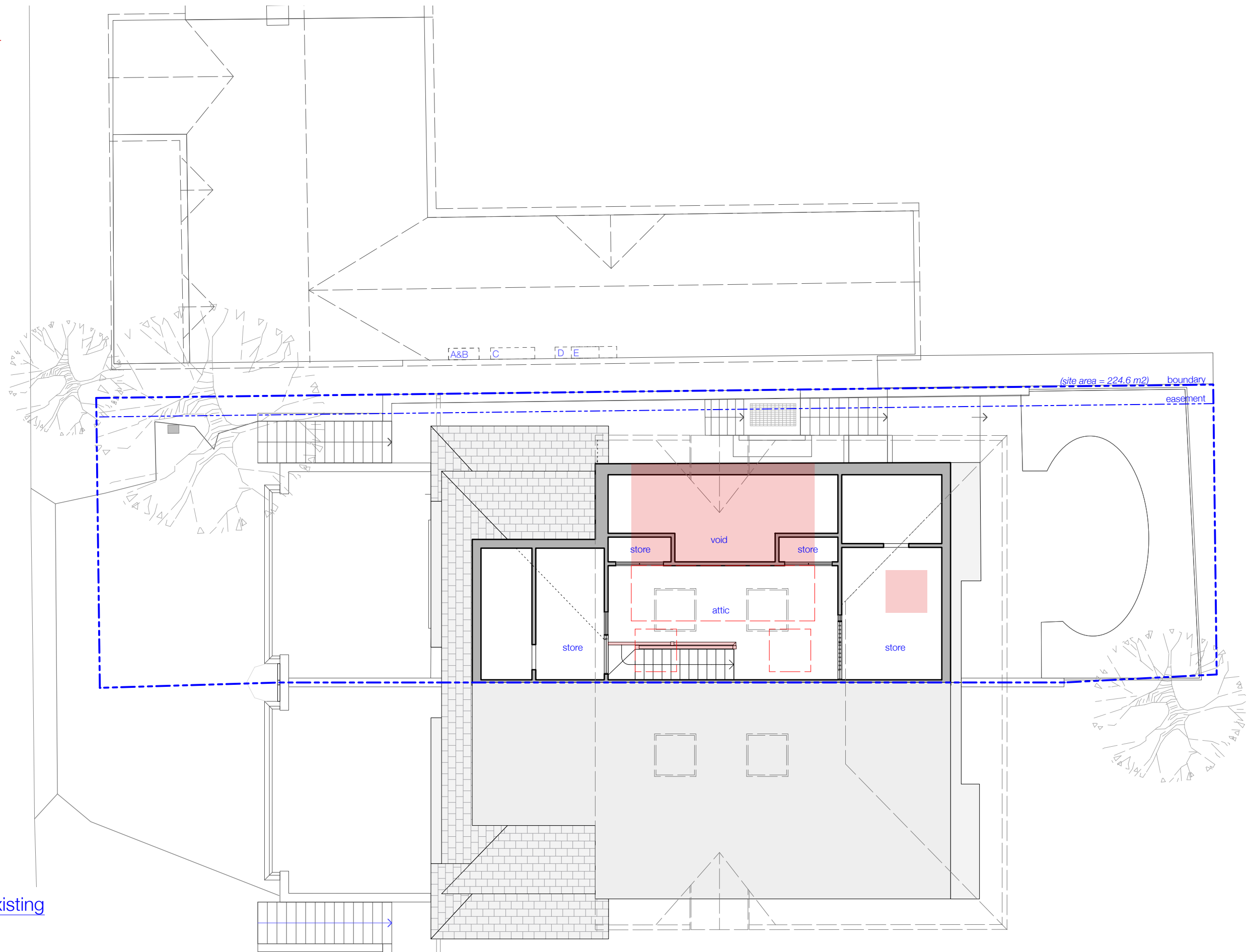
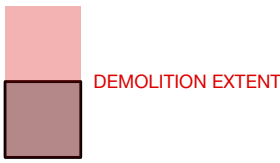


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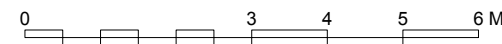
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	PROJECT NUMBER 2123	DRAWING NUMBER 01-01-02	REVISION A



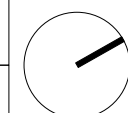
1 Level 3 - Existing



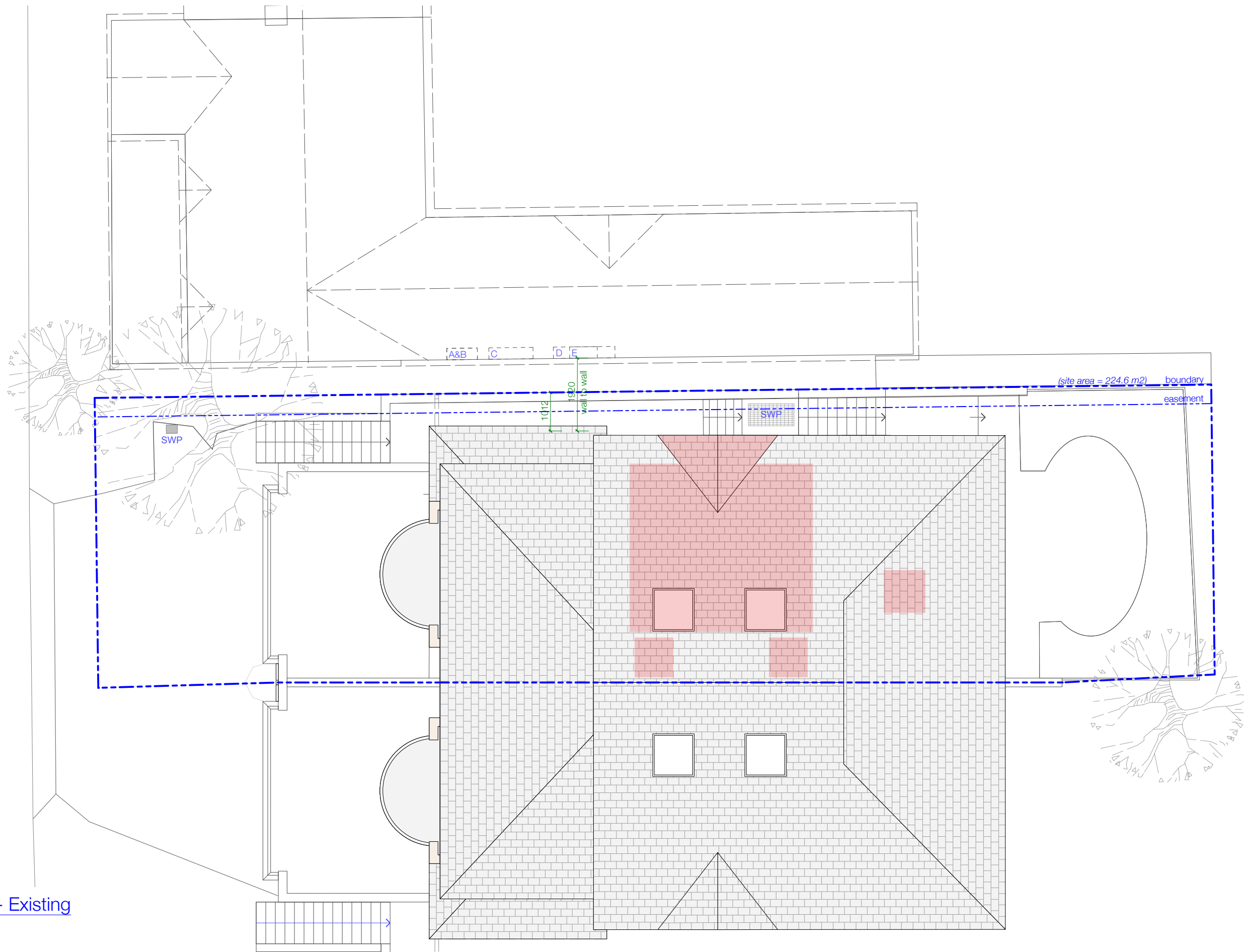
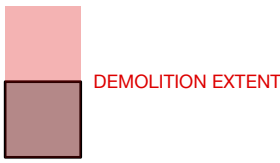
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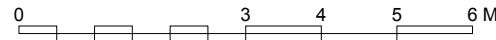
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PROJECT NUMBER 2123	DRAWING NUMBER 01-01-03	REVISION A



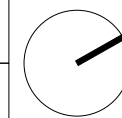
1 Roof Level - Existing



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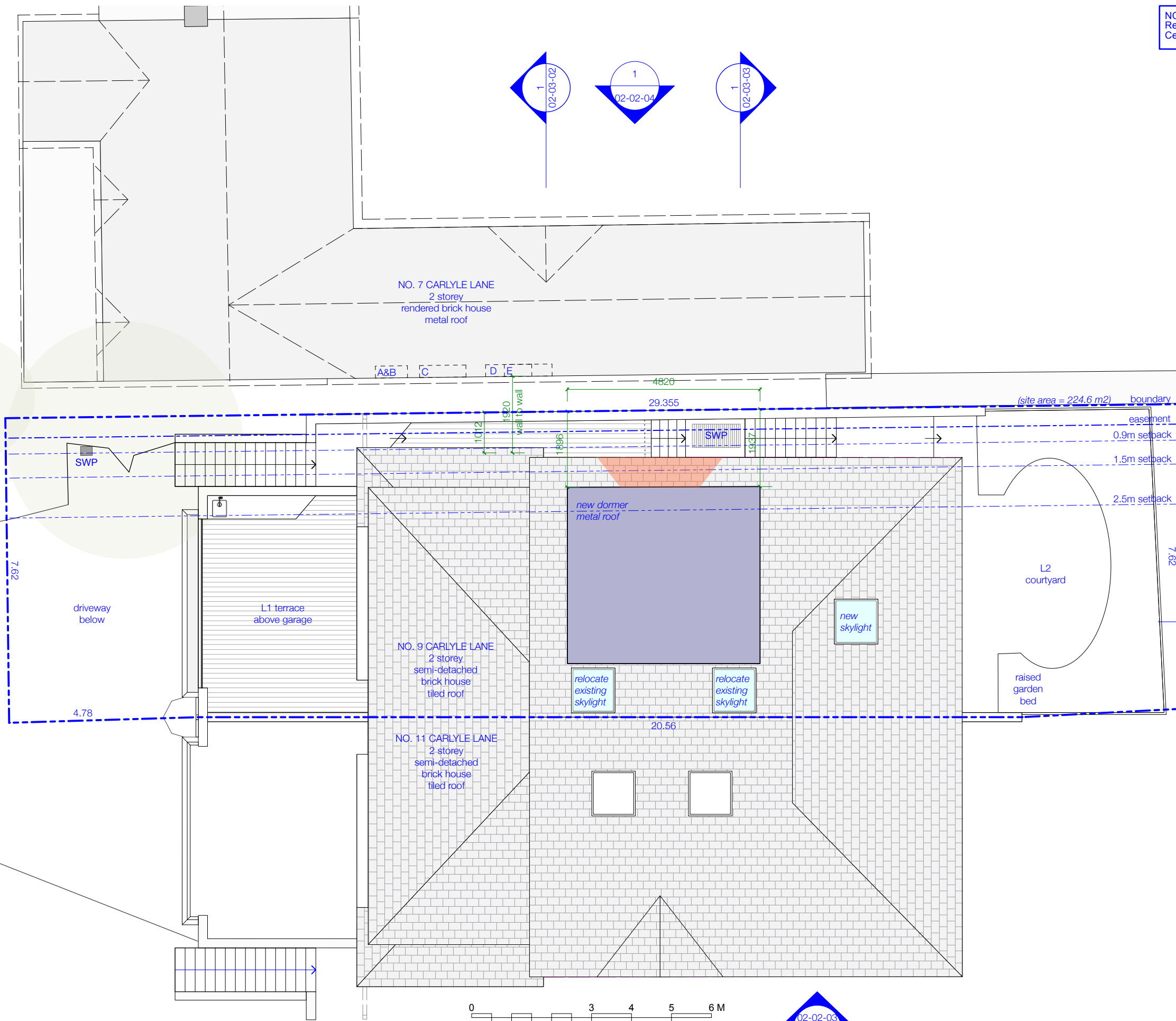
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DRAWING Plan - Demolition - Roof		SCALE / A3 1:100
PROJECT NUMBER 2123	DRAWING NUMBER 01-01-04	REVISION A

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088

- COLOUR KEY
- Brick
 - Rooftiles
 - Concrete
 - Tile
 - FC sheet / Cement Render
 - Glass or Glass Bricks
 - Timber
 - Steel or Galvanised Iron

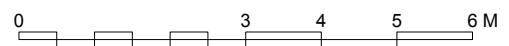


CARLYLE LANE

2 Site Plan - New

CO-AP

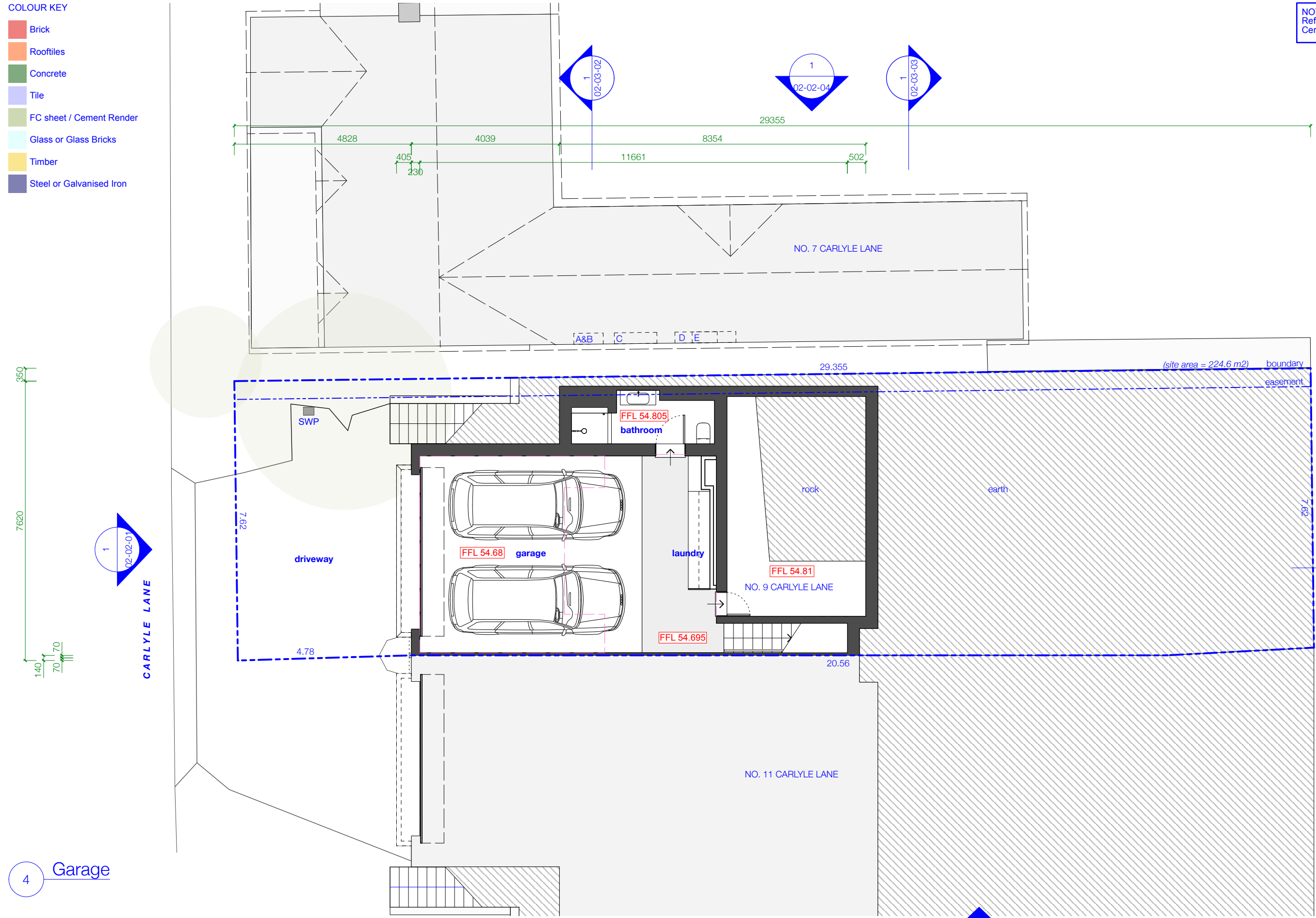
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Certificate NO. A444088

