



NSLPP MEETING HELD ON 01/06/2022
SECTION 4.55 APPLICATION –
SUPPLEMENTARY REPORT TO LPP 05 02/03/2022

Attachments:

1. Determination and Report to NSLPP 2 March 2022
2. Revised Architectural Plans
3. Original Survey Plan

ADDRESS/WARD: 182 Kurraba Road, Kurraba Point

APPLICATION No: DA 333/19/4

PROPOSAL: Supplementary Report – Modifications to a consent for alterations and additions to convert a duplex into a residential flat building with strata subdivision.

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
DA_100_00	08	Proposed lower ground floor plan (lower)	Daniel Younan & Assoc.	23/05/22
DA_100_10	08	Proposed lower ground floor plan (upper)	Daniel Younan & Assoc.	23/05/22
DA_100_20	06	Proposed ground floor plan	Daniel Younan & Assoc.	24/09/21
DA_100_30	06	Proposed level 1 floor plan	Daniel Younan & Assoc.	24/09/21
DA_100_40	07	Proposed level 2 floor plan	Daniel Younan & Assoc.	15/03/22
DA_100_50	07	Proposed roof plan	Daniel Younan & Assoc.	15/03/22
DA_200_00	07	Proposed south elevation	Daniel Younan & Assoc.	15/03/22
DA_200_01	07	Proposed north elevation	Daniel Younan & Assoc.	15/03/22
DA_200_02	06	Proposed east elevation	Daniel Younan & Assoc.	24/09/21
DA_200_03	06	Proposed west elevation	Daniel Younan & Assoc.	24/09/21
DA_300_00	07	Section A-A	Daniel Younan & Assoc.	15/03/22
DA_300_01	07	Section B-B	Daniel Younan & Assoc.	15/03/22
DA_400_00	05	Finishes and Materials	Daniel Younan & Assoc.	13/04/21
L-01/2	B	Landscape Plan	Ray Fuggle & Assoc.	31/01/20
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DA_800_00	04	Draft Strata Sheet 1	Daniel Younan & Assoc.	02/02/20
DA_800_01	04	Draft Strata Sheet 2	Daniel Younan & Assoc.	02/02/20
DA_800_02	04	Draft Strata Sheet 3	Daniel Younan & Assoc.	02/02/20

OWNER: Anton Kurraba Pty Ltd

APPLICANT: David Rahme

AUTHOR: Stephen J Beattie, Manager Development Services

DATE OF REPORT: 23/05/2022

DATE LODGED: 25/10/2021

AMENDED: Nil

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EPA Act) seeks to further modify Council's consent No. DA 333/19 for alterations and additions to convert a duplex into a residential flat building with strata subdivision and is reported to the North Sydney Local Planning Panel (NSLPP) for determination as the application involves the modification of a condition imposed by the NSLPP.

On 15 April 2020, the NSLPP approved the initial development application subject to a number of conditions. A subsequent application under section 4.55 of the EPA Act was approved by the NSLPP on 2 June 2021. The consent and s.4.55 modification have been activated and construction has commenced on the site.

The current s.4.55 modification seeks a number of internal and external modifications to the approved development including:

- enclosure of a deck on the lower level of the building and conversion into a study;
- an extension on the northern side for a laundry, changes to fenestration on the northern elevation of the building including the modification to Condition C18 of the modified consent relating to privacy measures;
- extension of the roof overhang to Unit 201 on Level 1;
- various internal floor plan changes to the units; and
- a new ladder access and access hatch to the car stacker pit in order to meet Fire and Rescue NSW emergency access requirements.

This application was considered by the NSLPP on 2 March 2022. The Panel resolved;

"The Consultant Planner's Report, Recommendations and Supplementary Report are generally supported subject to amended plans for the approval of the Manager of Development Services to show design changes to delete the laundry extension and reduce the awning as follows:

- *The proposed 1.6 m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450 mm on the eastern face.*

(Reason: To mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)

- *The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470.*

(Reason: To increase landscaping)

Revised landscape and architectural plans addressing the above shall be submitted by the Applicant to Council within 30 days.

The Manager Development Services is granted delegation to determine the application based on the above required amendments following the submission of amended plans, including consideration of whether renotification is required.

If amended plans and information are not received within 30 days, or if the Manager forms the view that they cannot support the approval of the amended application, the application is to be returned to the Panel for determination.

Panel Reason:

The Panel has had regard to the concerns of submitters, the nature of the approved development and the consultant planners report. The approved development represents a significant re-development of the site and any increase to its bulk, scale and footprint should be minimised. The Panel notes that the proposal seeks to extend the level 2 floor to the east to provide greater protection to the unit below and this is considered unnecessary and adds further bulk to an already height non-compliant development. It is also noted that the laundry extension to the lower ground unit removes approved deep soil landscaping, and this is considered inappropriate and is not supported.

Finally, the Panel notes that as this is a modification application the matters for its determination are limited and the Panel has no power to revisit the previous consents issued for the subject site. Compliance issues are not within the remit of the Panel.

Amended plans have been submitted which comply with the general terms of the Panel's decision. However, this results in the garden bed at RL18.470 being under the garden bed directly above at RL 21.4. Given the precise wording of the Panel's determination, the matter is reported back for the Panel's reconsideration of further amended plans and ultimate determination.

LOCATION MAP

† Property/Applicant ● Submitters - Properties Notified



DESCRIPTION OF PROPOSAL

The proposal is for modifications to an approved development for alterations and additions to the existing three storey strata building comprising a total of 4 x 3-bedroom units, over part 4/part 5 levels. A car stacker enclosure for eight cars was approved at the front of the site in the same position as the existing garages. Strata subdivision of the completed building was also approved.

On 15 April 2020, the NSLPP approved the initial development application subject to a number of conditions. A subsequent application under section 4.55 of the EP&A Act was approved for various modifications by the NSLPP on 2 June 2021. The consent and s.455 modification have been activated and construction has commenced on the site.

The current proposal involves the following modifications:

Lower Ground Floor (Lower):

- Enclose the open deck on the north-eastern corner of Unit 01 and convert into a study;
- Internal replanning of the unit involving reducing the length of bedroom 3, enlarging the bathroom, deleting the cellar and creating an extension 1.055 m x 3.2 m to provide a laundry; and
- New window to northern elevation.

Lower Ground Floor (Upper):

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6 m with a full height solid blade wall 2.2 m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6 m in height;
- Enlarge ensuite bathroom and window W06 to bedroom 1; and
- Replan/alter internal walls to relocate storeroom and bathroom.

Ground Floor:

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6 m with a full height solid blade wall 2.2 m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;
- W16 - delete requirement for obscure/frosted glazing to 1.5 m for the full height windows/doors;
- Three (3) additional privacy louvres to W18; and
- Provide new ladder access and access hatch to the car stacker pit.

First Floor:

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6 m with a full height solid blade wall 2.2 m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6 m in height;
- W26 - delete requirement for obscure/frosted glazing to 1.5 m for the full height windows/doors;

- Provide access hatch to the car stacker pit; and
- Provide hydrant boosters/plant in front setback.

Second Floor:

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6 m with a full height solid blade wall 2.2 m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6 m in height;
- Extend pebble roof deck on eastern edge of building by 1.6 m to provide increase weather protection for balcony below.

The applicant's response to the Panels call for amended plans is detailed below.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning - R4 - High Density Residential
- Item of Heritage - No
- In Vicinity of Item of Heritage - Yes
- Conservation Area - No
- FSBL - No
- S7.11 Contributions Plan
- Environmental Planning and Assessment Act 1979
- SREP (Sydney Harbour Catchment) 2005
- SEPP 55 - Remediation of Land and Draft SEPP
- SEPP (Building Sustainability Index: BASIX) 2004
- Draft SEPP Environment 2017
- Local Development

POLICY CONTROLS

DCP 2013

DESCRIPTION OF LOCALITY

The site is located on the eastern side of Kurraba Road south of the junction with Shellcove Road. The site is an irregular shaped lot with a combined frontage of 10.795 m to Kurraba Road. The northern boundary has a combined length of 46.070 m and the southern boundary has a length of 41.7 m and the rear eastern boundary has a length of 16.365 m. The land has an area of 623.9 m².

The land slopes steeply down from the front to rear with a fall of approximately 9 m over the length of the site. The surrounding development consists of mostly multi-storey residential flat buildings and two and three-storey dwelling houses of various styles and sizes.

To the north of the site at 178 Kurraba Road (street front) is a three storey, red brick residential flat building with a pitched tile roof, comprising 12 units. Also, on the northern side of the site on the opposite side of the driveway and right of way is 176 Kurraba Road, a two-storey rendered and painted dwelling house with a steeply pitched, slat clad roof. The house is listed as a heritage item (10668) of local significance.

To the south of the site at 184a Kurraba Road is a three-storey flat building with a pair of double garages at the front with access off the right of way adjoining the southern boundary of the site. The ROW is also shared by a dwelling house to the southeast at 184 Kurraba Road. Opposite the site is a multi-storey residential flat building at 143 Kurraba Road.

CHECKING OF PLANS

This application has been checked to ensure that the changes being sought are the only changes included in the submitted plans.

RELEVANT HISTORY

Previous Applications

<i>Date</i>	<i>Action</i>
<i>15 April 2020</i>	NSLPP approved Development Application 333/19 for substantial alterations and additions to residential flat building to create a part five storey building containing 4 x 3-bedroom units, 8 car stacker, and associated excavation and landscaping.
<i>2 June 2021</i>	NSLPP approved a s.4.55 application to modify Consent No 333/19 with regard to internal changes including increase in building height by 350 mm; change to privacy screens, increased sub floor storage.
<i>12 October 2021</i>	A s.4.55 application was rejected for minor internal and external adjustments and corrections.

Current Application

<i>Date</i>	<i>Action</i>
<i>25/10/2021</i>	S.4.55 application was lodged for modification of the consent to enable minor alterations to the approved development.
<i>2/03/2022</i>	Panels determination seeking amended plans.
<i>31/03/2022</i>	Amended plans lodged addressing Panels determination.
<i>23/05/2022</i>	Further amended plans lodged.

When this application was last considered by the North Sydney Local Planning Panel at its meeting of 3 March 2022. The Panel resolved:

Panel Determination

The Panel members have undertaken independent site inspections were considered necessary prior to the meeting.

The Panel has considered all submissions, both written and oral, made in respect of the modification application, including late submissions.

The Consultant Planner's Report, Recommendations and Supplementary Report are generally supported subject to amended plans for the approval of the Manager of Development Services to show design changes to delete the laundry extension and reduce the awning as follows:

- *The proposed 1.6 m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450 mm on the eastern face.*

(Reason: to mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)

- *The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470.*

(Reason: To increase landscaping)

Revised landscape and architectural plans addressing the above shall be submitted by the Applicant to Council within 30 days.

The Manager, Development Services is granted delegation to determine the application based on the above required amendments following the submission of amended plans, including consideration of whether renotification is required.

If amended plans and information are not received within 30 days, or if the Manager forms the view that they cannot support the approval of the amended application, the application is to be returned to the Panel for determination.

Panel Reason:

“The Panel has had regard to the concerns of submitters, the nature of the approved development and the consultant planners report. The approved development represents a significant re-development of the site and any increase to its bulk, scale and footprint should be minimised. The Panel notes that the proposal seeks to extend the level 2 floor to the east to provide greater protection to the unit below and this is considered unnecessary and adds further bulk to an already height non-compliant development. It is also noted that the laundry extension to the lower ground unit removes approved deep soil landscaping, and this is considered inappropriate and is not supported.

Finally, the Panel notes that as this is a modification application the matters for its determination are limited and the Panel has no power to revisit the previous consents issued for the subject site. Compliance issues are not within the remit of the Panel.”

CONSIDERATION OF AMENDED PLANS

The applicant has tendered amended plans in response to the Panels resolution. These have been reviewed and the following comments offered;

- *The proposed 1.6 m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450 mm on the eastern face.*

(Reason: to mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)

This requirement appears to be achieved in the revised plans.

- *The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470.*

(Reason: To increase landscaping)

As originally submitted the amended plans addressed this request by providing garden bed at RL18.470 as shown on drawing Project number 1912 Drawing No_1000_00 Revision 07. However, this space is effectively without access to the sky as it is covered by already approved landscaping and a motorcycle parking spot located at RL 21.4 and proximate to the driveway on the adjoining property at 184 Kurraba Road.

It is considered that the Panel's intent was that works in this area revert to what was originally approved with the deletion of the subterranean laundry extension to the lower ground level apartment. However, the RL quoted appears in error and ought to have reflected levels similar to RL 21.4 or the level of the approved garden bed and motorcycle parking spot.

Revised plans submitted 23 May 2022.

Revised plans for the area of concern were submitted on 23 May 2022. These drawings provide for;

- the maintenance of the currently approved garden and motorcycle parking space at the Lower Ground Floor (upper) RL 21.48 (drawing DA-1000-10 revision 8) ; and
- the unauthorised extension of the laundry at the Lower Ground Floor (Lower) plan being revised to a void space with appropriate retaining structure to the southern boundary RL 18.40(drawing DA-100-00 revision 8).

These plans effectively and practically address the Panel's decision as the works at the upper level revert to what has been approved in previous modifications and the works at the lower level remove the unauthorised and non-approved works.

ISSUES RAISED IN SUBMISSION POST PANEL DETERMINATION.

Council is in receipt of correspondence which raises further concerns regarding the existing consent and the proposed modifications.

The issues raised therein have largely dealt with in the Panel's earlier consideration where it clearly indicated that it was not within power to revisit the earlier consent.

The author of this report for completeness, has spent some time reviewing these issues and having particular regard to the approved variation to the building height control of 12 metres which was assessed at 800 mm by the planner acting for the applicant and accepted as such in the assessment process.

This review has utilised the survey submitted in support of the original DA by Usher and Company dated 18 June 2019. This survey is comprehensive and includes numerous spot levels some of which represent the ground levels under the original building as well as contours which represent then existing tree canopies.

It is concluded by following careful reference to both the survey information submitted in support of the original application and the plans, this variation may have been understated in the applicant's submission by perhaps 700 mm resulting in a variation of around 1.5 metres or 12% above the applicable height control of 12 metres. These figures are calculated using a spot underfloor (assumed to be natural ground) RL of 20.06 to the parapet RL of 33.550 a difference of 13.49 metres. A greater proportion of the upper most floor would thus be above the 12 metre height limit.

The other primary issue raised by the submitter in relation to earlier approval is an anomaly in the landscape area as quoted in the earlier reports. There appears to be some substance to this concern with areas above basement structures being included as landscape area. However, a review of the plans submitted in support of the original consent suggests that compliance was achieved at that time.

The anomaly occurred in modification 2, and in part, amounts to approximately 16 sq metres (2.5% of site area) of planting being over basement structures adjacent to the southern boundary and thus not being deep soil, and thus not technically landscape area. A further change occurred at this time with the raising of landscaping provided behind the motorcycle and bicycle parking on this boundary to the same level as those facilities. This change resulted in around 6 sq metres (1%) of landscaping being about 2 metres higher than natural ground level but at a similar level to the concrete structure that was previously in this location. Examination of the first set of approved plans dated 29 April 2020 revealed that these areas were deep planting with no basement or other structure under at the time of approval.

The modification 2 plans were approved by NSLPP on 2 June 2021. It was quoted, "That the modified proposal maintains 42% of the site area as landscaped area." If the issues above had been identified at the time, the true figure would have been around 38.5% for the modification with a required area of 40%. The areas would have retained the soft planting that was previously approved. Whether this variation would have been supported had the assessing officer or the Panel been aware, can only be speculated on.

There are further concerns raised in regard to the ground levels shown on the survey Plan of Usher and Company. This plan shows RL's between 22.41 at the westerly extreme and 22.01 on a then existing concrete structure at the east at the property boundary adjacent to the existing driveway serving 184 Kurraba Road. It also shows spot RL's of 19.17 immediately to the east below this driveway and falls further towards the east within the subject property. This is generally consistent with the altered levels which can be observed on site and contained within the previously approved plans.

Further to the west it shows spot level of 22.88 and rising further to the west. This is consistent with what was accepted as landscaping in the originally approved plans but amended to be landscaping over basement site cover in modification 2.

This site and the nature of the development presents considerable complexity in calculating building height having regard to the definition of "existing ground level". Regard has been given to Courts current thinking in this area and minds may differ on a conclusion.

At this point in time while it is appropriate to acknowledge the potential for errors in the original and modified documentation as outlined above it being noted that while the checking of statements and plans submitted by applicants does occur in the application process, a forensic examination of those statements and plans to the extent required here is rarely found except in the Courts processes. In any case, if the errors were considered of sufficient materiality to warrant challenge, then the time to take such action being 3 months (6 months during Covid) from the date of the issuance of the consent has passed.

The other matters raised relate to the use of the accessway and other compliance related issues which are the subject of ongoing review.

DO THE AMENDED PLANS REQUIRE FORMAL RENOTIFICATION?

The amended plans are considered to merely respond to the Panels March 2022 decision. The changes are either a reduction in what was proposed or a revision back to what was previously approved. Having considered the nature of the amended plans in the context of Councils adopted Community consultation protocol it is concluded that these plans do not warrant formal renotification.

CONCLUSION

The modification application remains consistent with the objectives of the R4 High Density Residential Zone and the objectives of the height of buildings standard of the LEP. Clause 4.3 - Height of buildings.

This report addresses the changes required by the Panel in its March 2022 decision and the ongoing concerns of a submitter.

The Panel considered those changes and resolved to accept them subject to;

- The proposed 1.6 m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450 mm on the eastern face.

(Reason: To mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)

- The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470.

(Reason: to increase landscaping)

As noted, the applicant has submitted amended plans which clearly achieve the first dot point, but in achieving the second dot point creates a landscape area within a concrete roofed void. This aspect should be addressed by clarifying condition that causes works in this area to revert back to the approved plans and that any works are to occur within the subject property.

The Panel is advised that a number of compliance related issues remain under review on this site. However, these have no bearing on the determination of this application subject to conditions.

As observed by the author of the report to the Panel on 2 March 2022;

“The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EPA Act.

Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and the modification application is considered to be acceptable.

Having regard to the provisions of section 4.55 and 4.15(1) of the EPA Act, the proposed development (as modified) is substantially the same development as originally consented to. The application is therefore recommended for approval.”

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA 333/19 dated 24 April 2020 (as amended 2 June 2021) in respect of a proposal for alterations and additions to convert a duplex into a residential flat building with strata subdivision at No. 182 Kurraba Road, Kurraba Point under the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979* only insofar as it will provide for the following:

To delete Condition A1 and C18 of the consent and insert in lieu thereof the following new conditions, namely:

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 and this consent.

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DA_100_10	08	Proposed lower ground floor plan (upper)	Daniel Younan & Assoc	23/05/22
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DA_100_40	07	Proposed level 2 floor plan	Daniel Younan & Assoc	15/03/22
DA_100_50	07	Proposed roof plan	Daniel Younan & Assoc.	15/03/22
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(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Privacy

C18. The following privacy devices are to be provided:

Privacy Measures	Windows/location details
Ensuite Windows - Obscure or frosted glazing to whole window.	W39
Doors/Full Height Windows - Obscure or frosted glazing to lower part to a minimum height of 1500 mm above the finished floor level.	W16; W26; W37; W41
Windows - Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour’s windows.	W17; W18; W27; W28; W40

Privacy Screens - Balconies Solid balustrades and obscure or frosted glass screens to a height of 1.6 m above finished floor level are to be provided to the northern edges of balconies at the nominated locations.	Balcony on the northeast corner on: Level 2
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Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties located at Nos. 176 and 178 Kurraba Road)

Work near property boundaries

E23 No approval is given or implied to any works which encroach upon adjoining properties. Any works which impact on structures on adjoining properties shall only be carried out in consultation with the owners of those properties. Where those works are not determined to be “consistent” with this consent further modification to this consent is to be sought before those works are carried out.

(Reason: Statutory compliance)

STEPHEN BEATTIE
MANAGER OF DEVELOPMENT SERVICES

GEORGE J YOUHANNA
EXECUTIVE PLANNER

<p>DECISION OF NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD ON 2 MARCH 2022</p>
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ITEM 5

DA No:	333/19/4
ADDRESS:	182 Kurraba Road, Kurraba Point
PROPOSAL:	Modifications to a consent for alterations and additions to convert a duplex into a residential flat building with Strata Subdivision
REPORT BY NAME:	John McFadden, Consultant Planner
APPLICANT:	David Rahme

Public Submissions**Written Submissions**

Submitter	Applicant/Representative
	David Rahme - Applicant
	Daniel Younan- Architect

Panel Determination

The Panel members have undertaken independent site inspections where considered necessary prior to the meeting.

The Panel has considered all submissions, both written and oral, made in respect of the modification application, including late submissions.

The Consultant Planner's Report, Recommendations and Supplementary Report are generally supported subject to amended plans for the approval of the Manager of Development Services to show design changes to delete the laundry extension and reduce the awning as follows:

- The proposed 1.6m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450mm on the eastern face. *(Reason: to mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)*
- The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470. *(Reason: to increase landscaping)*

Revised landscape and architectural plans addressing the above shall be submitted by the Applicant to Council within 30 days.

The Manager Development Services is granted delegation to determine the application based on the above required amendments following the submission of amended plans, including consideration of whether renotification is required.

If amended plans and information are not received within 30 days, or if the Manager forms the view that they cannot support the approval of the amended application, the application is to be returned to the Panel for determination.

Panel Reason:

The panel has had regard to the concerns of submitters, the nature of the approved development and the consultant planners report. The approved development represents a significant re-development of the site and any increase to its bulk, scale and footprint should be minimised. The panel notes that the proposal seeks to extend the level 2 floor to the east to provide greater protection to the unit below and this is considered unnecessary and adds further bulk to an already height non-compliant development. It is also noted that the laundry extension to the lower ground unit removes approved deep soil landscaping, and this is considered inappropriate and is not supported.

