

**NSLPP MEETING HELD ON 6/04/22****Attachments:**

1. Site Plan
2. Architectural Plans & Shadow diagrams

ADDRESS/WARD: 23 Victoria Street, McMahons Point (W)**APPLICATION No:** DA 230/20/2**PROPOSAL:** Section 4.55(2) Modification to DA 230/20/2 to raise the roof level of the approved roof level additions, including a higher lift overrun and introduction of new rooftop terrace.**PLANS REF:**

Plan No.	Issue	Title	Drawn by	Dated	Received
DA1	D	Proposed Site Plan + Site Analysis	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA4	D	Existing Basement Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA5	D	Existing Ground Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA6	D	Existing First Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA7	D	Existing Roof Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA8	D	Proposed Basement Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA9	D	Proposed Ground Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA10	D	Proposed First Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA11	D	Proposed Attic Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA12	D	Proposed Roof Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA13	D	North Front & West Side Elevations	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA14	D	South Rear & East Side Elevations	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA15	D	Sections 1 & 2	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA20	D	Schedule of Materials & Finishes	Barbara Architecture and Interiors	26 August 2021	7 September 2021

OWNER: Selva Nithan Thirunavukarasu**APPLICANT:** Studio Barbara**AUTHOR:** Kim Rothe, Senior Assessment Officer**DATE OF REPORT:** 30 March 2022**DATE LODGED:** 7 September 2021**SUBMISSIONS:** Nil (0)**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The subject application is an application made under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 and amended and seeks to modify DA 230/20 for alterations and additions and change of use from a commercial building to a single residential dwelling house on land at No. 23 Victoria Street, McMahons Point.

The original application was approved by the North Sydney Local Planning Panel at its meeting 2 December 2020 subject to conditions. The matter was reported to NSLPP on the basis of the height breach to Clause 4.3 of NSLEP 2013 proposed exceeding the 10% allowed to be supported by staff under delegated authority. The exceedance was 20%.

The application seeks approval for the following modifications to the approved development altering the approved attic level plan which included stair access to a study / storage area into a newly proposed outdoor roof terrace with adjoining sitting room and bathroom. The lift incorporated into the other levels will be extended to allow for access to this new enhanced level. There will also be a new lightwell over the entry door area.

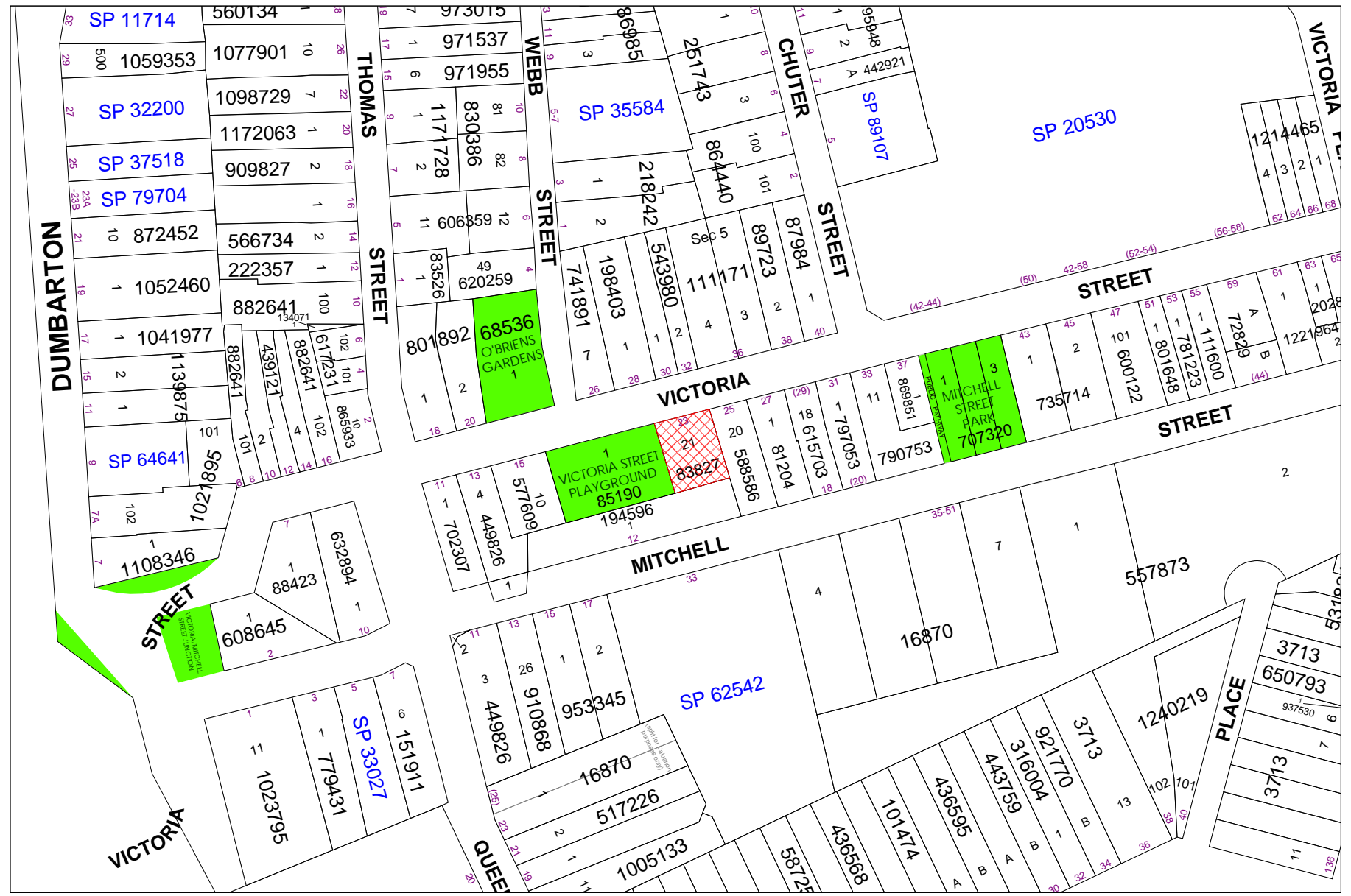
The application is reported to the NSLPP Panel on the basis that the modification proposal will increase the building height breach pursuant to Clause 4.3 Building Height of NSLEP 2013 previously considered by the Panel. In accordance with the Minister's Directions and the application must be determined by the Panel due to the extent of the breach exceeding 10%.

Council's notifications of the proposal as modified has attracted **zero (0) submission** raising concerns regarding the development

The further variation to the building height development standard is justifiable in the circumstances as the amended proposal would achieve the objectives of the development standard despite the non-compliance. The modified amenity impacts, revised layouts, privacy and solar access, are assessed as reasonable and acceptable.

Following this assessment, the Section 4.55 application is considered to be substantially the same development and the breaches to the height standard are assessed as reasonable in the circumstances. The Modification is recommended for **approval** subject to amending conditions as detailed in the recommendation of this report.

LOCATION MAP



Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF MODIFICATION PROPOSAL

The proposal before Council is for a Section 4.55(2) Application to modify the application granted approval by North Sydney Council under DA230/21

The modification proposal involves altering the as approved attic level plan. The approved space included stair access to a study / storage area. The subject proposal is sought to alter the space into a sitting room with a newly proposed outdoor roof terrace and new bathroom. The lift incorporated into the other levels will be extended to allow for access to this new extended level. There will also be a new lightwell over the entry door area. The roof level and shape has been altered to improve the amenity and functionality of the space.

The modifications to the uppermost level plan and elevations of the modification plan suite are shown in the following figures.