- COLOUR KEY
- Brick
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 - Glass or Glass Bricks
 - Timber
 - Steel or Galvanised Iron



4 Garage

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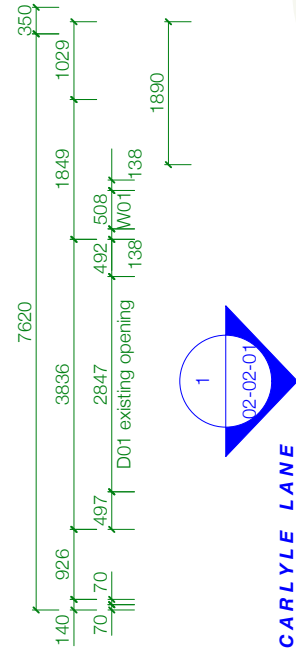
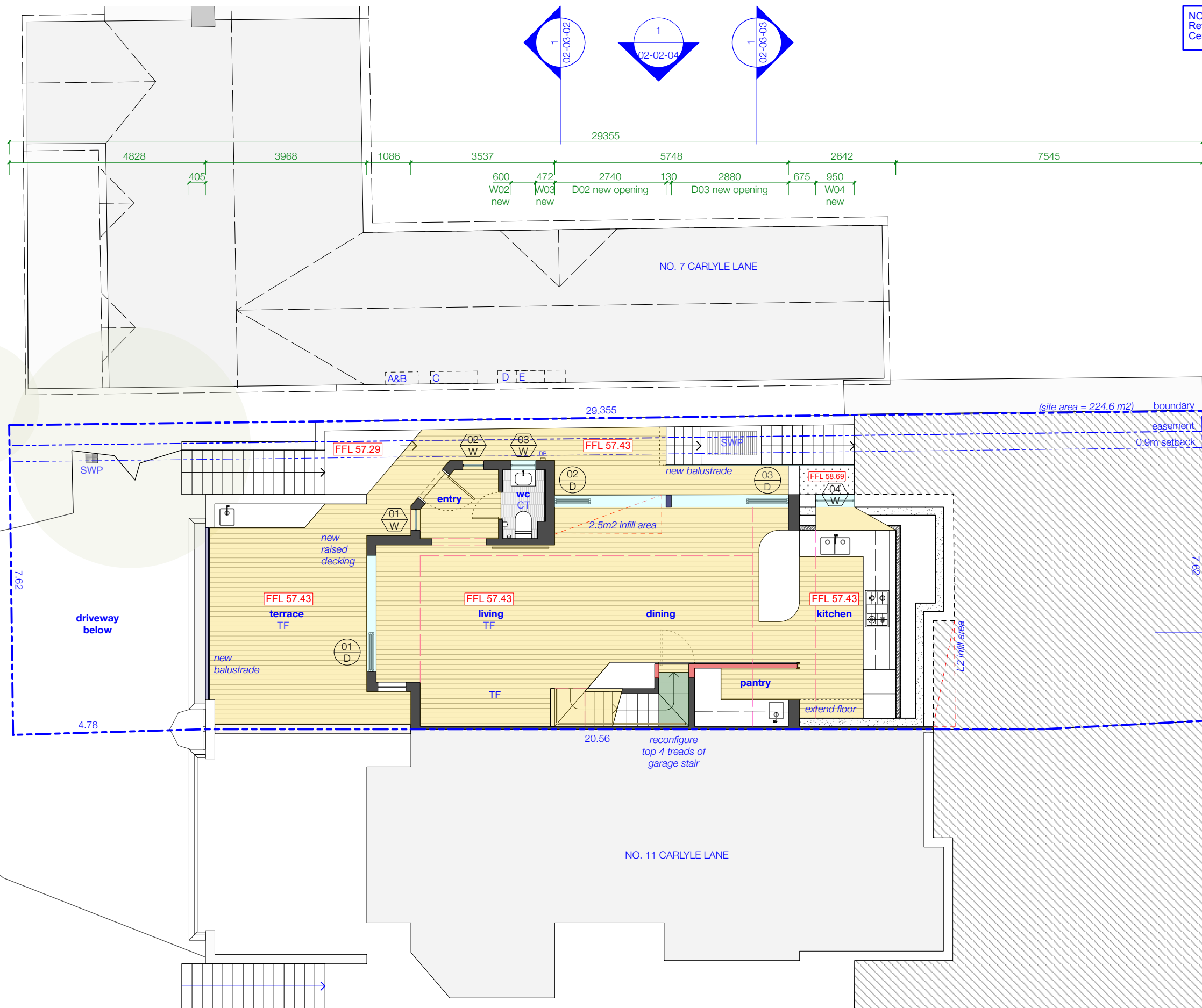
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PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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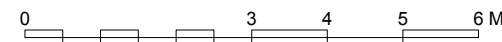
DRAWING Plan - Garage Level	SCALE / A3 1:100
PROJECT NUMBER 2123	DRAWING NUMBER 02-01-02
REVISION A	

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088

- COLOUR KEY
- Brick
 - Rooftiles
 - Concrete
 - Tile
 - FC sheet / Cement Render
 - Glass or Glass Bricks
 - Timber
 - Steel or Galvanised Iron



1 Level 1



CO-AP

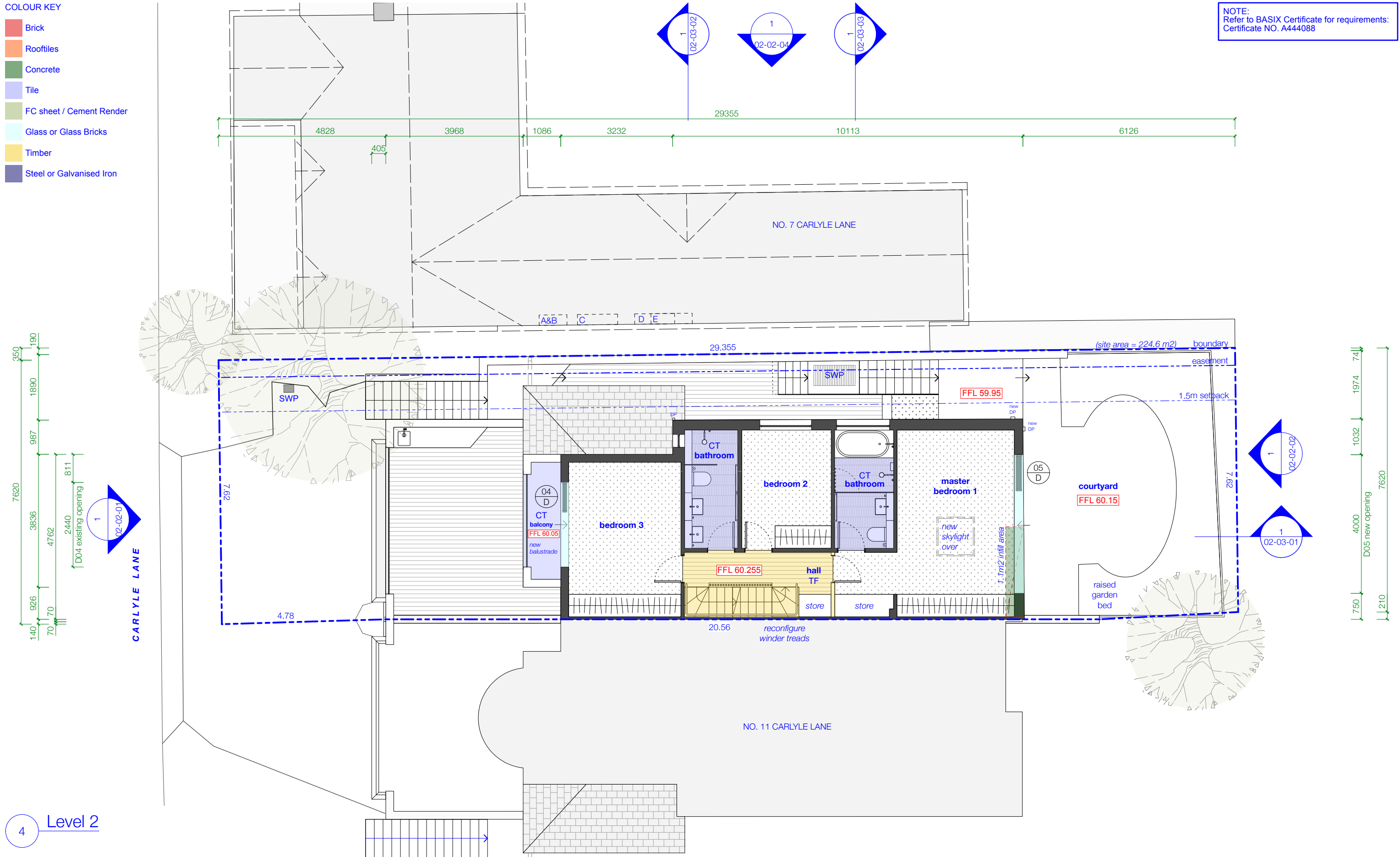
REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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DRAWING Plan - Level 1	SCALE / A3 1:100
PROJECT NUMBER 2123	DRAWING NUMBER 02-01-03
	REVISION A

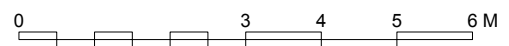
- COLOUR KEY**
- Brick
 - Rooftiles
 - Concrete
 - Tile
 - FC sheet / Cement Render
 - Glass or Glass Bricks
 - Timber
 - Steel or Galvanised Iron

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



4 Level 2

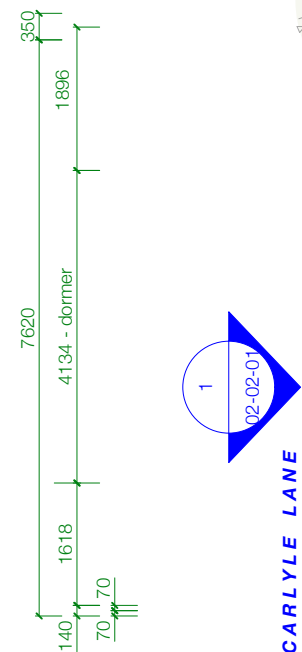
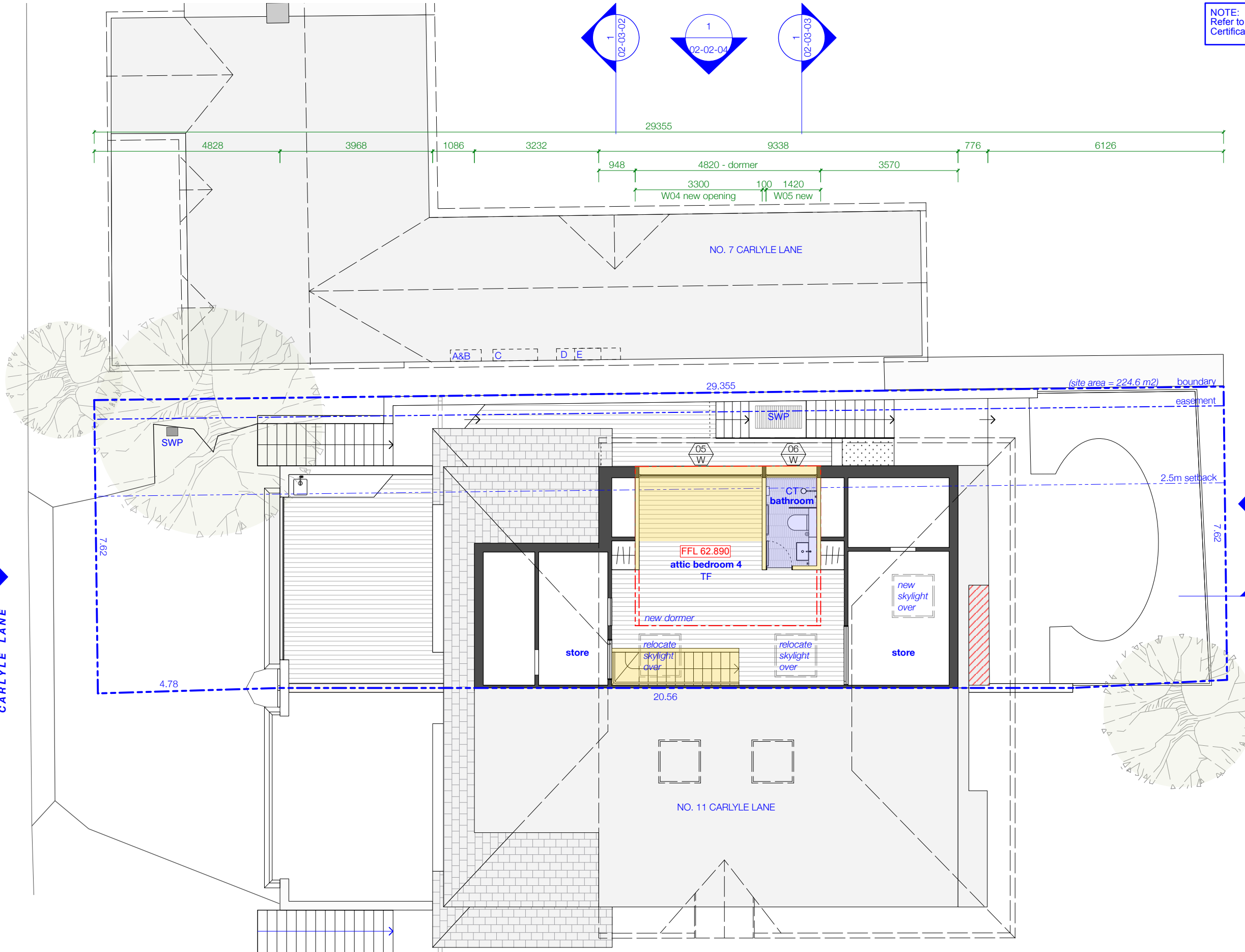
CO-AP