Finally, the panel notes that as this is a modification application the matters for its determination are limited and the Panel has no power to revisit the previous consents issued for the subject site. Compliance issues are not within the remit of the Panel.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

Item LPP05 - REPORTS - 2/03/22

N O R T H S Y D N E Y C O U N C I L R E P O R T S



**NSLPP MEETING HELD ON 02/03/2022
SECTION 4.55 APPLICATION REPORT**

Attachments:

1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 182 Kurraba Road, Kurraba Point**APPLICATION No:** DA 333/19/4**PROPOSAL:** Modifications to a Consent for Alterations and Additions to Convert a Duplex into a Residential Flat Building with Strata Subdivision.**PLANS REF:**

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DA_200_01	06	Proposed north elevation	Daniel Younan & Ass.	24/09/21
DA_200_02	06	Proposed east elevation	Daniel Younan & Ass.	24/09/21
DA_200_03	06	Proposed west elevation	Daniel Younan & Ass.	24/09/21
DA_300_00	06	Section A-A	Daniel Younan & Ass.	24/09/21
DA_300_01	06	Section B-B	Daniel Younan & Ass.	24/09/21
DA_400_00	05	Finishes & materials	Daniel Younan & Ass.	13/04/21
L-01/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
L-02/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
DA_800_00	04	Draft Strata Sheet 1	Daniel Younan & Ass.	02/02/20
DA_800_01	04	Draft Strata Sheet 2	Daniel Younan & Ass.	02/02/20
DA_800_02	04	Draft Strata Sheet 3	Daniel Younan & Ass.	02/02/20

OWNER: Anton Kurraba Pty Ltd**APPLICANT:** David Rahme**AUTHOR:** John McFadden**DATE OF REPORT:** 17/02/2022**DATE LODGED:** 25/10/21**AMENDED:** Nil**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This application under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EPA Act) seeks to further modify Council's consent No. DA 333/19 for alterations and additions to convert a duplex into a residential flat building with strata subdivision and is reported to the North Sydney Local Planning Panel (NSLPP) for determination as the application involves the modification of a condition imposed by the NSLPP.

On 15 April 2020, the NSLPP approved the initial development application subject to a number of conditions. A subsequent application under section 4.55 of the EPA Act was approved by the NSLPP on 2 June 2021. The consent and s.4.55 modification have been activated and construction has commenced on the site.

The current s.4.55 modification seeks a number of internal and external modifications to the approved development including:

- enclosure of a deck on the lower level of the building and conversion into a study;
- an extension on the northern side for a laundry, changes to fenestration on the northern elevation of the building including the modification to Condition C18 of the modified consent relating to privacy measures;
- extension of the roof overhang to Unit 201 on Level 1;
- various internal floor plan changes to the units; and
- a new ladder access and access hatch to the car stacker pit in order to meet Fire and Rescue NSW emergency access requirements.

Council's notification of the proposal has attracted five (5) submissions raising particular concerns about privacy, roof overhang, setbacks, site coverage and landscaping. It is noted that traffic issues during construction, loss of street parking and height issues have also been raised, but these matters are related to the approved overall development rather than the current modifications.

The assessment has considered these concerns as well as the performance of the modification application against Council's planning requirements.

Whilst variations to site coverage and setbacks are proposed, the variations are sufficiently minor to be supported in this case. Further, an additional breach of the height limit is proposed for a corner of the roof, however, as the variation is once again relatively minor and with no significant environmental impacts, it is able to be supported in this instance.

Following this assessment, DA 333/19/4 is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

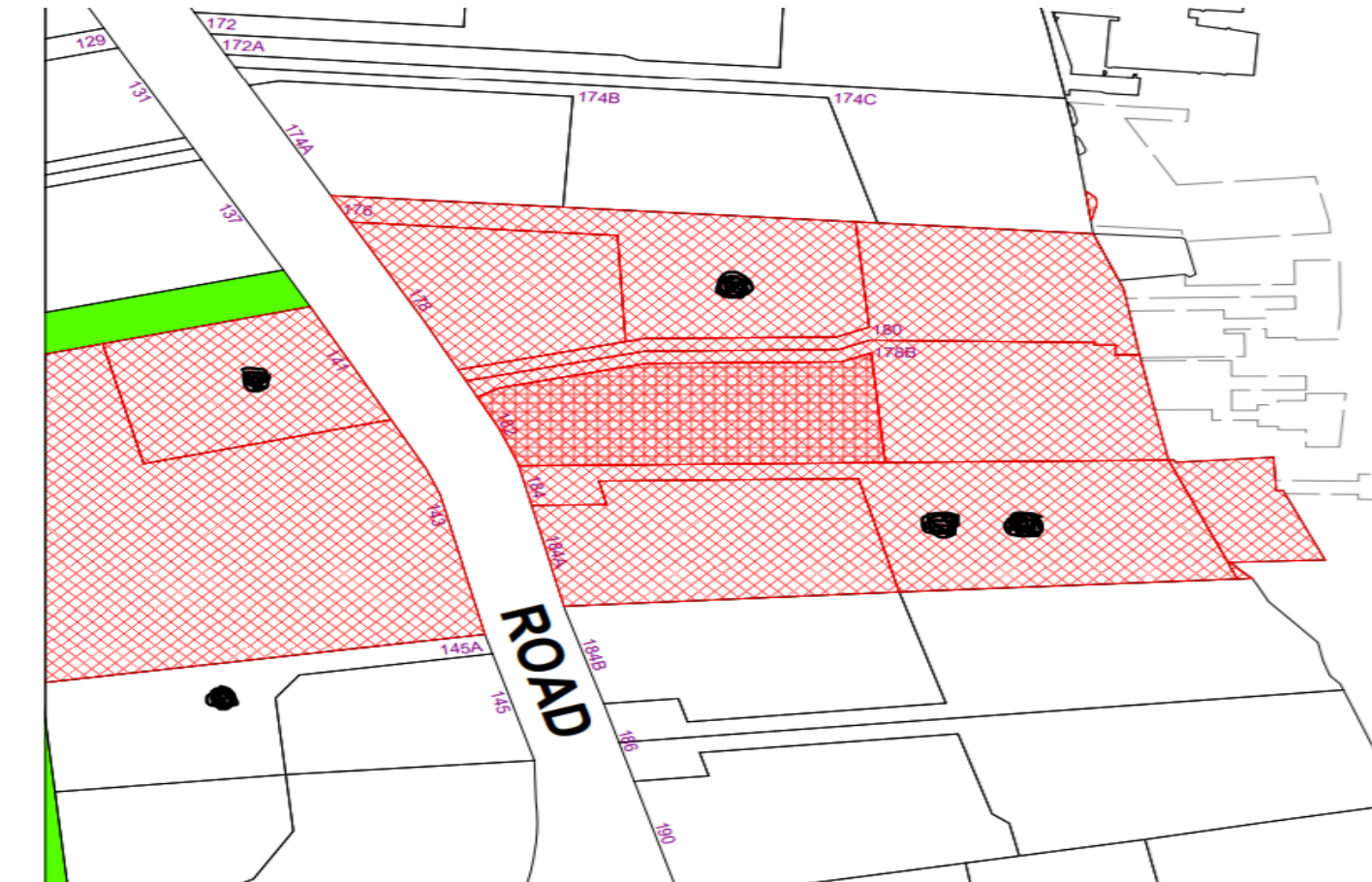
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LOCATION MAP



Property/Applicant ● Submitters - Properties Notified



DESCRIPTION OF PROPOSAL

The proposal is for modifications to an approved development for alterations and additions to the existing three storey strata building comprising a total of 4 x 3-bedroom units, over part 4/part 5 levels. A car stacker enclosure for 8 cars was approved at the front of the site in the same position as the existing garages. Strata subdivision of the completed building was also approved.

On 15 April 2020, the NSLPP approved the initial development application subject to a number of conditions. A subsequent application under section 4.55 of the EPA Act was approved for various modifications by the NSLPP on 2 June 2021. The consent and s.455 modification have been activated and construction has commenced on the site.

The current proposal involves the following modifications: -

Lower Ground Floor (Lower):-

- Enclose the open deck on the north eastern corner of Unit 01 and convert into a study;
- Internal replanning of the unit involving reducing the length of bedroom 3, enlarging the bathroom, deleting the cellar and creating an extension 1.055m x 3.2m to provide a laundry; and
- New window to northern elevation.

Lower Ground Floor (Upper):-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;
- Enlarge ensuite bathroom and window W06 to bedroom 1; and
- Replan/alter internal walls to relocate storeroom and bathroom.

Ground Floor:-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;
- W16 – delete requirement for obscure/frosted glazing to 1.5m for the full height windows/doors;
- Three (3) additional privacy louvres to W18; and
- Provide new ladder access and access hatch to the car stacker pit.

First Floor:-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;

- W26 - delete requirement for obscure/frosted glazing to 1.5m for the full height windows/doors;
- Provide access hatch to the car stacker pit; and
- Provide hydrant boosters/plant in front setback.

Second Floor:-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;
- Extend pebble roof deck on eastern edge of building by 1.6m to provide increase weather protection for balcony below.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 – High Density Residential
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes
- Conservation Area – No
- FSBL – No
- S7.11 Contributions Plan
- Environmental Planning and Assessment Act 1979
- SREP (Sydney Harbour Catchment) 2005
- SEPP 55 – Remediation of Land & Draft SEPP
- SEPP (Building Sustainability Index: BASIX) 2004
- Draft SEPP Environment 2017
- Local Development

POLICY CONTROLS

DCP 2013

DESCRIPTION OF LOCALITY

The site is located on the eastern side of Kurraba Road south of the junction with Shellcove Road. The site is an irregular shaped lot with a combined frontage of 10.795m to Kurraba Road. The northern boundary has a combined length of 46.070m and the southern boundary has a length of 41.7m and the rear eastern boundary has a length of 16.365m. The land has an area of 623.9m².

The land slopes steeply down from the front to rear with a fall of approximately 9m over the length of the site. The surrounding development consists of mostly multi-storey residential flat buildings and two and three storey dwelling houses of various styles and sizes.

To the north of the site at 178 Kurraba Road (street front) is a three storey, red brick residential flat building with a pitched tile roof, comprising 12 units. Also, on the northern side of the site on the opposite side of the driveway and right of way is 176 Kurraba Road, a two-storey rendered and painted dwelling house with a steeply pitched, slat clad roof. The house is listed as a heritage item (10668) of local significance.

To the south of the site at 184a Kurraba Road is a three storey flat building with a pair of double garages at the front with access off the right of way adjoining the southern boundary of the site. The ROW is also shared by a dwelling house to the south east at 184 Kurraba Road. Opposite the site is a multi-storey residential flat building at 143 Kurraba Road.

CHECKING OF PLANS

This application has been checked to ensure that the changes being sought are the only changes included in the submitted plans.

RELEVANT HISTORY

Previous Applications

<i>Date</i>	<i>Action</i>
15 April 2020	NSLPP approved Development Application 333/19 for substantial alterations and additions to residential flat building to create a part 5 storey building containing 4 x 3 bedroom units, 8 car stacker, and associated excavation and landscaping.
2 June 2021	NSLPP approved a s.4.55 application to modify Consent No 333/19 with regard to internal changes including increase in building height by 350mm; change to privacy screens, increased sub floor storage.
12 October 2021	A s.4.55 application was rejected for minor internal and external adjustments and corrections.

Current Application

<i>Date</i>	<i>Action</i>
25/10/2021	S.4.55 application was lodged for modification of the consent to enable minor alterations to the approved development.

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 an amended Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a section 4.55 application would be necessary.

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HEALTH/ENVIRONMENT

N/A

HERITAGE

Current s.4.55 not referred to Heritage Officer as it is largely consistent in scale and form to what has been previously approved.

ENGINEERING/TRAFFIC

No changes to engineering conditions required.

ENGINEERING/STORMWATER DRAINAGE

No changes to engineering conditions required.

ENGINEERING/GEOTECHNICAL

No changes to engineering conditions required.

LANDSCAPING

Not referred to Landscape Officer as it is largely consistent in scale and form to what has been previously approved.

EXTERNAL REFERRALS

N/A

SUBMISSIONS

On 12 November 2021, Council notified adjoining properties and the Neutral Precinct of the proposed development seeking comment between 12 – 26 November 2021. Council received five (5) submissions. The matters raised in the submissions 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

- Concern regarding the contents of anonymous letter.
- The developer has requested a no stopping / works area between 141 - 143 Kurraba Road from Nov 2021 - Feb 2023.

- The original DA did not request this - otherwise there would have been community opposition to the development. Particularly as Council did not enforce the bussing in of workers to the development at 147 – 151 Kurraba Road. There is no on-street parking for regular visitors / trades for residents in the area as a result of this and now Council is going to take more off street parking away for an excessive amount of time. Please reconsider.
- **New Blade Wall to the Balcony** on the northern edges.
It is not entirely clear, however according to the revised plan, the privacy screen does not appear to extend beyond the proposed Blade Wall on the northern edge of each balcony (Lower ground floor, (upper) Ground floor, Level 1, Level 2) and therefore will overlook our verandah and the living area, impacting on our privacy.
- **Amendment of Condition C18** - Removal of opaque glazing the W16 & W26.
The image provided in the submission is inaccurate. Windows 16 and 26 will look directly onto three of the windows in our first floor and ground floor bedrooms. This issue was discussed at the special meeting with members of the Council prior to the approval. We are disappointed that the developer is now trying to change the decisions that were considered and discussed at length during the meeting.
- **Roof Overhang**
The developer argues for this change largely on the basis of the aesthetics of the building and claims that “the perception of bulk will remain largely unchanged. If the perception is from a distance that view might be reasonable but not so if you live below the large structure as we will have to.
- (Identical issues to submission above)
- I make this submission response to the above development application, to which a modification has recently been lodged (DA 333/19/4).
- I am concerned about the non-compliant setbacks to my driveway (along the southern boundary of the subject property) shown in the architectural plans.
- The plans show a new 10 metre long wall at zero setback to my property to a height of up to 3.5 metres above the existing ground level of my driveway. They also show a new 3.8 metre long wall at a setback of approximately 0.9 metres to my property to a height of 11.5 metres above the existing ground level of my driveway.
- Apart from the obvious adverse environmental impacts of these significant non-compliances with Council’s Development Control Plan there are also safety issues. Adjacent to the new non-compliant walls are access points to a storage area, fire stair and stair to the yard.
- These, together with the proposed bicycle/motorcycle parking, will create pedestrian traffic along my driveway. The new non-compliant walls will obscure the vehicular view of pedestrians entering the driveway from the access points and the pedestrian view of vehicles travelling along the driveway.
- The zero setback wall, in particular, will remove any refuge for pedestrians along the very narrow driveway. These safety issues will be particularly acute when vehicles are reversing along the driveway, as they now must as a consequence of other aspects of the development.
- The former building at 182 Kurraba Road incorporated a vehicular ramp at the bottom of my driveway. This ramp provided a turning area which facilitated forward travel in both directions along the driveway. The removal of this ramp means that vehicles must now reverse along the driveway.
- The combination of reversing vehicles and unsighted pedestrians on a narrow sloping driveway, devoid of adequate refuge, presents an unacceptable safety risk. Further safety issues arise from vehicles exiting the proposed stacker garage at 182 Kurraba Road.
- These vehicles will reverse across my driveway adjacent to the 10 metre long zero setback wall. Both pedestrians travelling up the driveway and drivers reversing across it will be unsighted as a consequence of the new wall.

- I also note that the proposed amendment incorporates a further setback non-compliance, with a laundry to be relocated within 0.6 metres of the boundary with my property. Like the other non-compliances, above, this is neither existing nor close to compliance. This further non-compliance is without merit.
- It has been brought to my attention that the plans exhibited for community consultation incorporate substantial errors. Existing ground lines and NSLEP height limit lines are materially inaccurate. There are also material inaccuracies in the site coverage and landscaped area schedules.
- These inaccuracies must be remedied and accurate plans exhibited to the community for a further period to ensure proper consultation in accordance with Council's obligations. In accordance with my obligations, I advise that I am a presently serving Councillor with North Sydney Council.
- Height of building exceedance
- Setback non-compliance
- Site cover/landscaping

Neutral Precinct Meeting Tuesday 9 November 2021

DA 333/2019 – 182 Kurraba Road Kurraba Point. Modifications of the consent to enable minor alterations to the approved development. Submissions by 26 November. Noted – no affected resident attended the meeting.

CONSIDERATION

Council is required to assess the s.4.55 application under the EPA Act having regard to the following matters:

Section 4.55 (2)

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

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

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

This modified proposal includes relatively minor internal and external modifications to the development which will have minor effects on the building façade, envelope and site coverage however the development is substantially the same development approved via DA333/19.

The siting of the building and setbacks, site coverage and landscaping will generally maintain compliance with the planning controls of the DCP, with the exception of a minor increase in site coverage, a small side setback encroachment and minor reduction in landscaping although in the latter case, the overall level of landscaping would still be compliant.

The height and scale and appearance of the building in the streetscape of this part of Kurraba Road and from adjoining and adjacent properties will be relatively unchanged, however, the extension of the level 2 rear pebble deck will project slightly further out of the rear of the building, otherwise, the proposal is considered to be “substantially the same”.

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

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

(c) Whether the application has been notified and, if so, were there any submissions. The application was notified to adjoining properties and the Precinct under section 3.6 of the North Sydney Community Engagement Protocol inviting comment on the proposal. Council received five (5) submissions that are discussed later in this report.

Pursuant to section 4.55 (3) in the EPA Act, Council must also consider the matters that need to be addressed under section 4.15 (Evaluation) and the reasons for the original approval.

MATTERS FOR CONSIDERATION UNDER SECTION 4.15 (Evaluation)

SREP (Sydney Harbour Catchment) 2005

Having regard to the *SREP (Sydney Harbour Catchment) 2005* and the *Sydney Harbour Foreshores and Waterways Area DCP 2005*, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site’s location. As such, the development is acceptable having regard to the provisions contained within SREP 2005 and the *Sydney Harbour Foreshores and Waterways DCP 2005*.

SEPP 55 – Remediation of Land & Draft SEPP

The provisions of SEPP 55 require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. 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 (Vegetation in Non-Rural Areas) 2017

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

The proposal meets the objectives of the SEPP because there would be no clearance of native vegetation or any material impacts on bushland (if any) in the vicinity of the subject site.

Draft Environment SEPP 2017

This draft SEPP proposes to integrate the provisions of seven (7) SEPPs/SREPs including SREP (Sydney Harbour Catchment) 2005. The majority of the current provisions of SREP (Sydney Harbour Catchment) 2005 would be transferred to the draft SEPP with necessary updates and some amendments.

The proposal would not offend the relevant provisions of the draft SEPP due to the nature of the proposed development as the development is not highly visible from the harbour and will have negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

The modification application will be consistent with the objectives of the R4 High Density Residential Zone and the objectives of the height of buildings standard of the LEP. Clause 4.3 - Height of buildings.

The modified proposal involves a minor projection of the pebble deck roof over the rear balcony of Unit 201, on Level 1, this projection will encroach slightly into the 12m height plane on the northern side of the development. The approved design already involves a breach of the 12m height of buildings standard on part of the north east corner of the roof. The modified proposal involves a minor increase in that breach caused by the roof projection.

The additional breach can be seen in Figure 1 below and its only purpose is to provide better weather protection for the unit below. The top of the roof or deck is non trafficable.

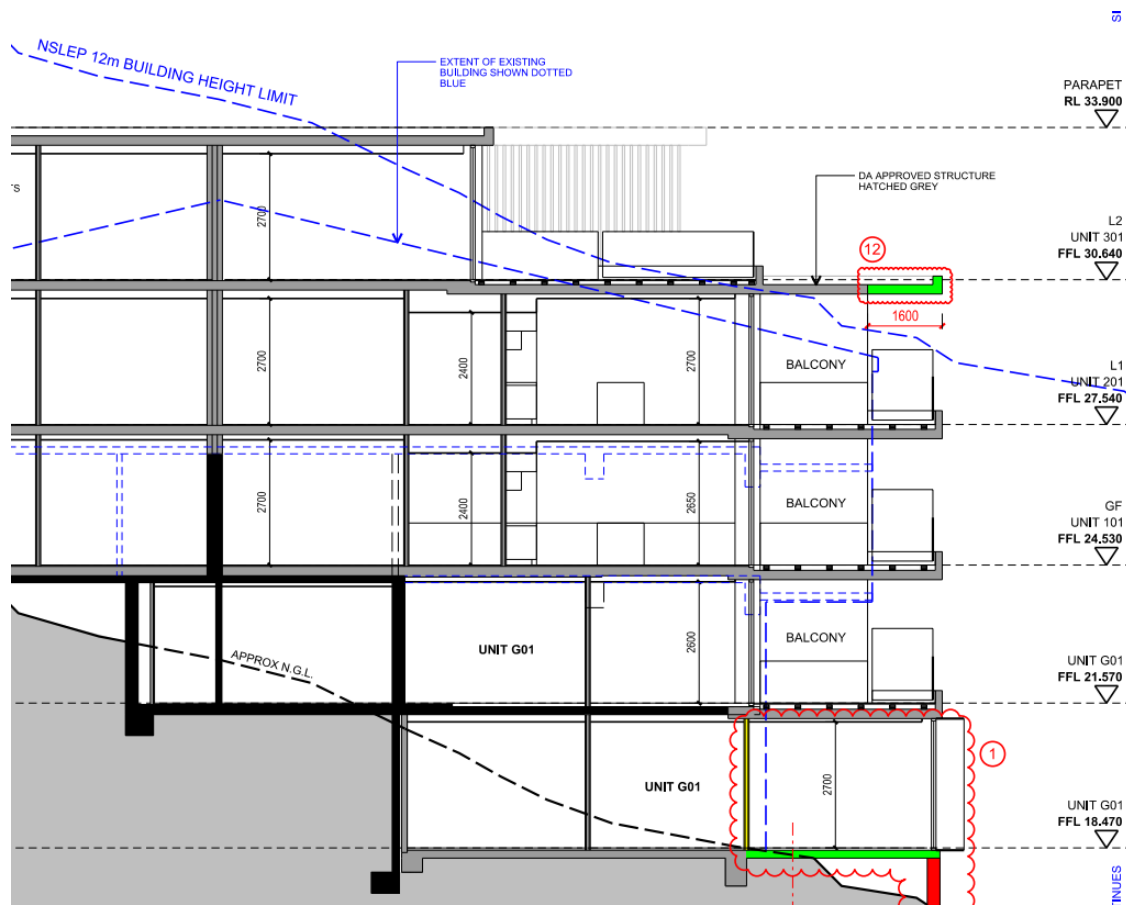


Figure 1 – Excerpt of Section A- A drawing No DA_300_00 (Daniel Younan & Assoc)

As no significant impacts will occur as a result of the roof projection, the minor variation would not be inconsistent with the objectives of the standard in terms of compatibility with the local area character, not significantly affecting bulk and scale, and improving amenity for the residents.