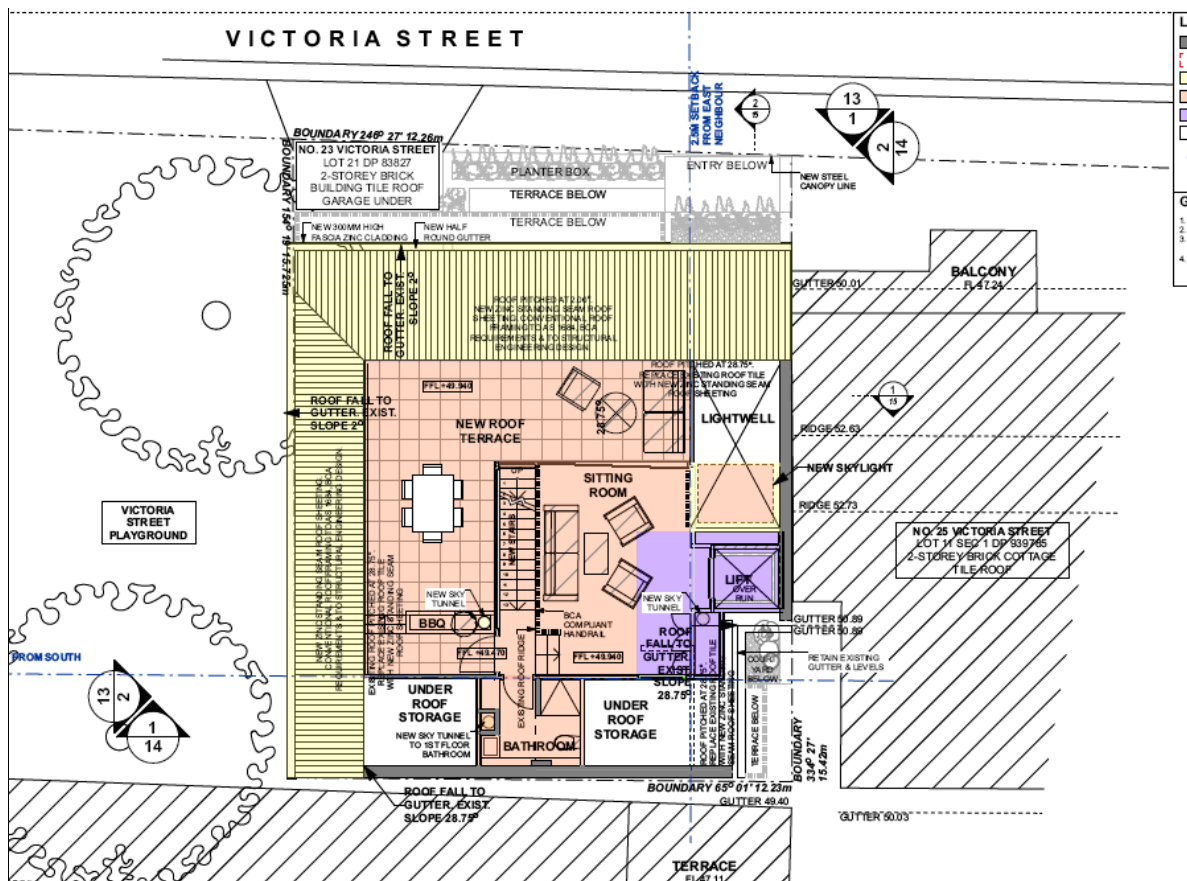


Figure 1: Proposed attic/new terrace plan

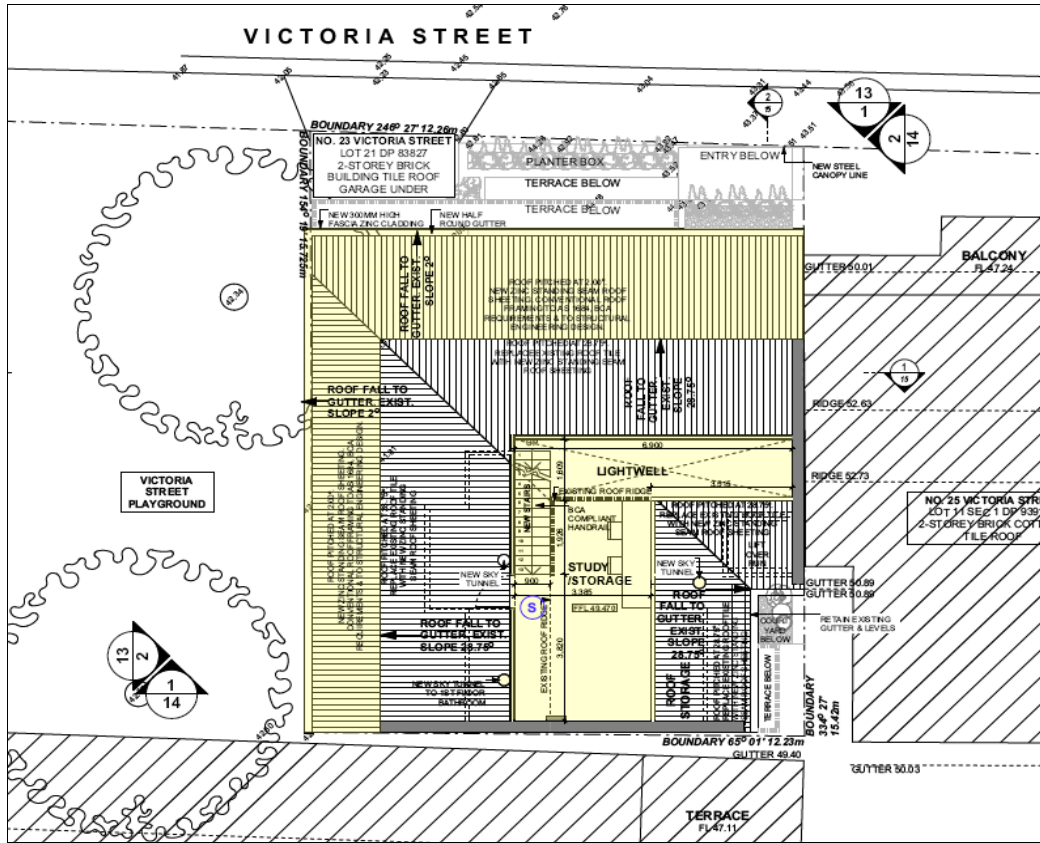


Figure 2: Approved attic plan

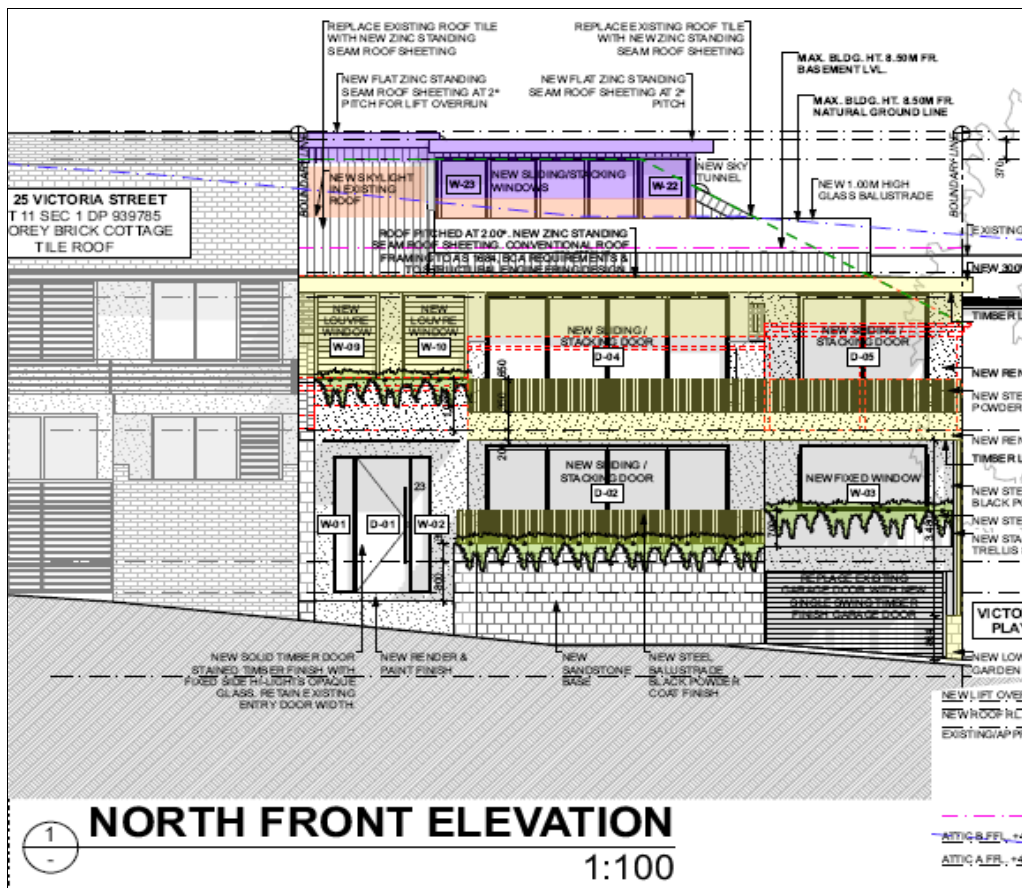


Figure 3: Proposed modified street elevation

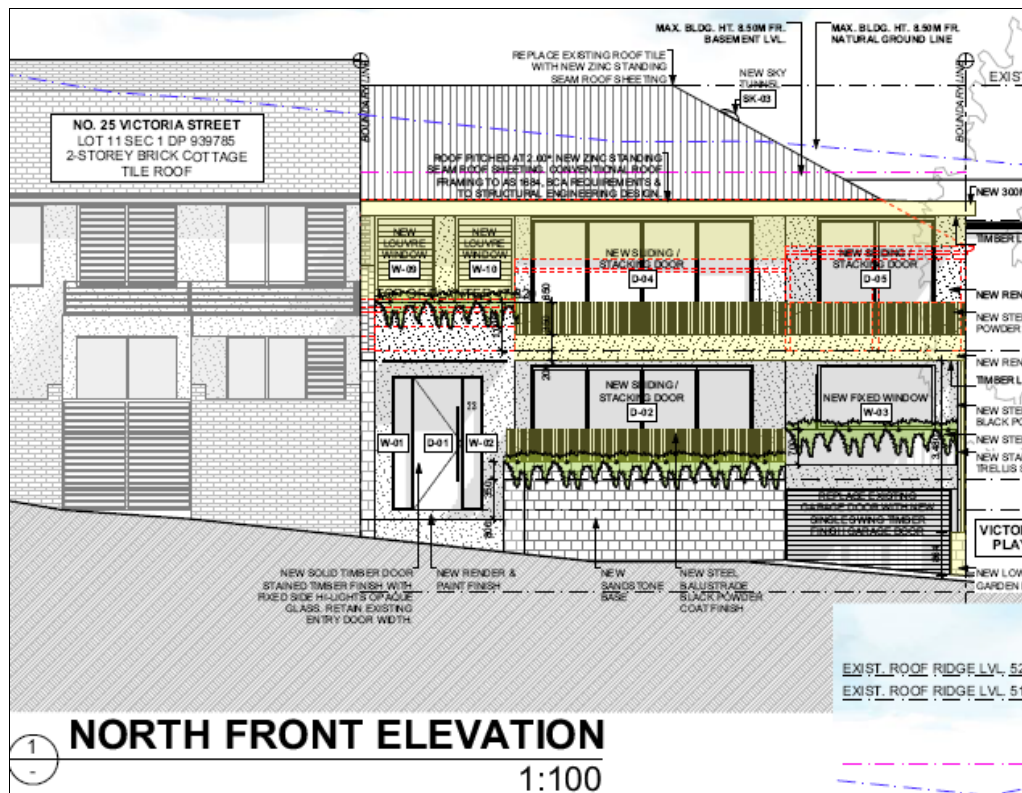


Figure 4: Approved street elevation

CHECKING OF PLANS

The plans for the S4.55 application have been checked to ensure that the changes being sought under the current application are the only changes included in the submitted plans.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning - Light Industrial Zone IN2
- Item of Heritage - No
- In Vicinity of Item of Heritage - Yes - (34-36 Victoria Street, McMahons Point)
- Conservation Area - No
- FSBL - No

Environmental Planning & Assessment Act 1979

SEPP (Resilience and Hazards) 2021

SREP (Sydney Harbour Catchment) 2005

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

- *Part B Section 1 Residential Development,*
- *Part C Section 9.0 and 9.2 Lavender Bay Planning Area and the McMahons Point Business District*

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 21 in DP 83827, 23 Victoria Street, McMahons Point. The site has an area of 190.5sqm. Erected on the site is a two-storey brick building with tile roof and basement style car parking. The site fronts Victoria Street with a width of approximately 12m and a side boundary length of 15m.



Figure 4: Existing Street View of Subject Site

The subject site is located along the southern side of Victoria Street, McMahons Point. It has a primary frontage to Victoria Street. The surrounding area is characterised by a mix of residential dwellings ranging from terraces to detached dwellings as well as commercial development closer to Blues Point Road. The site adjoining a small “pocket” park to the south, known as Victoria Street Playground.

RELEVANT HISTORY

Site History

There is no development application history that is applicable to the subject site. Upon a site visit, the use of the subject site is used for currently used for commercial purposes

Subject Application

On December 2020 The North Sydney Local Planning Panel considered DA230/20 for alterations and additions and change of use from commercial building to single residential dwelling house. The matter was reported to NSLPP on the basis of the height breach to Clause 4.3 of NSLEP 2013 proposed exceeded 10%. The approved breach resulted in an overall height of 10.2m for the building above ground level (existing) and a breach to the height standard of 20%.

The application was considered and approved by the Panel on the grounds that the breach to the height standard was reasonable and the development warranted approval.

REFERRALS

Building

The application has not been assessed specifically by Council in terms of compliance with the National Construction Code Building Code of Australia (BCA). Council's standard condition relating to compliance with the BCA/NCC has been imposed and should further amendments be necessary to any approved plans to ensure compliance with the BCA, then a further Section 4.55 application to modify the consent may be required.

Heritage

The site is not located within a conservation area nor is it identified as a heritage item. The original application obtained advice from Council's Heritage Planner on the basis of the development's proximity to other heritage items. Whilst concerns were raised to the elements of the proposal, the matters as raised in the original application were responded to and did not result in the imposition of any specific conditions of development consent.

The proposed modifications would not alter the original conclusions and recommendations of the original approved development to the extent that revised comments are required from Council's Heritage Planner. This includes consideration against the altered roof form which, being high upon the building, will not result in adverse impacts to the built form of the building and the established character of the local area.

Other Referrals

The original application was also reviewed by Council's Engineer for stormwater and vehicular access matters and Council Health officer for contamination matters. The modifications do not alter the conclusions of the earlier referrals.

SUBMISSIONS

The application was notified to adjoining properties between 24 September 2021 to 10 October 2021. The application was notified in accordance with the North Sydney Community Participation Plan 2019. Nil (0) submissions were received during the notification or assessment of the application.

CONSIDERATION

The application has been submitted under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 under which the proposal is required to be assessed having regard to the following matters.

The proposal is required to be assessed having regard to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: -

- (2) *Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
- (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.*

S.4.55(3) & S.4.15(1) CONSIDERATION

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

1. Is the proposed development as modified substantially the same development approved?

In considering whether the proposed modifications to the development application are substantially the same development as that originally approved by Council, consideration should be given to the scope of changes in comparison to that originally approved by Council

The applicant supplies the following arguments in support of the proposal being substantially the same development:

3.3 Application of the phrase 'substantially the same' has been the subject of much legal debate. Council's vary in the application of this clause based on a degree of subjectivity given there are no numerical standards against which to test the amendment.

3.4 In respect to the subject S4.55 application there is no change to the proposed land use which is maintained as a dwelling house. The modified proposal is therefore substantially the same from a land use perspective.

3.5 The nature of S4.55 of the EP&A Act 1979 assumes that there is likely to be some change between an originally proposed (and approved) development and a modified one. The decision of North Sydney Council – v – Michael Standley & Associates Pty Ltd, (97 LGERA 433,12 May 1998, Mason P), added to the understanding of the appropriateness of permitting a modification as follows:

"Parliament has therefore made it plain that a consent is not set in concrete – it has chosen to facilitate the modifications of consents, conscious that such modifications may involve beneficial cost savings and / or improvements to amenity."

3.6 In contemplating consent for a modification, it is the degree of change which determines whether the consent authority has the power to approve a modification adopting the threshold test under Section 4.55(2)(a) of the EP&A Act 1979.

3.7 The word to modify means 'to alter without radical transformation' as confirmed in Sydney City Council v Ilenace Pty Ltd (1984) 3 NSWLR 414. In our opinion the changes are substantially the same. The changes are not deemed to be radical as the overall building footprint remains unchanged and the additional volume associated with the roof level is setback from the leading edge of the building. The additional volume adjacent to the eastern boundary does not impact upon the adjoining development. The original approval provided access to the roof level in the form of attic space. Overall, the intent and essence of the original approval has been maintained. The changes have no significant adverse impact and on this basis the Council is well within its power to determine the application under S4.55(2). The amendments to the roof level are tested against the relevant planning controls to determine whether the proposal is in the public interest.

3.8 *The main consideration under Section 4.55 is what constitutes “the same development” and what are the parameters defining “substantially”. In the case of Vacik Pty Limited and Penrith Council (unreported 24 February 1992, Stein J), the Court held that substantially means “essentially or materially or having the same essence” and that the substance of determining these matters rests with a comparative analysis between the consent being varied and the modification and this approach is supported by the decision of Bignold J in Moto Projects (No 2) Pty Ltd and North Sydney Council (NSWLEC 280, Appeal 10741A of 1997, 17/12/99).*

3.9 *When considering material impact, it is our opinion that the proposed modifications are not of such significance to warrant a new application. By way of assistance, the Macquarie Concise Dictionary defines material to mean, amongst other things: of such significance to be likely to influence the determination of a cause. Other common meanings of material in relation to impacts would include real, not incidental or slight.*

3.10 *By way of relevant examples of the Court:*

In the matter of Wang v Wollahra MC [2006] NSWLEC 106, the Court approved the addition of an additional storey at “lower ground floor level (containing pool, sauna, pool plant area, ac area and bathroom” such that the approved two storey building was now a 3-storey building and still deemed the proposal to be substantially the same.

In the matter of 258 Crows Nest Development Pty Ltd v North Sydney Council [2006] NSWLEC 420, the Court approved an additional residential unit on the approved roof terrace level and still deemed the proposal to be substantially the same.

In the matter of McKirdy v Hunters Hill Council [2005] NSWLEC 200, the Court approved a section 96 to increase a basement area by some 28%, notwithstanding it was contrary to a specific condition of consent.

In Tipalea Watson Pty Ltd v Ku-Ring-Gai Council [2003] NSWLEC 253 the Commissioner confirmed that external changes to an approved building are acceptable under a Section 96 application given that external appearance is only but one aspect of a development that makes a whole entity. In that case Councils expert considered the overall external changes to result in a “significantly different architectural appearance and character” of the development offering a “different presentation” to the streetscape and neighbouring properties however the Court did not agree with this position.

Council generally applies the tests as outlined by in *Bignold J in Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*. The following analysis by the assessment officer is provided for comparative analysis

In *Moto Projects (No. 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298* the NSW Land & Environment Court found that when considering the merits of a modification proposal, that a qualitative and quantitative comparison of the original application and the modified application should be undertaken, noting that *'the result of that comparison must be a finding that the modified development is "essentially" or "materially" the same'* (*Bignold J in Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*).

The proposed modifications **will** result in development that can be considered is substantially the same development as originally approved by Council, noting the following modifications would result in qualitative changes to the development consent that are materially consistent with the scope of the approved development and would not diminish the reasons given for the original determination.

There is no adverse change to overall bulk and scale of the building in comparison to the approved building layout. The modifications are primarily concerned with improving the internal circulation and internal amenity available to the occupants of the building, BCA/NCC compliance and constructability of the development. The works do not alter the fundamental nature of the proposal which was the approval of the former commercial building to a residential building.

The modifications are substantially the same for the following reasons:

- The original development consent granted approval for alterations and additions to the existing commercial premises and also supported change of use from commercial to residential. In noting the site is already significantly high in site coverage and there were limited opportunities to provide for high quality private open space. The new application overcome this limitation and will improve the available private open spaces on site.
- It is likely that if the original application had included the requested alterations, they would have had a high likely hood of being approved in the development, on the basis of the amenity improvements and lack of tangible impacts to the surrounding properties
- The approval included a *new* study/storage room with stair access within the roof space however this space had a racked ceiling and no outdoor space. The subject modification expands on this approval by creating the necessary floor to ceiling height clearance but fundamentally does not propose a new level to the building not previously approved.
- The internal area of the roof level modifications is the same as that approved but the roof form in altered to make the area more properly habitable in terms of floor to ceiling heights than the ancillary space as was approved.
- The surrounding outdoor terrace space while being entirely new is considered to result in no new adverse impacts arising and supports the internal modifications.
- Whilst the roof terrace and changes to the roof form are new structures the test of ***Bignold*** is not to restrict the introduction of new structures or features but only that the proposal is "essentially" or "materially" the same. Fundamentally, the proposal remains the same and a conversion of a commercial to a residential development.
- The proposed modifications would see significant improvements beyond those provided in original consent without substantially altering the nature of the existing approval.
- With analysis, the new alterations will not adversely increase the level of impact arising from the development
- The applicant has provided a supportive statement which has addressed the relevant provisions of Section 4.55(2) of the EP & A Act 1979 or provided a qualitative assessment of the effects of the proposed modifications in comparison to the approved development application.

On the basis of the above, the proposed modifications result in development that is substantially the same development as that originally granted by Council.

2. Whether the application required the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?

No concurrence with any other authority is required.

3. Whether any submissions were made concerning the proposed modification.

The application has been notified. No submissions raising any concern with the proposed modifications has been received during the course of the assessment of the modification application. This is assessed in detail later in the report.

4. Any relevant considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979.

In determining a development application, a consent authority is to take into consideration the following matters relevant to the development application:

(a) The provisions of any environmental planning instrument or draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Refer to detailed assessment below

5. The reasons given by the consent authority for the grant of the consent

In the minutes of the NSLPP panel of 2 December 2020, the panel noted the following regarding the approval of the proposal:

The Panel is satisfied the development warrants approval.

By way of comment, the Panel notes that the natural ventilation for two bedrooms must be in accordance with the National Construction Code.

The reason is also provided on the determination notice.

The modifications do not result in any new adverse amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

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

SEPP (Resilience and Hazards) 2021

The amendments do not alter any of the Council's previous conclusions in this regard.

SREP (Sydney Harbour Catchments) 2005

The site is located within the area covered to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. However, no primary views to the site exist from the Harbour. It is considered that the development remains acceptable with regards to this Policy.

SEPP (Building Sustainability Index: BASIX) 2004

An amended BASIX Certificate has been submitted with the application.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

Permissibility / Zone Objectives within the zone:

There is no alteration to the permissibility or zone objectives adherence aspects of the development. The modification proposal, as amended maintains the developments suitability with regard to the IN2 Light Industrial Zone pursuant to the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of a *dwelling house* is permissible within the zone, however, requires development consent.

LEP 2013 Compliance

The application has been assessed against the principal development standards controls in NSLEP 2013 as indicated in the following compliance table. More detailed comments with regard to non-compliances are provided later in this report.

STATUTORY CONTROL - North Sydney Local Environmental Plan 2013				
Site Area - 190.25sqm	Existing	Proposed	Control	Complies
Principal Development Standards				
Height of buildings (Cl.4.3) (max)	10.2m (including approved)	10.26 m	8.5m	No
FSR (Cl.4.4 & 20)	-	-	None specified	N/A

Height of Building

The proposed building height as approved at its maximal height above the sloping topography of the site and to the existing roof was 10.2 metres and exceeded the building height limit of 8.5 metres as per NSLEP 2013 and represented a maximal variation of 21.7 metres or 20%. The approval did not alter the existing roof form and overall height of the building.

The height of the has been amended to be 10.26 metres to the main new amended roof and lift overrun structure overrun and represents an amended maximum variation of 20.7%.