PROJECT Arthur - 9 Carlyle Lane Wollstonecraft			DRAWING Plan - Level 2		SCALE / A3 1:100
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A	08/12/21	DA SUBMISSION			
REV	DATE	NOTE	DRAWN		

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088

- COLOUR KEY
- Brick
 - Rooftiles
 - Concrete
 - Tile
 - FC sheet / Cement Render
 - Glass or Glass Bricks
 - Timber
 - Steel or Galvanised Iron

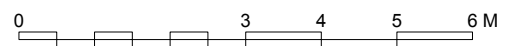


5 Level 2

CO-AP

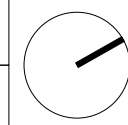
REV	DATE	NOTE
A	08/12/21	DA SUBMISSION

DRAWN



PROJECT
Arthur - 9 Carlyle Lane Wollstonecraft

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DRAWING
Plan - Level 3

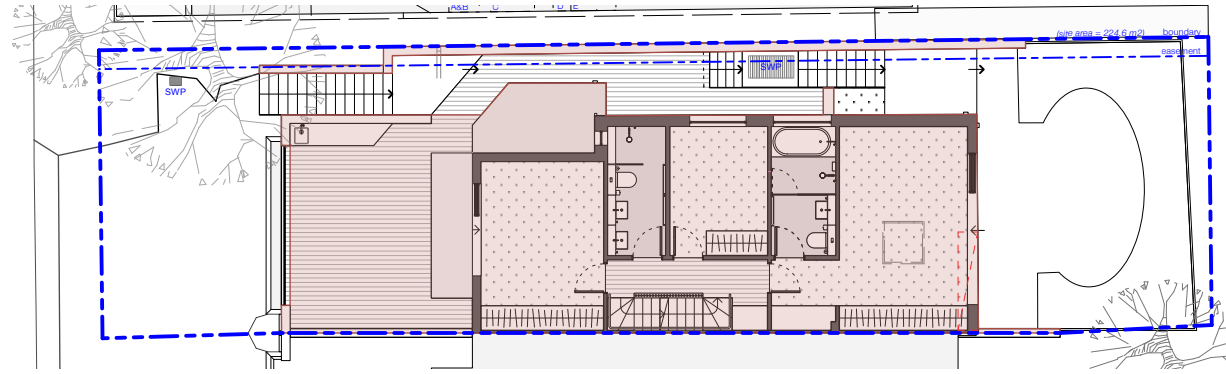
PROJECT NUMBER
2123

DRAWING NUMBER

02-01-05

SCALE / A3
1:100

REVISION
A

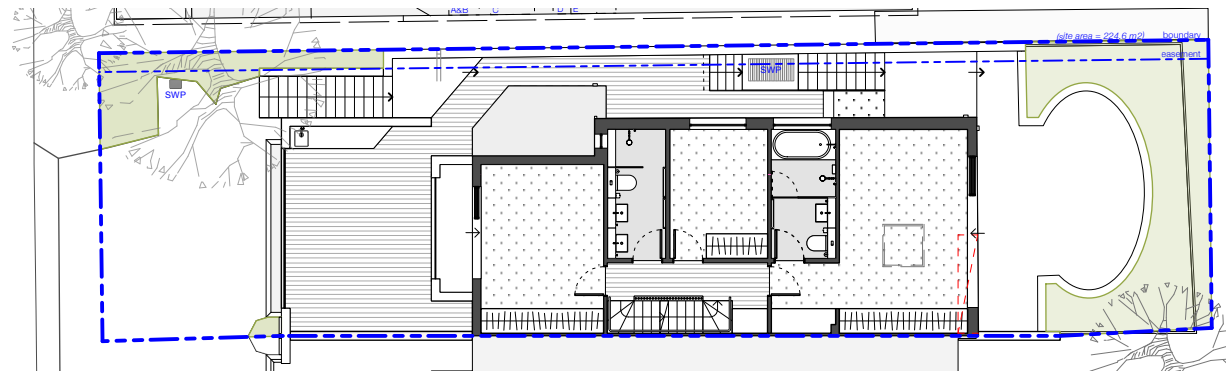


SITE COVERAGE AREA

Site Area: 224.6m²

Existing: **111.6m² (50.0%)**
 Proposed: **113.0m² (50.3%)**

Maximum Allowable: **(60.0%)**

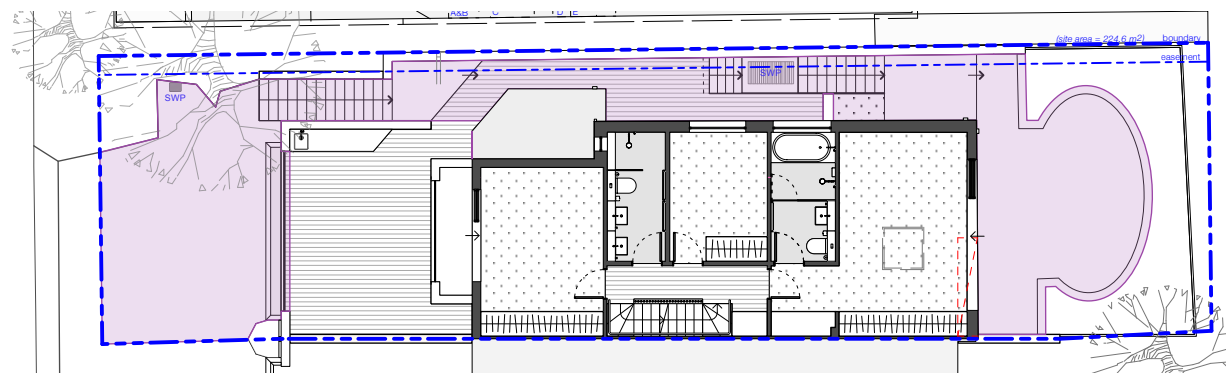


LANDSCAPED AREA

Site Area: 224.6m²

Existing: **28.7m² (12.8%)**
 Proposed: **28.7m² (12.8%)**

Minimum Allowable: **(20.0%)**

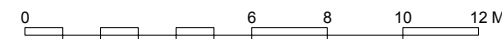


UNBUILT UPON AREA

Site Area: 224.6m²

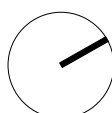
Existing: **84.3m² (37.5%)**
 Proposed: **82.9m² (36.9%)**

Maximum Allowable: **(20.0%)**



CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		 DRAWING Plan - Area Calculations	SCALE / A3 1:200	
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COLOUR KEY

- Brick
- Rooftiles
- Concrete
- Tile
- FC sheet / Cement Render
- Glass or Glass Bricks
- Timber
- Steel or Galvanised Iron

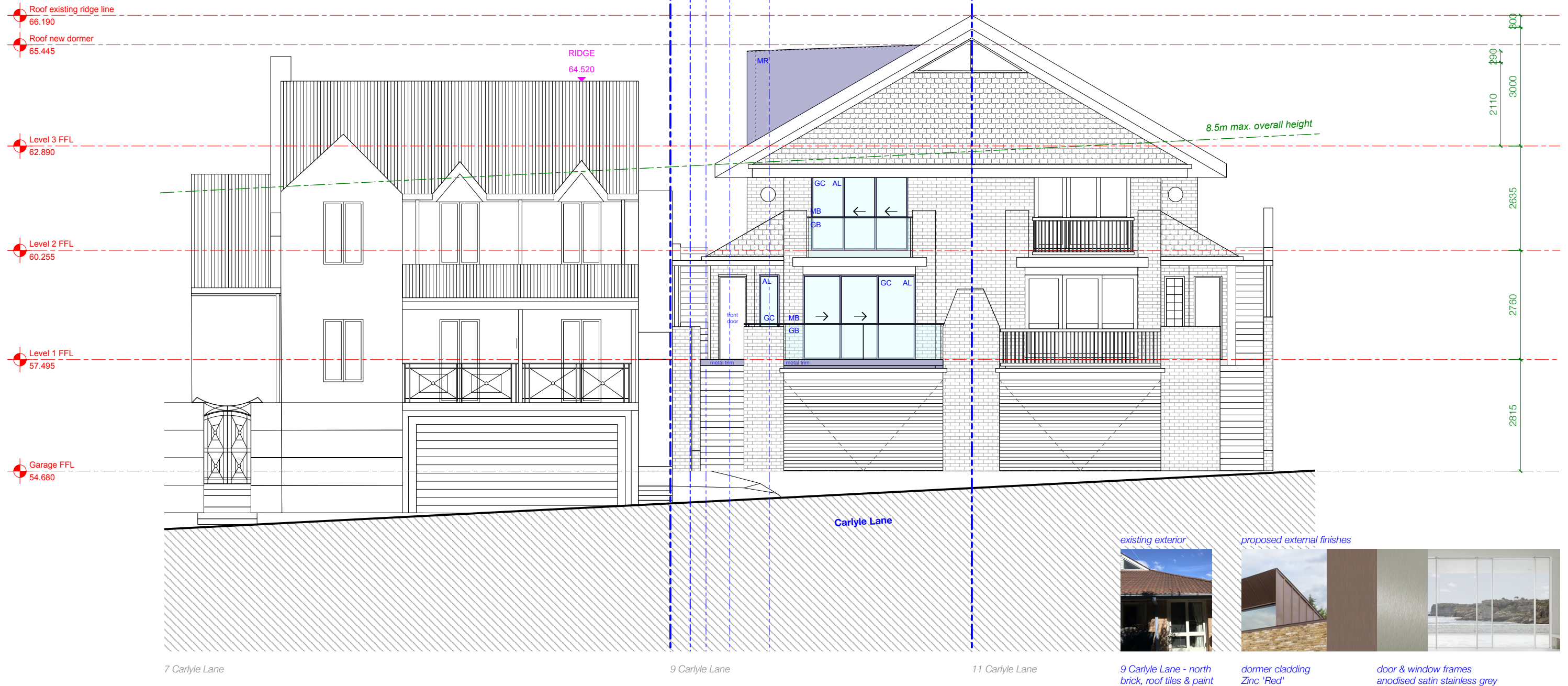
**No 7
Carlyle Lane**
free standing
2 storey
rendered brick house
metal roof

**No 9
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

NEW ADDITION

**No 11
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

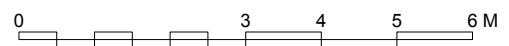
NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 North Elevation

CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

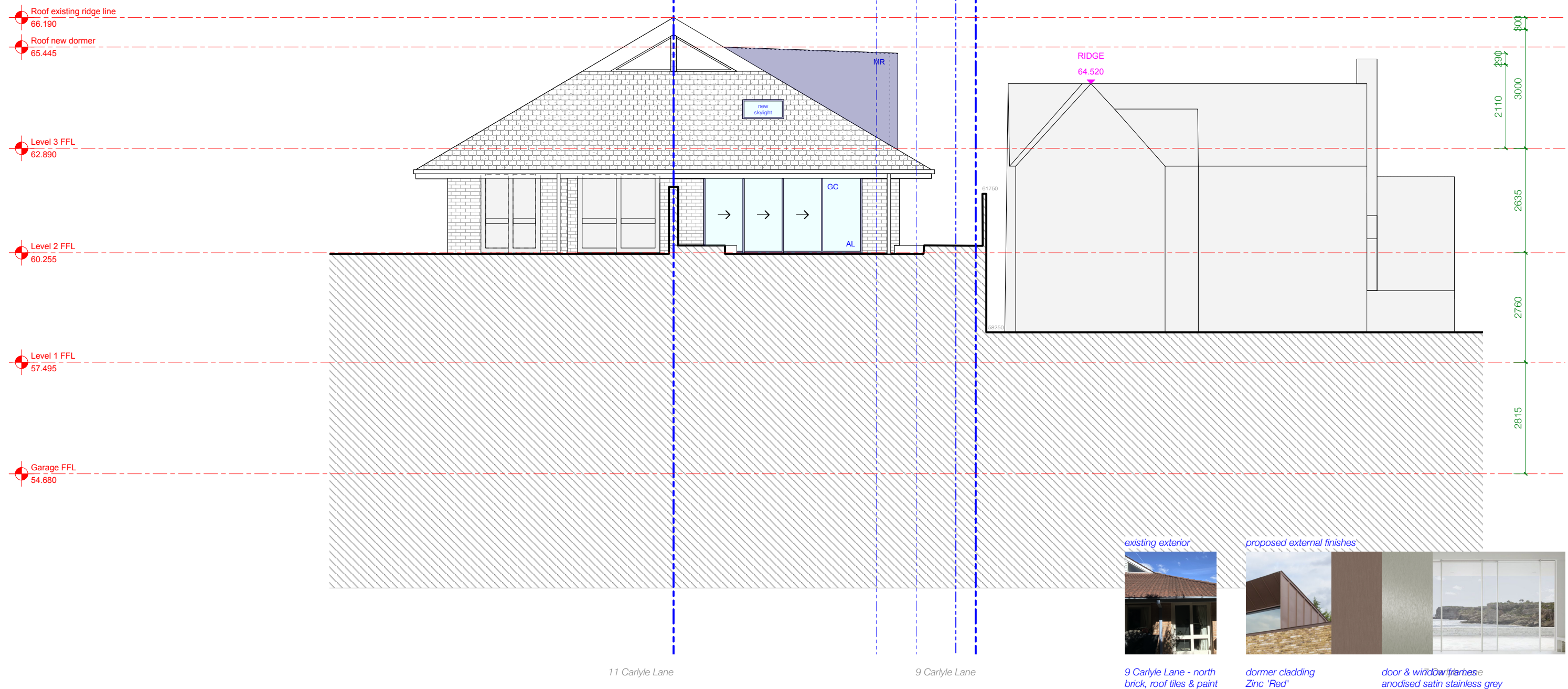


PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Elevation - South		SCALE / A3 1:100
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COLOUR KEY

Brick
Rooftiles
Concrete
Tile
FC sheet / Cement Render
Glass or Glass Bricks
Timber
Steel or Galvanised Iron