As a clause 4.6 submission was accepted for the existing height breach in this area of the building, in previous applications, it was not considered necessary to revisit the issue. Furthermore, it is noted that s.4.55 of the EPA Act does not require a written request under clause 4.6 of the LEP to be submitted for any modification application.

North Sydney Development Control Plan 2013 (NSDCP 2013)

The modified proposal involves only minor changes to the overall design, setbacks and provision of landscaping and will therefore be consistent with the relevant objectives and planning controls of the DCP.

The following provisions of the DCP are relevant for the purposes of assessing the suitability of the proposed amendments to the approved building any potential adverse impacts on neighbouring properties:

Section 1.3.6 - Views

Objectives

- O1 To protect and enhance opportunities for vistas and views from streets and other public places.*
- O2 To protect and enhance existing views and vistas from streets and other public spaces.*
- O3 To provide additional views and vistas from streets and other public spaces where opportunities arise.*
- O4 To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.*

The minor projection further into the height plane of the approved development will not involve any significant impact on any views or vistas to or from neighbouring dwellings compared with the views maintained across the side of the building and over the roof of the approved development.

A view analysis was submitted with the proposal and appears to support this position.

Section 1.3.7 Solar access

Objectives

- O1 To ensure that all dwellings have reasonable access to sunlight and daylight.*

Provisions

- P1 Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:

 - (a) any solar panels;*
 - (b) the windows of main internal living areas;*
 - (c) principal private open space areas; and*
 - (d) any communal open space areas. located on the subject property and any adjoining residential properties.**

Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas. P2 Despite P1 above, living rooms and private open spaces for at least 70% of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).

The increase in the projection of the roof above the level 1 rear deck will not involve any significant change to the solar access achieved to the proposed units and solar access will also be maintained to the adjoining property to the south compared with the approved development. Mid-winter shadow diagrams are provided in the plans attached to this report and indicate minimal increase in shadowing in comparison with the existing approved building.

Section 1.3.8 Acoustic privacy

Objective

- O1 To ensure all residents are provided with a reasonable level of acoustic privacy.

The modified proposal will not affect acoustic privacy between the units.

Section 1.3.10 Visual privacy

Objectives

- O1 To ensure that existing and future residents are provided with a reasonable level of visual privacy.

The proposal does involve changes to the windows, privacy screens and louvres on the north side of the building. Some of the changes are acceptable such as the installation of blade walls to the north east corners of the rear decks. However, the request to delete the requirement for obscure glazing to windows W16 and W26 is not considered in the interests of privacy to adjoining neighbours and as such, this request is not supported.

Section 1.4.5 Siting

No changes to the siting of the building.

Section 1.4.6 Setbacks

Objectives

- O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.
- O2 To control the bulk and scale of buildings.
- O3 To provide separation between buildings.
- O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

A minor encroachment of the laundry on the lowest level, Lower Ground Floor (Lower) is proposed to the 1.5m side setback requirement of the DCP. This encroachment is of the order of 850mm, for a length of only 3.2m and is almost 50% in excavation. It is not considered this variation will create any adverse impacts and so it is not objected to.

Section 1.4.7 Form, massing & scale

Objectives

- O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.

The height, form and scale of the building and the appearance of the building will not be significantly different compared with the development already approved.

Section 1.4.9 - Dwelling entry

The approved building entry is maintained at the front with identifiable direct entry from the street.

Section 1.4.14 - Front Fences

No changes are proposed to the approved front fencing.

Section 1.5.5 Site Coverage

Objectives

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.*
- O2 To ensure that development promotes the existing or desired future character of the neighbourhood.*
- O3 To control site density.*
- O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.*

A maximum of 45% site cover for a residential flat building in the R4 High Density Residential Zone is recommended. The extension of the laundry at the lower ground floor (lower) will add 3.84m² of site cover to the existing 285m², resulting in 46% site cover. It is not considered the 1% variation will compromise the objectives of the control or materially impact further on the amenity of neighbours.

Section 1.5.6 Landscape Area

Objectives

- O1 The specific objectives of the landscaped area controls are to:*
 - (a) promote the character of the neighbourhood;*
 - (b) provide useable private open space for the enjoyment of residents;*
 - (c) provide a landscaped buffer between adjoining properties;*
 - (d) maximise retention and absorption of surface drainage water on site;*
 - (e) minimise obstruction to the underground flow of water;*
 - (f) promote substantial landscaping, including trees which will grow to a minimum height of 15m;*
 - (g) control site density;*
 - (h) minimise site disturbance;*
 - (i) contributes to streetscape and amenity; and*
 - (j) allows light to penetrate between buildings*

A minimum landscaped area of 40% of the site area is required and a maximum unbuilt upon area comprising driveways, paved areas and paved areas above basements of 15% of the site area is required for residential flat buildings in the R4 High Density Residential Zone. The proposed laundry extension will reduce the landscaped area by 3.84m² resulting in a compliant 41% of the site area still being included as landscaped area.

Section 10 - Car parking and Transport

There will be no change to the provision of car parking and access to the car stackers.

Matters prescribed by the Regulations.

There are no matters prescribed by the Regulations that are applicable to the subject application to modify the development consent.

The likely impacts of the proposed development on both the natural and built environment, and the social and economic impacts in the locality.

There will be no adverse impacts on the natural and built environment arising from the changes proposed and as outlined. The modification application will not involve any potential adverse social or economic impacts in the locality.

Suitability of the site for the development

The site has a long history of residential use. The modification of the development as proposed will not alter the suitability of the site in this high-density residential zone for its intended use as a residential flat building.

The public interest

The public interest is considered in terms of compliance and consistency with the relevant planning controls applicable to the proposed development. The use of the land for residential purposes is consistent with the objectives for this high-density residential zone and the desired future character objectives for this part of North Sydney.

The modification of the development will maintain consistency with the objectives of the zone, the objectives of the height of buildings standard, as well as the relevant objectives and controls of the DCP and despite some minor variations in relation to setbacks and site coverage, the proposal would not be contrary to the public interest.

SEPP 65 Design Quality of Residential Apartment Development

The proposal is assessed below against the design quality principles in SEPP65.

Principle 1: Context and neighbourhood character – The proposed design and materials are considered to be acceptable. The design is contemporary, however, is considered suitable in its context. The proposal is to retain the existing three storey building on the site and to alter and add to it to create a modern residential flat building.

Principle 2: Built form and scale – The proposed built form and scale is considered to respond to its context. The overall building height is between three and four storeys, responding to the limited width and topography of the site. Its scale is considered to be contextual in its surroundings.

Principle 3: Density – The proposed density is considered appropriate for the site. Each apartment is considered to be provided with an above average level of amenity.

Principle 4: Sustainability – An amended BASIX Certificate has been provided. Compliant levels of solar access and cross ventilation are achieved.

Principle 5 – Landscape – No changes. The proposal is considered acceptable with regards to landscaping.

Principle 6: Amenity – All apartments will be provided with natural cross ventilation and solar access to their primary living areas. The proposed design overall provides an acceptable level of amenity for all apartments.

Principle 7: Safety – The proposal raises no known issues of safety and security.

Principle 8: Housing diversity and social interaction – The development provides for three and four bedroom apartments which is considered acceptable for such a small development.

Principle 9: Aesthetics – The proposed building aesthetics of the modified proposal are similar to the original approved plans.

Apartment Design Guide (ADG)

The proposed development has also been considered against the Apartment Design Guide and is considered to be generally acceptable.

SECTION 7.11 CONTRIBUTIONS PLAN

There are no changes to the density of the development that would warrant additional contributions.

Assessment of the modifications:-

Lower ground floor (lower):-

- Enclose the open deck on the north eastern corner of Unit 01 and convert into a study;

Comment: No objection is raised to this as it is within the envelope of the building

- Internal replanning of the unit involving reducing the length of bedroom 3, enlarging the bathroom, deleting the cellar and creating an extension 1.055m x 3.2m to provide a laundry;

Comment: No objection is raised, although an encroachment is proposed into an existing landscaped area. The location of the extension is discreet and will not result in any significant impacts.

- New window to northern elevation.

Comment: No objection to the window to the new study room.

Lower ground floor (upper):-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;

Comment: Supported. This solid wall will result in increased privacy for neighbours, the remaining section of northern balcony will have obscure glazing to 1.6m above a masonry wall.

- Enlarge window W06 and ensuite bathroom to bedroom 1;

Comment: No objection raised to this modification to a bathroom window.

- Replan/alter internal walls to relocate storeroom and bathroom;

Comment: Internal modifications, no objection.

Ground Floor:-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;

Comment: Supported. This solid wall will result in increased privacy for neighbours, the remaining section of northern balcony will have obscure glazing to 1.6m above a masonry wall.

- W16 – Delete requirement for obscure/frosted glazing to 1.5m for the full height windows/doors;

Comment: Not supported. This measure was agreed upon for privacy reasons and vegetation cannot be relied upon for permanent screening.

- Three (3) additional privacy louvres to W18;

Comment: Supported.

- Provide new ladder access and access hatch is proposed to the car stacker pit;

Comment: Supported – safety reasons.

First Floor:-

- Substitute full length, solid balustrade with obscure/frosted glass to 1.6m with a full height solid blade wall 2.2m long with the remainder of the balcony a solid balustrade with opaque glass screen to 1.6m in height;

Comment: Supported. This solid wall will result in increased privacy for neighbours, the remaining section of northern balcony will have obscure glazing to 1.6m above a masonry wall.

- W26 - Delete requirement for obscure/frosted glazing to 1.5m for the full height windows/doors;

Comment: Not supported. This measure was agreed upon for privacy reasons, vegetation cannot be relied upon for permanent screening.

- Provide access hatch to the car stacker pit;

Comment: Supported – safety reasons

Second Floor:-

- Substitute full length, windows with obscure/frosted glass on a 1m balustrade with a full height solid blade wall 2.5m long with the remainder of the balcony open;

Comment: Not fully supported, the previous s.455 modification application required privacy screening along the length of this façade. It is recommended to leave condition C18 unchanged in this regard.

- Extend pebble roof deck on eastern edge of building by 1.6m to provide increase weather protection for balcony below.

Comment: No objection to this extension, and minor height variation, as it will increase weather protection or unit 201.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	N/a
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s.4.15/s.4.55 considerations of <i>Environmental Planning and Assessment Act 1979</i>	Yes

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Neutral Precinct. Council received five (5) submissions where the following matters were raised:-

1) No stopping work area/ lack of on-street parking

Comment: The issue of traffic management was addressed with the original Development Approval, although it is acknowledged that Construction phase will create parking issues.

2) New blade walls to northern elevation do not extend along façade;

Comment: The remainder of the northern elevation on levels lower floor upper, ground level and level 1, will have a masonry wall with 1.6m opaque glass screen above as indicated on the elevation plan DA_200_01. Level 2 will have Condition C18.

3) Removal of opaque glazing on W16 & W26

Comment: The removal of this glazing is not supported and condition C18 will remain in force in this respect.

4) Roof overhang impact

Comment: It is not considered the roof overhang (or extension) will have any significant impact on any neighbours and it is recommended for approval.

5) Neither the developer, nor the Council notified us of the earlier applications

Comment: The notification map and Council's record system indicates that registered owners and occupiers were notified of the previous applications.

6) We suggest that the wall should cover the entire side of all balconies in the development.

Comment: Applications for modifications of consent cannot generally revisit other issues of an approval not related to the modifications proposed.

7) The proposed building has increased in height from below RL33.900

Comment: The current overall building height of RL 33.900 indicated in this application is identical to the height approved by the previous s.4.55 modification approved by the NSLPP on 2 June 2021.

8) In addition, the screens on balconies on the N/E side of building have been reduced from a height of 1.8m (on Approved Plan 9/6/2021) to 1.6m

Comment: There are only northern and eastern elevations in this case due to the orientation of the lot, however it is noted the screens have been reduced from 1.8m to 1.6m. A privacy screen height 1.6m is generally considered an adequate height to provide visual privacy for most situations.

9) **Concern to non-compliant setbacks, 'new' 10m wall on the southern boundary, 'new' 3.8m long wall (fire stairs) setback 900mm to southern boundary.**

Comment: The 'new' 10m wall on the southern boundary and shorter 3.8m wall to the fire stairs were approved in the original DA 333/19 consent and s.4.55 modification. (See Fig 2 below).

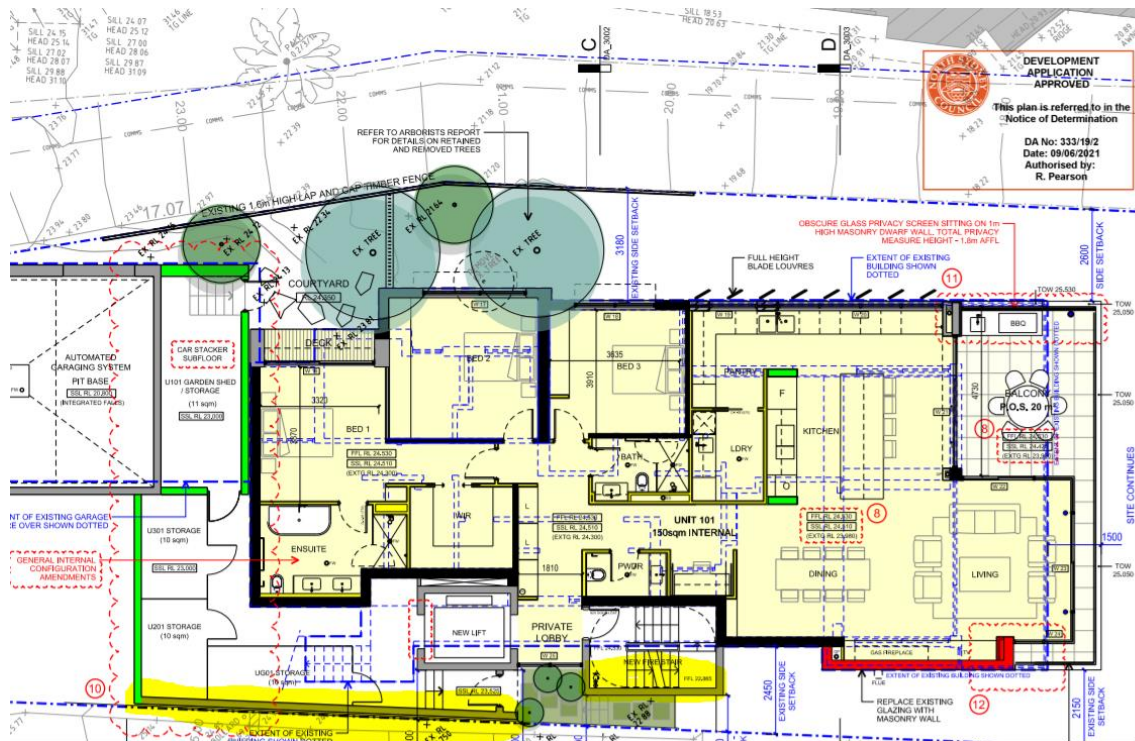


Figure 2 - 10m & 3.8m wall highlighted yellow on stamped plans for s.4.55 DA 333/19/2 issued 9.6/2021.

Both of the walls highlighted in Figure 2 have been previously approved and not the subject of this current s4.55 modification.

10) **Turning area, vehicle ramp removed from 'private' driveway. Vehicles from 'stacker garage' will reverse across driveway, visibility pedestrian safety issues.**

Comment: The vehicle stacker, manoeuvring of vehicles in the driveway (which is a 'right of carriageway', safety issues were considered by Council's Traffic Engineer in the original assessment of DA 333/19. No objection was raised by that officer at the time and no changes to these parking arrangements are proposed by the current S4.55 application.

11) **New encroachment by laundry wall to 0.6m.**

Comment: There is a new 3.2m wide encroachment into the 1.5m southern setback requirement by the laundry on the Lower Ground Floor Plan (Lower). This has been mentioned in the report and being substantially in excavation, will have little impact on the adjoining property or driveway.

12) Errors/inaccuracies in plans, existing ground lines, site coverage and landscaping areas inaccurate. Inaccuracies must be remedied and plans readvertised.

Comment: The overall height of the building has already been approved, and no change is proposed by the current application, with the possible exception of a minor roof encroachment to Unit 201's balcony roof. Whilst some modifications to the landscaped area and site coverage are proposed, these have been assessed as having minimal impact and are recommended for approval. It is not considered the proposal requires renotification.

Anonymous Letter

An anonymous letter was circulated to residents near the proposed development and forwarded Council, the letter raised the following issues:-

Height of building exceedance

Comment: This claim is incorrect as the current proposed maximum height of RL 33.900 is identical to the maximum height of RL 33.900 proposed in the previous application to Council and approved by the NSLPP on 2 June 2021.

Setback non-compliance

Comment: This claim is valid as there is one, relatively minor, setback encroachment by the current application, however, this issue has been addressed within this report.

Site cover/landscaping

Comment: There is a minor non-compliance with site coverage. However, the 41% landscaped area still complies with the minimum requirement and the 1% excess in site coverage is not considered to be a fatal flaw to the application.

PUBLIC INTEREST

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

CONCLUSION

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

This modification application seeks various internal and external changes to the building and requests modifications to Condition A1 of the development consent to include a reference to the amended plans. A change is also sought to Condition C18 to allow the deletion of the requirement for obscure glass for two windows.

Whilst most of the variations are supportable, the modifications to windows W16 and W26 are not supported and screening will also have to be employed on the level 2 northern balcony.

Minor variations to the site coverage, and setbacks are proposed but these are justifiable in this case. Further, the minor roof projection into the maximum building height plane will not create significant environmental impacts and could be supported.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EPA Act.

Furthermore, the modifications do not result in any material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granting of development consent to the originally approved development and the modification application is considered to be acceptable.

Having regard to the provisions of section 4.55 & 4.15(1) of the EPA Act, the proposed development (as modified) is substantially the same development as originally consented to. The application is therefore recommended for approval.

RECOMMENDATION

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA 333/19 dated 24 April 2020 (as amended 2 June 2021) in respect of a proposal for alterations and additions to convert a duplex into a residential flat building with strata subdivision at No. 182 Kurraba Road, Kurraba Point under the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979* only insofar as it will provide for the following:

To delete Condition A1 and C18 of the consent and insert in lieu thereof the following new conditions, namely:

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 and this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
DA_100_00	06	Proposed lower ground floor plan (lower)	Daniel Younan & Ass.	24/09/21
DA_100_10	06	Proposed lower ground floor plan (upper)	Daniel Younan & Ass.	24/09/21
DA_100_20	06	Proposed ground floor plan	Daniel Younan & Ass.	24/09/21
DA_100_30	06	Proposed level 1 floor plan	Daniel Younan & Ass.	24/09/21
DA_100_40	06	Proposed level 2 floor plan	Daniel Younan & Ass.	24/09/21
DA_100_50	06	Proposed roof plan	Daniel Younan & Ass.	24/09/21
DA_200_00	06	Proposed south elevation	Daniel Younan & Ass.	24/09/21
DA_200_01	06	Proposed north elevation	Daniel Younan & Ass.	24/09/21
DA_200_02	06	Proposed east elevation	Daniel Younan & Ass.	24/09/21
DA_200_03	06	Proposed west elevation	Daniel Younan & Ass.	24/09/21
DA_300_00	06	Section A-A	Daniel Younan & Ass.	24/09/21
DA_300_01	06	Section B-B	Daniel Younan & Ass.	24/09/21
DA_400_00	05	Finishes & materials	Daniel Younan & Ass.	13/04/21

Report of John McFadden, Consultant Planner
Re: 182 Kurraba Road, Kurraba Point

Page 24

Plan No.	Rev No.	Description	Prepared by	Dated
L-01/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
L-02/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
DA_800_00	04	Draft Strata Sheet 1	Daniel Younan & Ass.	02/02/20
DA_800_01	04	Draft Strata Sheet 2	Daniel Younan & Ass.	02/02/20
DA_800_02	04	Draft Strata Sheet 3	Daniel Younan & Ass.	02/02/20

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

Privacy

C18. The following privacy devices are to be provided:

Privacy Measures	Windows/location details
Ensuite Windows – Obscure or frosted glazing to whole window.	W39
Doors/Full Height Windows – Obscure or frosted glazing to lower part to a minimum height of 1500mm above the finished floor level.	W16; W26; W37; W41
Windows – Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour's windows	W17; W18; W27; W28; W40
Privacy Screens – Balconies Solid balustrades and obscure or frosted glass screens to a height of 1.6m above finished floor level are to be provided to the northern edges of balconies at the nominated locations	Balcony on the northeast corner on: Level 2