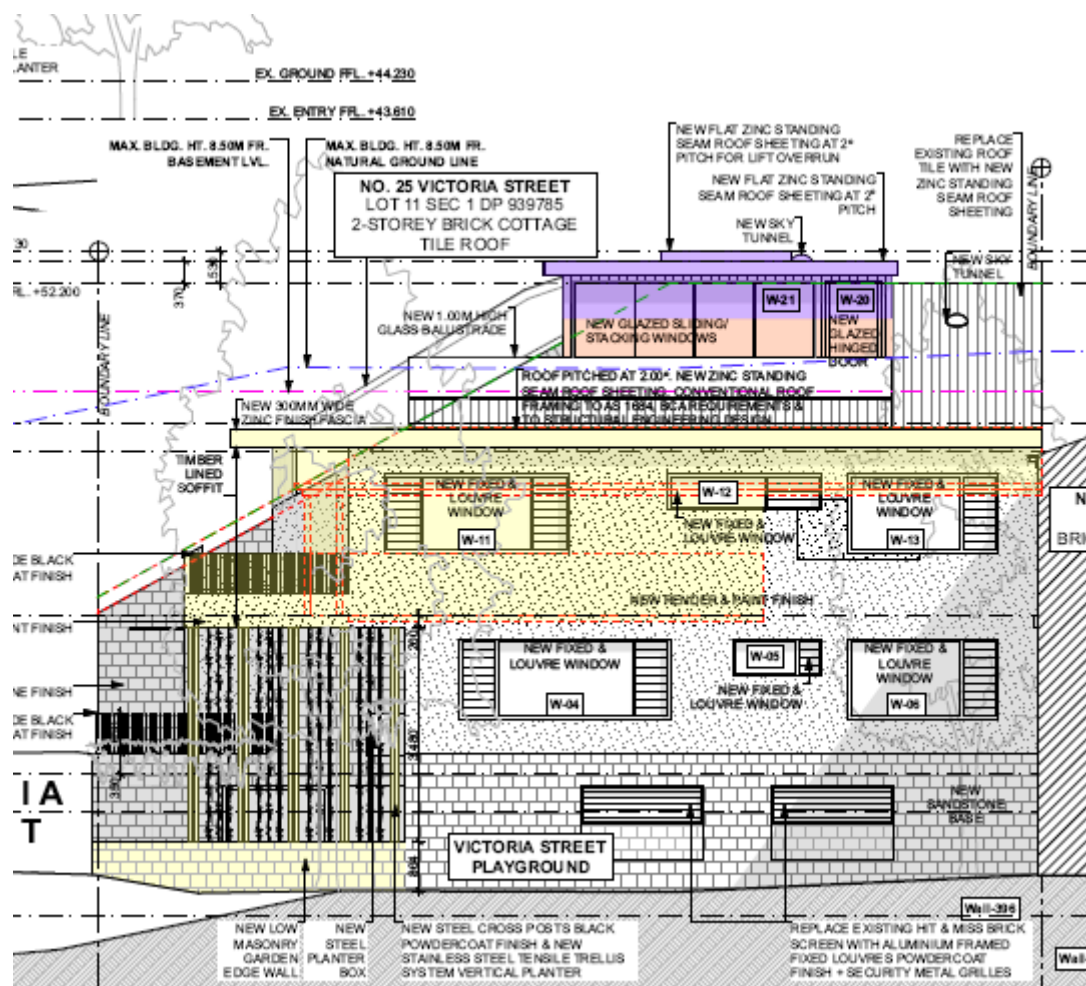


Figure 5: Proposed Elements over Building Height Limit (8.5m). Height line is projected in blue in the figure, the as approved line of the roof in the original application is shown in green

In accordance with the findings by Justice Lloyd in *Gann & Anor v Sutherland Shire Council [2008] NSWLEC 157*, the modification of a development consent pursuant to Section 4.55 which results in a new or modified variation to a development standard, does not require the submission of an objection Clause 4.6 *Request for Variation to a Development Standard* of NSELP 2013). In this regard, reference is made to the provisions of 4.55(3) of the Act which distinguishes between the modification of a development consent pursuant to 4.55 and the granting of development consent.

Notwithstanding, Council must still consider the proposed modifications and the new breaches to the building height development standard against the provisions of the development standard, under the requirements of S4.55(3) & S4.15 of the Act. Accordingly, the proposed modifications have been considered against the Building Height objectives and the provisions of building objectives in Clause 4.3(1) in NSLEP 2013:

The proposal is considered against the objectives of the controls as follows:-

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

The proposed development adequately accounts for the site's topography with maximal breaches occurring at the plant and minor extended roof structures over. The newly proposed roof terrace is only just in breach at its balustrade edge and the floor of the terrace is within the height limit. The altered roof and plant are also in breach however the modifications do not make any material breach to the extent of previously approved height variations.

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

Those elements in breach of the building height control are not considered to result in the new material loss of views on the basis the modifications only add a minor roof extension and minor changes to the roof form. Sites to the north do not benefit from views to the south east to iconic features (Harbour Bridge, Water or cityscape) as existing and the alterations do not adversely impact upon outlook to the sky. The modifications are acceptable in this regard.

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

The applicant has submitted shadow diagrams showing the overshadowing impacts caused by the proposal from 9.00am to 3.00pm. Given that the building envelope is not significantly altered, there are no material adverse additional overshadowing impacts to adjoining properties or the adjoining park to the west of the subject site as a result of the modifications.

(1)(d) To maintain privacy for residents of existing dwelling and to promote privacy for residents of new buildings

The proposed building elements above the height limit do not expand the building envelope and do not result visual or acoustic privacy impacts to adjoining properties on the basis that the form of the new terrace is screened by the roof form to adjoining properties to the southwest and east and also setback from the roof edge. The site to the west is the existing public pocket park and provides for the necessary separation to the properties further west. The development is acceptable in this regard.

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

The subject site is located within an IN2 Light Industrial Zone. The proposed works do not compromise the compatibility of development at zone boundaries.

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

The proposal is considered to predominantly retain the existing building envelope without generating adverse impacts to adjoining properties as a result of the modifications. The proposal continues to reflect an appropriate scale and density of the development located along Victoria Street and reflecting the former commercial use of the building and other similar commercial scale buildings in the vicinity. The proposal as modified is considered to continue to reasonably reflect the existing character of the area.

The assessment demonstrates that the modified non-compliant elements of the development will not give rise to any material or adverse impacts with regard to the objectives of Clause 4.3 Building Height of NSLEP 2013.

The NSLPP has previously held that the proposed breaches to the Height Standard were worthy of support and the modifications are not considered to warrant alteration to this previous conclusion. It is submitted that there are sufficient environmental planning grounds to justify the minor further contravention of the development standard. The objectives of the height control will be achieved despite the variation. Overall, the proposal is consistent with objectives specified in Clause 4.3 of the NSLEP 2013 as outlined above.

Heritage and Conservation

The site is not a heritage item and is not within a heritage conservation area. The site is located adjoining a heritage conservation area and in the vicinity of listed heritage items.

The alterations are located largely within the existing building envelope except for the small area/volume that projects outside the existing roof line is proposed for the S4.55 amendments.

Overall, the amended proposal maintains a similar bulk and scale to the approval. The S4.55 amendments are in keeping with the predominately residential character of the area and will not adversely impact on the heritage conservation values of items in the immediate area. The materials and finishes have been selected to complement the approved building form.

The building is removed from the immediate curtilage of adjoining items and therefore will have no significant impact on the surrounding items.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal as modified has been assessed against the following relevant sections of NSDCP 2013 including Section 9.0 and 9.2 being the Character statements for the **Lavender Bay Planning Area** and the **McMahons Point Business District**.

North Sydney Development Control Plan 2013 Compliance Table

DEVELOPMENT CONTROL PLAN 2013 - Part B Section 1- Residential Development		
	<i>Complies</i>	<i>Comments</i>
1.2 Social Amenity		
Universal Design and Adaptable Housing	Yes	The proposal approved internal alterations and minor external additions to an existing office building for the use of single residential dwelling. The modifications add to the existing approval in a positive manner without adverse impacts to adjoining to adjoining properties. The proposal remains consistent with the objectives with this Section of the NSDCP 2013.
Maintaining Residential accommodation	Yes	The S4.55 maintains the approved adaptive reuse of a commercial style building to a residential dwelling.
1.3 Environmental Criteria		
Topography	Yes	The S4.55 does not alter the existing levels and floor levels are retained. There is no additional excavation required to facilitate the residential use under the S4.55 scheme. The proposed residential use makes best use of the existing excavated areas. The proposal as modified is considered acceptable with regard to topography provisions contained within Part 1.3.1 of the NSDCP2013.

Views	Yes	The proposal as approved and as modified will not result in any to any view loss for adjoining properties or from the public domain, pursuant to Part B Section 1.3.6 of the NSDCP2013.
Solar Access	Yes	<p>Overall, the new open terrace at the upper level offers acceptable access to direct north facing natural light. Based on the elevations, section drawings and orientation of the site configuration/aspect, it is submitted that the minor additions to the roof volume associated with the S4.55 proposal will not unreasonably impact on solar access.</p> <p>The proposal is generally compliant with minimum provision of solar access as stipulated in the NSDCP 2013, to both the subject dwelling and adjoining properties. During the mid-winter solstice, additional shadows resulting from the proposed addition are cast predominantly within existing shadows and the modifications do not materially alter this conclusion.</p> <p>The modification therefore does not result in a material reduction in solar access to adjoining properties and/or the public domain.</p>
Acoustic Privacy Impacts	Yes	<p>The proposed development converts a commercial/industrial building use to a residential use. In this regard noise impacts are anticipated to be reduced on adjoining properties. The proposed upper-level terrace will be used for traditional residential activities and standard conditions of consent will be imposed designed to manage the use in the same manner as surrounding terraces and balconies are used.</p> <p>The separation provided by the park and street decrease potential impact to the west and north. The design and layout and retention of solid barriers to the east and south ensure the roof terrace will not result in adverse impacts to the south and east. The modifications are acceptable in this regard.</p>
Visual Privacy	Yes	The proposed works do not give rise to additional visual privacy impacts, given the orientation of the new primary terrace and roof extensions. Similar to the discussion provide above under the acoustic impacts heading, the modification is well separated to all surrounding properties and would no result in any new adverse impacts. The modifications are acceptable in this regard.
1.4 Quality built form		
Context	Yes	The building envelope is largely maintained however with new openings to the upper level roof element. The amendment fits within the local context and minimizes to the extent necessary impacts to adjoining properties. The amended proposal improves the sites contribution to the residential character compared to the existing scenario.
Streetscape	Yes	<p>The built form remains overwhelmingly residential in its form, function and appearance. The S4.55 works to the upper level does not increase the perceived bulk and scale and the built form remains compatible with the established residential character.</p> <p>The application as modified is considered acceptable against Streetscape provisions contained within Part B Section 1.4.3 of the NSDCP2013 subject to the imposition of standard conditions,</p>
Siting	Yes	Siting and orientation of the modified proposal is maintained and will not materially alter siting or orientation of the existing dwelling against Part B Section 1.4.5 of the NSDCP20913.
Setbacks	No	The proposal as approved included setbacks which would not be in accordance with the anticipated residential setbacks. This is on the basis the existing building is built to 0 metre setbacks on all
IN2 - Light	(No change)	

<p>Industrial</p> <p><i>0m, up to 4 storeys but only where no window openings are provided on that elevation of the building, otherwise the setbacks are to be as follows:</i></p> <p><i>1st to 3rd storey (up to 7m) - 4.5m</i></p>	<p>to approved)</p>	<p>elevations of the building. The NSLPP Panel considered these setbacks and deemed the original proposal acceptable in this regard.</p> <p>The new roof terrace is from the western elevation and northern elevation to the extent is prevents overlooking and privacy impacts. There re no adverse bulk and scale impacts to the existing building as a result of the modifications</p> <p>The proposed modifications are considered to be consistent with the original approval and with the objectives of Section 1.4.6 of the NSDCP 2013.</p>
<p>Form Massing Scale</p> <p><i>O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.</i></p> <p><i>P1 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2013.</i></p>	<p>No (Merit Assessment)</p>	<p>The proposal does not adversely increase the as approved the approved building footprint. The modifications proposal seeks to alter the building envelope by increasing the floor space on the roof additions. The proposal in terms of the adjoining buildings is considered not to be significantly larger that adjoining buildings along Victoria Street. The proposal is consistent with Objective 1 listed in the NSDCP 2013.</p> <p>The proposal as approved and modified is over the building height limit specified in the NSLEP 2013 however the proposal as modified is not considered to adversely increase the issues associated with the original application which were deemed acceptable. The non-compliance with Provision 1 is considered to be acceptable for the reasons outlined above.</p> <p>Overall, the approved built form is largely retained with a recessive upper open terrace area provided by way of the subject S4.55.</p>
<p>Built Form Character</p> <p><i>O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.</i></p>	<p>Yes</p>	<p>Overall, the external alterations do not significantly alter the existing character of the building.</p> <p>The proposed S4.55 changes achieve the aims and objectives of NSLEP and NSDCP and are respectful and complimentary to those heritage items in the vicinity of the site and adjoining HCA.</p> <p>For this reason, the proposal as modified is acceptable in this regard.</p>
<p>Dwelling Entry</p>	<p>n/A</p>	<p>There is no change to the dwelling entry as approved in this modification.</p>
<p>Roofs</p>	<p>Yes</p>	<p>The pitched roof is to be partly modified to accommodate the S4.55 proposal. Part of the pitched roof is maintained to the rear of the building as well as to part of the front elevation in front of the lift. The balustrade is setback from the edge of the building to reduce its prominence.</p> <p>The proposal remains compatible with the character of the area being similar in bulk and scale to surrounding developments.</p> <p>The development responds to the siting of surrounding dwellings and is compatible with the footprint and height of adjoining developments. The additional height is considered minimal as it occurs at a central point on the site which is setback from the front boundary alignment.</p> <p>The upper level remains no more than 50% of the floor area immediately below it. The modifications are deemed acceptable in this regard.</p>

Materials	Yes (via condition)	The proposed external materials and finishes as approved are complimentary to the streetscape, the adjoining HCA and heritage item in vicinity of the site. the modifications do not significantly alter the materials as approved
Front Fences	Yes	No change to approved front fence arrangements.
1.5 Quality Urban Environment		
Lightwells and Ventilation	Yes	The building has been designed to provide adequate ventilation to support a residential use. Sky tunnels provided to increase natural light. The lightwell provides a secondary source of natural lighting. The windows coupled with the terraces at each level plus existing skylights provide sufficient opportunity for natural light and ventilation. New upper-level doors/glazing provides additional light to the siting room as well as filtered light throughout the building.
Vehicular Access and Carparking	Yes	No change to as approved parking arrangements which benefits from an existing commercial car park now converted to residential uses.
Site Coverage	No (as approved no change)	The existing site coverage on the subject site is non-compliant with the site coverage controls and was approved maintain this non complaint. The modifications do not alter any existing level of site coverage and are acceptable in this regard.
Landscape Area	No (as approved no change)	The existing landscaped area on the subject site is non-compliant with the landscaped area controls and was approved maintain this non complaint. The modifications do not alter any existing level of landscaping area on site and are acceptable in this regard. It is however noted that the modification proposal alters the level available outdoor area on site and accordingly can be considered a positive outcome for the site.
Unbuilt Upon Area	Yes	The proposal as approved was compliant with the unbuilt upon area controls outlined in Section 1.5.6 of the NSDCP 2013 and the modification does not alter this component of the development.
Excavation	Yes	The proposal seeks to utilise the existing underground car parking and the existing building footprint. No excavation is proposed that cannot be managed via the existing conditions. The proposal is considered to be acceptable in this regard.
Landscaping	Yes	No change to existing landscaped areas
Front Gardens	Yes	The proposal as modified seeks to retain a front courtyard within the front setback facing Victoria Street. The proposal is considered to be consistent with the objectives of the NSDCP 2013 and is considered to be acceptable in this regard.
Private and Communal Open Space	Yes	Private open space increases by the amount nominated on the plans at the upper level. The S4.55 provides greater Private Open Space options/diversity for the occupants and represents a superior outcome to the approval and are supported by this assessment.
<i>Control - 40m²</i>		
Garbage Storage	Yes	No change to existing.
1.6 Efficient Use of Resources		
Energy Efficiency	Yes (via condition)	The applicant has provided an updated BASIX Certificate in support of the development application. An appropriate condition has been recommended to ensure that the updated measures contained within the BASIX Certificate are undertaken at all stages of the development process.