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 South Elevation

CO-AP

A	08/12/21	DA SUBMISSION	
REV	DATE	NOTE	DRAWN

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Elevation - North		SCALE / A3 1:100
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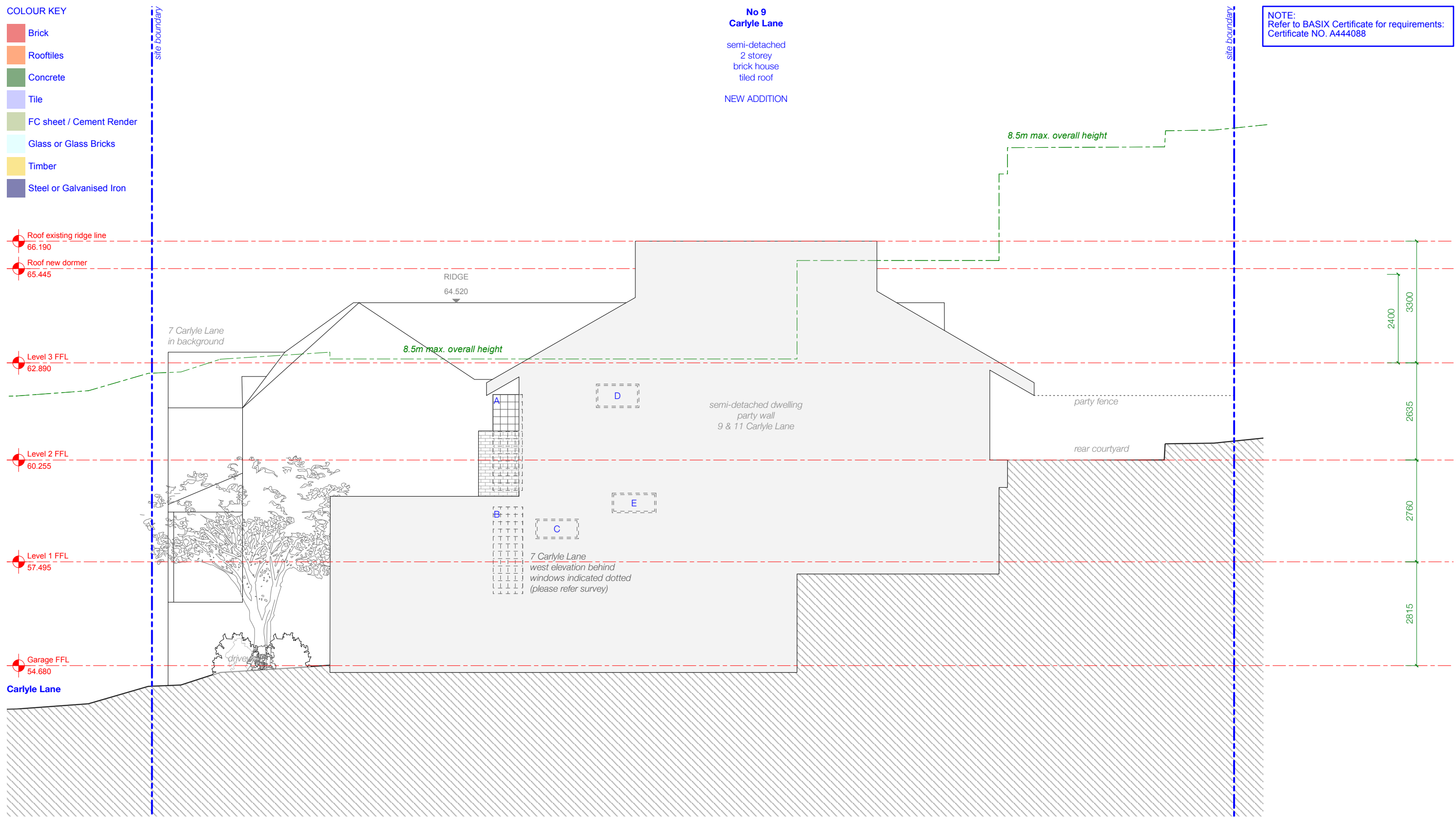
COLOUR KEY

Brick
Rooftiles
Concrete
Tile
FC sheet / Cement Render
Glass or Glass Bricks
Timber
Steel or Galvanised Iron

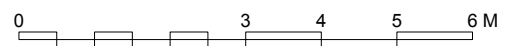
**No 9
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

NEW ADDITION

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 East Elevation



CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Elevation - East		SCALE / A3 1:100
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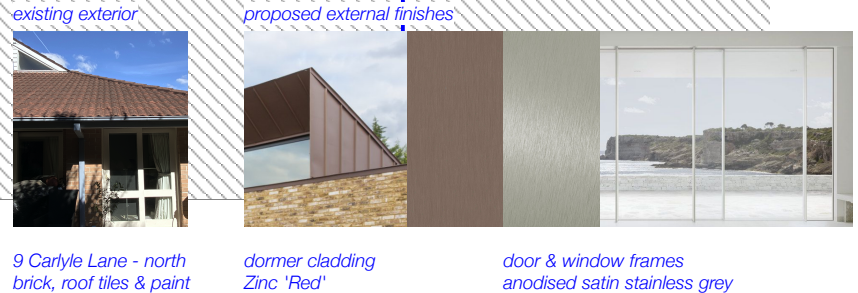
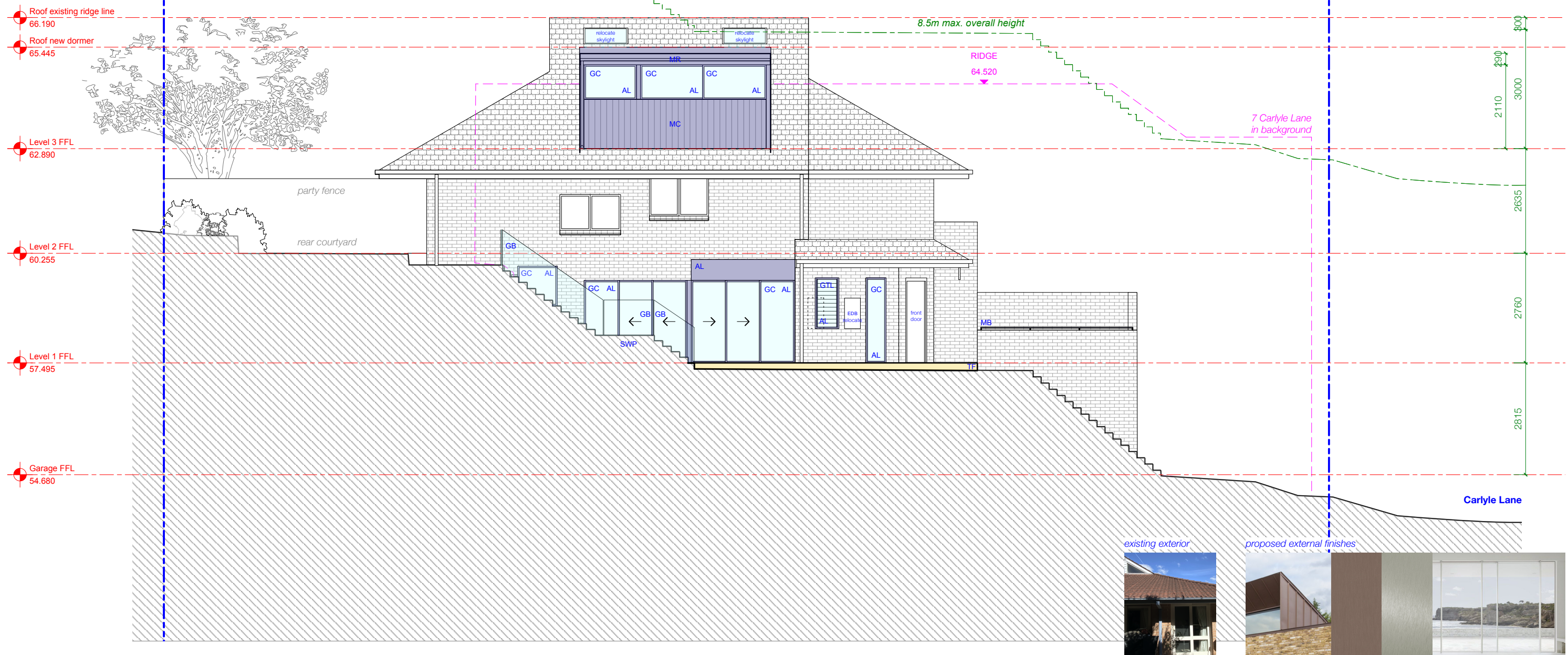
COLOUR KEY

- Brick
- Roof tiles
- Concrete
- Tile
- FC sheet / Cement Render
- Glass or Glass Bricks
- Timber
- Steel or Galvanised Iron

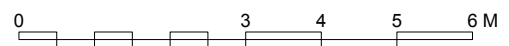
**No 9
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

NEW ADDITION

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 West Elevation



CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Elevation - West		SCALE / A3 1:100
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COLOUR KEY

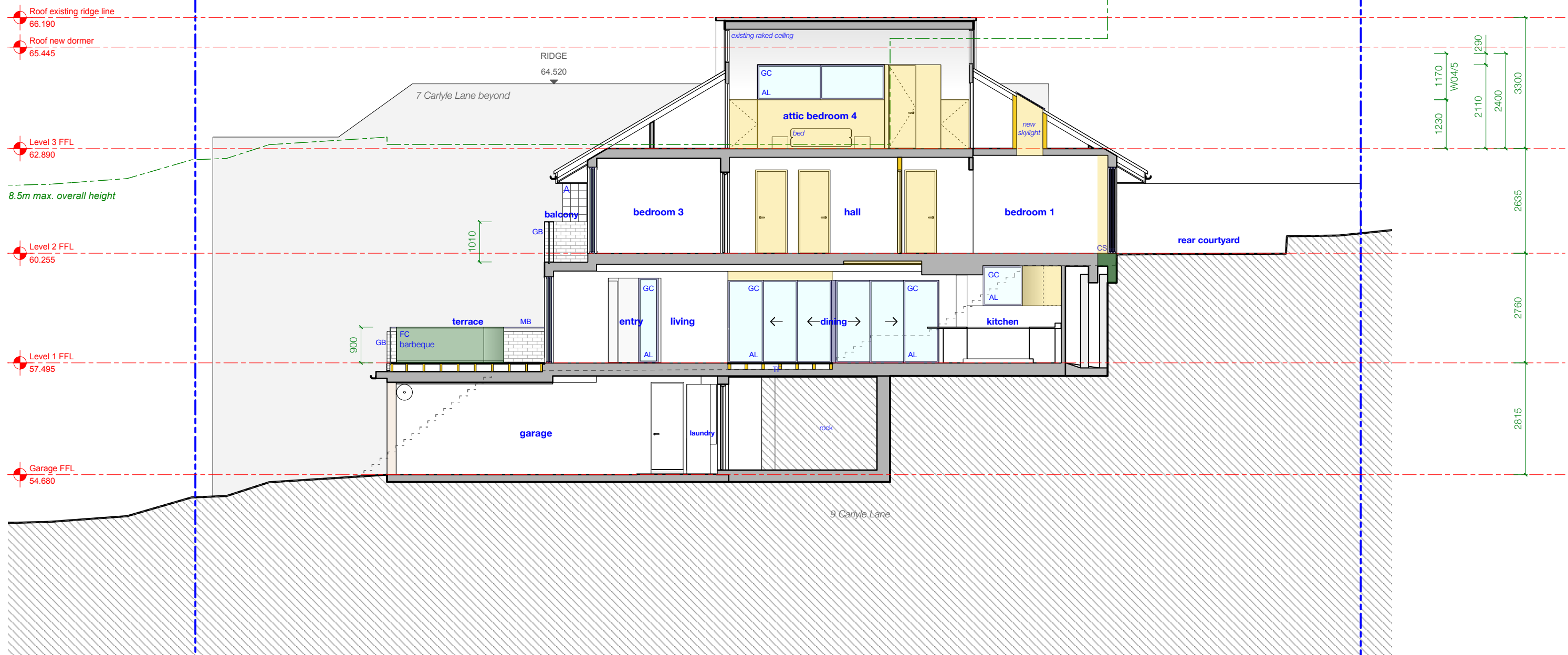
- Brick
- Rooftiles
- Concrete
- Tile
- FC sheet / Cement Render
- Glass or Glass Bricks
- Timber
- Steel or Galvanised Iron

**No 9
Carlyle Lane**

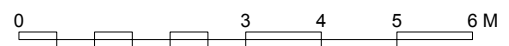
semi-detached
2 storey
brick house
tiled roof

NEW ADDITION

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 Section AA (long)



CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

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DRAWING Section - long (AA)	SCALE / A3 1:100
PROJECT NUMBER 2123	DRAWING NUMBER 02-03-01
	REVISION A

COLOUR KEY

- Brick
- Rooftiles
- Concrete
- Tile
- FC sheet / Cement Render
- Glass or Glass Bricks
- Timber
- Steel or Galvanised Iron

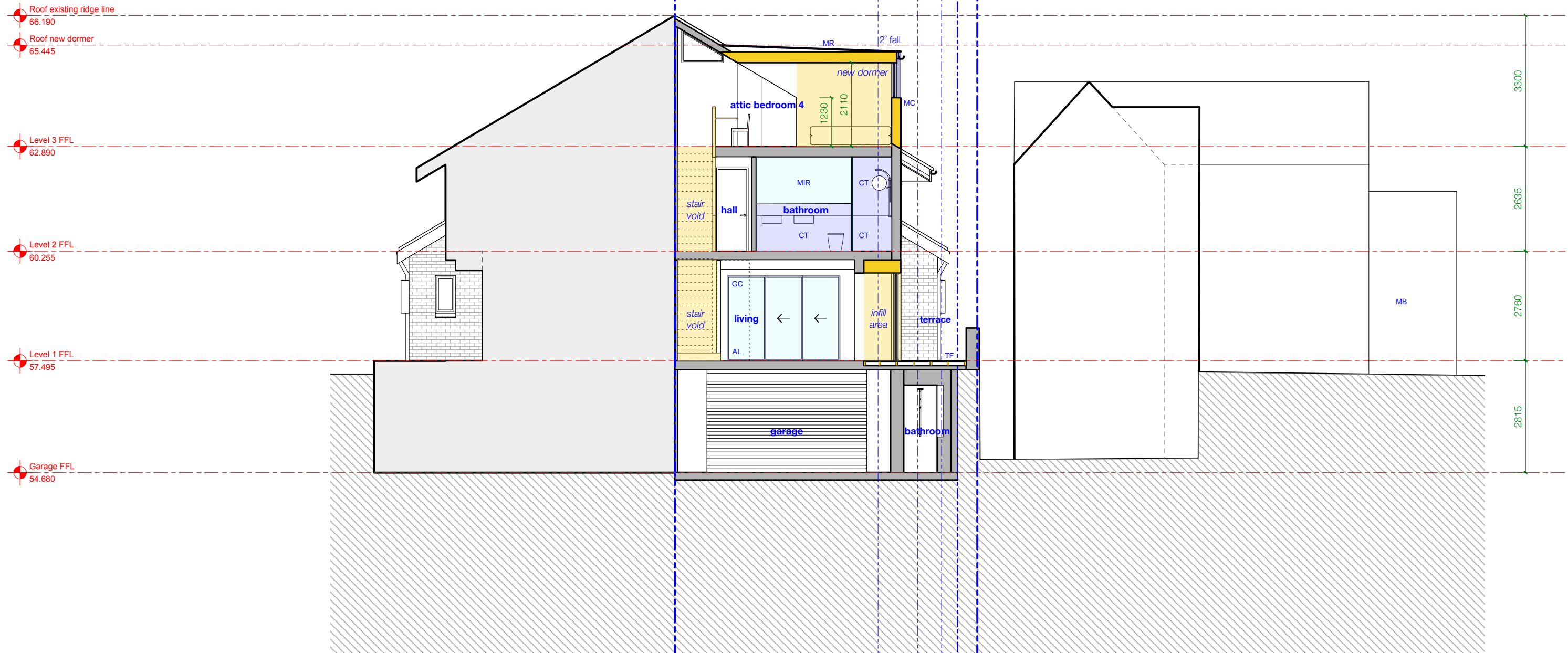
**No 11
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