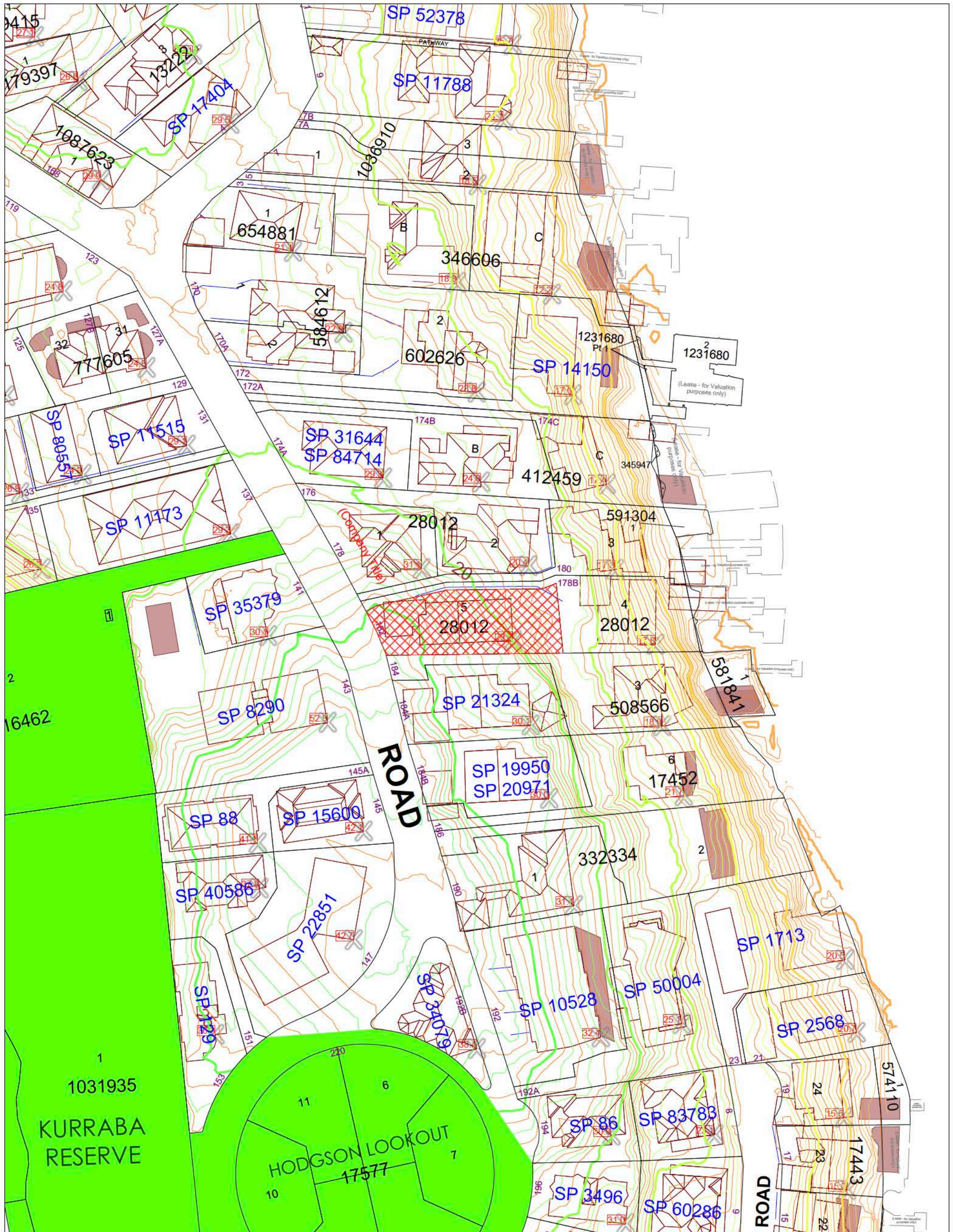
Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction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

(Reason: To ensure an adequate level of privacy is provided to adjoining properties located at Nos. 176 and 178 Kurraba Road)

JOHN MCFADDEN
CONSULTANT PLANNER

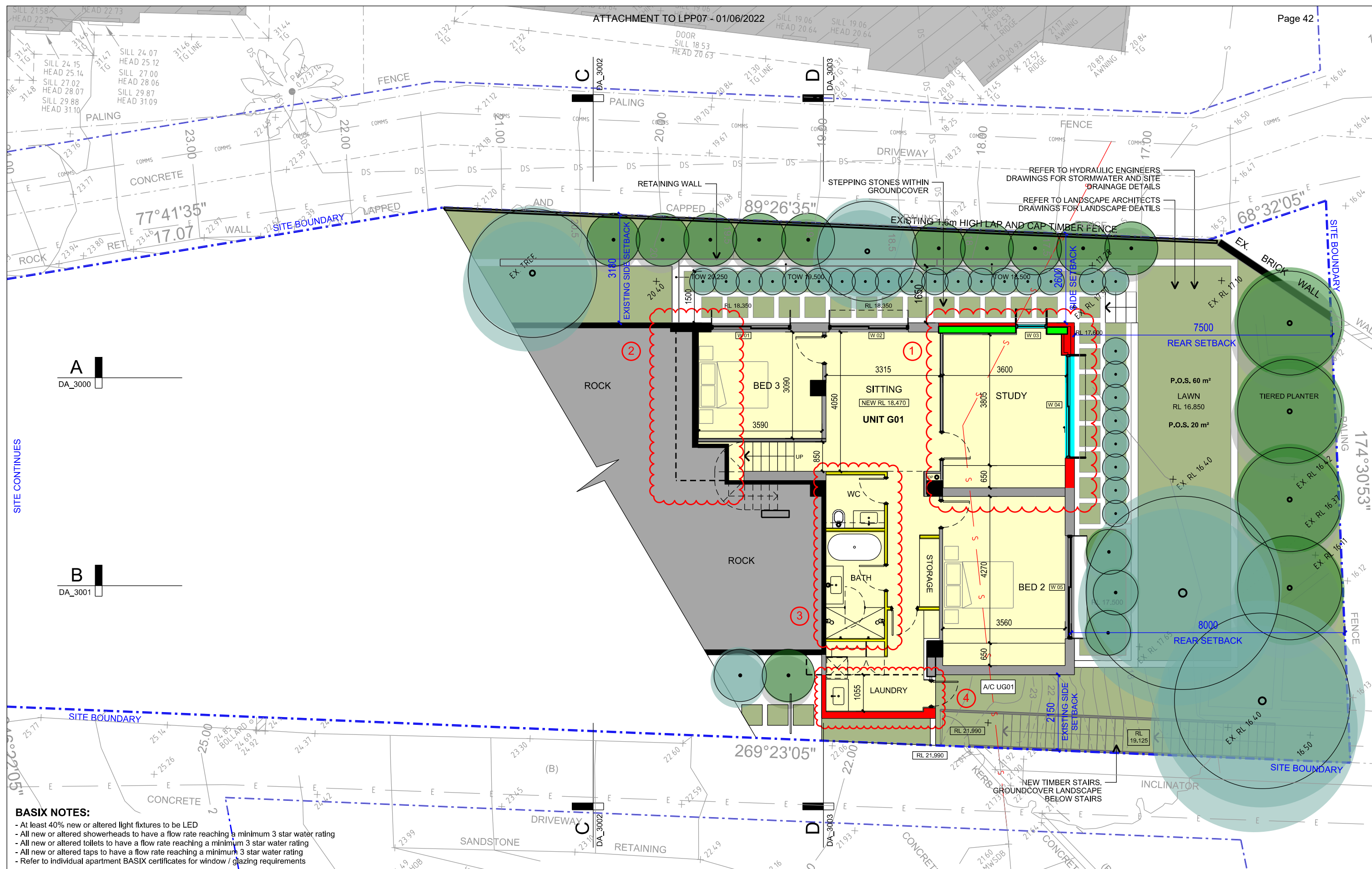
GEORGE YOUHANNA
EXECUTIVE ASSESSMENT PLANNER

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES



North Sydney Council

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- At least 40% new or altered light fixtures to be LED
 - All new or altered showerheads to have a flow rate reaching a minimum 3 star water rating
 - All new or altered toilets to have a flow rate reaching a minimum 3 star water rating
 - All new or altered taps to have a flow rate reaching a minimum 3 star water rating
 - Refer to individual apartment BASIX certificates for window / glazing requirements

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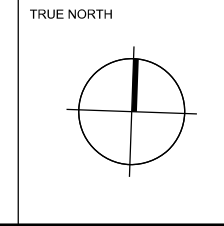
PRELIMINARY
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REVISION	DATE	DESCRIPTION
00	12.07.19	CONSULTANT ISSUE
01	05.08.19	CONSULTANT ISSUE
02	23.08.19	CONSULTANT ISSUE
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LEGEND
EXISTING WALLS TO BE RETAINED
EXISTING WALLS TO BE DEMOLISHED
DA APPROVED STRUCTURE
NEW / MODIFIED STRUCTURE

DANIEL YOUNAN & ASSOCIATES

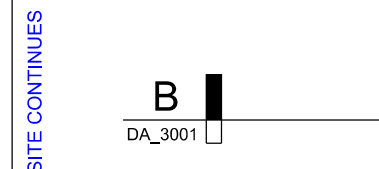
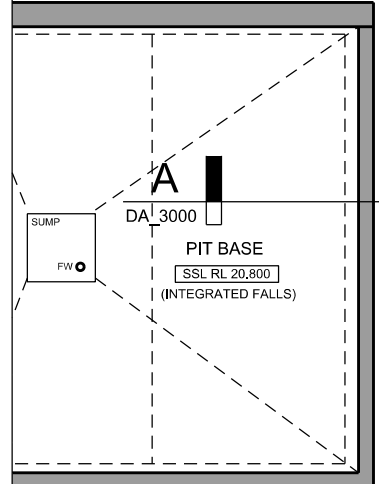
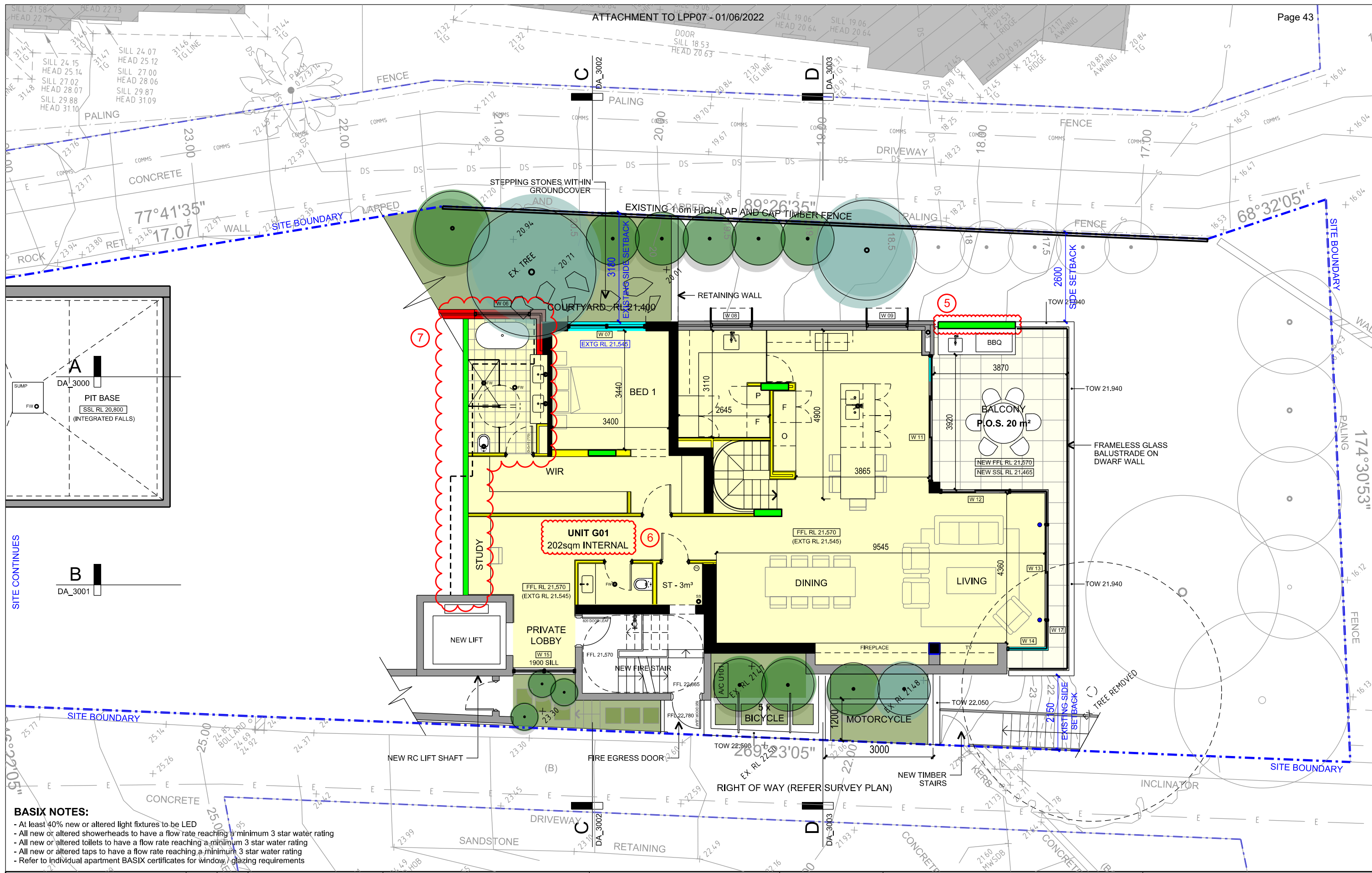
po box 32, northbridge, nsw, 1560
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 e: daniel@dya-associates.com www.dya-associates.com
 acn: 168 655 249 abn: 13 935 429 944
 nominated architect: daniel younan nsw arb 9215



CLIENT
DATLAS RAHME GROUP PTY LTD

PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE		SCALE		DATE	DRAWN
PROPOSED LOWER GROUND FLOOR PLAN (LOWER)		1:100 @ A3		JULY 19	DY
PROJECT NO.	DRAWING NO.	REVISION			
1912	DA_100_00	06			



- BASIX NOTES:**
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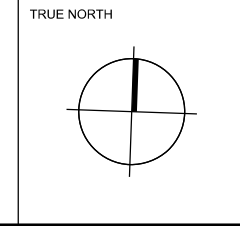
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- DA APPROVED STRUCTURE
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DANIEL YOUNAN & ASSOCIATES

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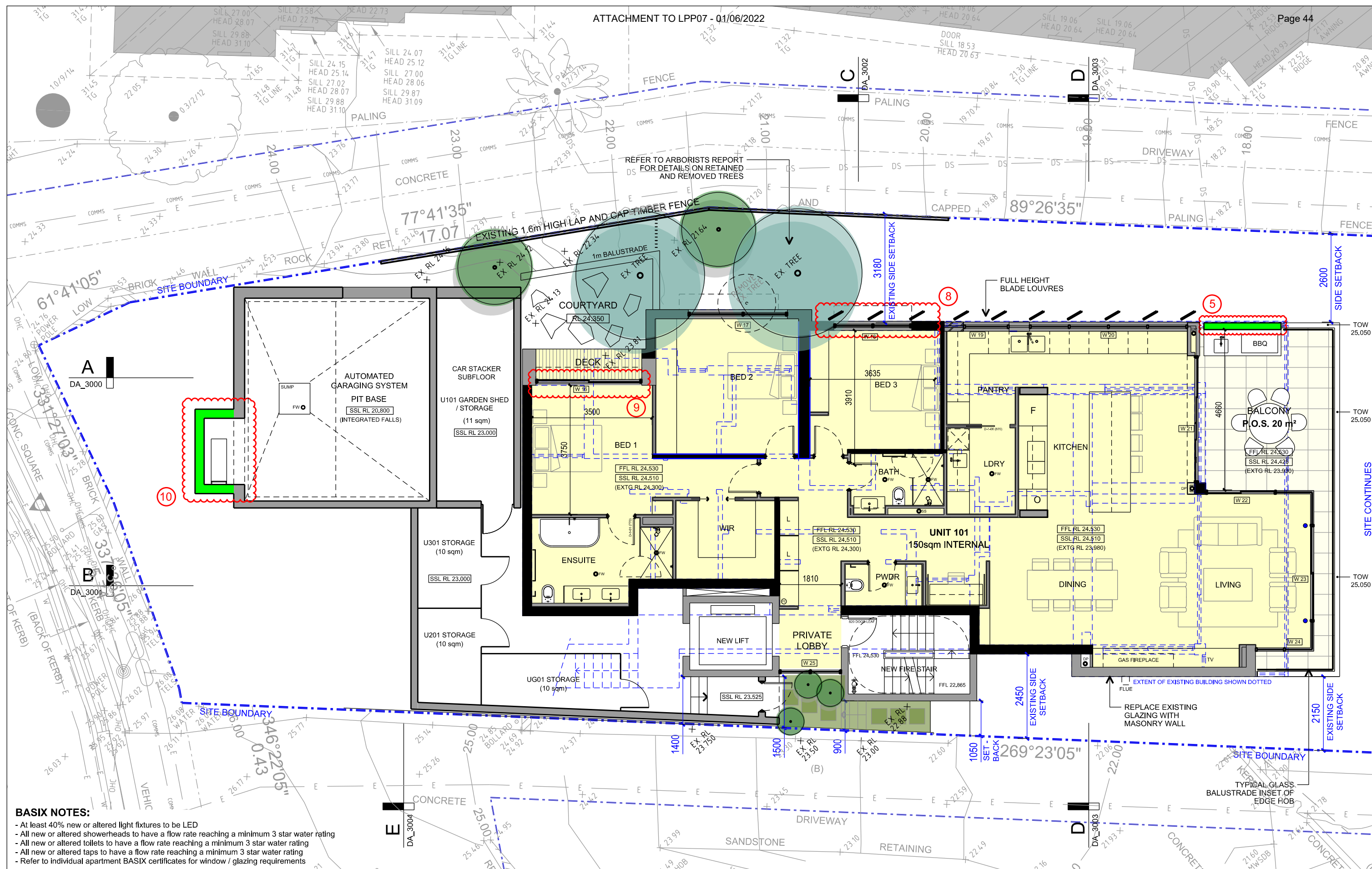
PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE
PROPOSED LOWER GROUND FLOOR PLAN (UPPER)

SCALE 1:100 @ A3
0 0.5 1 1.5 2 3m

PROJECT NO.	DRAWING NO.	DATE	DRAWN	REVISION
1912	DA_100_10	JULY 19	DY	06

PRELIMINARY
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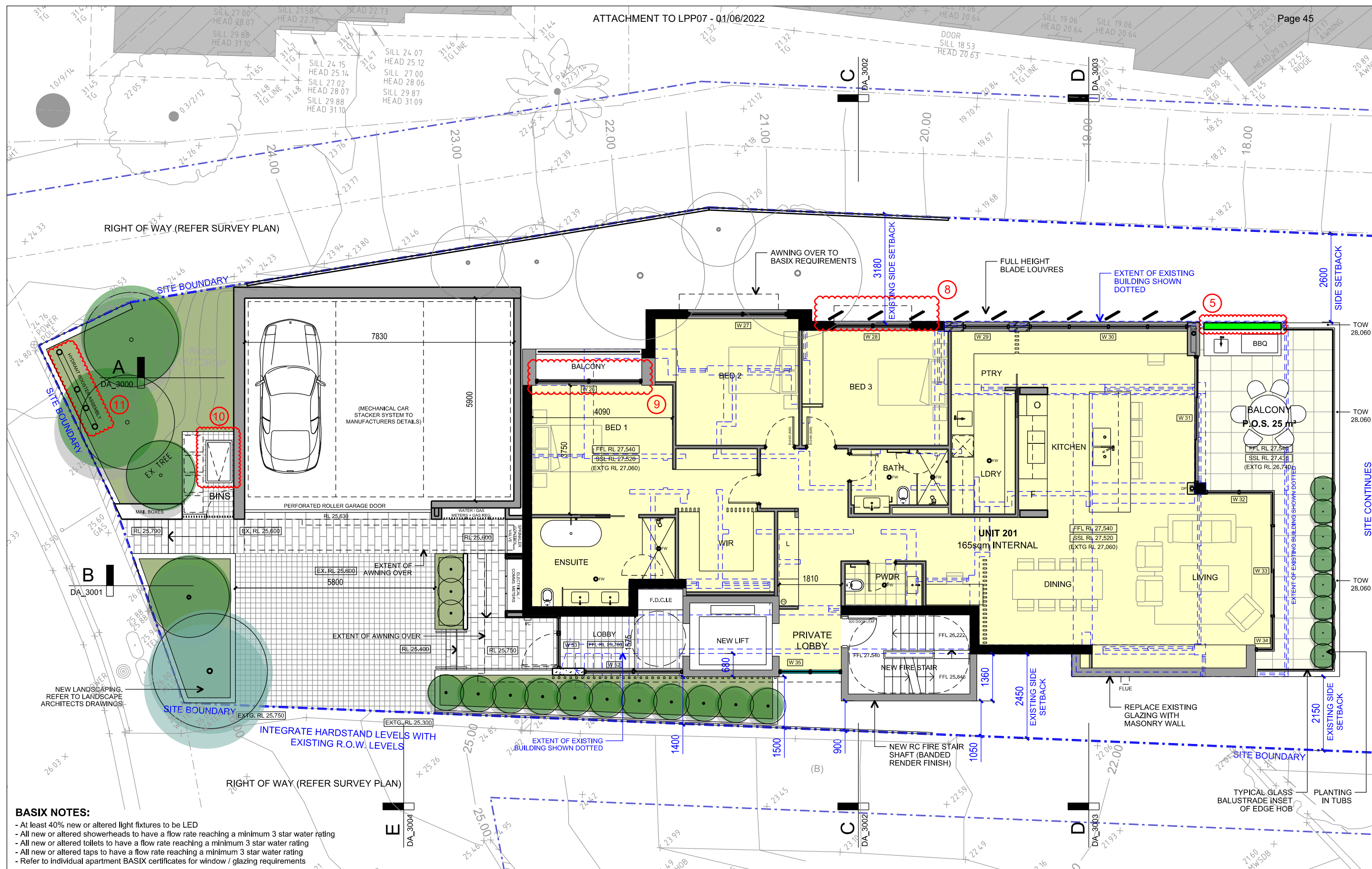
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182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE
PROPOSED GROUND FLOOR PLAN