Section 9.0 - Lavender Bay Planning Area / McMahons Point Business District

The development as modified has been assessed against the relevant controls in the DCP2013 with regards to the relevant Planning Area. All controls have been considered within this report as acceptable. The proposal is considered to be consistent with the future desired character of the area.

Section 7.11 Contributions

Levies were imposed upon the original consent for conversion of former commercial space to a new five-bedroom dwelling. A three + bedroom being the maximum contribution a new residential development can be levied. The modification does not increase or reduce the number of bedrooms in the building and accordingly no reconsideration for 7.11 Contribution levies is required. The appropriate levies are already applied to the development

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	Yes
2. Policy Controls	Yes
3. Design in relation to existing building and natural environment	Yes
4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	NA
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 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

No submissions were raised during the notification of the as modified application.

CONCLUSION

The modified proposal has been assessed as acceptable as it has been designed to respond to the site's topography, context, desired future character as well as to minimise amenity impacts on neighbouring properties (particularly with regard to view, overshadowing and privacy). The breach to the development standards for Clause 4.3 *Building Height* is considered to be acceptable and variation to the standard can be supported due to the lack of impact arising from the departures (as detailed within this report). The statutory breach being assessed and deemed acceptable in accordance with the principles established by the Land and Environment Court. It is the conclusion of this report that the development will continue to provide a reasonable and satisfactory level of amenity to the subject and surrounding sites.

Consequently, the Section 4.55 application is considered to be reasonable in the circumstances and it is recommended for **approval** subject to modification via condition.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, under the delegation of the General Manager as the consent authority, resolve to grant consent to Development Application No. 230/20/2 to modify DA230/20 for alterations and additions and change of use from commercial building to single residential dwelling house, upon land described as No. 23 Victoria Street, McMahons Point, subject to modification to the following conditions:-

1. To insert Condition A4, as follows:-

Development in Accordance with Plans (S.4.55 Modifications)

A4. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Plan No.	Issue	Title	Drawn by	Dated	Received
DA1	D	Proposed Site Plan + Site Analysis	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA4	D	Existing Basement Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA5	D	Existing Ground Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA6	D	Existing First Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA7	D	Existing Roof Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA8	D	Proposed Basement Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA9	D	Proposed Ground Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA10	D	Proposed First Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA11	D	Proposed Attic Floor Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA12	D	Proposed Roof Plan	Barbara Architecture and Interiors	26 August 2021	7 September 2021

Plan No.	Issue	Title	Drawn by	Dated	Received
DA13	D	North Front & West Side Elevations	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA14	D	South Rear & East Side Elevations	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA15	D	Sections 1 & 2	Barbara Architecture and Interiors	26 August 2021	7 September 2021
DA20	D	Schedule of Materials & Finishes	Barbara Architecture and Interiors	26 August 2021	7 September 2021

and except as amended by the following conditions and this consent.

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

2. To modify Condition C26 as follows:-

BASIX Certificate

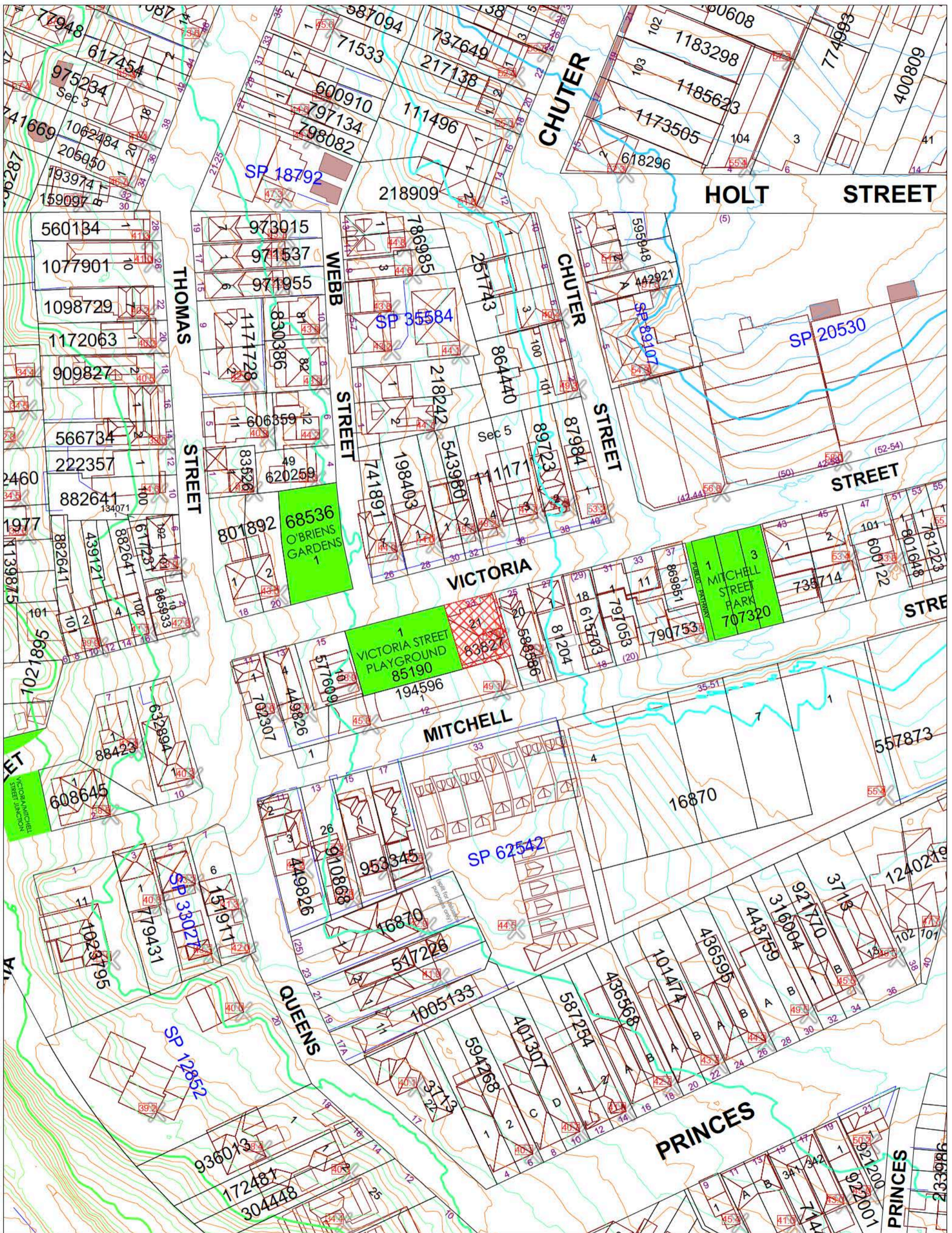
C26. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **(12342985)** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

KIM ROTHE
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES



North Sydney Council

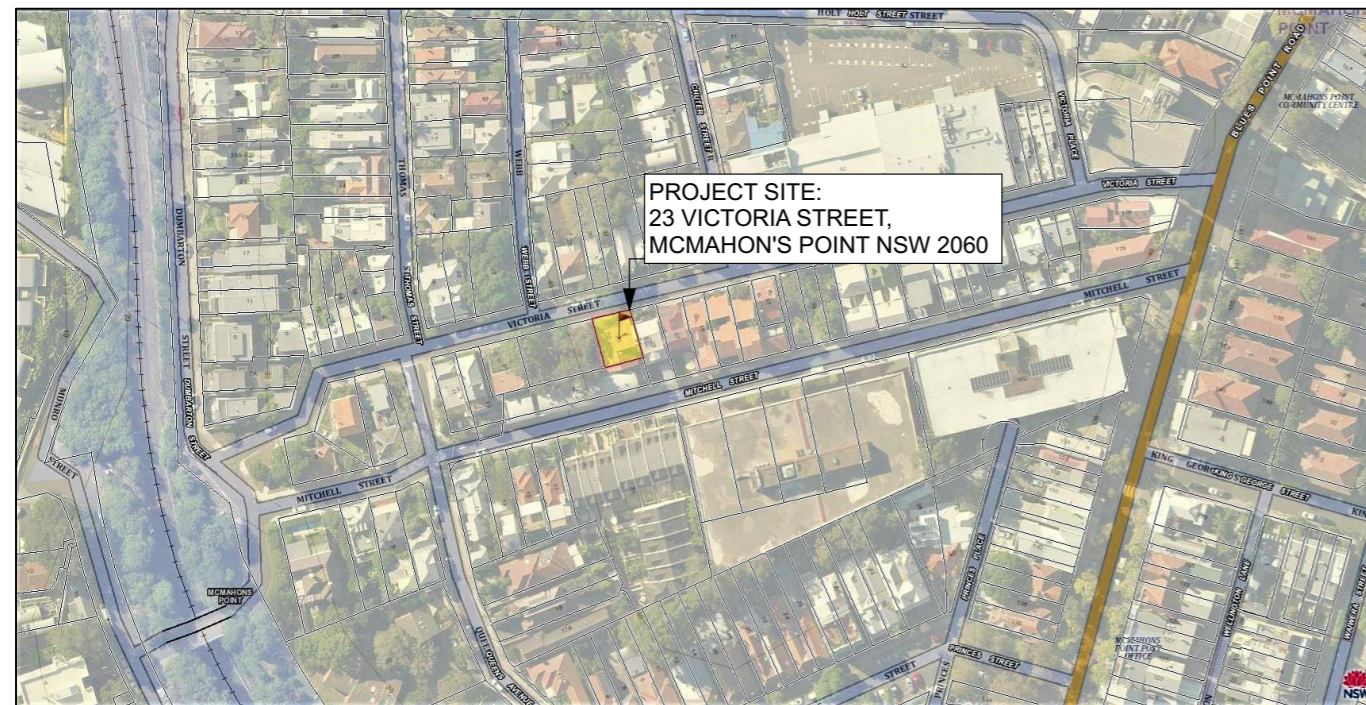
Copyright © North Sydney Council - No part of this map may be reproduced without permission. Commercial decisions should not be made based on information contained in this map without first checking details held by the responsible Government authority.

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

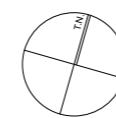
ALTERATIONS & ADDITIONS & CHANGE OF USE FROM INDUSTRIAL TO SINGLE RESIDENTIAL DWELLING

AT: 23 VICTORIA STREET MCMAHON'S POINT NSW 2060

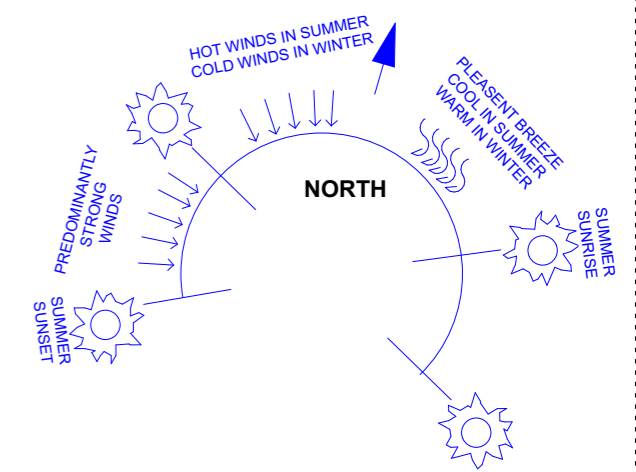
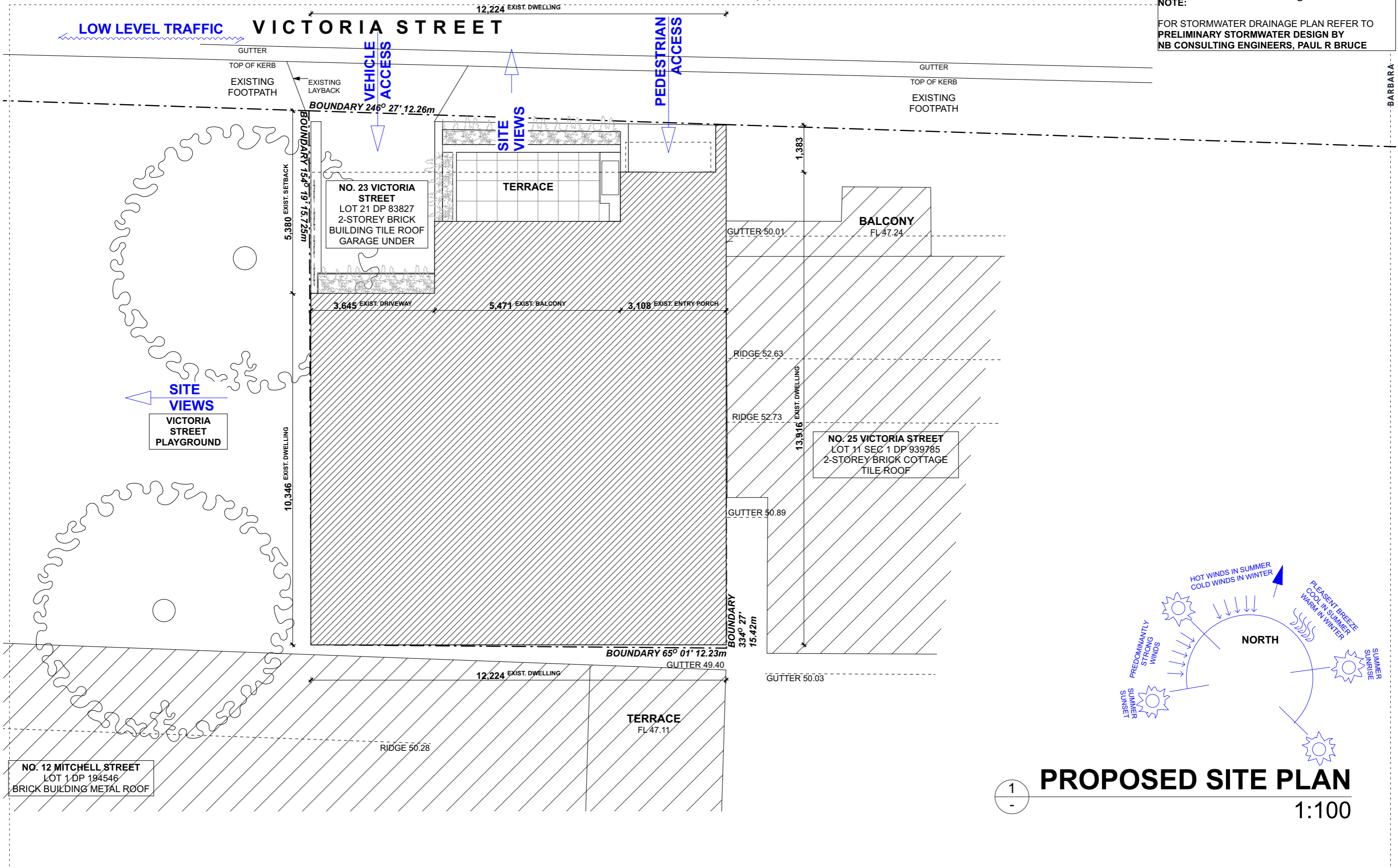
PAGE NO.	DRAWING DESCRIPTION
	COVER PAGE
1	PROPOSED SITE PLAN + SITE ANALYSIS
2	CALCULATIONS - EXISTING
3	CALCULATIONS - PROPOSED
4	EXISTING BASEMENT FLOOR PLAN
5	EXISTING GROUND FLOOR PLAN
6	EXISTING FIRST FLOOR PLAN
7	EXISTING ROOF PLAN
8	PROPOSED BASEMENT FLOOR PLAN
9	PROPOSED GROUND FLOOR PLAN
10	PROPOSED FIRST FLOOR PLAN
11	PROPOSED ATTIC FLOOR PLAN
12	PROPOSED ROOF PLAN
13	NORTH FRONT & WEST SIDE ELEVATIONS
14	SOUTH REAR & EAST SIDE ELEVATIONS
15	SECTIONS 1 & 2
16	SHADOW PLAN 21ST JUNE 9AM
17	SHADOW PLAN 21ST JUNE 12NN
18	SHADOW PLAN 21ST JUNE 3PM
19	EROSION & SEDIMENT CONTROL PLAN
20	SCHEDULE OF MATERIALS & FINISHES
21	SCHEDULE OF BASIX REQUIREMENTS