**No 9
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

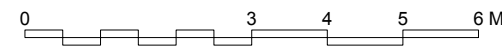
NEW ADDITION

**No 7
Carlyle Lane**
free standing
2 storey
rendered brick house
metal roof

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 Section BB (short)



CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Section - short (BB)		SCALE / A3 1:100
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COLOUR KEY

Brick
Roof tiles
Concrete
Tile
FC sheet / Cement Render
Glass or Glass Bricks
Timber
Steel or Galvanised Iron

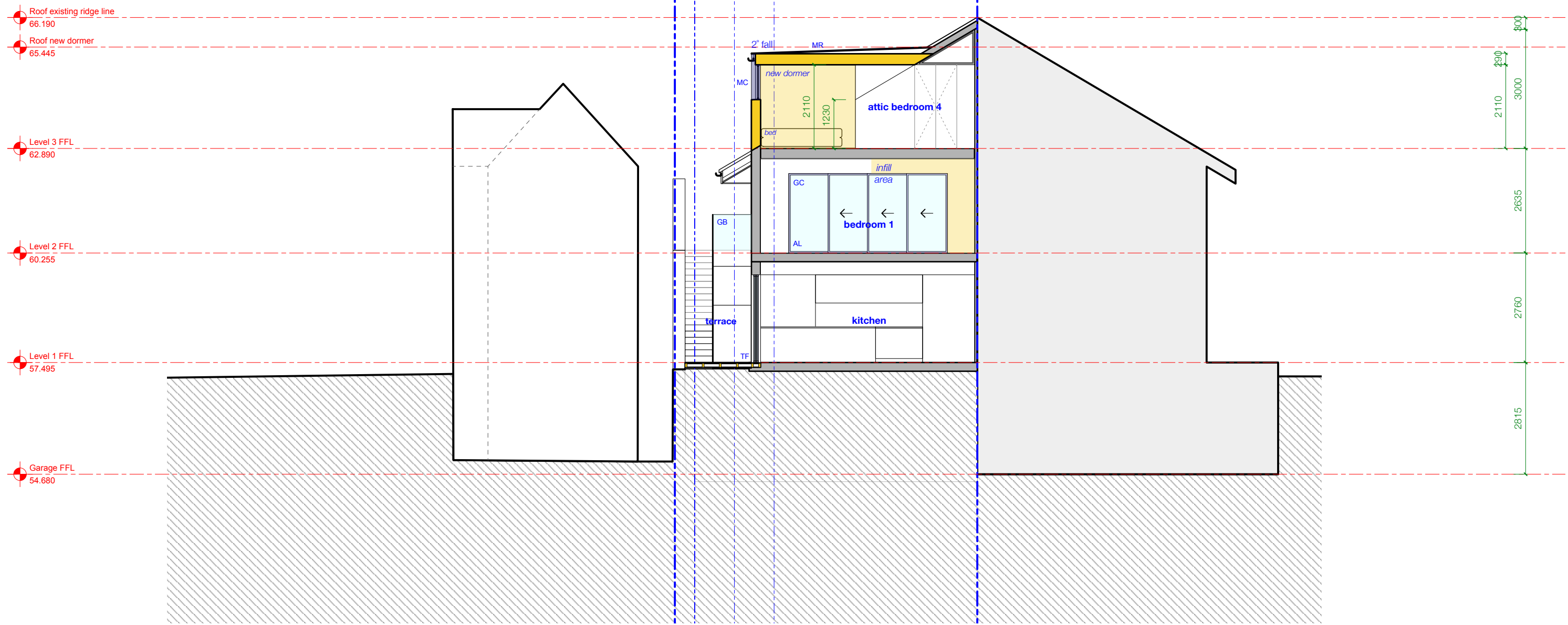
**No 7
Carlyle Lane**
free standing
2 storey
rendered brick house
metal roof

**No 9
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

NEW ADDITION

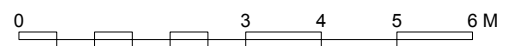
**No 11
Carlyle Lane**
semi-detached
2 storey
brick house
tiled roof

NOTE:
Refer to BASIX Certificate for requirements:
Certificate NO. A444088



1 Section CC (short)

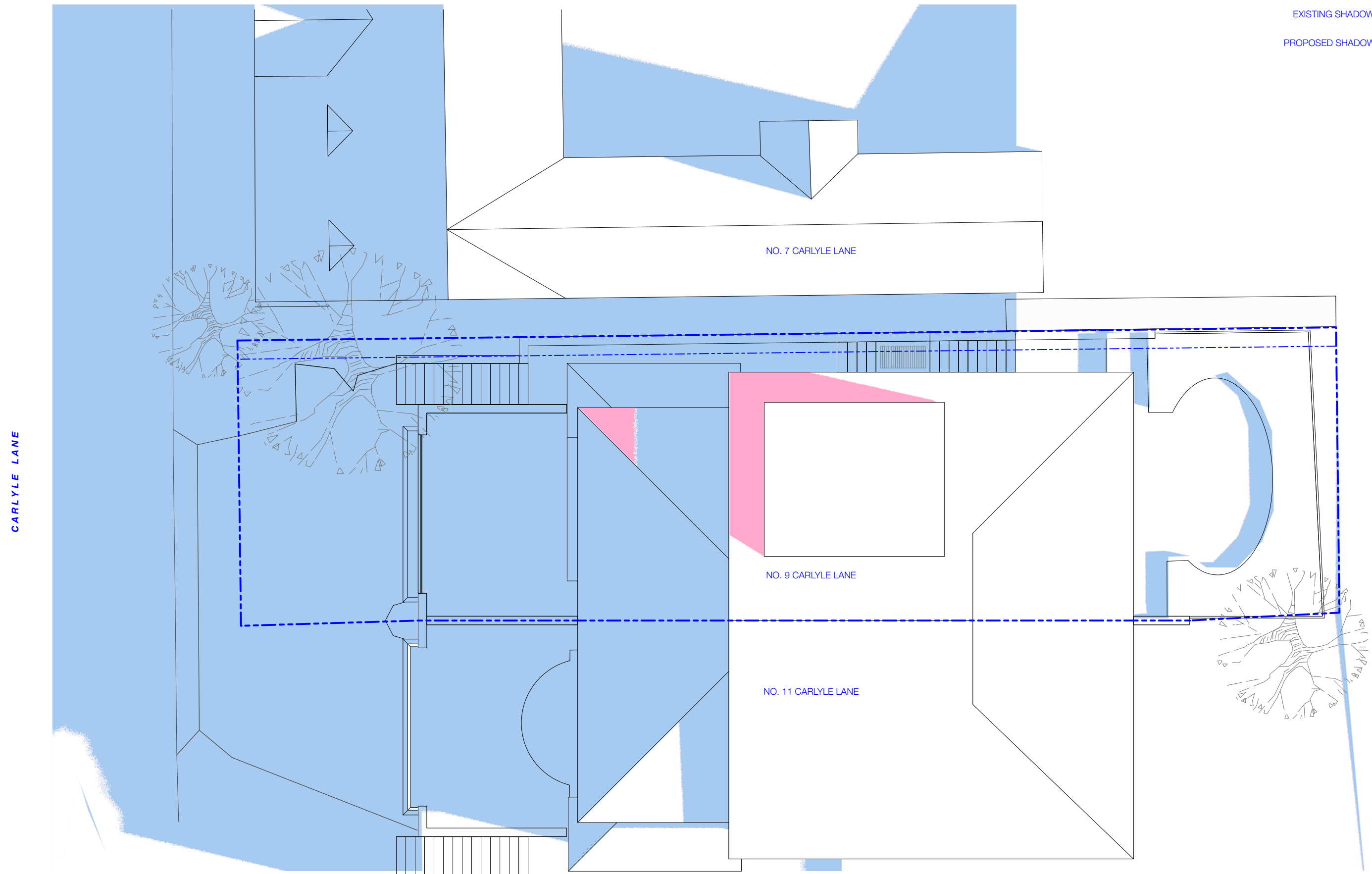
CO-AP



REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft		DRAWING Section - short (CC)		SCALE / A3 1:100
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EXISTING SHADOW 
 PROPOSED SHADOW 

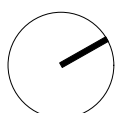


1 Existing & Proposed Shadows - June 21 - 9am

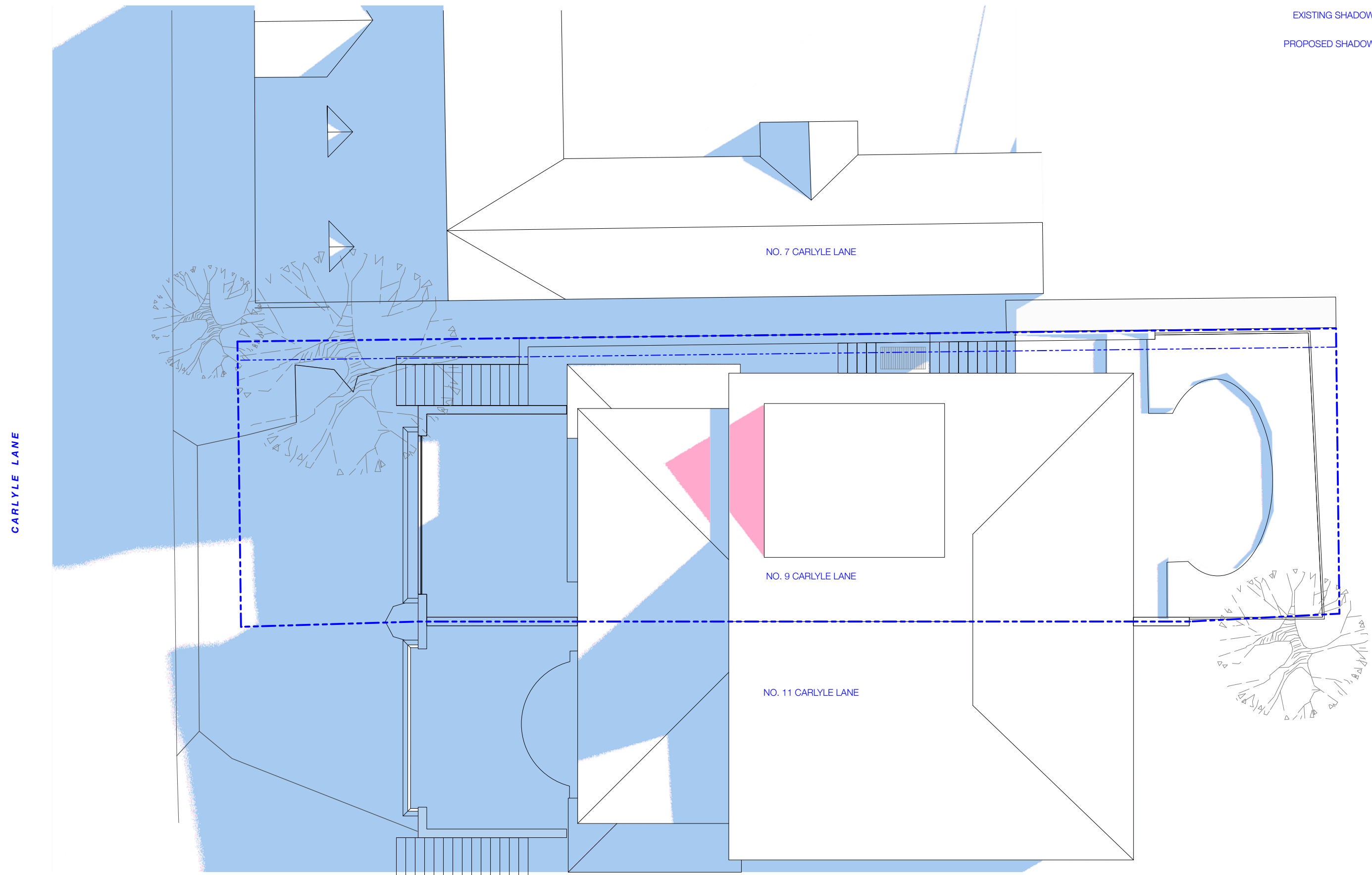
CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

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	DRAWING Shadow Diagram - 21/06 - 09.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-04	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

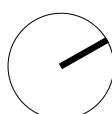


1 Existing & Proposed Shadows - June 21 - 12pm

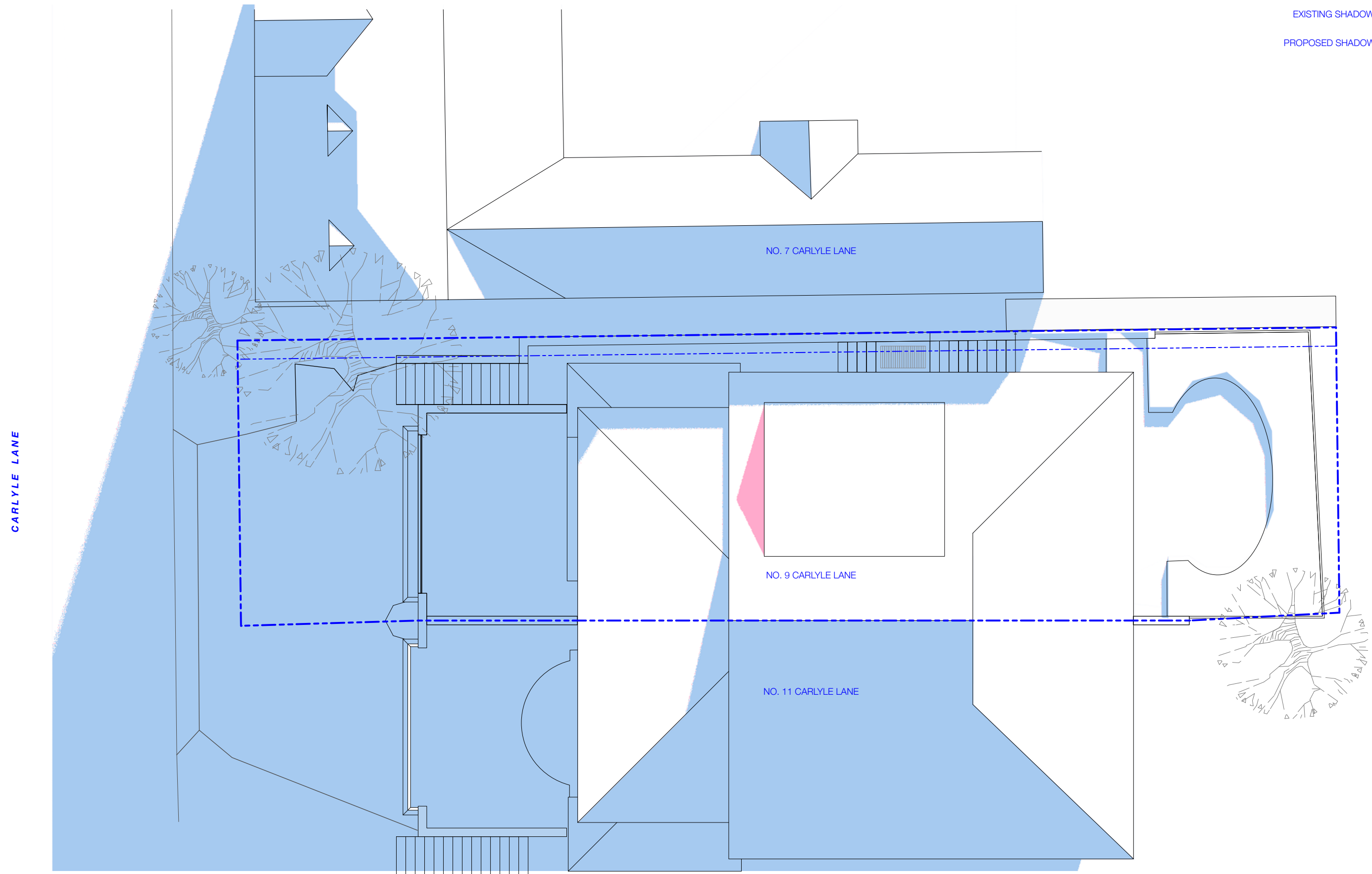
CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/06 - 12.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-05	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