SCALE 1:100 @ A3
0 0.5 1 1.5 2 3m

DATE JULY 19
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PROJECT NO. 1912	DRAWING NO. DA_100_20	REVISION 06
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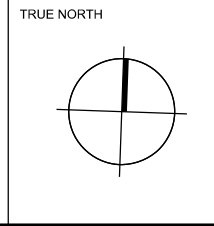
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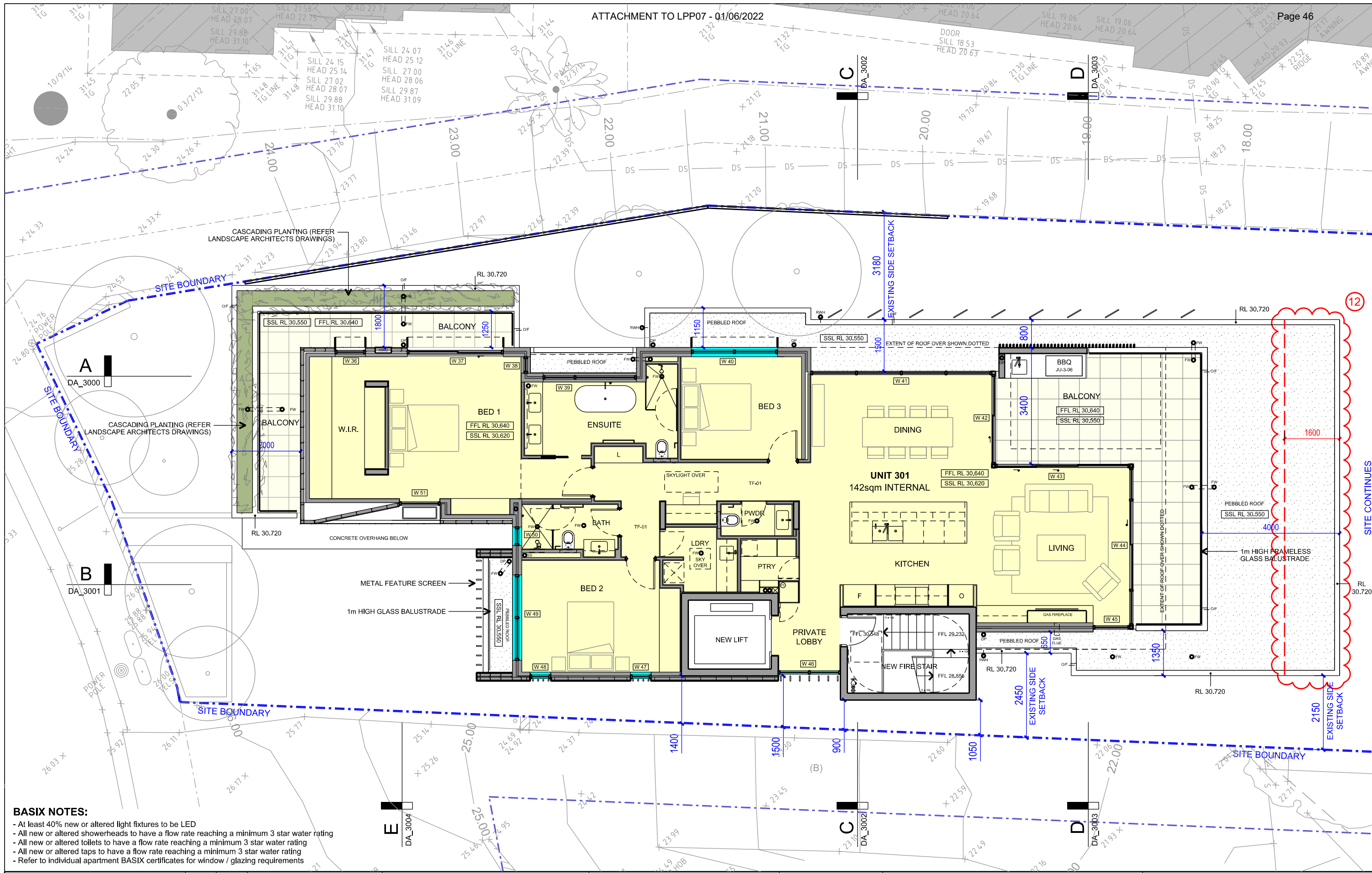
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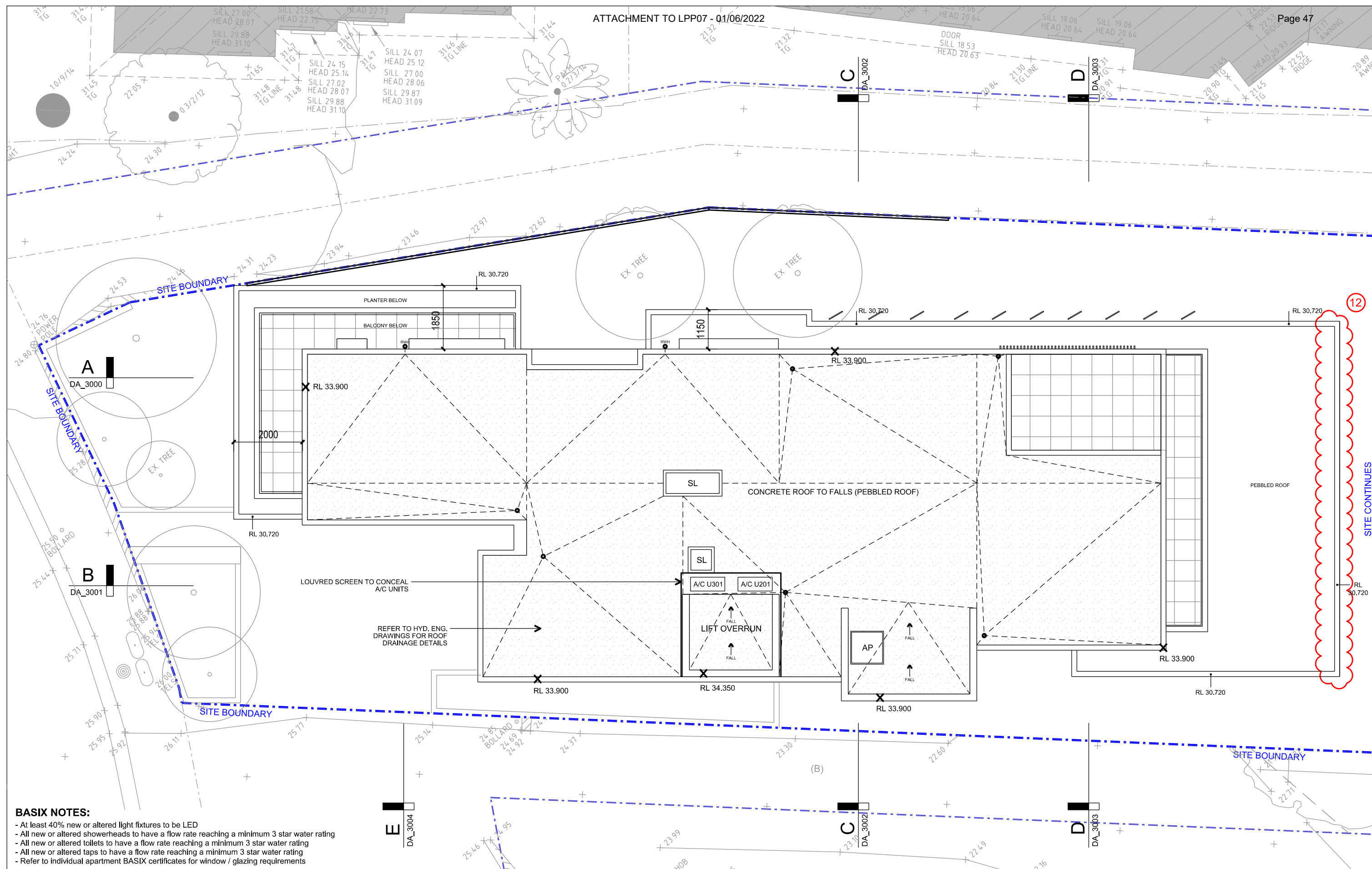
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182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE		SCALE		DATE	DRAWN
PROPOSED LEVEL 1 FLOOR PLAN		1:100 @ A3		JULY 19	DY
PROJECT NO.	DRAWING NO.				REVISION
1912	DA_100_30				06



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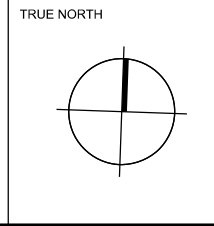
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LEGEND	
	EXISTING WALLS TO BE RETAINED
	EXISTING WALLS TO BE DEMOLISHED
	DA APPROVED STRUCTURE
	NEW / MODIFIED STRUCTURE

DANIEL YOUNAN & ASSOCIATES

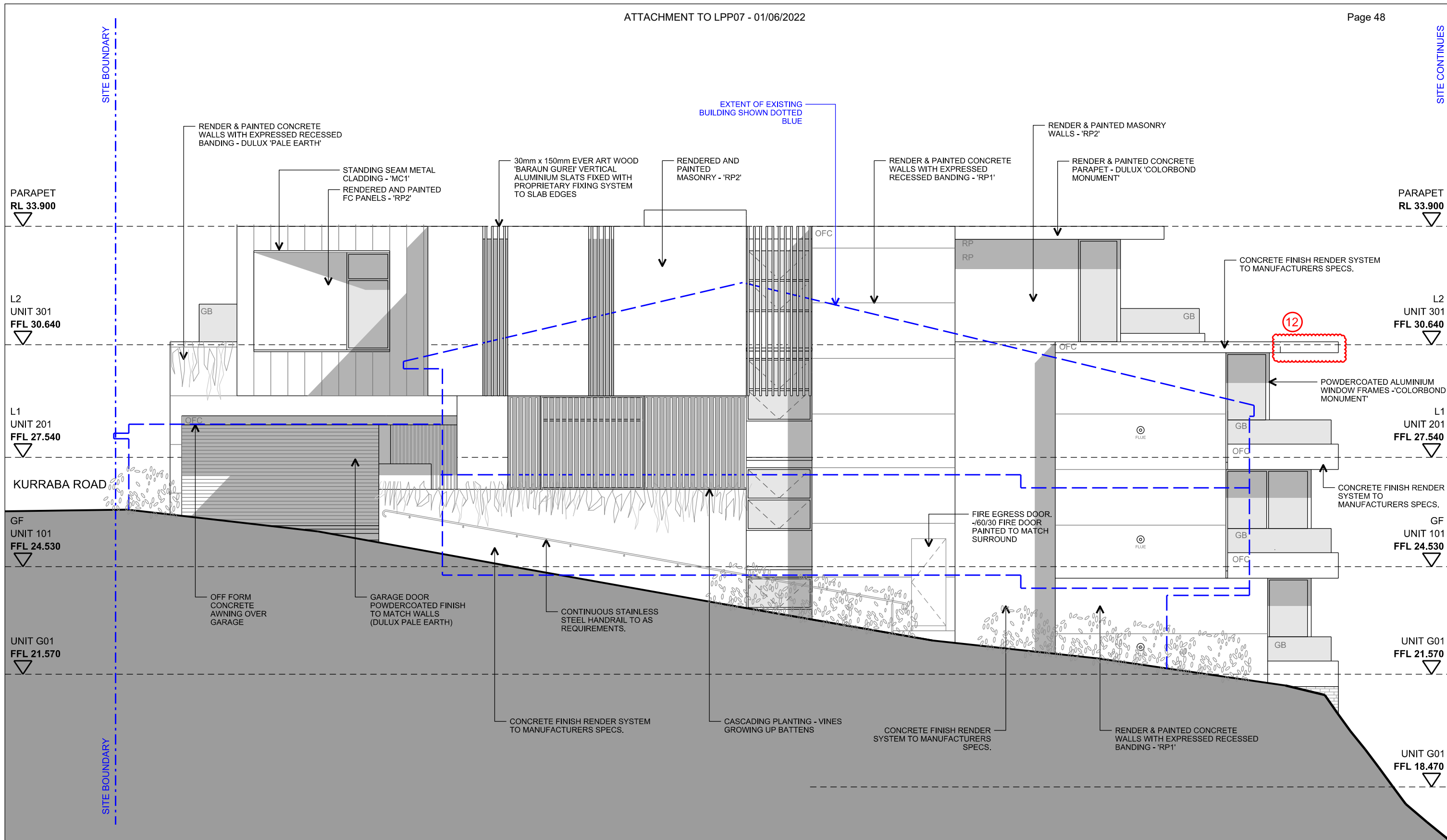
po box 32, northbridge, nsw, 1560
 ph: +61 404 071 186
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 nominated architect: daniel younan nsw arb 9215



CLIENT
DATLAS RAHME GROUP PTY LTD

PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE			
PROPOSED ROOF FLOOR PLAN			
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		JULY 19	DY
PROJECT NO.	DRAWING NO.	REVISION	
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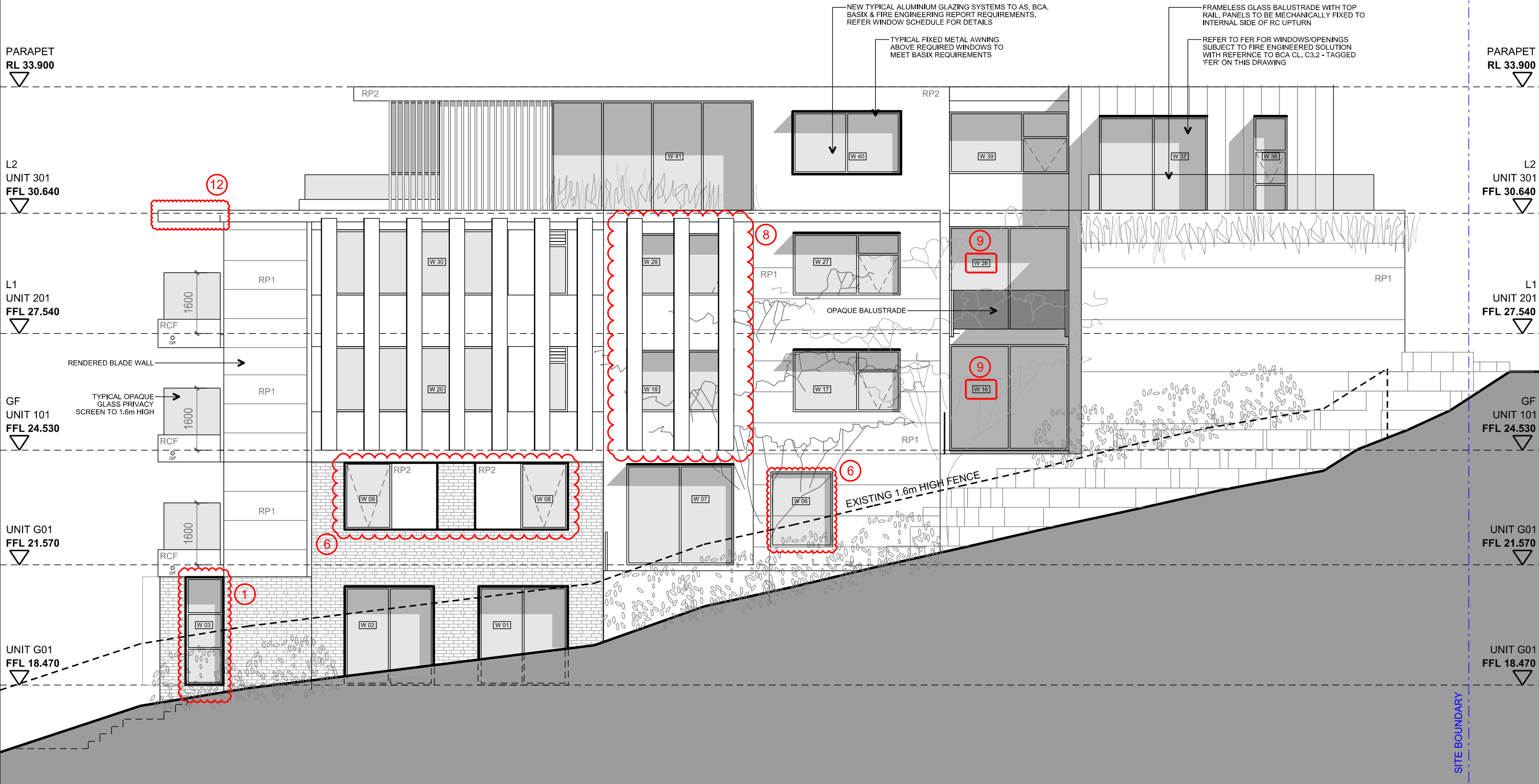


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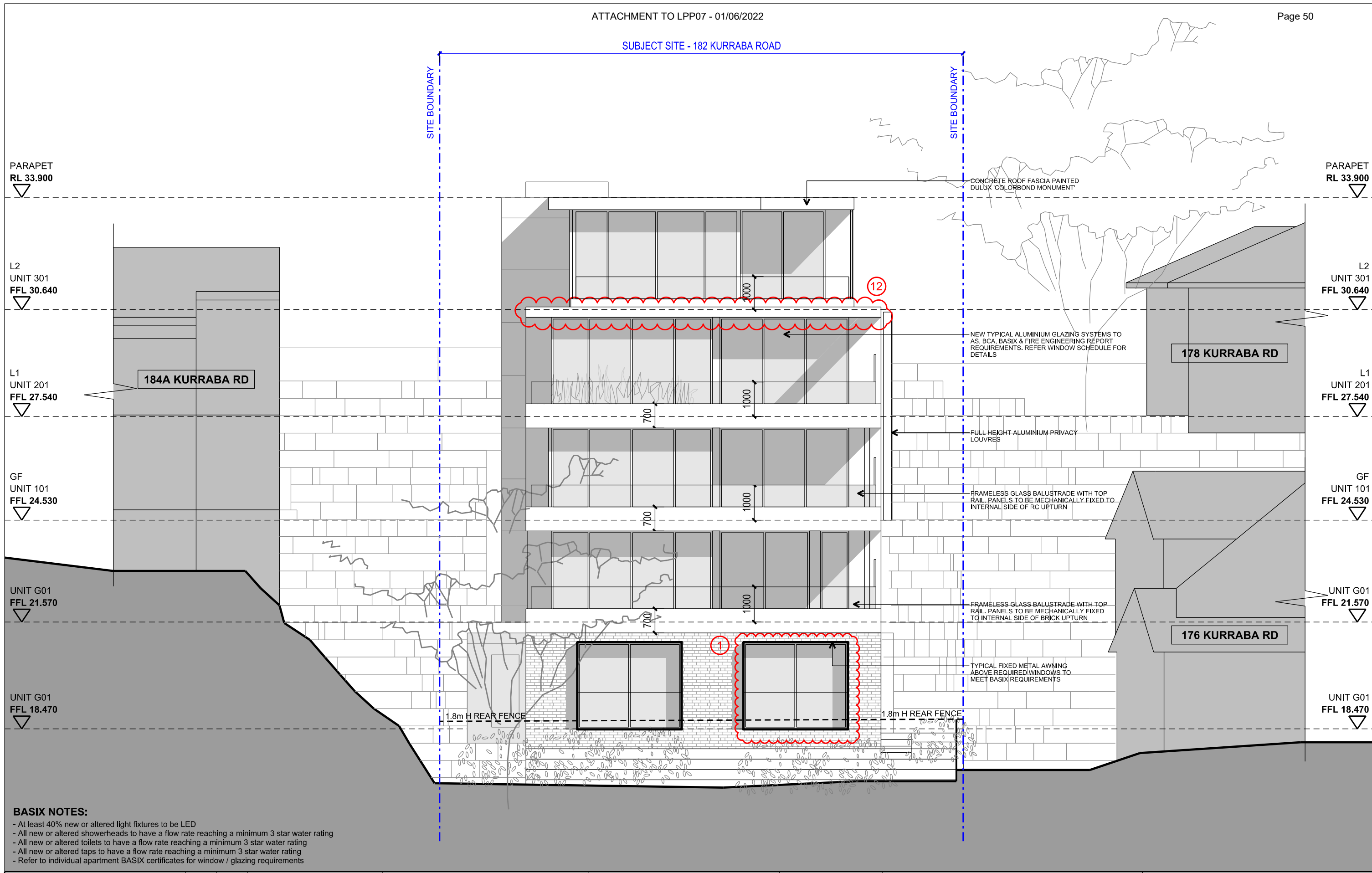
SITE CONTINUES

SITE BOUNDARY



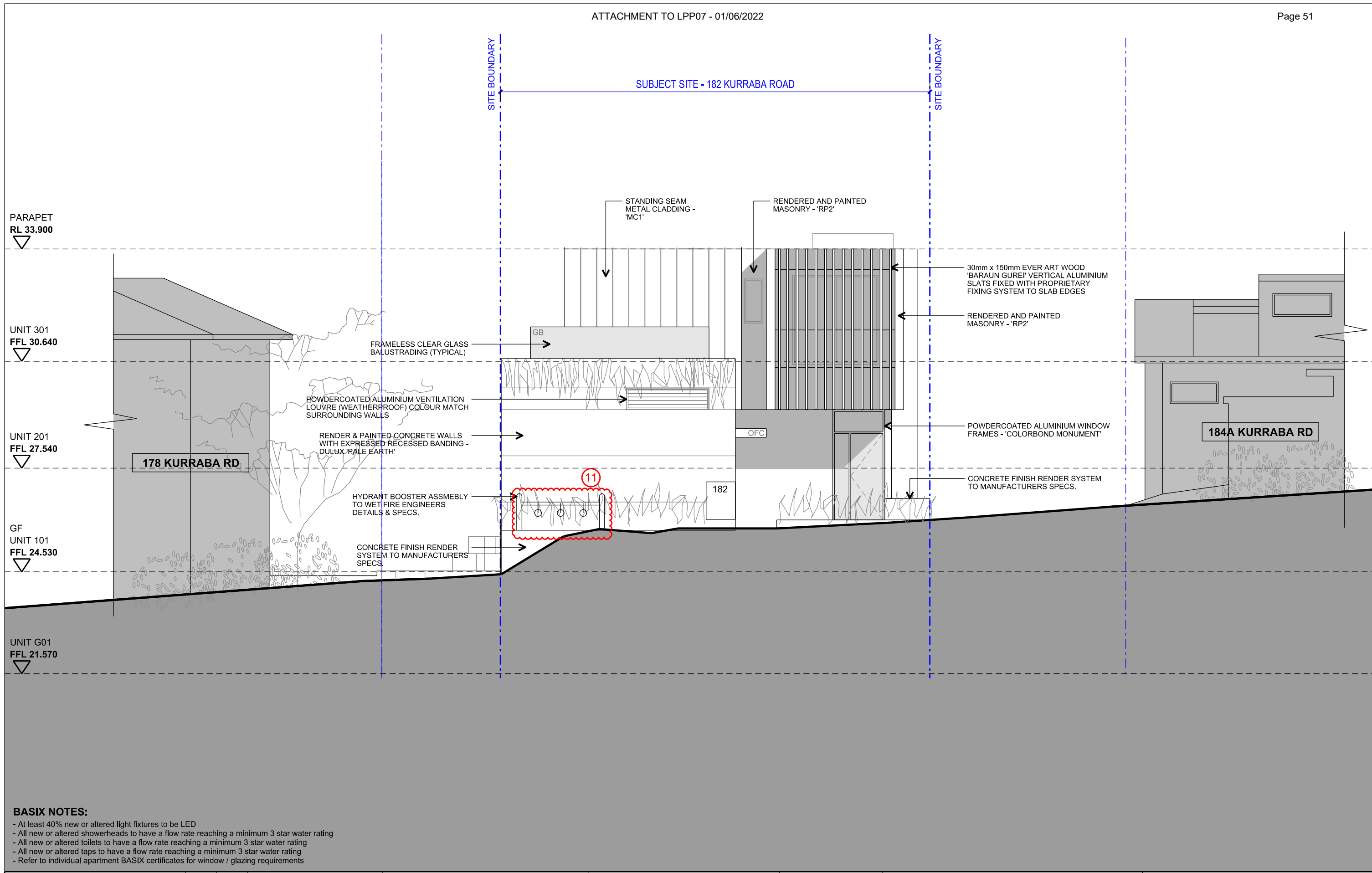
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SUBJECT SITE - 182 KURRABA ROAD