BARBARA



NOTE:
FOR STORMWATER DRAINAGE PLAN REFER TO
PRELIMINARY STORMWATER DESIGN BY
NB CONSULTING ENGINEERS, PAUL R BRUCE



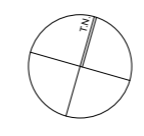
PROPOSED SITE PLAN
1:100

BARBARA
ARCHITECTURE & INTERIORS

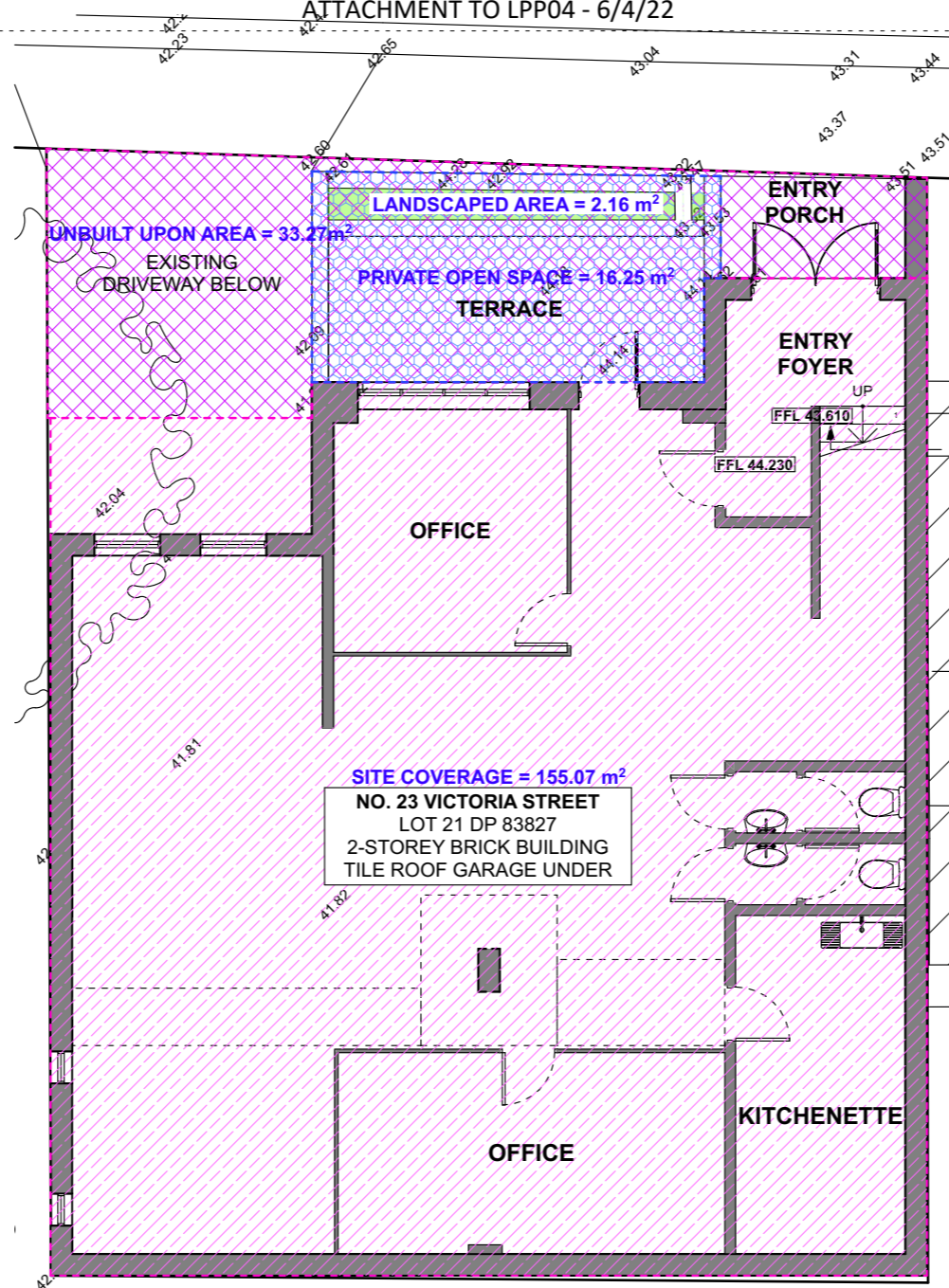
SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: #61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55

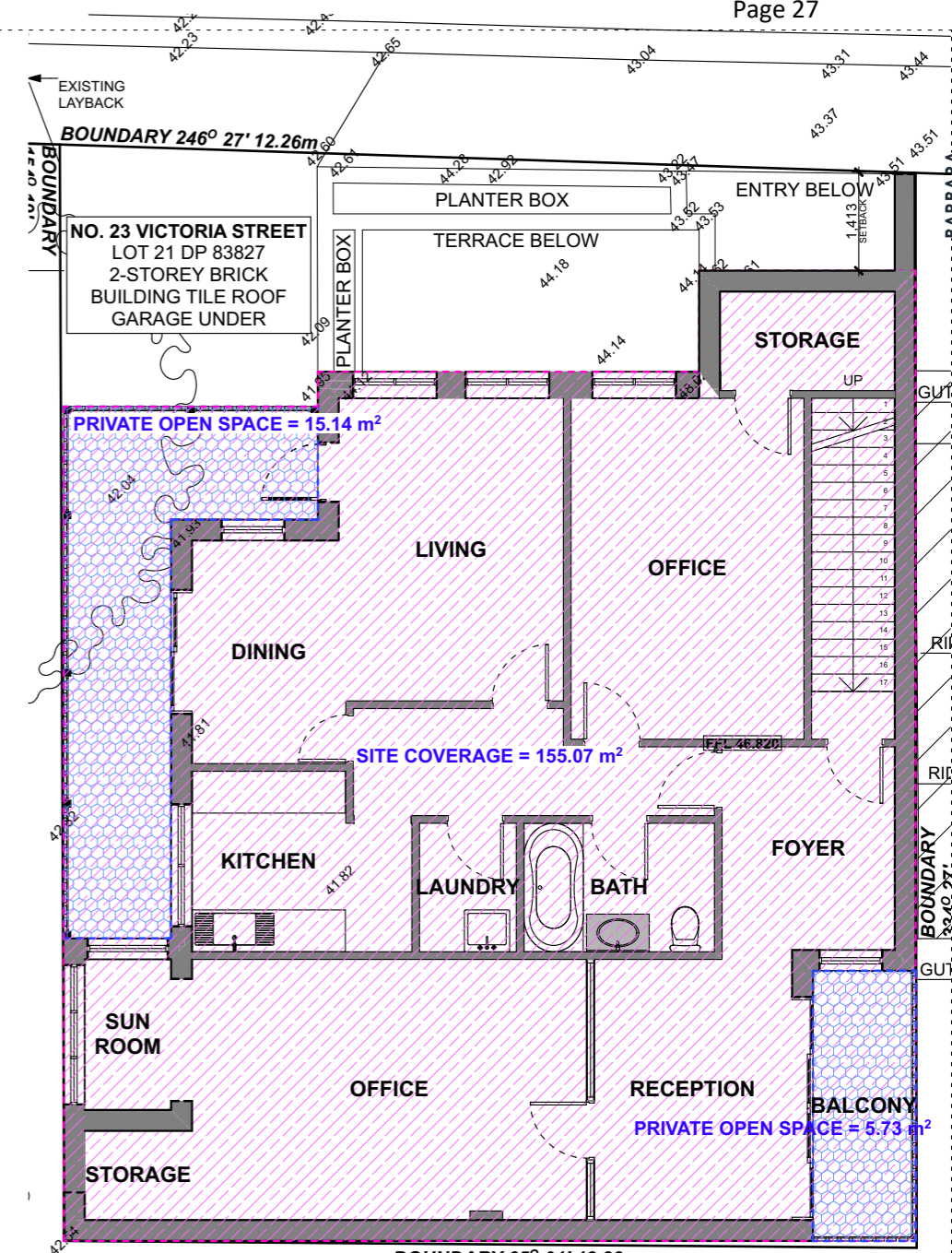


ISSUE FOR APPROVAL	CLIENT: NITHAN THIRU	PROJECT: McMahons Point Residence 23 VICTORIA STREET MCMAHONS POINT NSW, 2060	DRAWING: PROPOSED SITE PLAN + SITE ANALYSIS	DRAWN: BARBARA #Pln	PROJECT NO. #Pln
				CHECKED: FK / BS	SCALE: 1:100@ A3
				REVISION: D	DWG NO.: 1



GROUND FLOOR PLAN

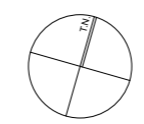
1:100

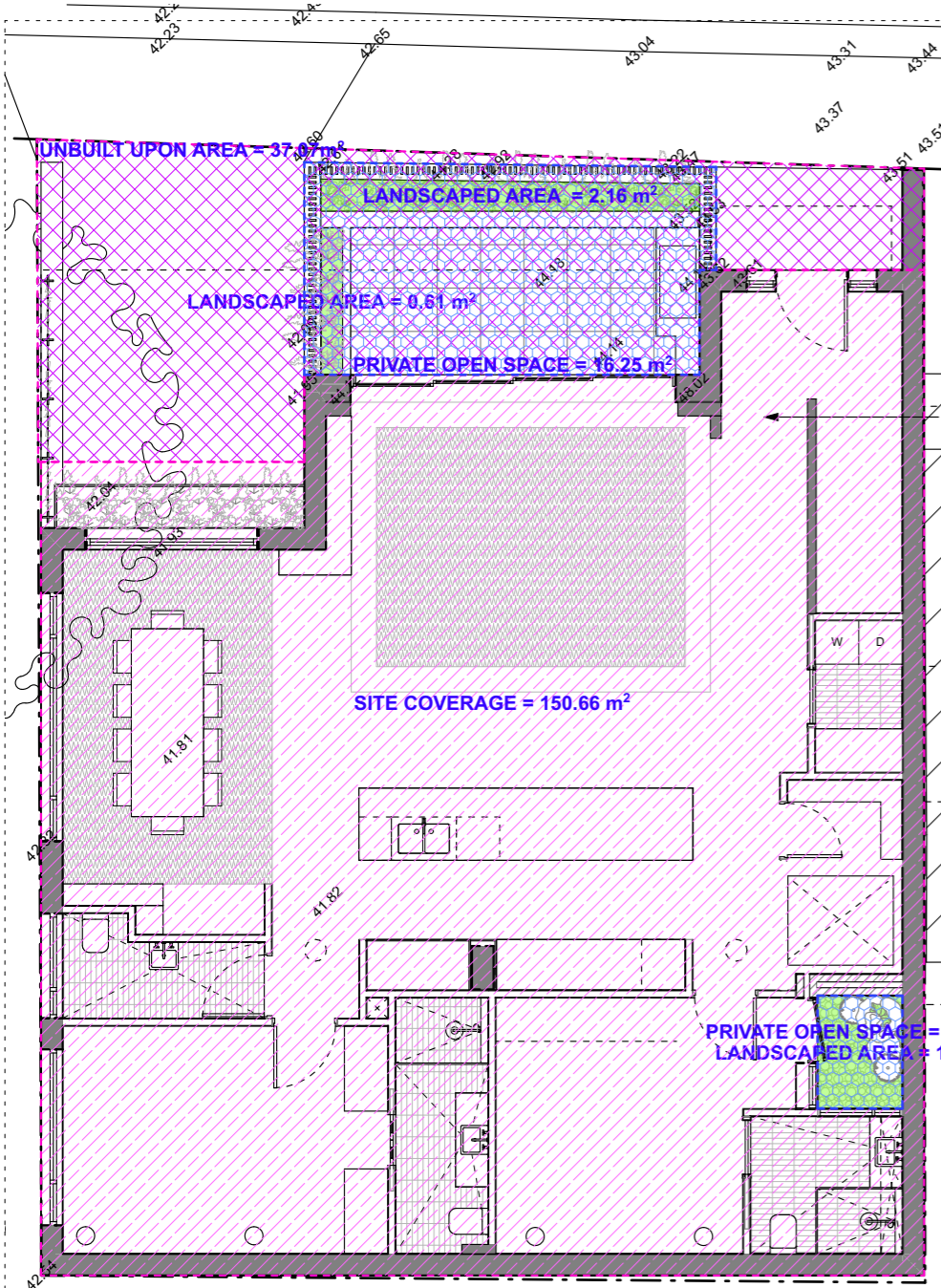


FIRST FLOOR PLAN

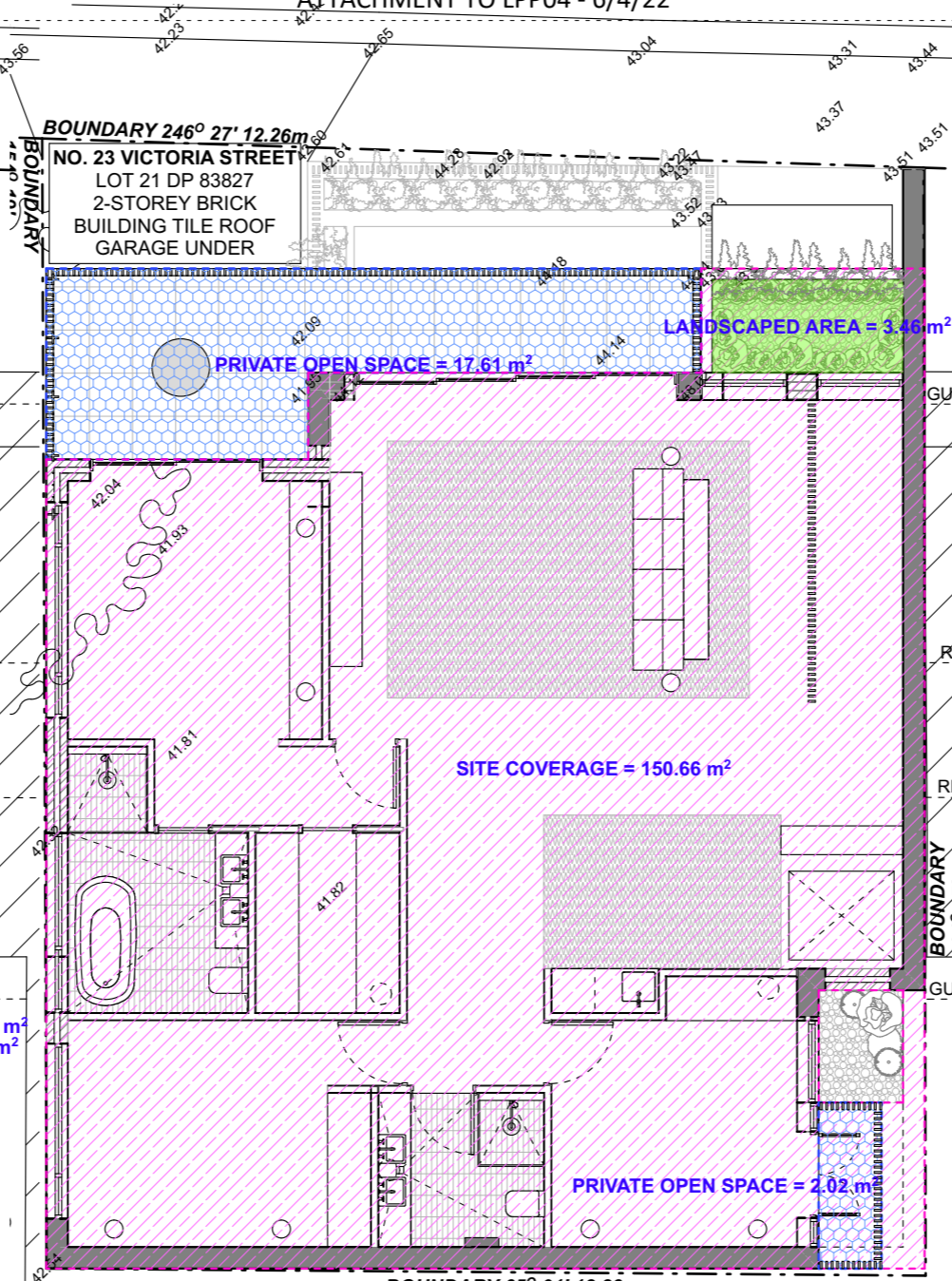
1:100

TOTAL SITE AREA		190.50 SQ.M.
	TOAL EXISTING SITE COVERAGE	155.07 SQ.M. 81.40%
	TOTAL EXISTING UN BUILT UPON AREA	33.27 SQ.M. 17.46%
	TOTAL EXISTING LANDSCAPED AREA	2.16 SQ.M. 1.13%
	TOTAL EXISTING PRIVATE OPEN SPACE	37.12 SQ.M. 19.49%