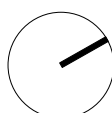


1 Existing & Proposed Shadows - June 21 - 3pm

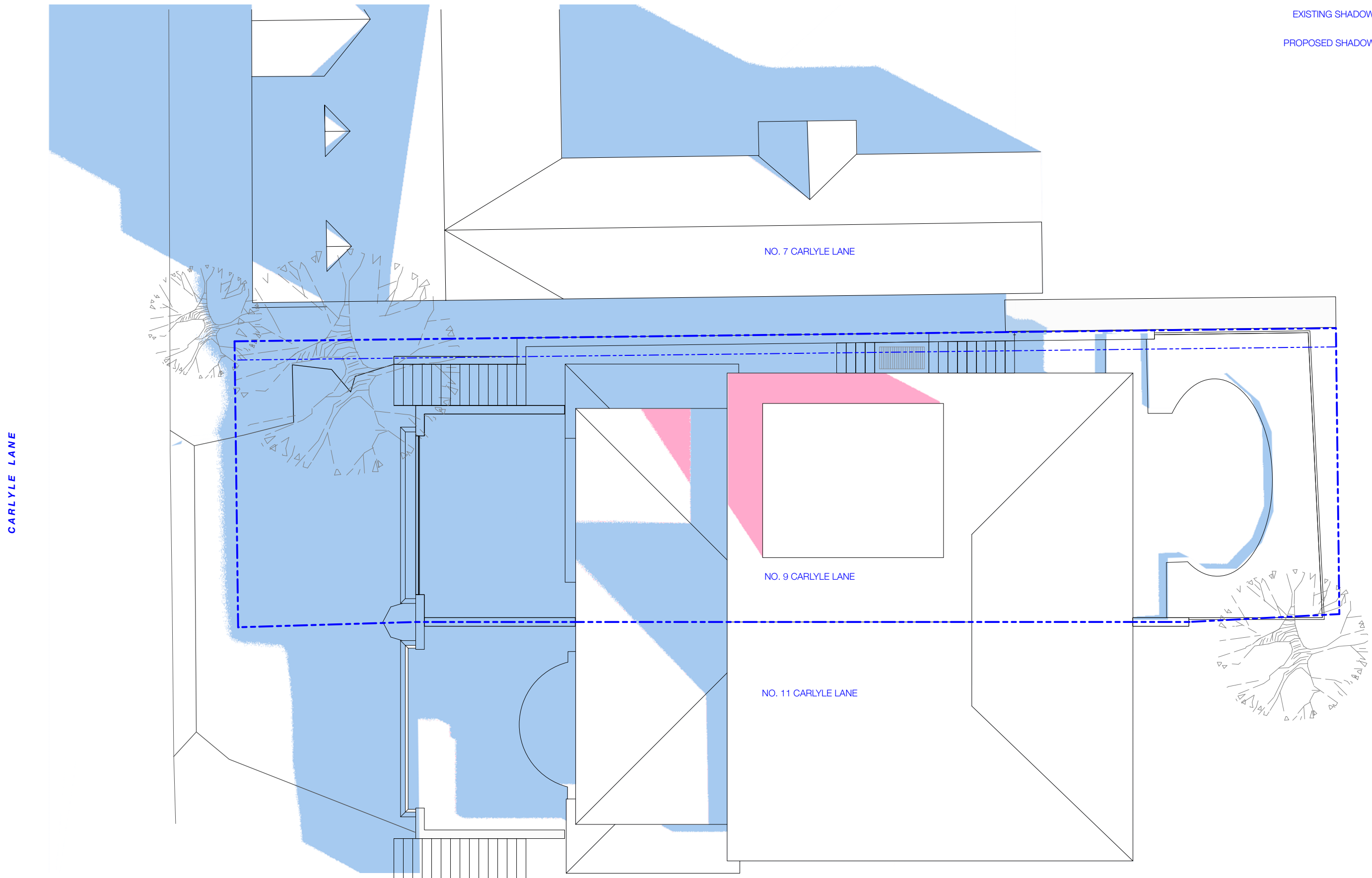
CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/06 - 15.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-06	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 



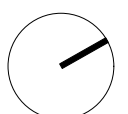
CARLYLE LANE

1 Existing & Proposed Shadows - Sep 21 - 9am

CO-AP

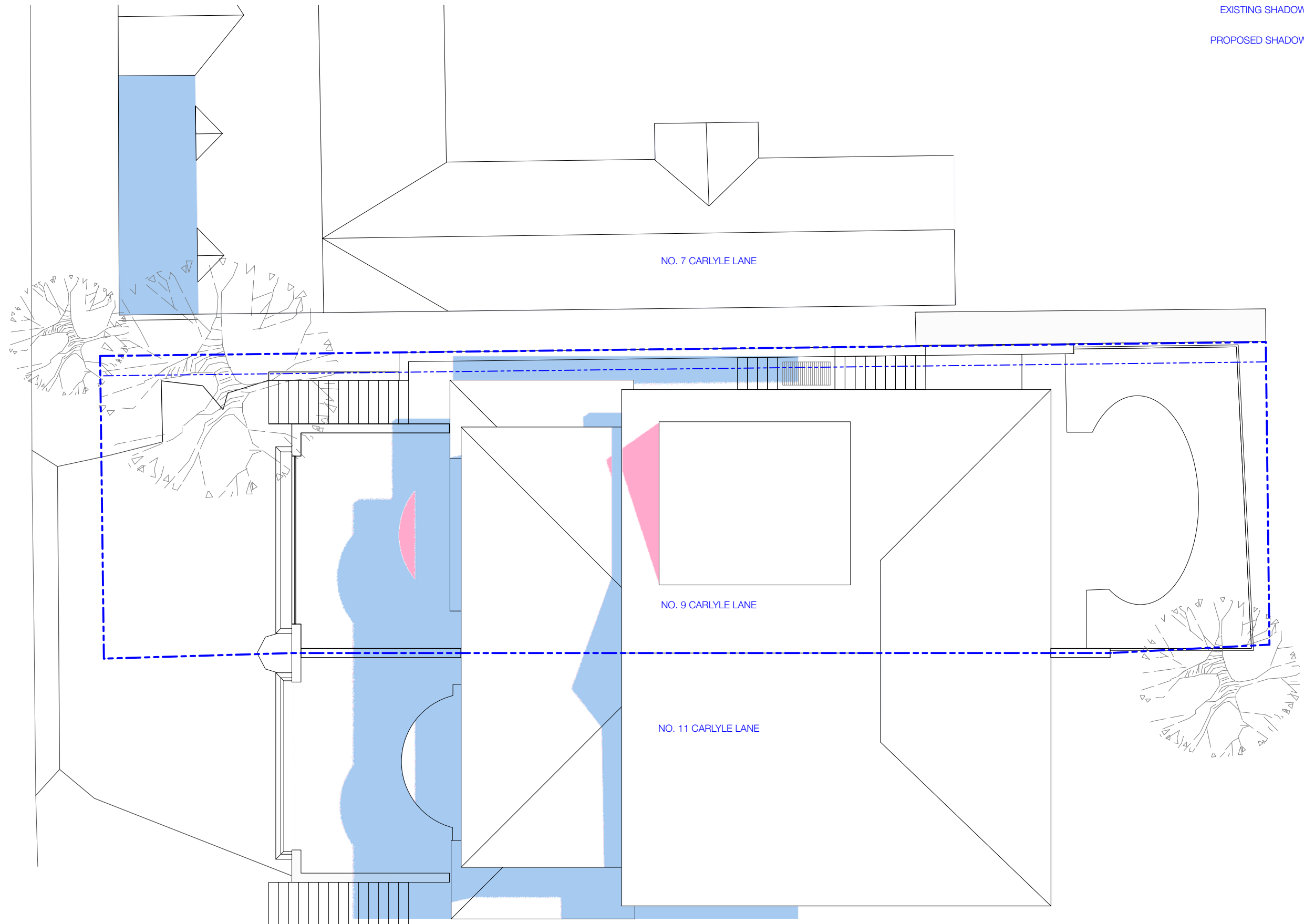
REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/09 - 09.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-07	REVISION A

EXISTING SHADOW
 PROPOSED SHADOW

CARLYLE LANE

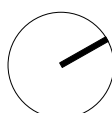



1 Existing & Proposed Shadows - Sep 21 - 12pm

CO-AP

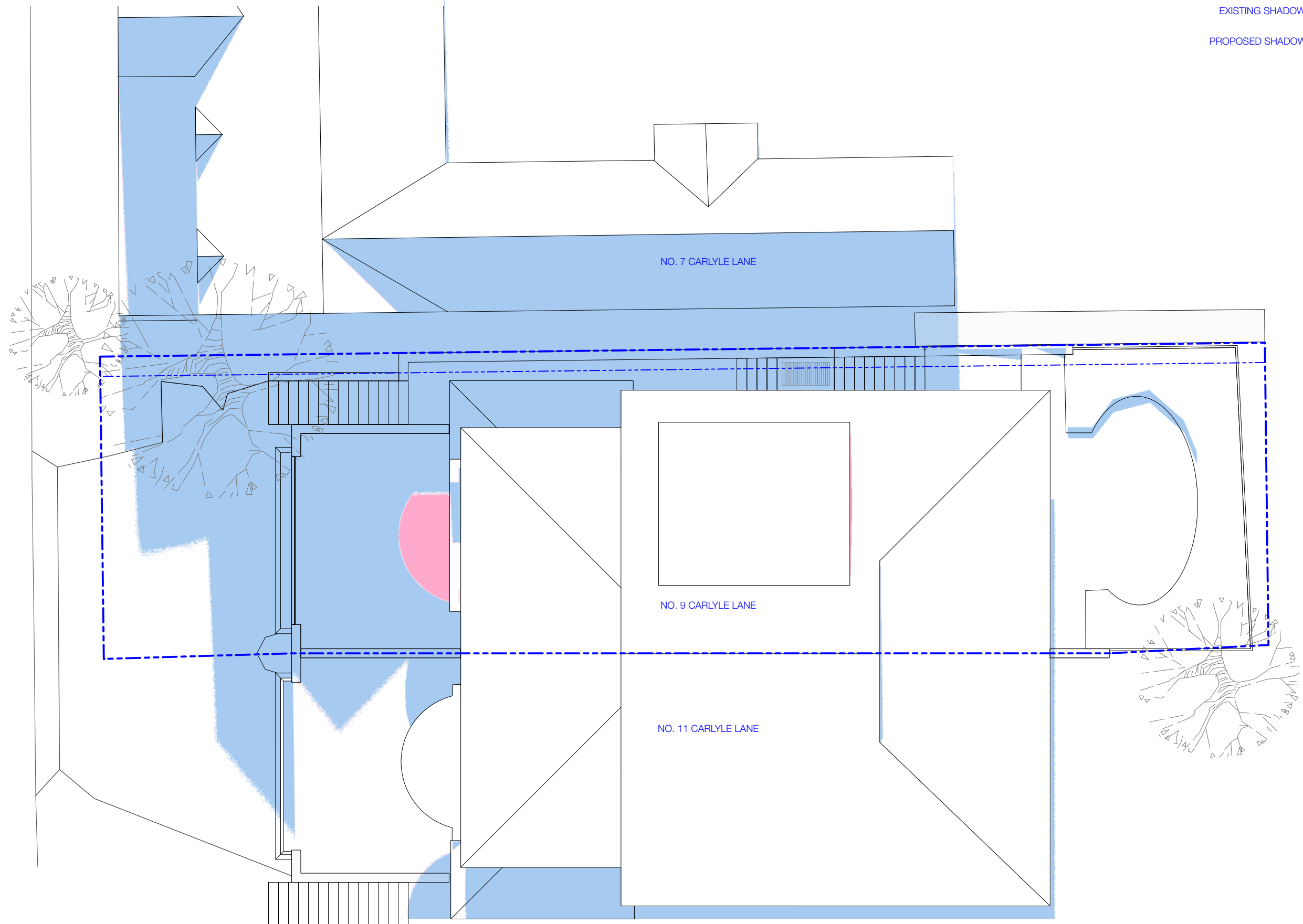
REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/09 - 12.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-08	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