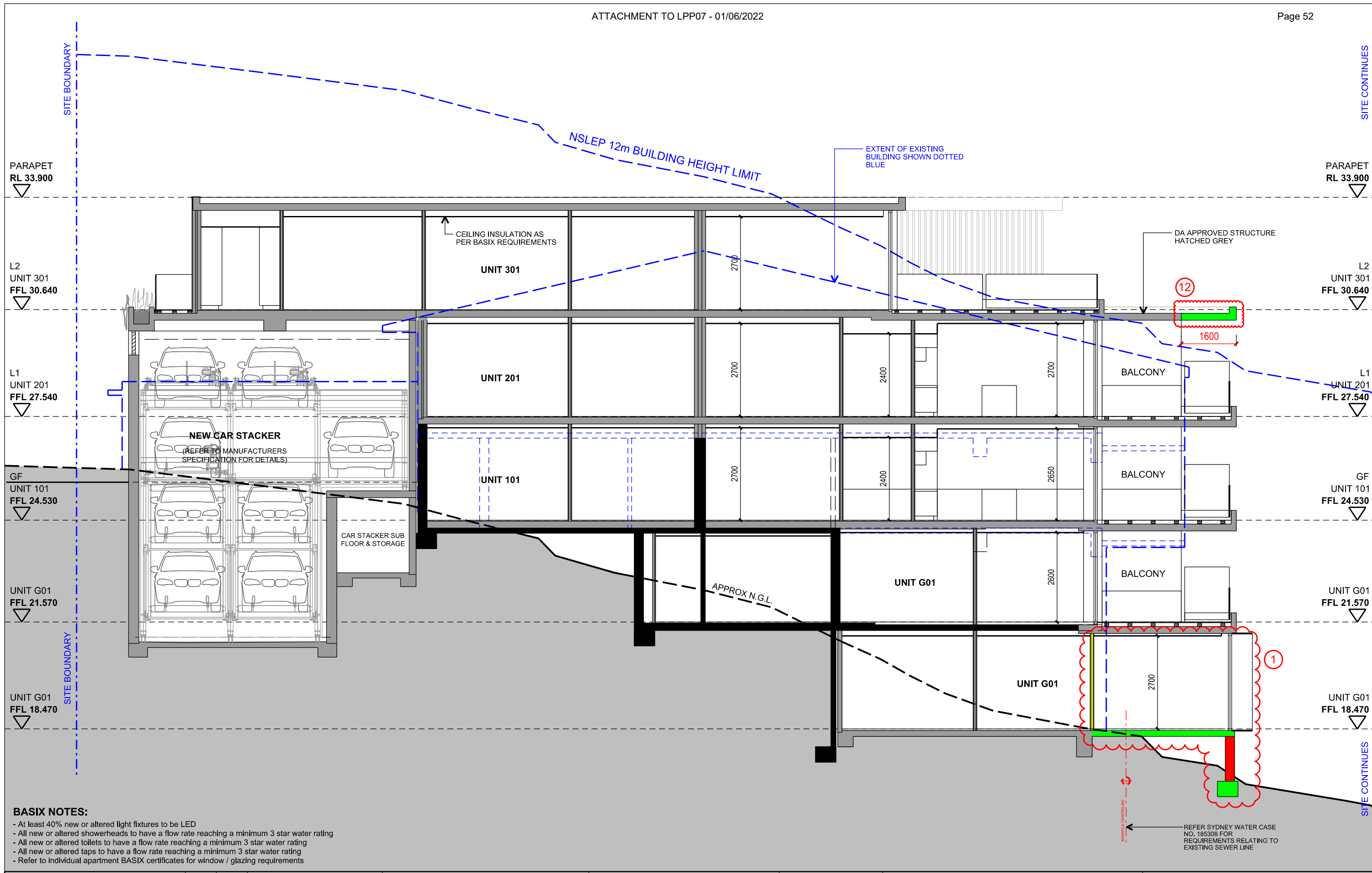
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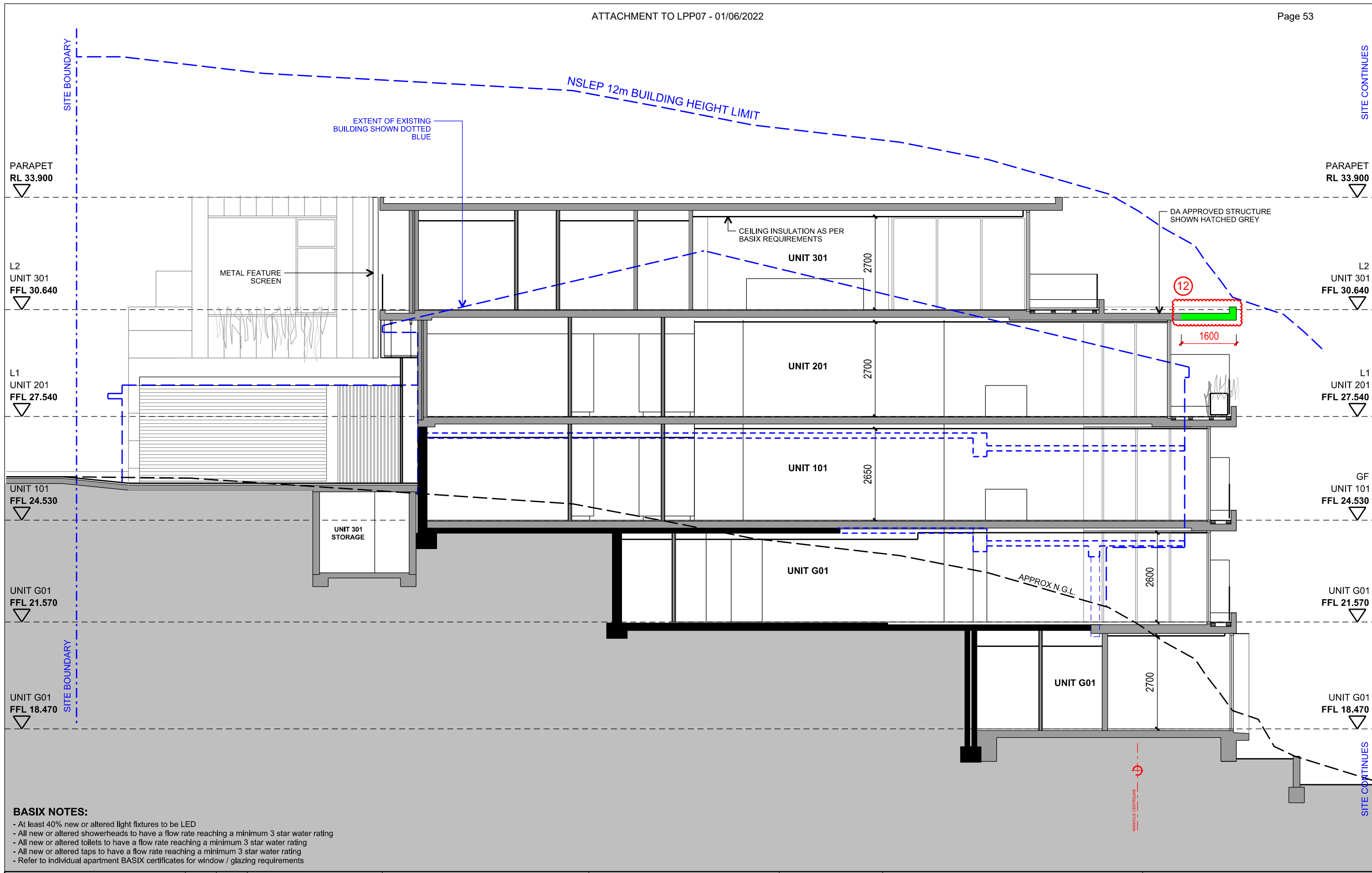
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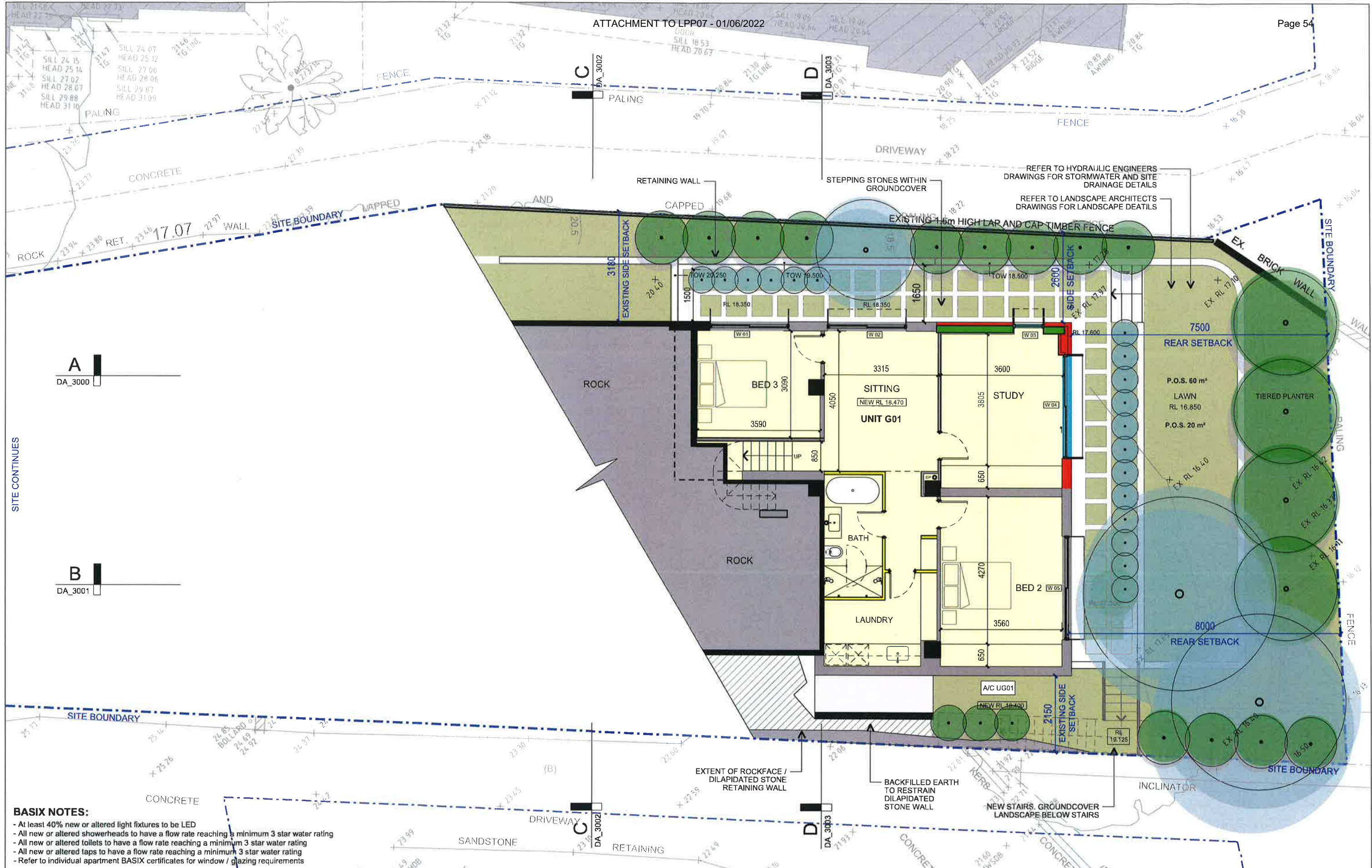
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BASIX NOTES:

- At least 40% new or altered light fixtures to be LED
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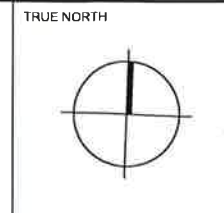
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REVISION	DATE	DESCRIPTION
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07	15.03.22	s4.55 APPLICATION (B) (AMENDED)
08	23.05.22	s4.55 APPLICATION (B) (AMENDED)

LEGEND	
	EXISTING WALLS TO BE RETAINED
	EXISTING WALLS TO BE DEMOLISHED
	DA APPROVED STRUCTURE
	NEW / MODIFIED STRUCTURE

DANIEL YOUNAN & ASSOCIATES

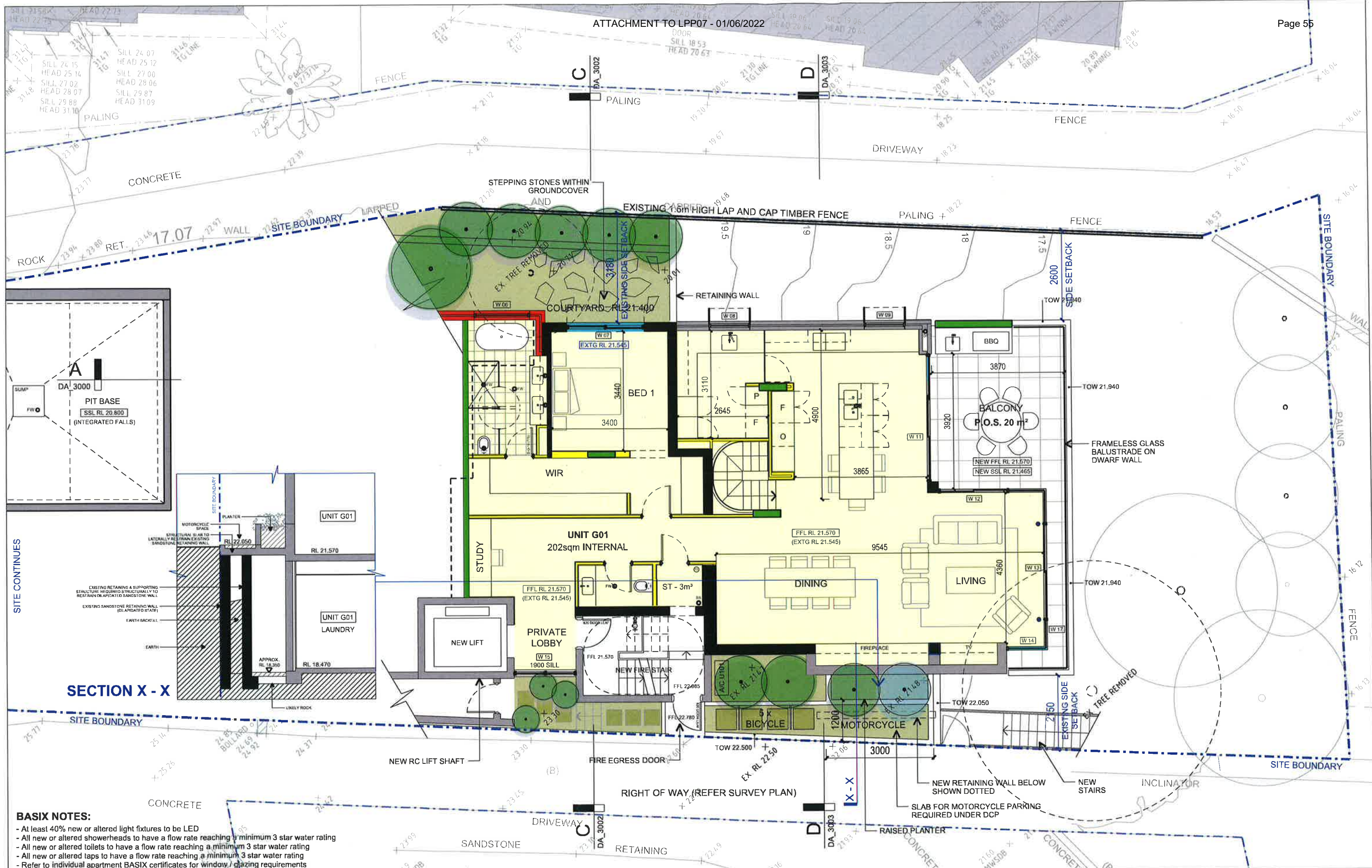
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 ocn: 168 655 249 abn: 13 935 429 944
 nominated architect: daniel younan nsw arb 9215



CLIENT
DATLAS RAHME GROUP PTY LTD

PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE		SCALE	DATE	DRAWN
PROPOSED LOWER GROUND FLOOR PLAN (LOWER)		1:100 @ A3	JULY 19	DY
PROJECT NO.	DRAWING NO.	REVISION		
1912	DA_100_00	08		



- BASIX NOTES:**
- At least 40% new or altered light fixtures to be LED
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03	05.09.19	DEVELOPMENT APPLICATION
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06	24.09.21	s4.55 APPLICATION (B)
07	15.03.22	s4.55 APPLICATION (B) (AMENDED)
08	23.05.22	s4.55 APPLICATION (B) (AMENDED)

LEGEND

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- EXISTING WALLS TO BE DEMOLISHED
- DA APPROVED STRUCTURE
- NEW / MODIFIED STRUCTURE

DANIEL YOUNAN & ASSOCIATES

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 nominated architect: daniel younan nsw arb 9215

TRUE NORTH

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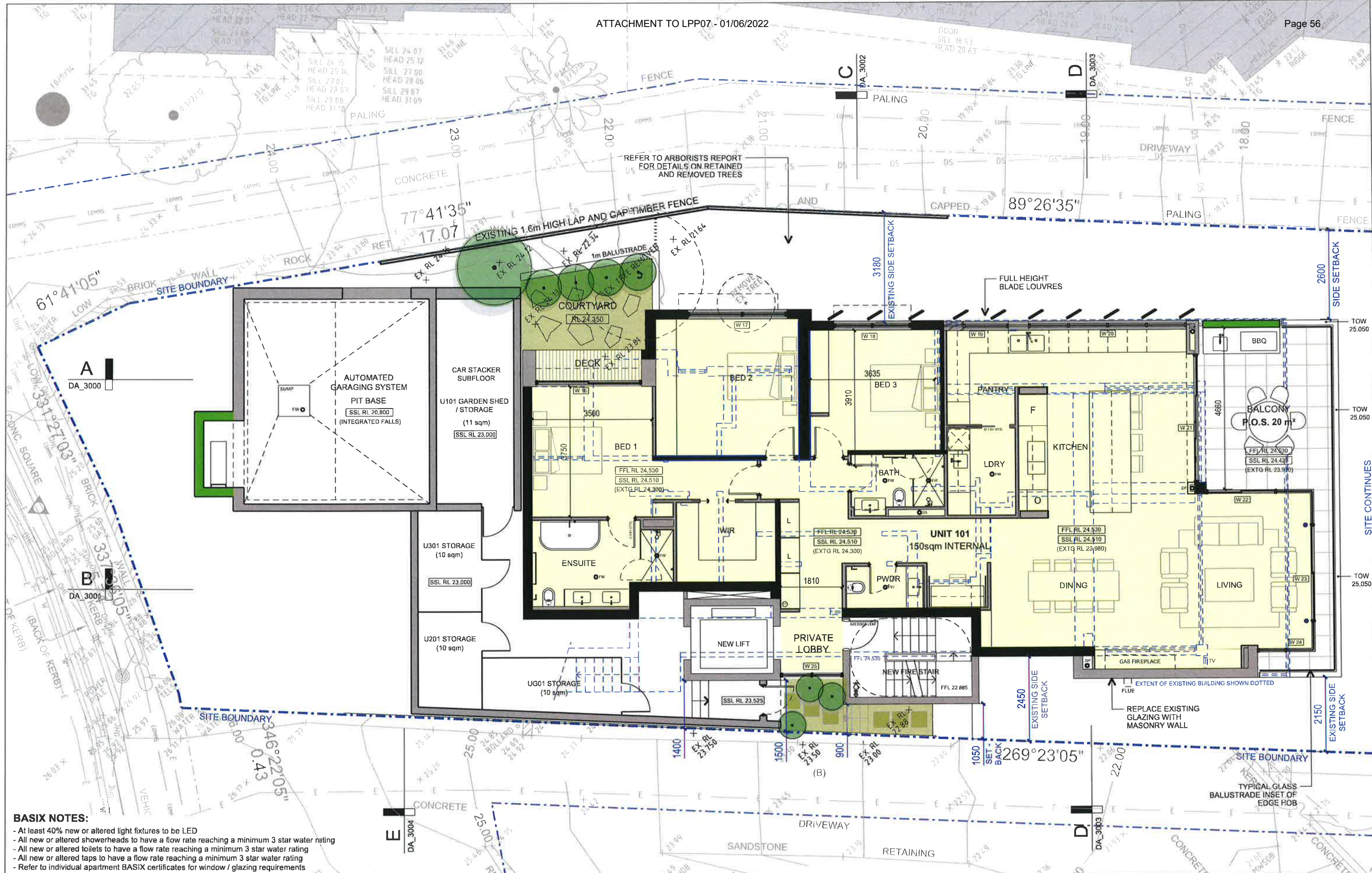
PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE
PROPOSED LOWER GROUND FLOOR PLAN (UPPER)