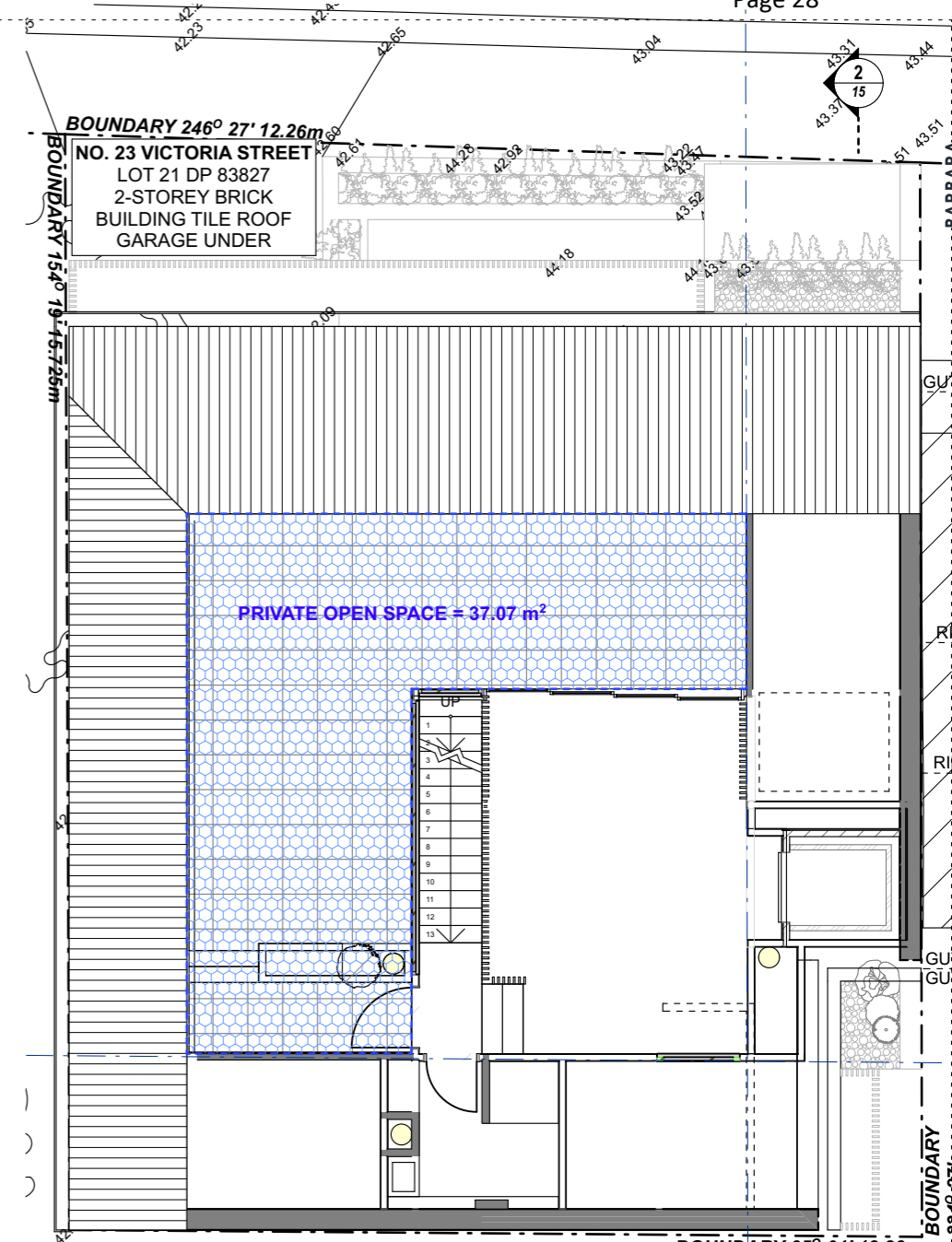




1 GROUND FLOOR PLAN
1:100

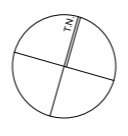


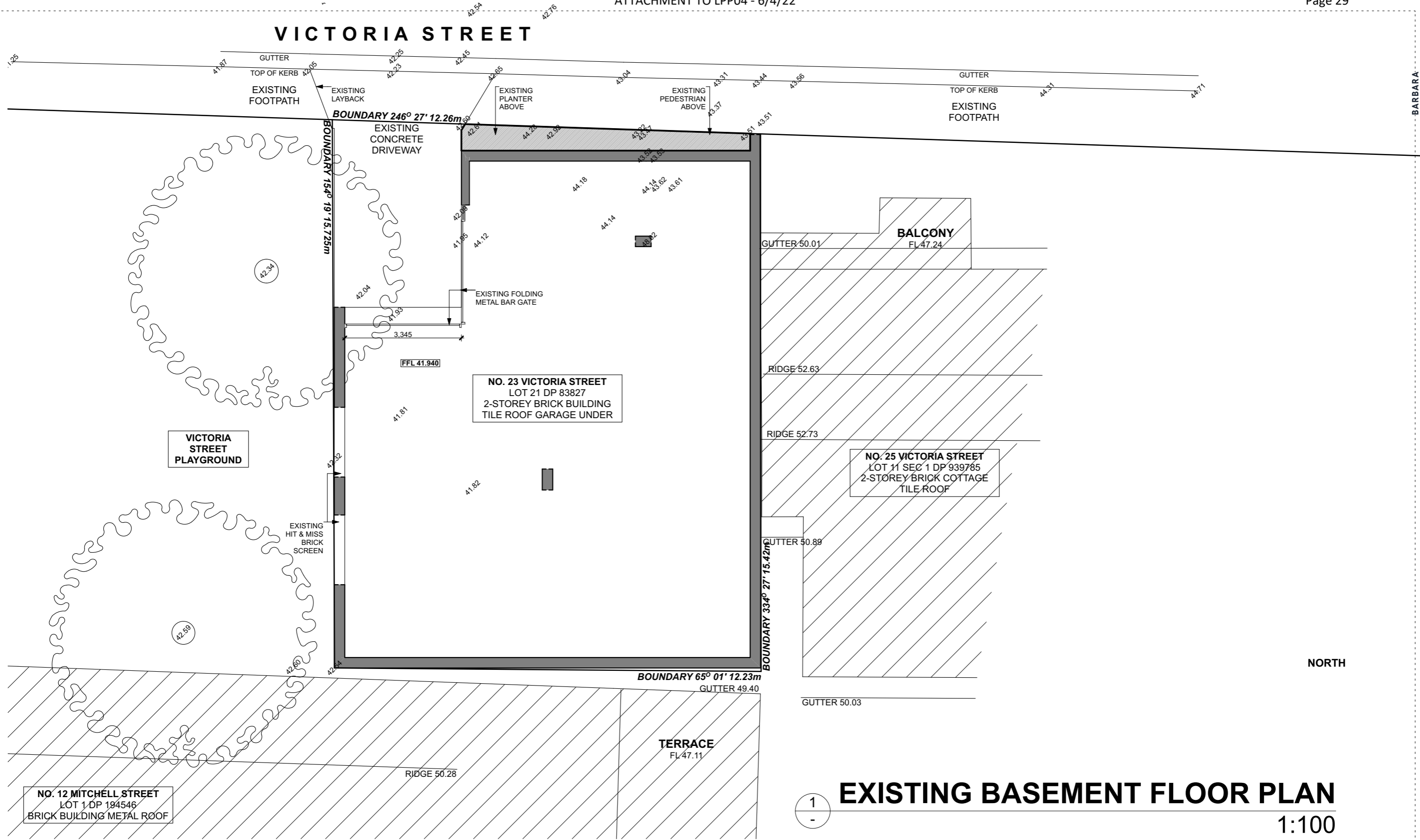
2 FIRST FLOOR PLAN
1:100



3 CALCULATIONS - ATTIC
1:100

	TOTAL SITE AREA	190.50 SQ.M.	
	TOTAL PROPOSED SITE COVERAGE	150.66 SQ.M.	79.09%
	TOTAL PROPOSED UN BUILT UPON AREA	37.07 SQ.M.	19.46%
	TOTAL PROPOSED LANDSCAPED AREA	8.06 SQ.M.	4.20%
	TOTAL PROPOSED PRIVATE OPEN SPACE (DA APPROVED)	37.71 SQ.M.	19.80%
	TOTAL PROPOSED PRIVATE OPEN SPACE (SECTION 4.55 APPLICATION)	74.78 SQ.M.	39.25%

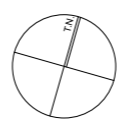




EXISTING BASEMENT FLOOR PLAN

1:100

1
-



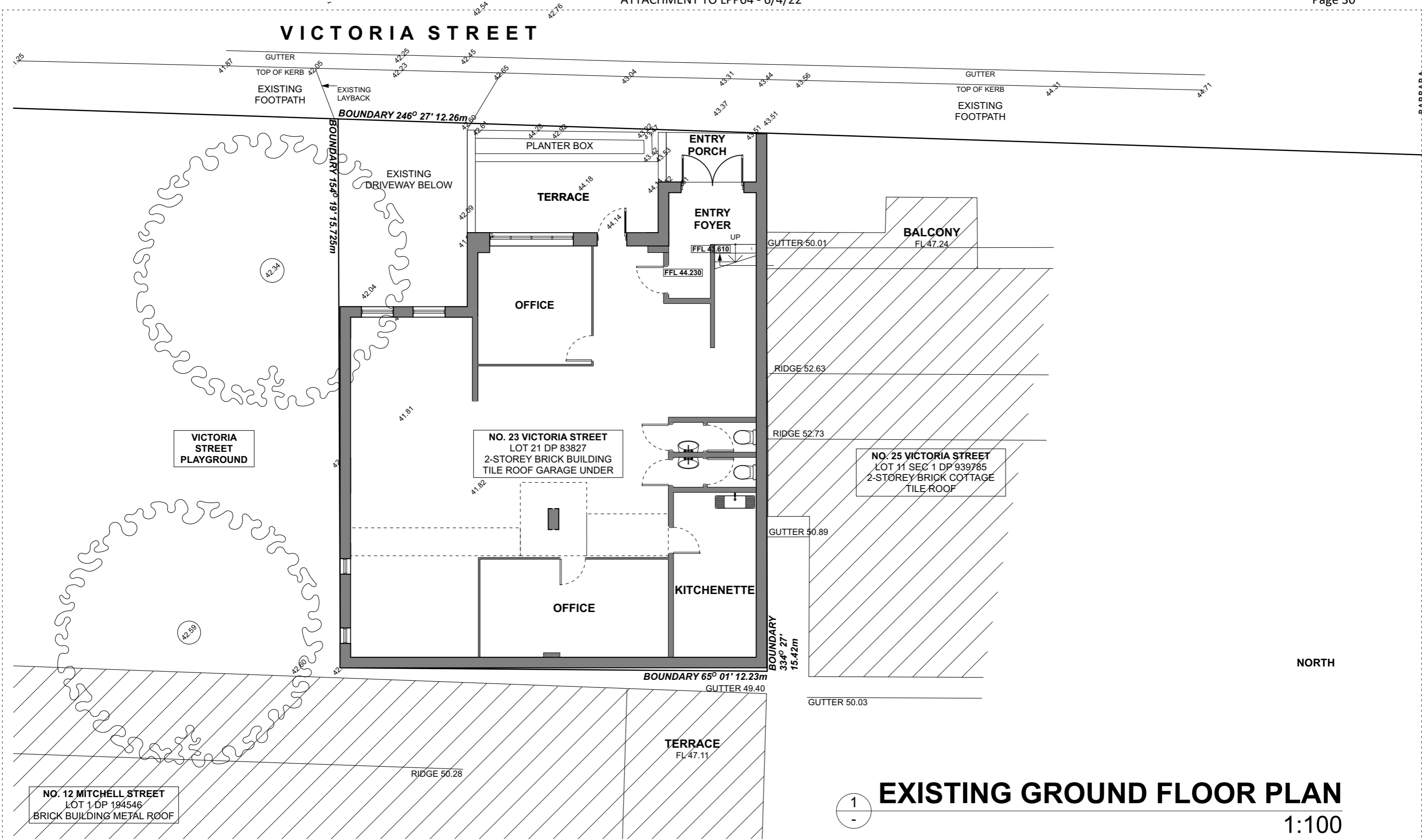
ISSUE FOR APPROVAL

CLIENT
NITHAN THIRU

PROJECT
McMahons Point Residence
23 VICTORIA STREET
MCMAHONS POINT
NSW, 2060

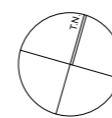
DRAWING
EXISTING BASEMENT FLOOR PLAN

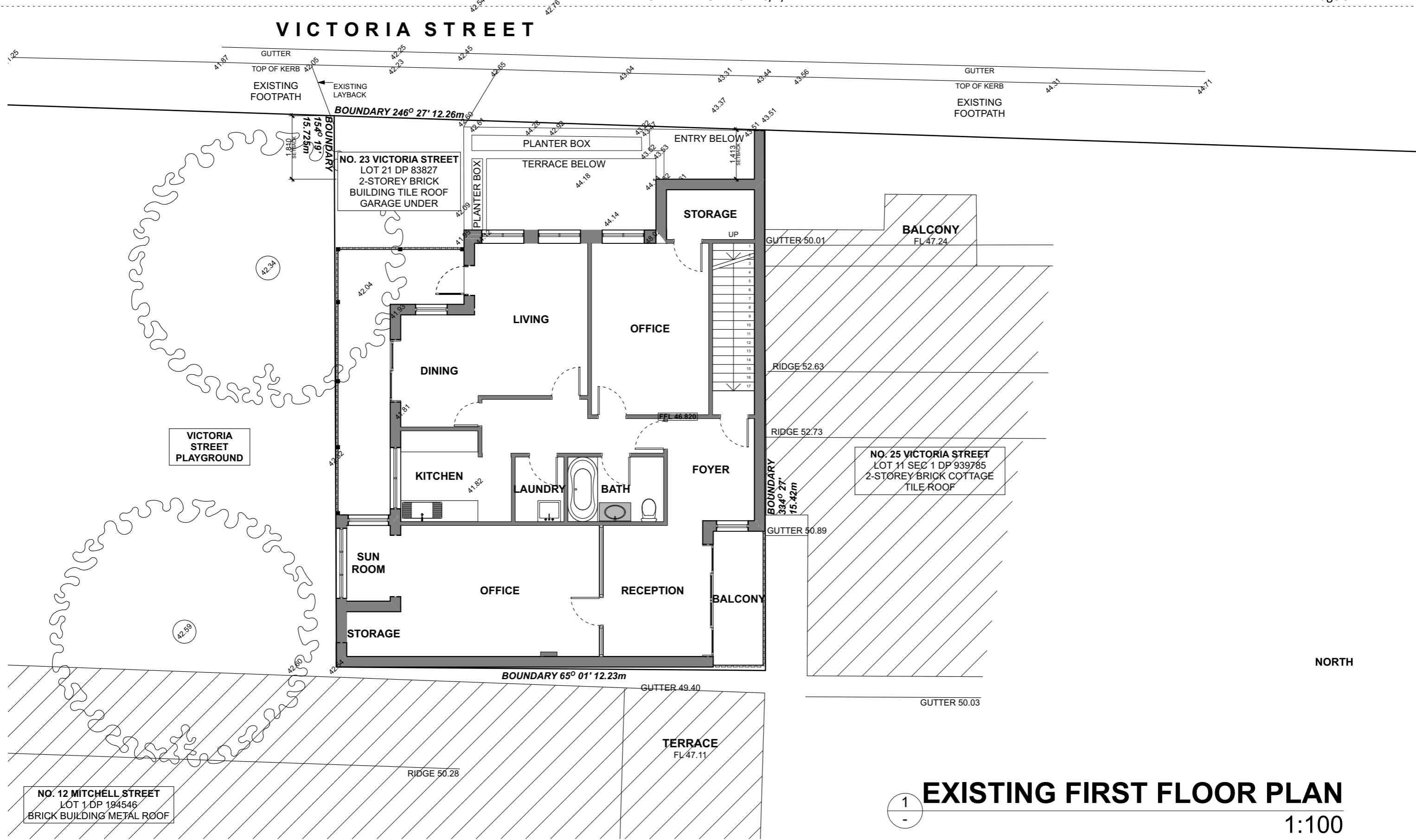
DRAWN BARBARA	PROJECT NO. #P1n
CHECKED FK / BS	SCALE 1:100@ A3
REVISION D	DWG NO. 4