CARLYLE LANE

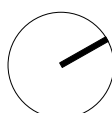



1 Existing & Proposed Shadows - Sep 21 - 3pm

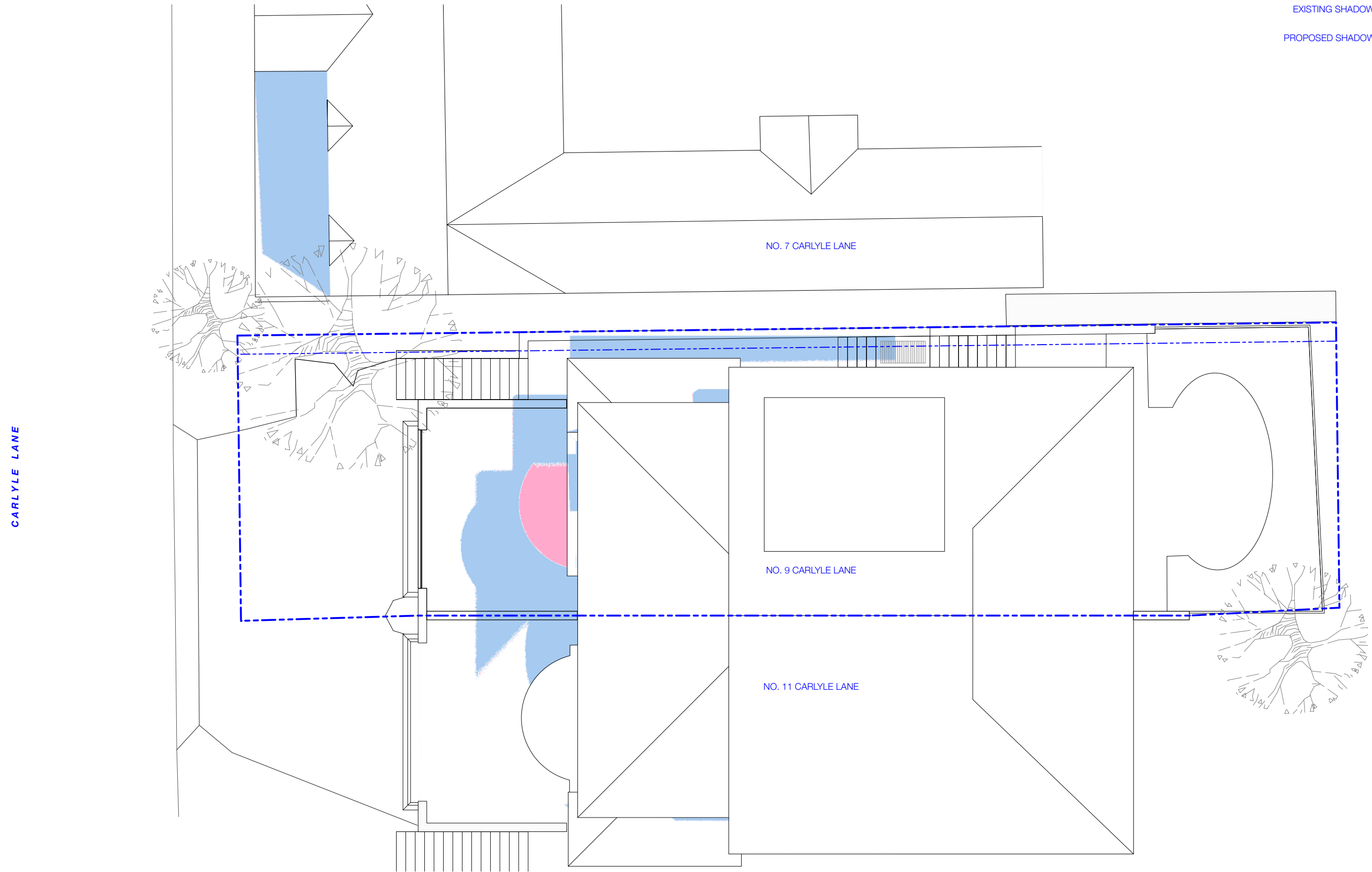
CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/09 - 15.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-09	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

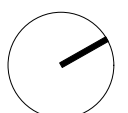


1 Existing & Proposed Shadows - March 21 - 9am

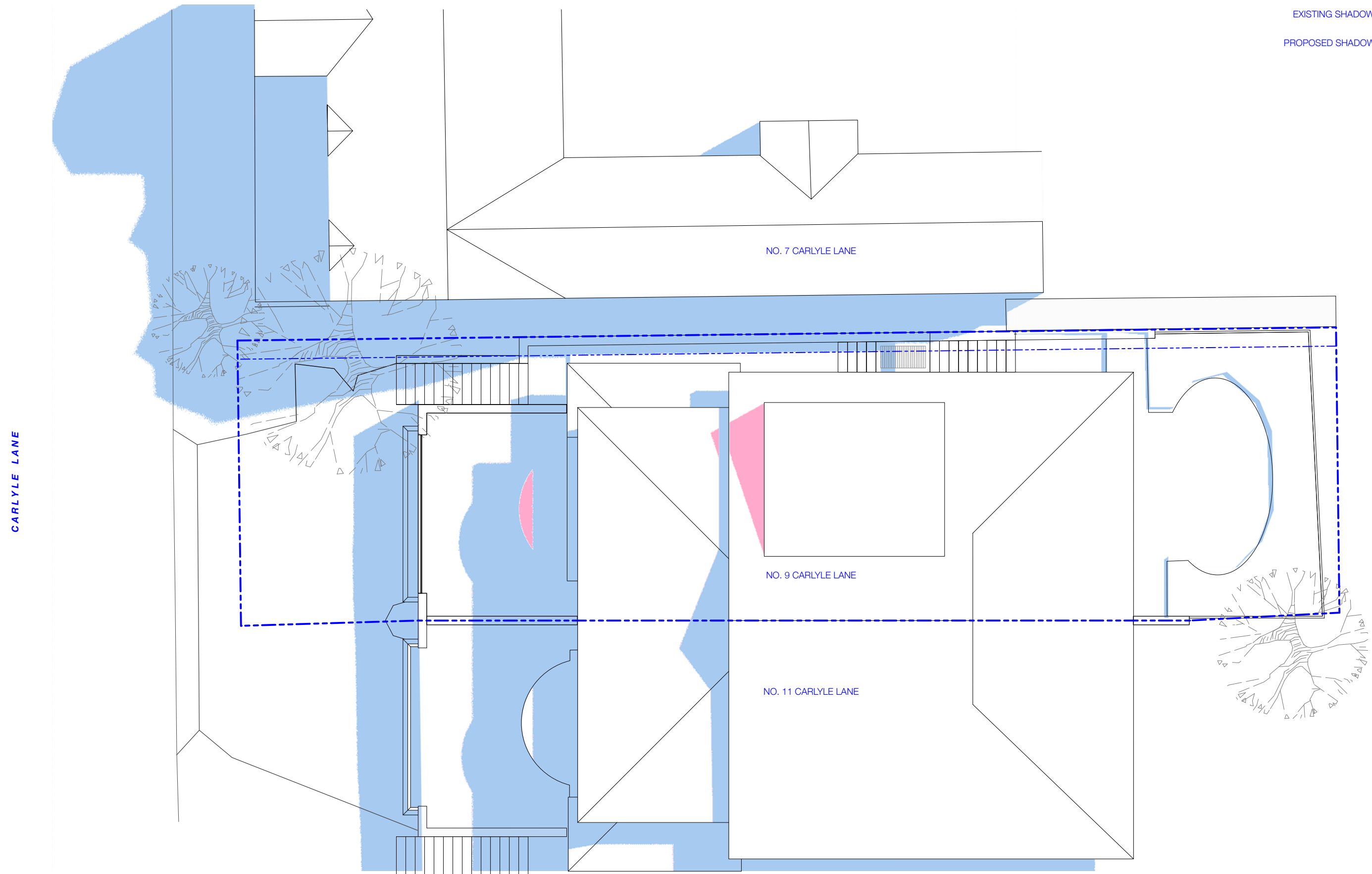
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REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/03 - 09.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-01	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

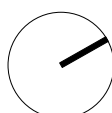


1 Existing & Proposed Shadows - March 21 - 12pm

CO-AP

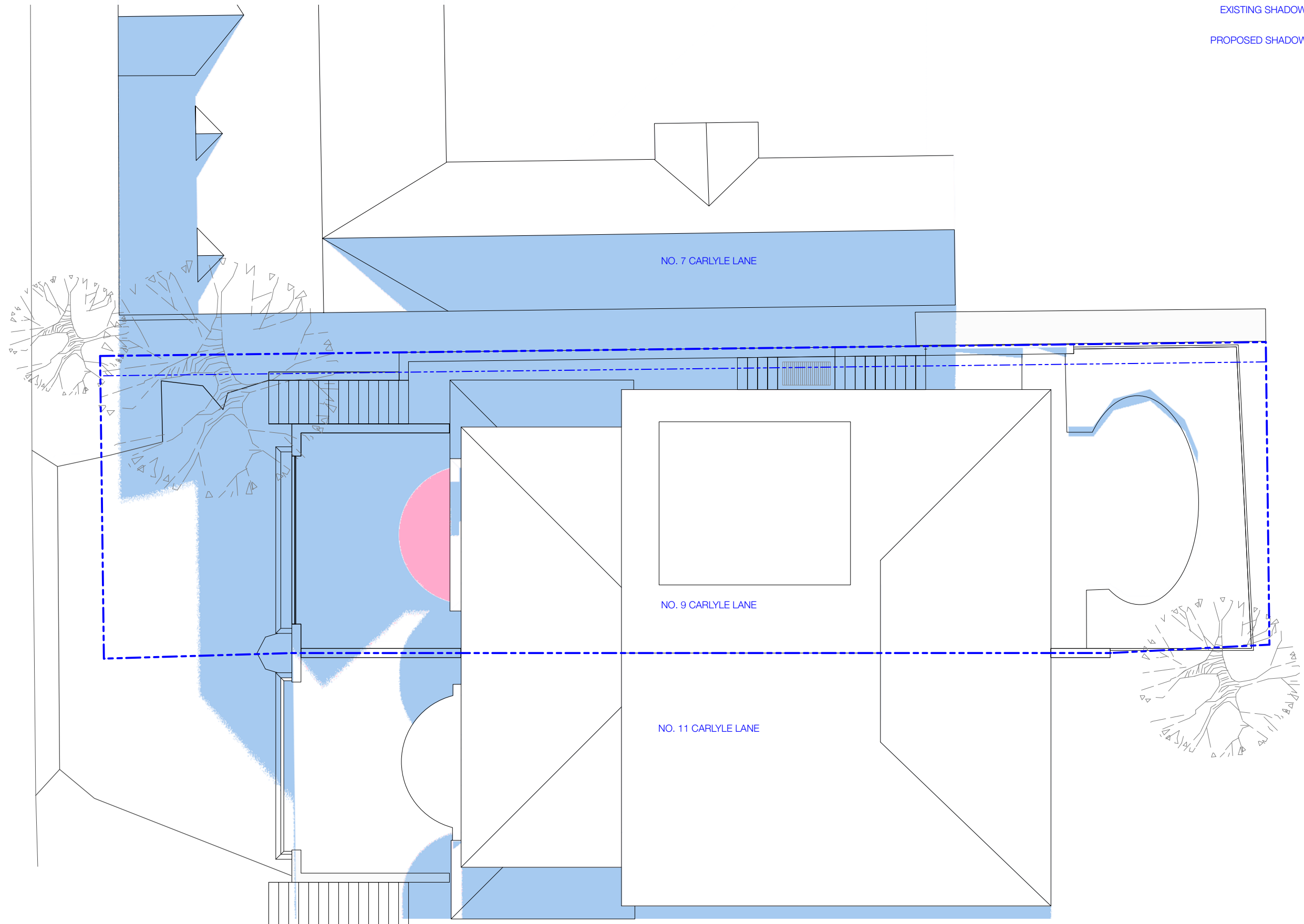
REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/03 - 12.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-02	REVISION A

EXISTING SHADOW 
 PROPOSED SHADOW 

CARLYLE LANE

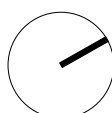


1 Existing & Proposed Shadows - March 21 - 3pm

CO-AP

REV	DATE	NOTE	DRAWN
A	08/12/21	DA SUBMISSION	

PROJECT Arthur - 9 Carlyle Lane Wollstonecraft
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	DRAWING Shadow Diagram - 21/03 - 15.00		SCALE / A3 1:100
	PROJECT NUMBER 2123	DRAWING NUMBER SDP-03	REVISION A



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20 June 2022

The General Manager
North Sydney Council
200 Miller Street
North Sydney, NSW 2060

Dear Sir/Madam,

9 Carlyle Lane, Wollstonecraft

Clause 4.6: Exceptions to Development Standards

Height of Buildings (Clause 4.3) – North Sydney Local Environmental Plan 2013

1. BACKGROUND

This Clause 4.6 variation is a written request to vary a development standard to support a development application for the alterations and additions at 9 Carlyle Lane, Wollstonecraft. The proposal is in direct response to the growing housing needs of the Wollstonecraft locality. The design is commensurate in scale, bulk, site coverage, and materiality to many of the dwellings located in the immediate locality.

The proposed works include:

- **Demolition** of portions of the existing dwelling on the first, second and third floor;
- **Construction** of new bedroom on third floor with a new dormer and skylights relocated above the dormer; and the
- **Retention** of most of the existing dwelling, front and rear setback.

Clause 4.3 of North Sydney Local Environmental Plan (LEP) 2013 relates to the Height of Building requirements and states that “the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”. The Height of Building map stipulates that the maximum Height of Building for 9 Carlyle Lane, Wollstonecraft is 8.5m.

The architectural plans submitted with the Development Application at 9 Carlyle Lane, Wollstonecraft indicate that the new dormer and relocated skylights are above the 8.5m height limit with a height of 10.95 metres. This results in a 29% variation to the development standard.

The proposal is of a reasonable scale and provides a high quality and durable dwelling house upgrade which will assist to meet the high demand for additional housing in the Wollstonecraft locality. The development is commensurate in scale and character with other properties in the streetscape, measuring between one and three-storeys throughout the site. The variation results in the retention of existing building ridge without producing any adverse impacts on the privacy, views, solar access and overall amenity of surrounding properties.