SCALE 1:100 @ A3

DATE JULY 19
DRAWN DY

PROJECT NO. 1912
DRAWING NO. DA_100_10
REVISION 08



BASIX NOTES:

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- All new or altered toilets to have a flow rate reaching a minimum 3 star water rating
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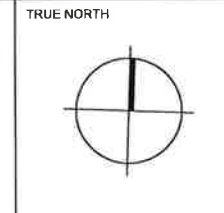
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	DA APPROVED STRUCTURE
	NEW / MODIFIED STRUCTURE

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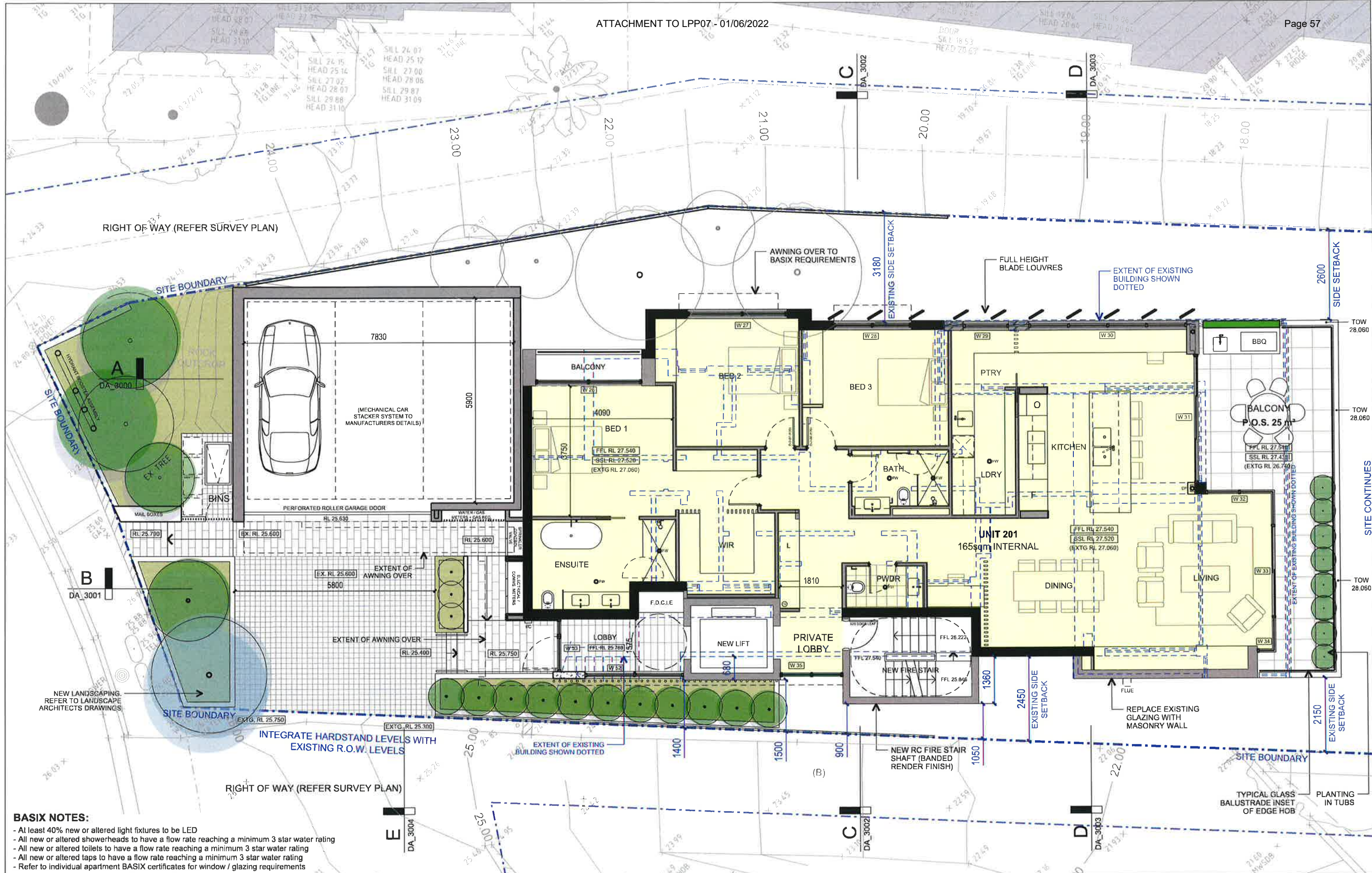
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PROJECT
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 182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE			
PROPOSED GROUND FLOOR PLAN			
SCALE	1:100 @ A3	DATE	JULY 19
PROJECT NO.	1912	DRAWING NO.	DA_100_20
DRAWN	DY	REVISION	06



- BASIX NOTES:**
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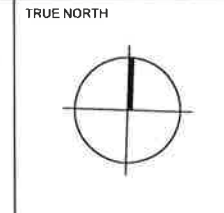
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LEGEND

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- DA APPROVED STRUCTURE
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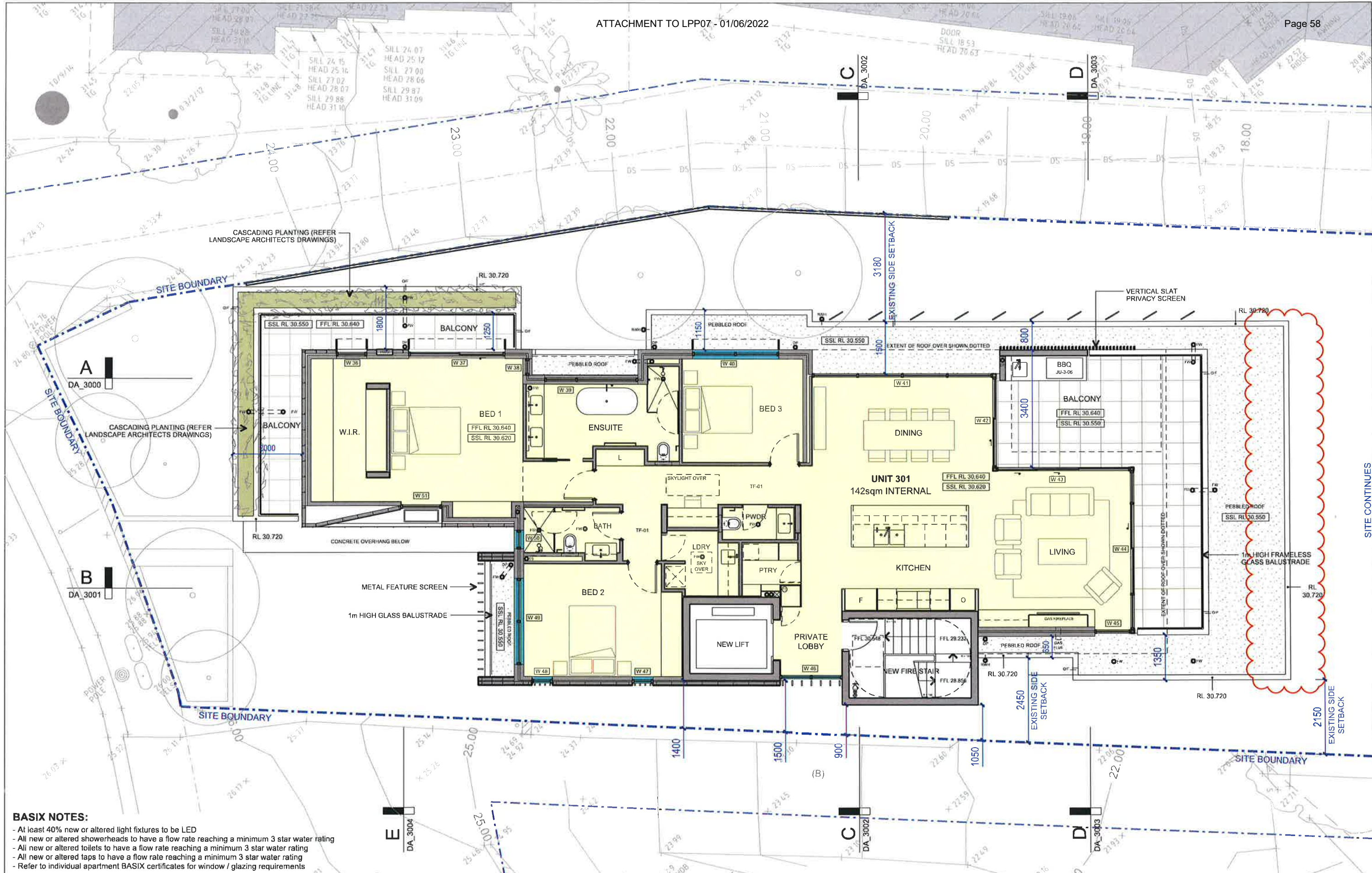


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PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE
PROPOSED LEVEL 1 FLOOR PLAN

SCALE	1:100 @ A3	DATE	JULY 19	DRAWN	DY
PROJECT NO.	1912	DRAWING NO.	DA_100_30	REVISION	06



BASIX NOTES:

- At least 40% new or altered light fixtures to be LED
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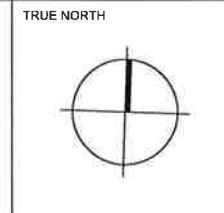
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05	26.03.21	64.55 APPLICATION
06	24.08.21	64.55 APPLICATION (B)
07	15.03.22	64.55 APPLICATION (B) (AMENDED)

LEGEND	
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	DA APPROVED STRUCTURE
	NEW / MODIFIED STRUCTURE

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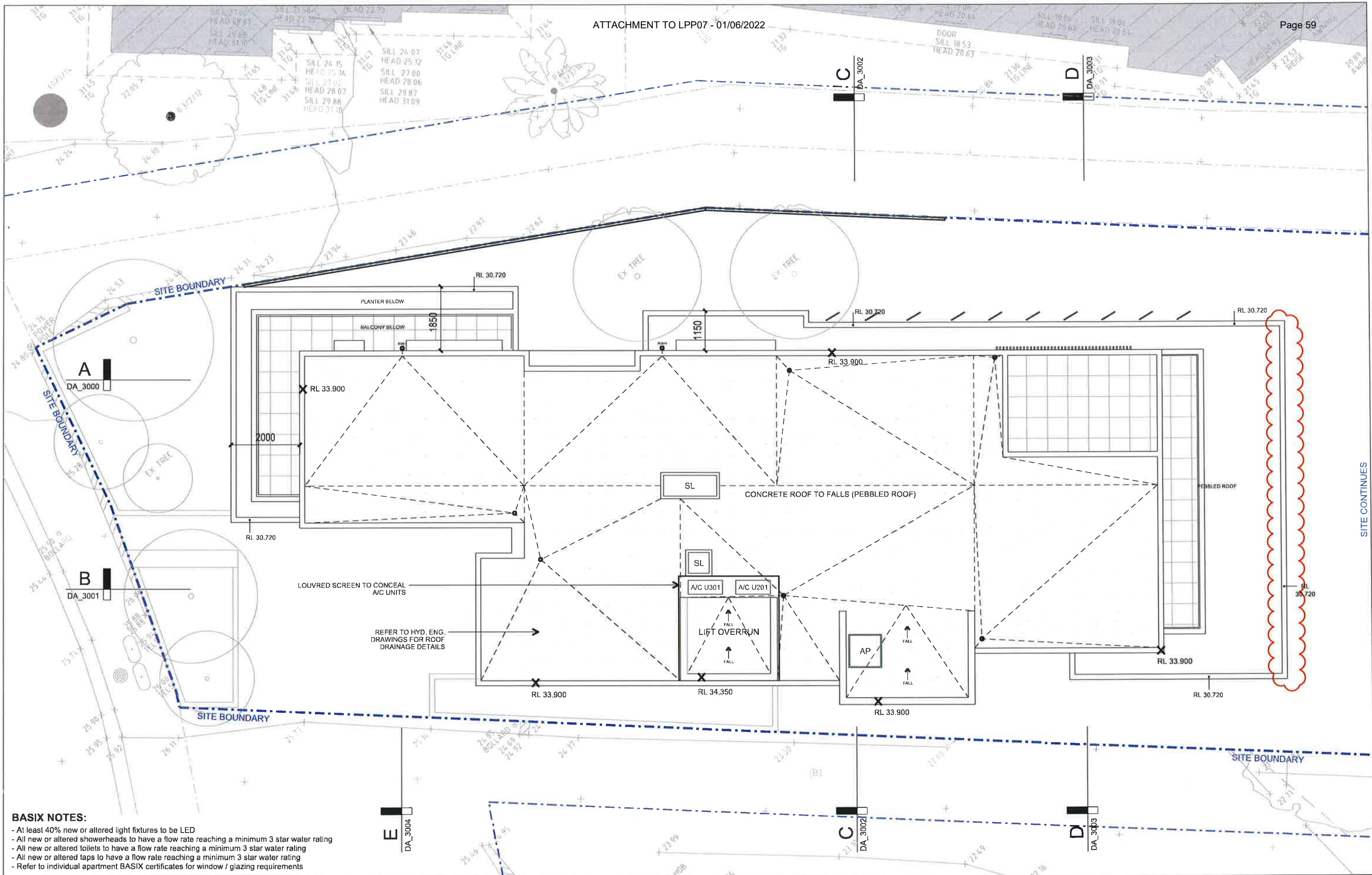
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PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE		SCALE	DATE	DRAWN
PROPOSED LEVEL 2 FLOOR PLAN		1:100 @ A3	JULY 19	DY
PROJECT NO.	DRAWING NO.			REVISION
1912	DA_100_40			07



BASIX NOTES:

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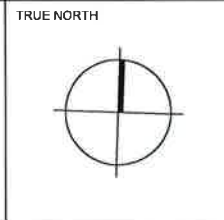
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06	24.08.21	44.55 APPLICATION (B)
07	15.03.22	44.55 APPLICATION (B) (AMENDED)

LEGEND	
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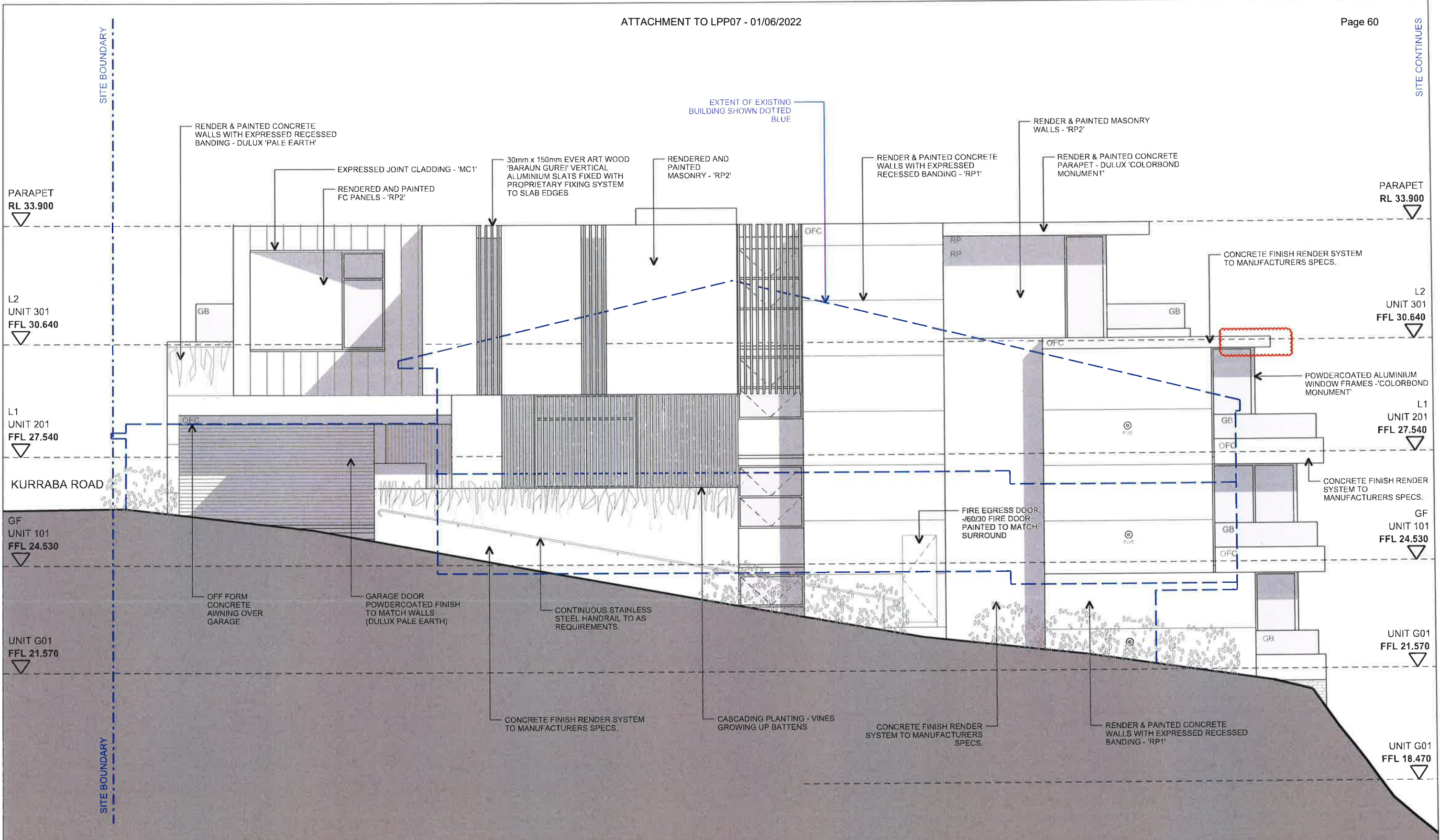
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DRAWING TITLE			
PROPOSED ROOF FLOOR PLAN			
SCALE	1:100 @ A3	DATE	JULY 19
PROJECT NO.	1912	DRAWING NO.	DA_100_50
DRAWN	DY	REVISION	07



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05	26.03.21	s4.55 APPLICATION
06	24.09.21	s4.55 APPLICATION (B)
07	15.03.22	s4.55 APPLICATION (B) (AMENDED)

LEGEND

DANIEL YOUNAN & ASSOCIATES

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 nominated architect: daniel.young.nsw@rb.9215

TRUE NORTH

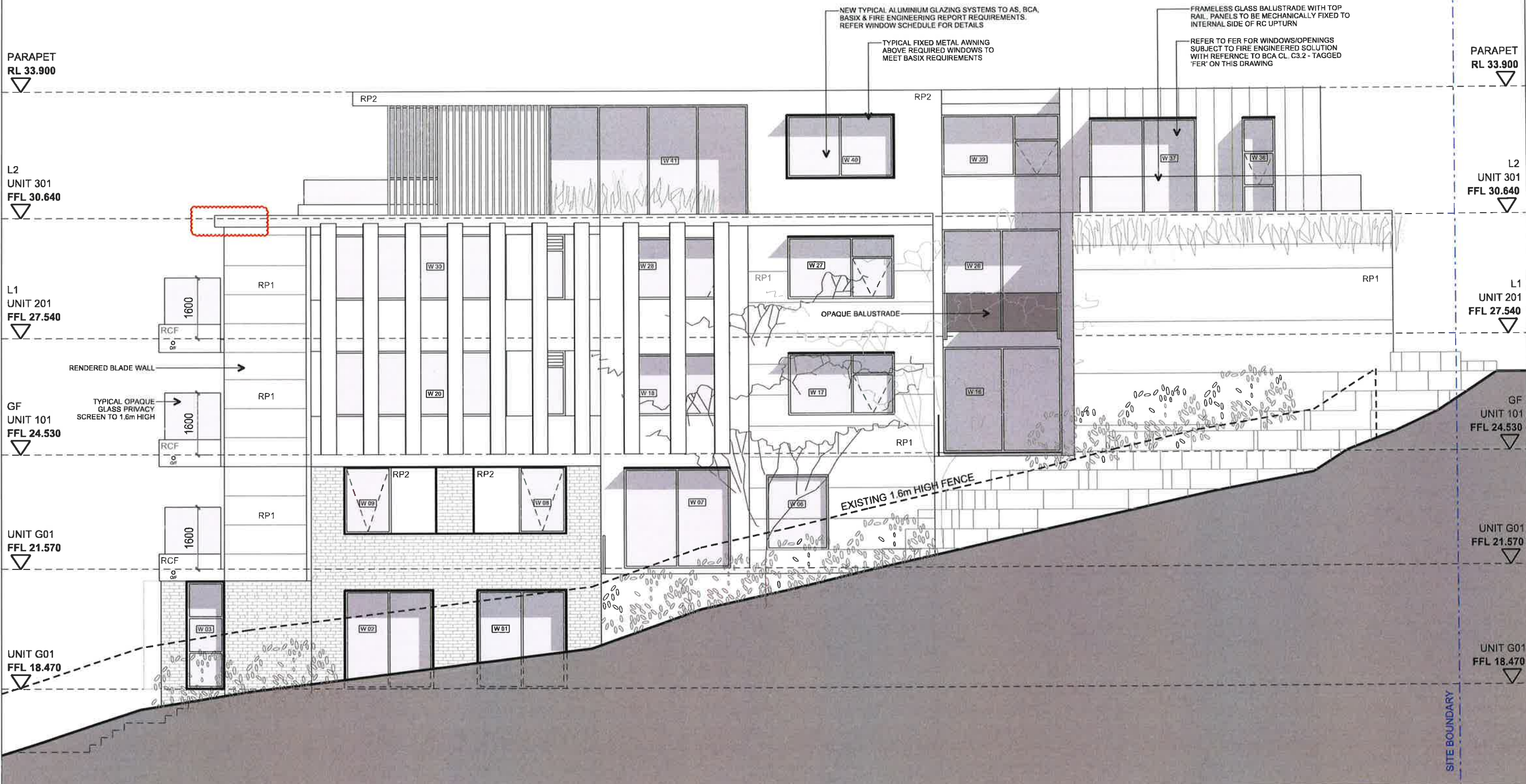
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PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
 182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE		SCALE	DATE	DRAWN
PROPOSED SOUTH ELEVATION		1:100 @ A3	JULY 19	DY
PROJECT NO.	DRAWING NO.	REVISION		
1912	DA_200_00	07		