EXISTING GROUND FLOOR PLAN

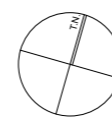
1:100



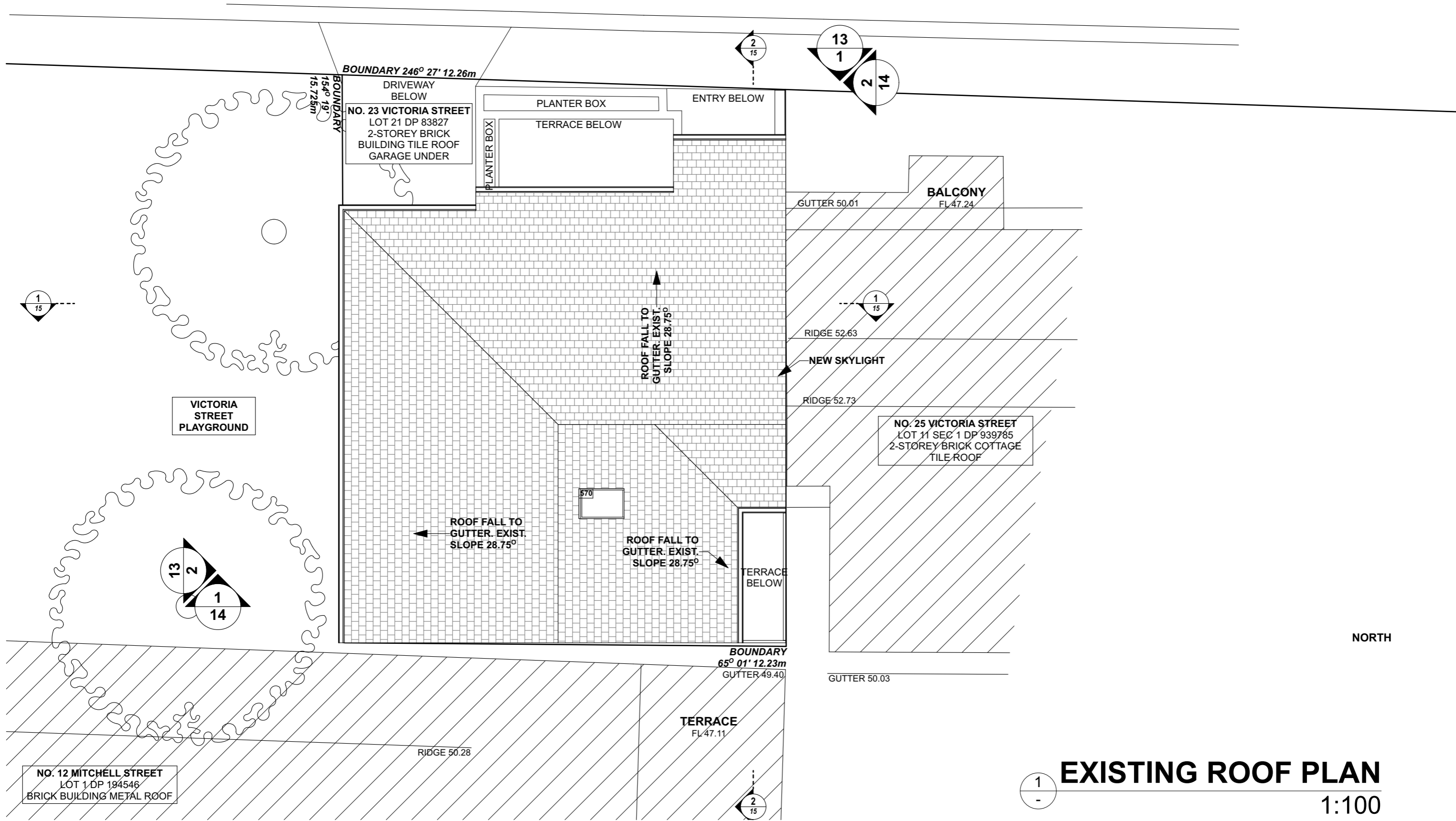


EXISTING FIRST FLOOR PLAN

1:100



VICTORIA STREET



NO. 12 MITCHELL STREET
LOT 1 DP 194546
BRICK BUILDING METAL ROOF

VICTORIA STREET
PLAYGROUND

NO. 23 VICTORIA STREET
LOT 21 DP 83827
2-STOUREY BRICK
BUILDING TILE ROOF
GARAGE UNDER

PLANTER BOX
TERRACE BELOW

ENTRY BELOW

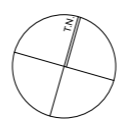
BALCONY
FL 47.24

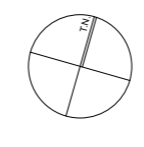
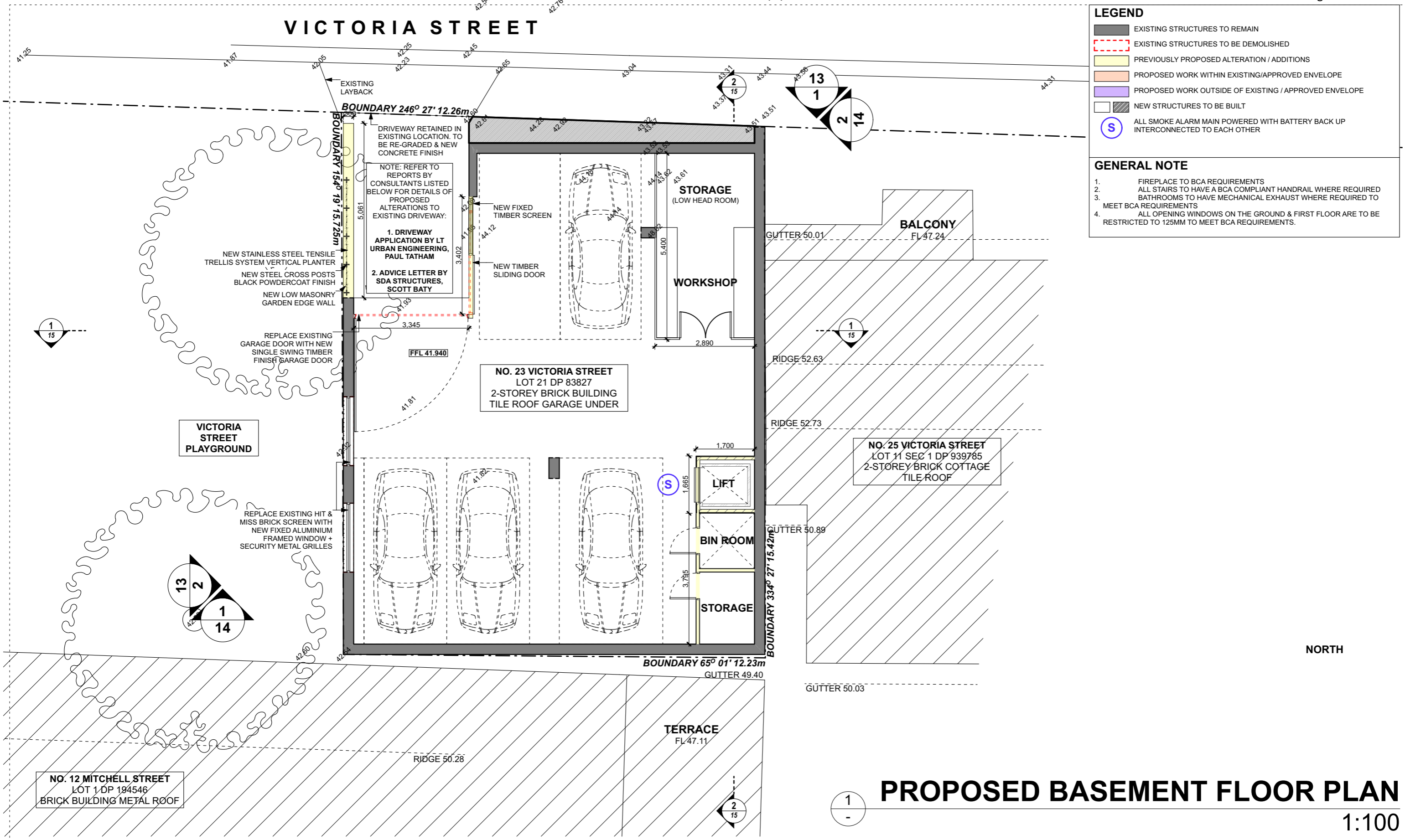
NO. 25 VICTORIA STREET
LOT 11 SEC 1 DP 939785
2-STOUREY BRICK COTTAGE
TILE ROOF

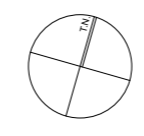
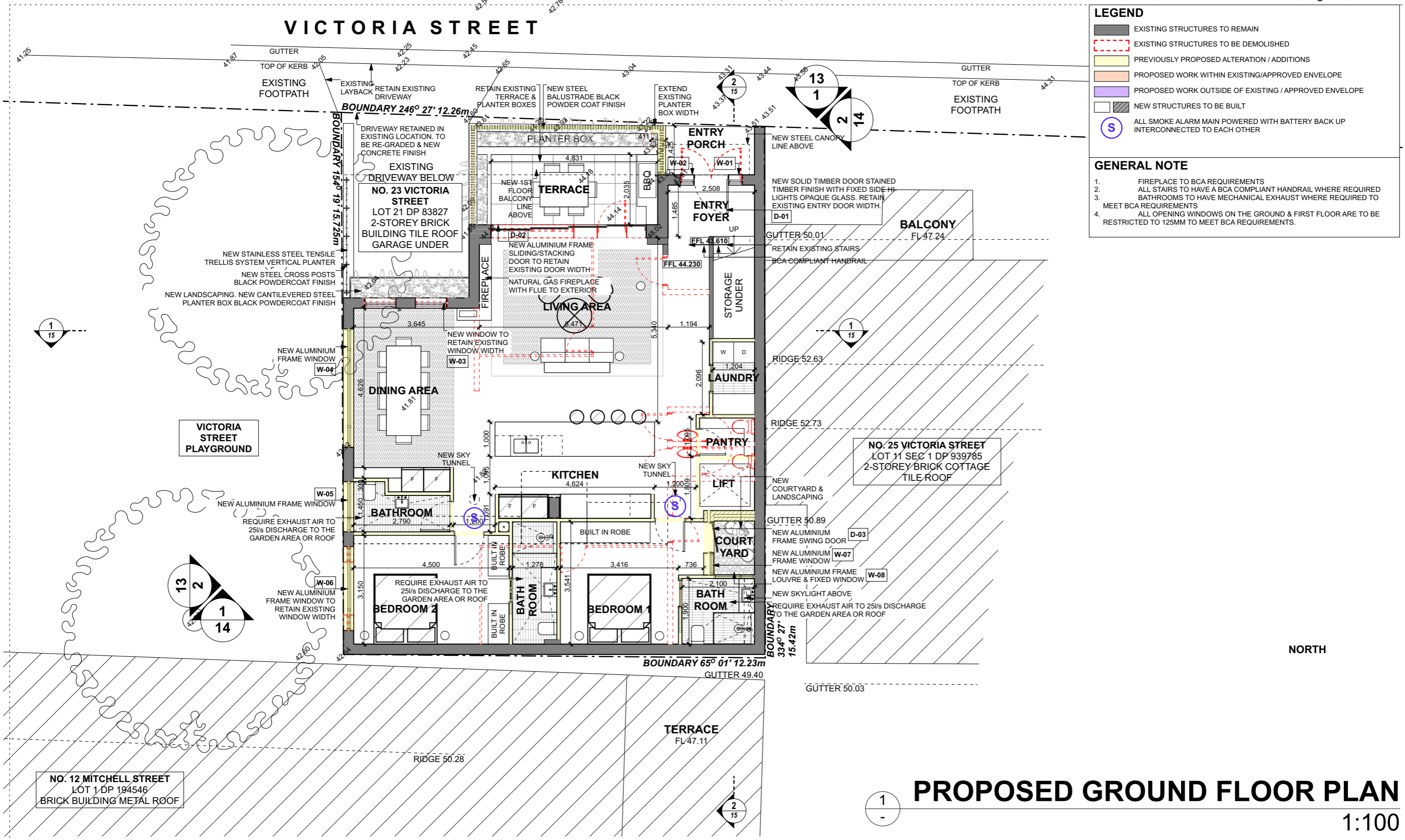
TERRACE BELOW

TERRACE
FL 47.11

EXISTING ROOF PLAN
1:100







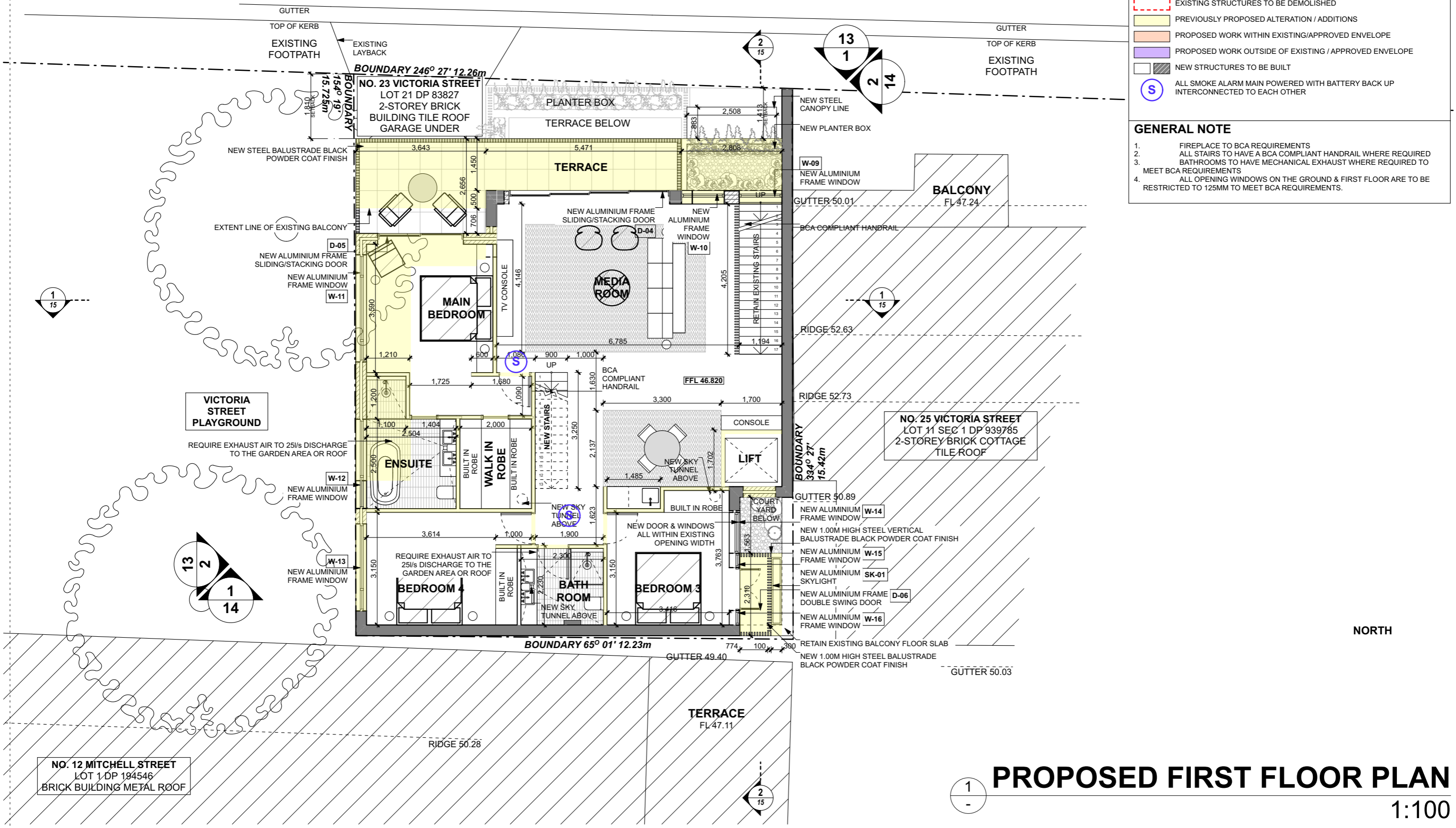
VICTORIA STREET

LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- (S) ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER

GENERAL NOTE

1. FIREPLACE TO BCA REQUIREMENTS
2. ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
3. BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
4. ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.