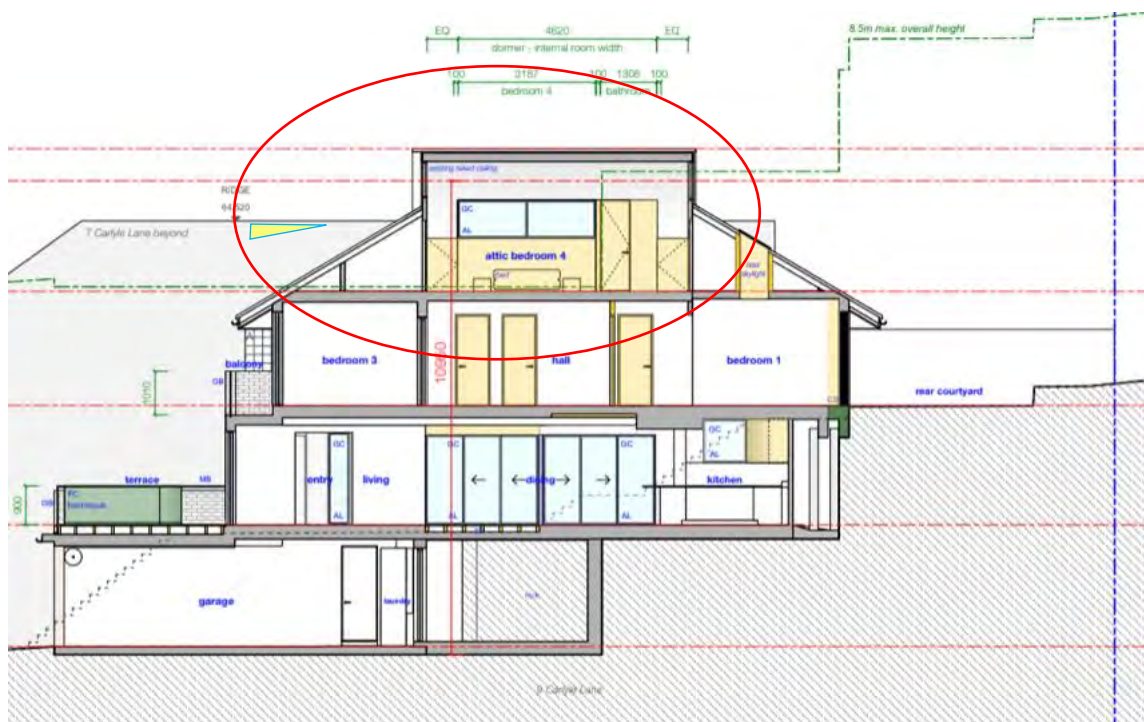


Figure 1 – Variation along section AA (CO-AP, 2021)

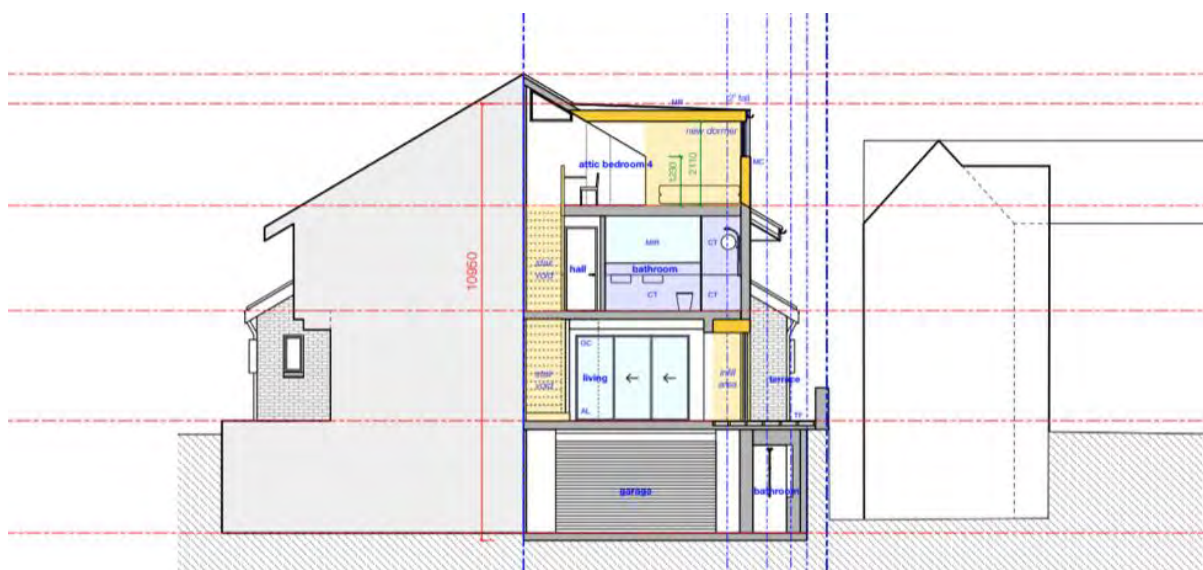


Figure 2 – Variation along section BB (CO-AP, 2021)

Environmental Planning Grounds Relied Upon

The term 'environmental planning grounds' is not defined and may be interpreted with wide scope as has been the practice of the Land and Environment Court. The environmental planning grounds supporting variation are on the basis of: -

- Compatibility with the character and amenity of the area. The ones to one dwelling with a semi-detached dwelling pair will not alter the established character of the area, nor will they introduce an undesirable precedent to the locality. This is because the existing building envelope, including existing maximum ridge height is being largely retained.
- Achievement of an appropriate and supportable bulk and scale for the building. Three to four-storey developments are common along the streetscape due to the steep change in terrain from north to south. As such the new upgrades will not dominate the streetscape any more than the surrounding development.

The request will now further expand on the identified environmental planning grounds.

2. IS THE STANDARD A DEVELOPMENT STANDARD?

Clause 4.3 of the North Sydney Local Environmental Plan (LEP) 2013 states that:

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

A development standard is defined in Section 1.4 of the Environmental Planning and Assessment Act 1979 ("EPA Act") to mean:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- b) the proportion or percentage of the area of a site which a building or work may occupy,
- c) the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,
- d) the cubic content or floor space of a building,
- e) the intensity or density of the use of any land, building or work,

- f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- h) the volume, nature and type of traffic generated by the development,
- i) road patterns,
- j) drainage,
- k) the carrying out of earthworks,
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- m) the provision of services, facilities and amenities demanded by development,
- n) the emission of pollution and means for its prevention or control or mitigation, and
- o) such other matters as may be prescribed.”

The Height of Building control falls under subsection (c); therefore, the control is a development standard and Clause 4.6 of the North Sydney Local Environmental Plan 2013 is applicable.

3. CLAUSE 4.6 OF THE NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The Standard Instrument LEP contains its own variations clause (Clause 4.6) to allow the variation of development standards. Clause 4.6 of the Standard Instrument is similar in tenor to the former State Environmental Planning Policy No. 1; however, the variations clause contains considerations which are different to those in SEPP 1. The language of Clause 4.6(3)(a)(b) and case law suggests a similar approach to SEPP 1 may be taken in part.

There is abundant judicial guidance on how variations under Clause 4.6 variations should be assessed. Some of these cases are taken into consideration in this request for variation.

While it is not necessary to refer to case law, we do so as it has become customary in sustaining requests under Clause 4.6.

4. THE ONUS ON THE APPLICANT

Under Clause 4.6(3)(a), it is the onus of the applicant to demonstrate: -

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In the case of *Samadi v Council of the City of Sydney* [2014] NSWLEC 1199.

Paragraph 27 of the judgement states: -

Clause 4.6 of LEP 2013 imposes four preconditions on the Court in exercising the power to grant consent to the proposed development. The first precondition (and not necessarily in the order in cl 4.6) requires the Court to be satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)). The second precondition requires the Court to be satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii)). The third precondition requires the Court to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)). The fourth precondition requires the Court to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

Precondition 1 - Consistency with zone objectives

The land is located in the R2 – Low Density Residential zone. The objectives of the R2 zone 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.*

The proposed alterations and additions meet the relevant land use zone objectives. The development will provide additional bedrooms in a growing area where there is high demand for additional housing. The development will provide for a functional family home in an area where there is a high demand for spacious and high quality housing. No reduction of current landscaping is proposed. The proposal will not prevent other sites from hosting land uses that provide facilities or services to meet the day to day needs of residents.

The variation to the Height of Building does not render the development incompatible with the zone objectives, in accordance with the approach of the former Chief Judge, Justice Pearlman in *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21, in Paragraph [27]:

'The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.'

Precondition 2 - Consistency with the objectives of the standard

The objectives of Clause 4.3 are articulated at Clause 4.3(1):

Objective	Comment
(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,	The proposal directly responds to the steep terrain of the site, with a stepped design and skilful use of raised levels to avoid permanently damaging excavation. The variation only exists on a minor portion of the building due to the terrain change.
(b) to promote the retention and, if appropriate, sharing of existing views,	No views are obstructed by the proposal.
(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,	Adequate solar access is retained by the proposal for the subject site and neighbouring properties.
(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,	The proposal does not result in any adverse visual or acoustic privacy for neighbours. Openings are offset and/or screened.
(e) to ensure compatibility between development, particularly at zone boundaries,	The skilful stepped form of the building ensures that the structure is never higher than two three-storeys and is of an identical scale as neighbours.
(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.	

For the above reasons, I am of the view that the variation requested and the resultant development is consistent with the objectives of the development standard and an appropriate degree of flexibility is

warranted. Consequently, I conclude that strict compliance with the development standard is unreasonable and unnecessary.

Precondition 3 - To consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

It is the onus of the Council to form an opinion of satisfaction that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

For the reasons detailed in this request, I am of the opinion that Council may form the necessary opinion of satisfaction that there are sufficient environmental planning grounds to support a variation. By contrast, a compliant proposal would not allow the substantial upgrade in residential amenity in the manner intended.

Further, given that the development satisfies the objectives of the zone and the development standard, numerical compliance is considered unreasonable and unnecessary in the circumstances of the case.

Precondition 4 – To consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court [or consent authority] finding that the matters required to be demonstrated have been adequately addressed

According to recent caselaw, Council is required to be satisfied that there are sufficient environmental planning grounds to support a variation to a development standard. Satisfaction as to sufficient environmental planning grounds is a matter for the Council to determine and need not be site specific. The term ‘environmental planning grounds’ is not defined and may be interpreted with wide scope.

In addition to the environmental planning grounds detailed under Preconditions 1 and 2, I provide the following comments:

- A compliant proposal would unreasonably require the demolition of a substantial portion of an existing building, shared with its directly adjoining neighbour at 11 Carlyle Lane too.
- Nevertheless, the proposal has been skilfully designed and undergone many revisions to mitigate any potential impacts on surrounding properties whilst still capturing the desired residential amenity that the site is entitled to.

For the above reasons, it is considered there are sufficient environmental planning grounds to justify a variation to the Height of Building development standard.

In the 'Four2Five' judgement (Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90), Pearson C, outlined in her judgement that a Clause 4.6 variation requires identification of grounds that are particular to the circumstances to the proposed development. That is to say that simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 variation.

It should be noted that a Judge of the Court, and later the Court of Appeal, upheld the Four2Five decision but expressly noted that the Commissioner's decision on that point (that she was not "satisfied" because something more specific to the site was required) was simply a discretionary (subjective) opinion which was a matter for her alone to decide. It does not mean that Clause 4.6 variations can only ever be allowed where there is some special or particular feature of the site that justifies the non-compliance. Whether there are "sufficient environmental planning grounds to justify contravening the development standard" is something that can be assessed on a case-by-case basis and is for the consent authority to determine for itself.

The more recent appeal of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 is to be considered. In this case the Council appealed against the original decision, raising very technical legal arguments about whether each and every item of clause 4.6 of the LEP had been meticulously considered and complied with (both in terms of the applicant's written document itself, and in the Commissioner's assessment of it). In February 2017, the Chief Judge of the Court dismissed the appeal, finding no fault in the Commissioner's approval of the large variations to the height and FSR controls.

While the judgment did not directly overturn the Four2Five v Ashfield decision an important issue emerged. The Chief Judge noted that one of the consent authority's obligation is to be satisfied that "the applicant's written request has adequately addressed ...that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ...and that there are sufficient environmental planning grounds to justify contravening the development standard." He held that this means (emphasis added):

"the Commissioner did not have to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary".

However, in the judgement of *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, there was further clarification of the construction of Clause 4.6. The Court asserted that:-

“... in order for a consent authority to be satisfied that an applicant’s written request has “adequately addressed” the matters required to be demonstrated by cl 4.6(3), the consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request merely to seek to demonstrate the matters in subcl (3) (which is the process required by cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i)).”

This is consistent with a previous judgment in *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, where on appeal of a commissioner’s decision, the Court affirmed at [78] that “The request cannot ‘adequately’ address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matters”.

Accordingly, regarding the proposed variation to the Height of Building, it is considered that this Clause 4.6 request has in fact demonstrated sufficient environmental planning grounds for Council to be satisfied that the request is adequate and to allow appropriate flexibility.

There is also no requirement under Clause 4.6 or case law that a non-compliant development must demonstrate a better planning outcome. (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018)). Refer also to Section 5 below.

Additionally, under (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018) at [24], the Chief Judge stated that “The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole”. It is considered that this request is consistent with this aspect of the judgment as it does not rely on promotion of the benefits of the development.

According to the relevant case law, there are other common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised in *Wehbe v Pittwater Council* (2007).

The five tests under *Wehbe* are tabulated below. Only one of the tests needs to be satisfied. Consideration of a variation is not limited to these tests – they are simply the most common ways invoked in considering whether compliance is unreasonable or unnecessary.

Test	Comments
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<p>1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.</p>	<p>The objectives of the development standard are satisfied. Refer to discussion under Precondition 2.</p> <p>The objectives of the standard are concerned with the achievement of compatibility with the character, amenity and landform of the area. I conclude that the proposed building height is appropriate as it results in a built form that is compatible with the character, amenity and landform area.</p> <p>The pair of semi-detached dwellings of which 9 Carlyle Lane is located within will retain the existing dwellings compatible contextual relationship the site and neighbouring properties.</p> <p>The application demonstrates that objectives of the standard are achieved through the qualitative design outcomes rather than a strict numerical approach.</p>
<p>2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;</p>	<p>The objective of the development standard is considered to be relevant to the development however the objective is achieved and strict compliance is unreasonable and unnecessary.</p>
<p>3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;</p>	<p>Not applicable — Compliance does not defeat the underlying object of the standard development; however, compliance would prevent the approval of an otherwise supportable development and prevent the site to better meet the zoning objectives as discussed in part 4 of this document.</p>
<p>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;</p>	<p>Not applicable — the development standards of Height of Building cover a wide area and whilst they are not appropriate to this site, they are appropriate to other sites elsewhere in the locality. There are numerous instances where consents departing from the standard have been approved and others where the standards have been upheld. This is more an indication of the inappropriateness of particular standards to some sites rather than a comment on Council's actions. The development standard has not been abandoned.</p>

<p>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.</p>	<p>The zoning of the land is appropriate for the development standard.</p>
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5. THE ONUS ON THE CONSENT AUTHORITY

Pursuant to Cl.4.6(4)(a), the Council must form the positive opinion of satisfaction that the applicant's written request has adequately addressed both of the matters required to be demonstrated by Clause 4.6(3)(a) and (b) and 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. (*Initial Action Pty Ltd v Woollahra Municipal Council* (2018)).

In assisting the consent authority in forming its opinion of satisfaction as to the public interest test under Cl.4.6(4)(a)(ii), I refer to the discussion concerning objectives for development within the zone in which the development is proposed to be carried out. The objectives and comments are provided under Precondition 2.

The resulting development continues to improve the amenity for the residents in a low-density residential environment and the built form is compatible with established local character and amenity.

We maintain that the variation to the Height of Building does not result in development that is incompatible with the environmental character of the locality as it is an existing variation. The proposal demonstrates harmony with the relevant zone objectives, the objectives of the standard and satisfies the public interest test.

6. CONCLUSION

The purpose of the application is to apply for the alterations and additions to a semi-detached dwelling house at 9 Carlyle Lane, Wollstonecraft. The nature of the existing building necessitates a height increase beyond the prescribed 8.5m, however, the proposal will be commensurate in bulk and siting to surrounding development within the locality.

As development standards tend to be strictly numerical in nature, they fail to take into consideration the nature of the development, any site constraints, or qualitative aspects of the development or of the particular circumstances of the case. Clause 4.6 of the standard instrument LEP allows such an analysis to be carried out.

It has been demonstrated in this request that strict compliance with the Height of Building development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to allow Council to form the opinion of satisfaction that this written request has adequately addressed the matters required to be demonstrated by Cl.4.6(3)(a) and (b).

Therefore, I request that council support the variation on the basis that this Clause 4.6 variation demonstrates that strict compliance with the development standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify a variation to the development standard.



Emma Rogerson

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