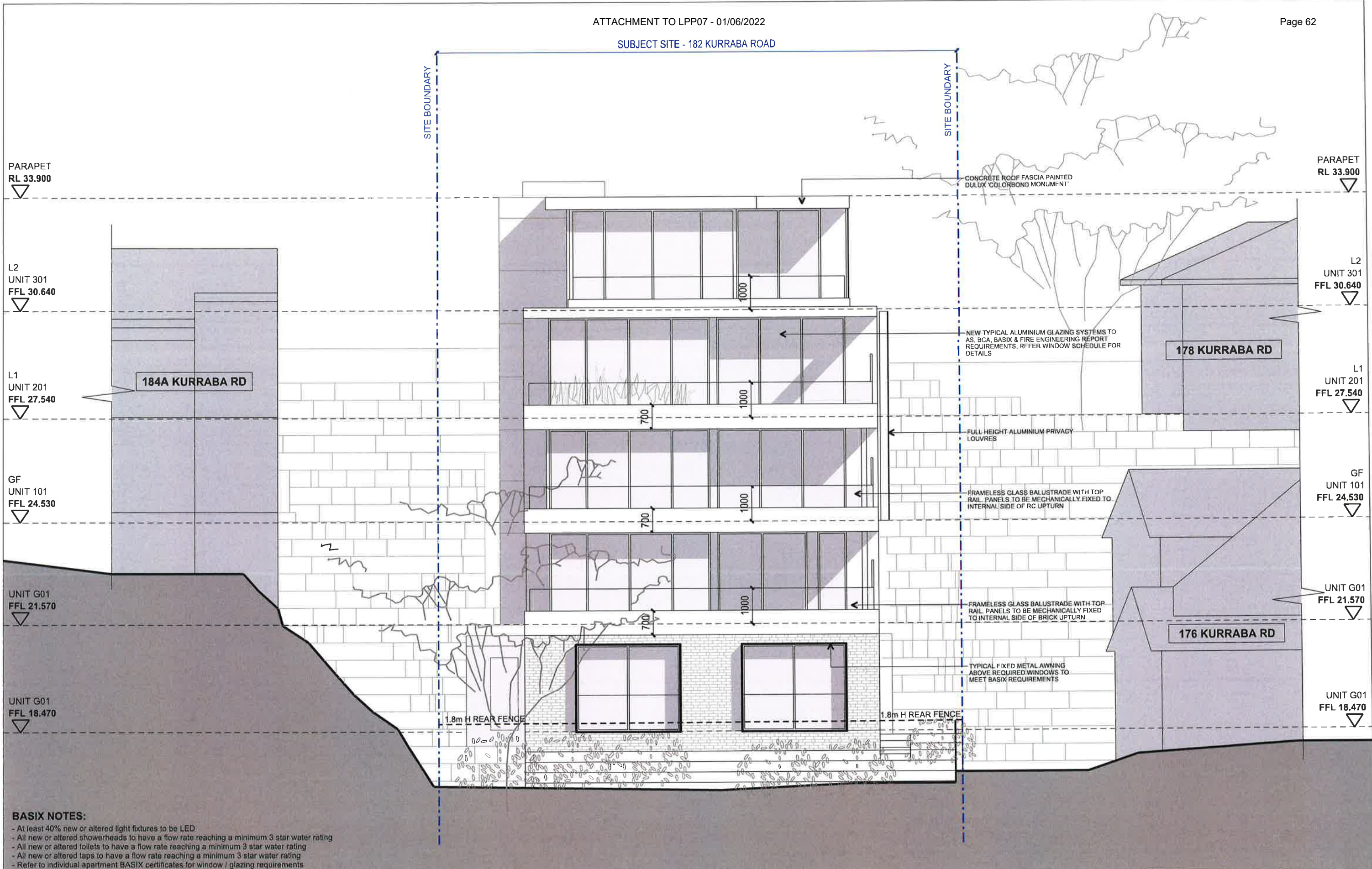
SITE CONTINUES

SITE BOUNDARY



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<p>PROJECT</p> <p>ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129 182 KURRABA ROAD, KURRABA POINT, NSW, 2089</p>		<p>SCALE 1:100 @ A3</p> <p>0 0.5 1 1.5 2 3m</p>	<p>DATE JULY 19</p> <p>DRAWN DY</p>	<p>PROJECT NO. 1912</p> <p>DRAWING NO. DA_200_01</p>	<p>REVISION 07</p>																												

SUBJECT SITE - 182 KURRABA ROAD



- BASIX NOTES:**
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 - All new or altered showerheads to have a flow rate reaching a minimum 3 star water rating
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LEGEND

DANIEL YOUNAN & ASSOCIATES

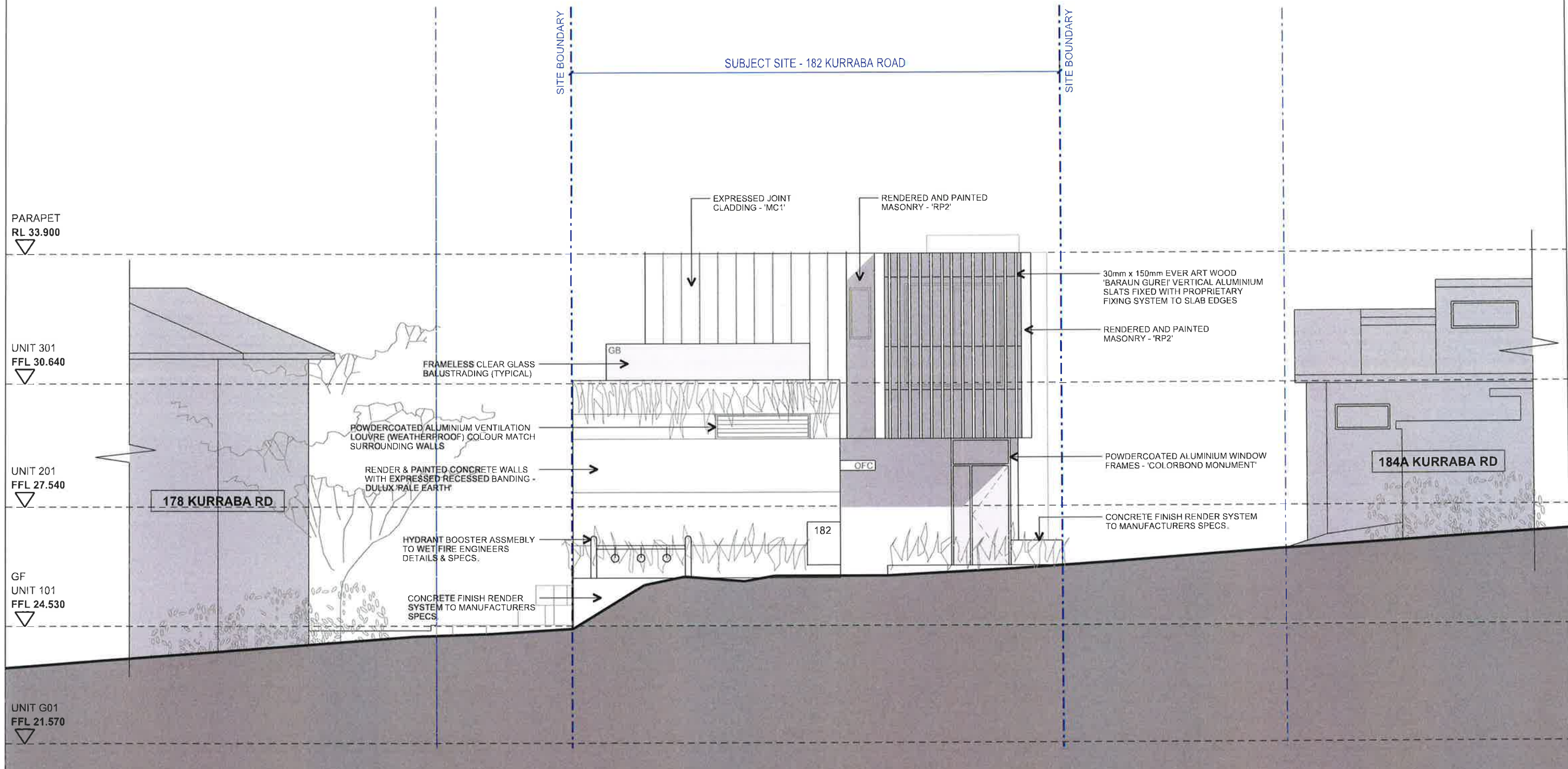
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TRUE NORTH

CLIENT
DATLAS RAHME GROUP PTY LTD

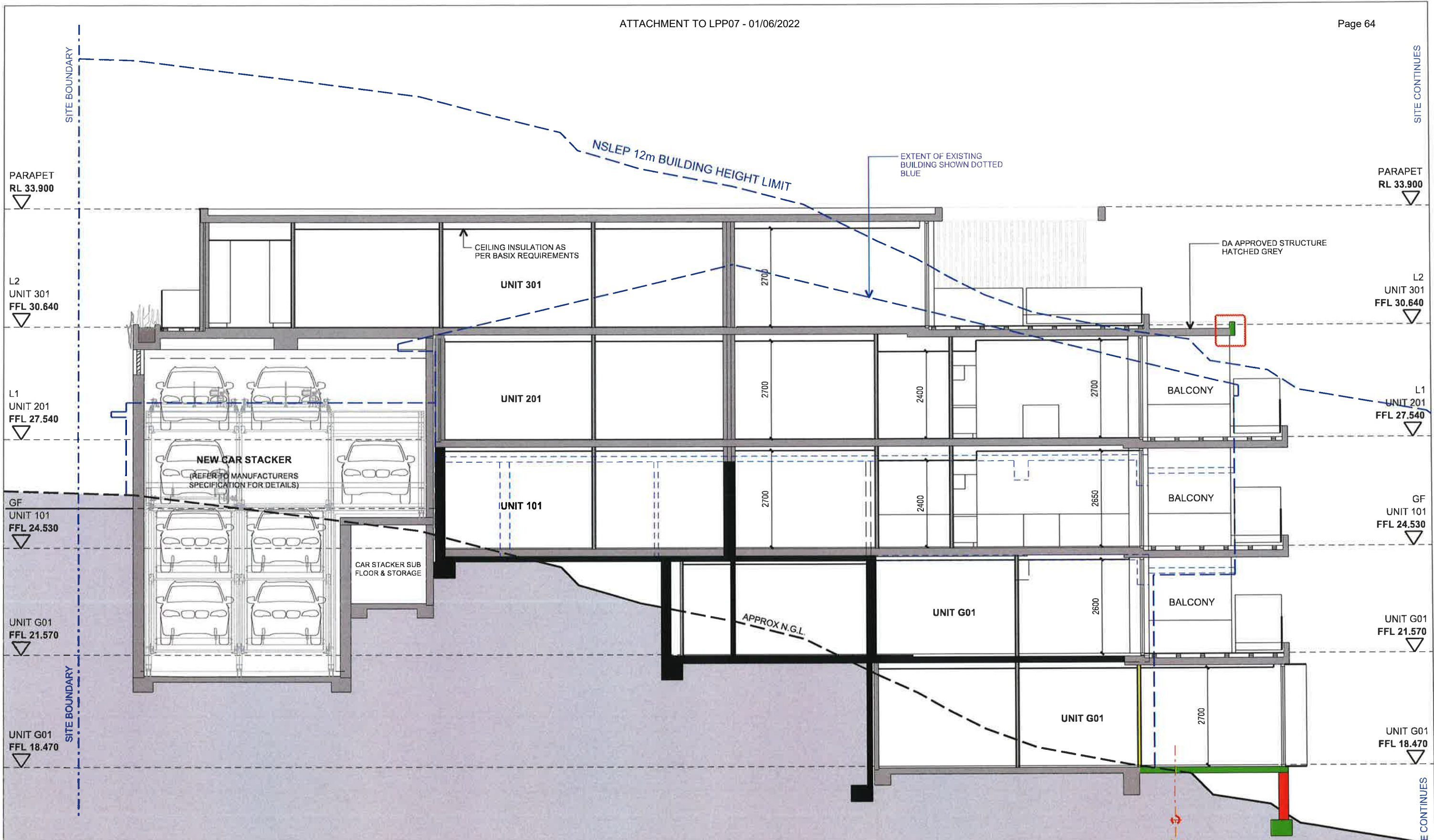
PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
 182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE			
PROPOSED EAST ELEVATION			
SCALE	1:100 @ A3	DATE	JULY 19
PROJECT NO.	1912	DRAWING NO.	DA_200_02
DRAWN	DY	REVISION	06



- BASIX NOTES:**
- At least 40% new or altered light fixtures to be LED
 - All new or altered showerheads to have a flow rate reaching a minimum 3 star water rating
 - All new or altered toilets to have a flow rate reaching a minimum 3 star water rating
 - All new or altered taps to have a flow rate reaching a minimum 3 star water rating
 - Refer to individual apartment BASIX certificates for window / glazing requirements

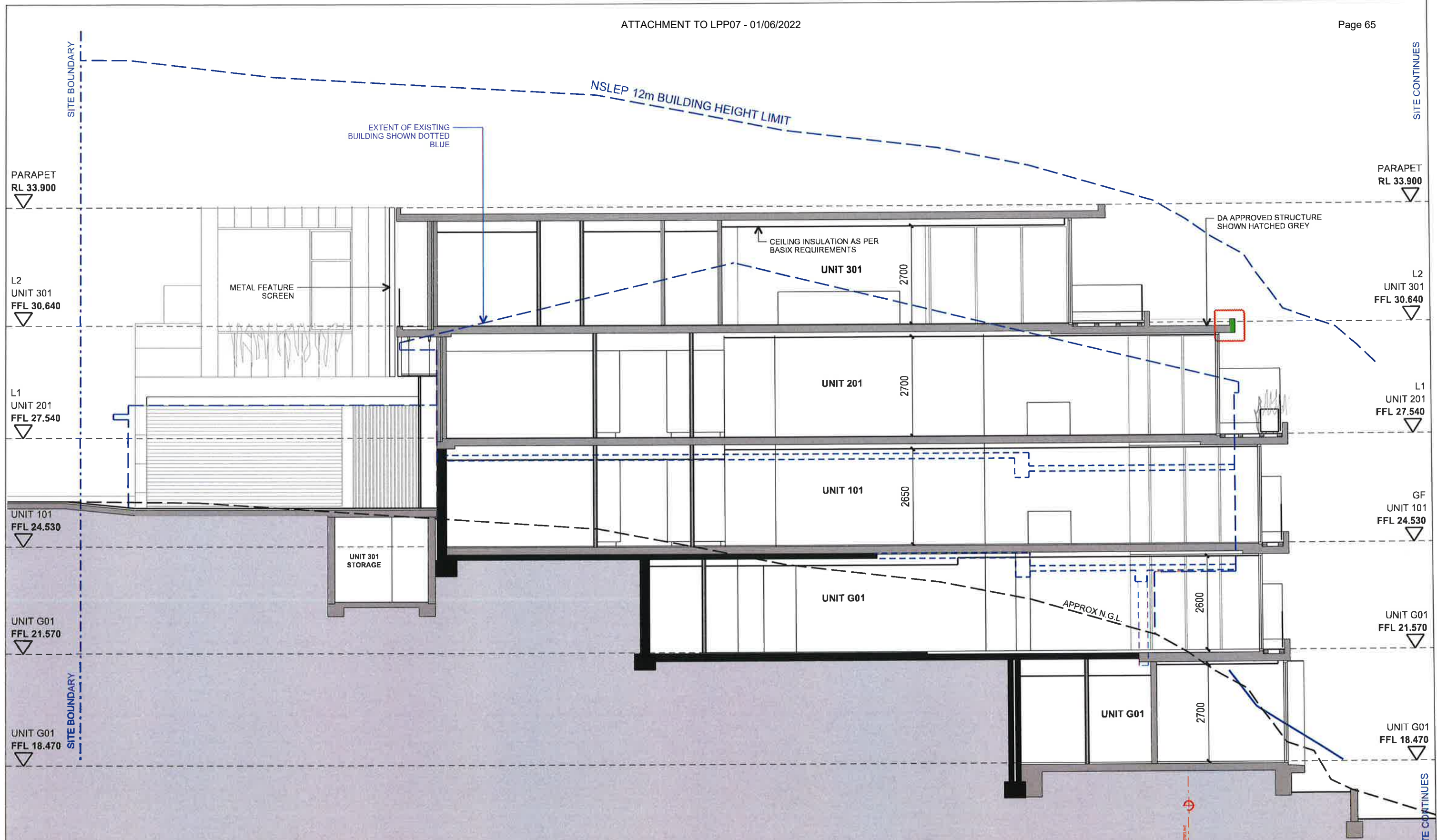
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PRELIMINARY
NOT FOR CONSTRUCTION

REVISION	DATE	DESCRIPTION
00	12.07.19	CONSULTANT ISSUE
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LEGEND	
	EXISTING WALLS TO BE RETAINED
	EXISTING WALLS TO BE DEMOLISHED
	DA APPROVED STRUCTURE
	NEW / MODIFIED STRUCTURE

DANIEL YOUNAN & ASSOCIATES

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 e: daniel@dy-associates.com www.dy-associates.com
 acn: 168 655 249 abn: 13 935 429 944
 nominated architect: daniel younan nsw arb 9215

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PROJECT
ALTERATIONS AND ADDITIONS TO EXISTING RESIDENTIAL FLAT BUILDING SP 14129
 182 KURRABA ROAD, KURRABA POINT, NSW, 2089

DRAWING TITLE			
SECTION B - B			
SCALE	1:100 @ A3	DATE	JULY 19
		DRAWN	DY
PROJECT NO.	1912	DRAWING NO.	DA_300_01
		REVISION	07

NOTES

LOT AREAS AND BOUNDARY DIMENSIONS HAVE BEEN COMPILED FROM DEPOSITED PLANS AVAILABLE AT NSW LAND REGISTRY SERVICES (NSW LRS). NO BOUNDARY SURVEY OR INVESTIGATION HAS BEEN MADE AND NO BOUNDARIES HAVE BEEN MARKED. ACCORDINGLY THE POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES SHOWN HEREON IS DIAGRAMMATIC ONLY.

BEARINGS SHOWN ON THIS PLAN ARE ORIENTATED TO MGA NORTH. IF SHADOW DIAGRAMS ARE TO BE CALCULATED THEY MUST BE CALCULATED USING TRUE NORTH.

THE BOUNDARY LOCATIONS SHOWN ON THIS PLAN ARE PROVISIONAL AND SUBJECT TO FURTHER SURVEY.

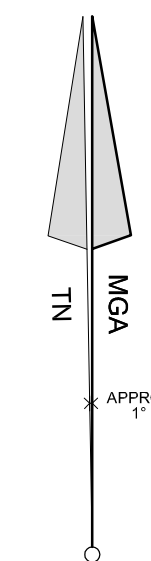
ONLY VISIBLE SERVICES HAVE BEEN LOCATED ON THIS SURVEY. AN UNDERGROUND SERVICES TRACE HAS NOT BEEN UNDERTAKEN.

WHERE THE EXACT LOCATION OF UNDERGROUND SERVICES IS CRITICAL TO THE DESIGN OR CONSTRUCTION THE RELEVANT PARTY SHOULD ARRANGE TO HAVE AN UNDERGROUND SERVICES TRACE CARRIED OUT TO CONFIRM THE SERVICES EXACT LOCATION. IN THIS REGARD ALL PARTIES SHOULD DIAL BEFORE THEY DIG.

TREE SIZES ARE ESTIMATES ONLY.

CONTOUR INTERVAL 1.0m MAJOR, 0.5m MINOR.

0.3 TRUNK DIAMETER@3m RADIUS@8m HEIGHT
27.83 RL AT BASE OF TREE
TREE SIZES ARE ESTIMATES ONLY



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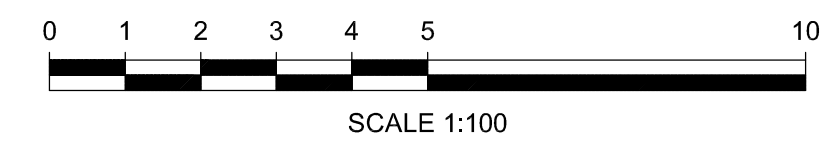


LEGEND

- ELECTRICITY
- GAS
- SEWER
- DISBURSED SEWER
- TELECOMMUNICATION
- WATER
- OVERHEAD CABLE

DIAL BEFORE YOU DIG

(A) EASEMENT FOR DRAINAGE 1.525 WIDE (H1196322)
(B) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (L273824)



USHER & COMPANY
Surveying & Land Development Consultants
A.B.N. 70 128 414 602

Suite 23, 1-3 Havilah Street, Chatswood NSW 2057
PO Box 1199, CHATSWOOD NSW 2057
Phone: (02) 9411 8166
Fax: (02) 9411 8177
Email: admin@usherandcompany.com.au

Amendments		
ISSUE	DATE	DETAILS
INITIAL	27-06-2019	
1	08-07-2019	ADDITIONAL ADJOINING DETAIL ADDED
2	08-07-2019	EASEMENT AMENDED

PLAN:
SHOWING DETAIL AND LEVELS
AT No.182 KURRABA ROAD, KURRABA POINT
BEING SP 14159

LGA: NORTH SYDNEY
SUBURB: KURRABA POINT
ORIGIN: PM 38394
RL 19.51 AHD
CLASS D, ORDER 4
SCMS 19/06/2019

REDUCTION RATIO: 1:100
DATUM: AHD
DATE OF SURVEY: 18-06-2019
SURVEYED BY: MH
DRAWN BY: LL

CLIENT: DATLAS RAHME GROUP
PLAN REFERENCE: 6154-DET

B1
ISSUE: 2