PROPOSED FIRST FLOOR PLAN
1:100

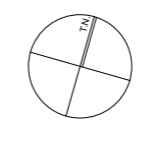
BARBARA
ARCHITECTURE & INTERIORS

SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: #61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR	CLIENT	PROJECT	DRAWING	DRAWN	PROJECT NO.
APPROVAL	NITHAN THIRU	McMahons Point Residence	PROPOSED FIRST FLOOR PLAN	BARBARA #Pln	
		23 VICTORIA STREET MCMAHONS POINT NSW, 2060		CHECKED FK / BS	SCALE 1:100@ A3
				REVISION D	DWG NO. 10

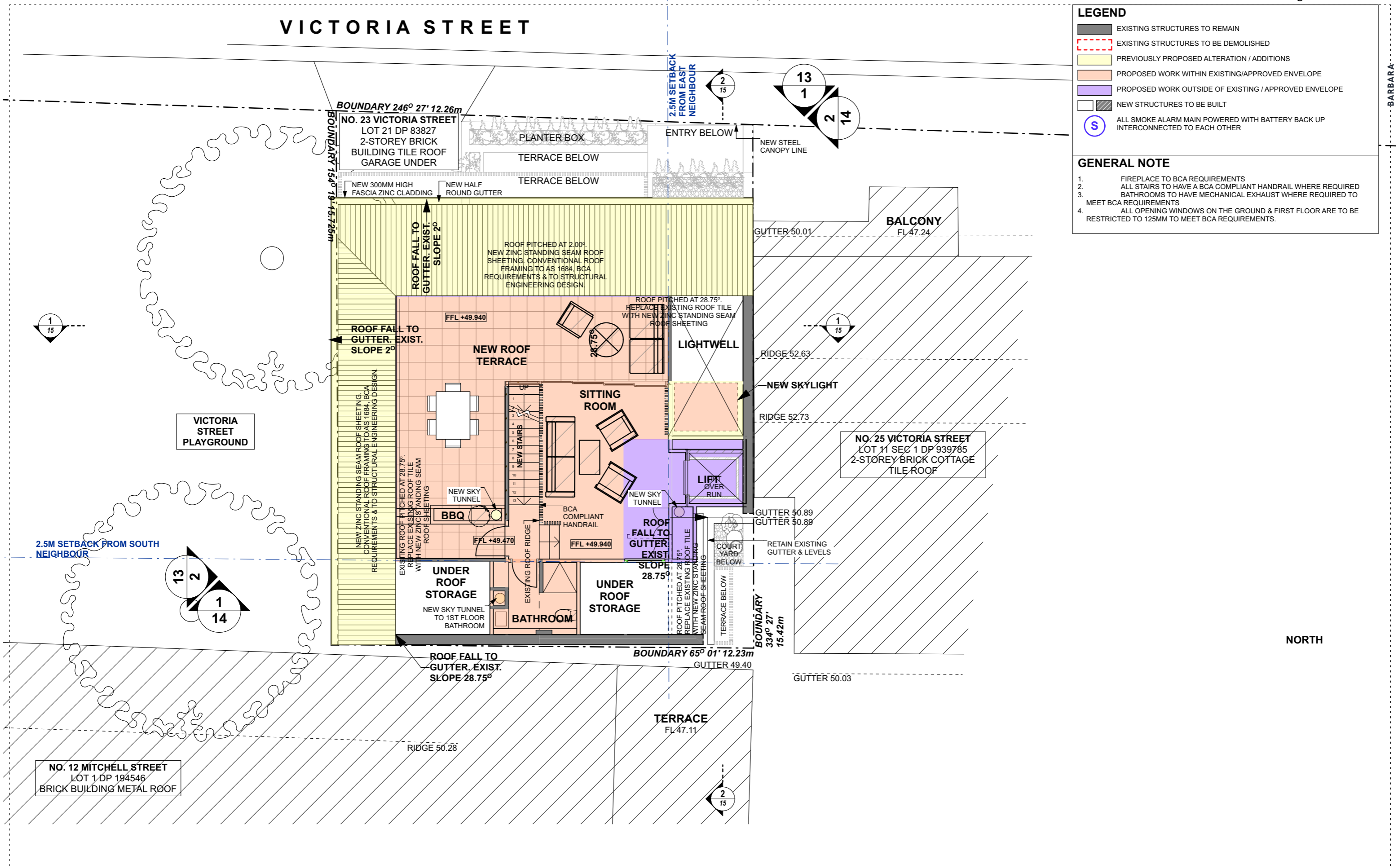
VICTORIA STREET

LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- S ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER

GENERAL NOTE

1. FIREPLACE TO BCA REQUIREMENTS
2. ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
3. BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
4. ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.

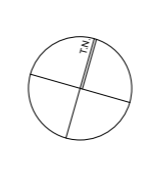


BARBARA
ARCHITECTURE & INTERIORS

SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: #61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR APPROVAL
CLIENT: NITHAN THIRU

PROJECT: **McMahons Point Residence**
23 VICTORIA STREET
MCMAHONS POINT
NSW, 2060

DRAWING: **PROPOSED ATTIC FLOOR PLAN**

DRAWN: BARBARA #Pln	PROJECT NO.
CHECKED: FK / BS	SCALE: 1:100@A3
REVISION: D	DWG NO.: 11

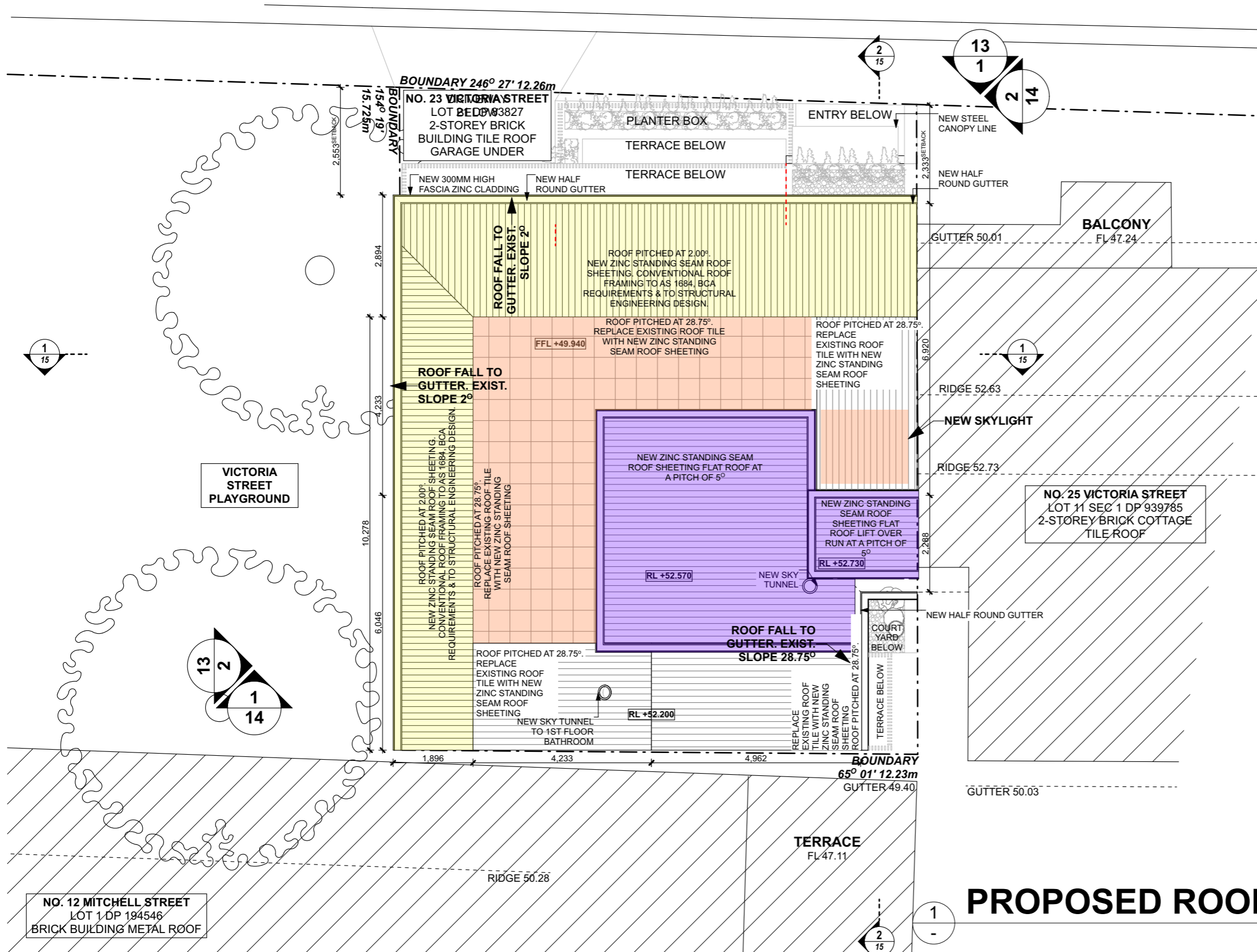
VICTORIA STREET

LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER

GENERAL NOTE

- FIREPLACE TO BCA REQUIREMENTS
- ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
- BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
- ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.



PROPOSED ROOF PLAN

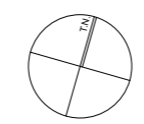
1:100

BARBARA
ARCHITECTURE & INTERIORS

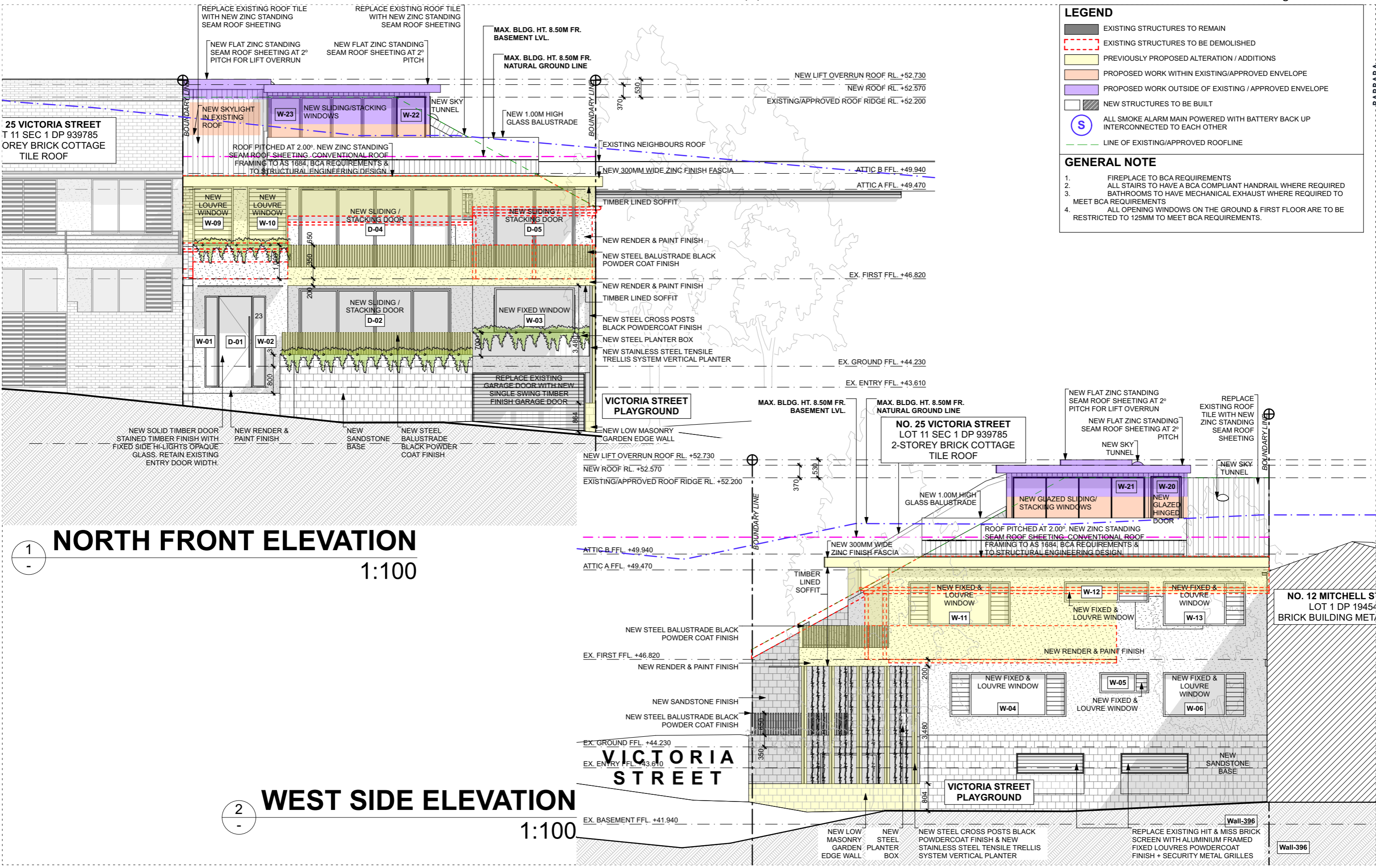
SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: +61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR	CLIENT	PROJECT	DRAWING	DRAWN	PROJECT NO.
APPROVAL	NITHAN THIRU	McMahons Point Residence	PROPOSED ROOF PLAN	BARBARA #Pln	
		23 VICTORIA STREET MCMAHONS POINT NSW, 2060		CHECKED FK / BS	SCALE 1:100@ A3
				REVISION D	DWG NO. 12



LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- S ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER
- LINE OF EXISTING/APPROVED ROOFLINE

- GENERAL NOTE**
1. FIREPLACE TO BCA REQUIREMENTS
 2. ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
 3. BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
 4. ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.

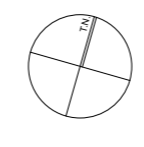
BARBARA
ARCHITECTURE & INTERIORS

SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: +61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55

ISSUE FOR	CLIENT	PROJECT	DRAWING
APPROVAL	NITHAN THIRU	McMahons Point Residence	NORTH FRONT & WEST SIDE ELEVATIONS

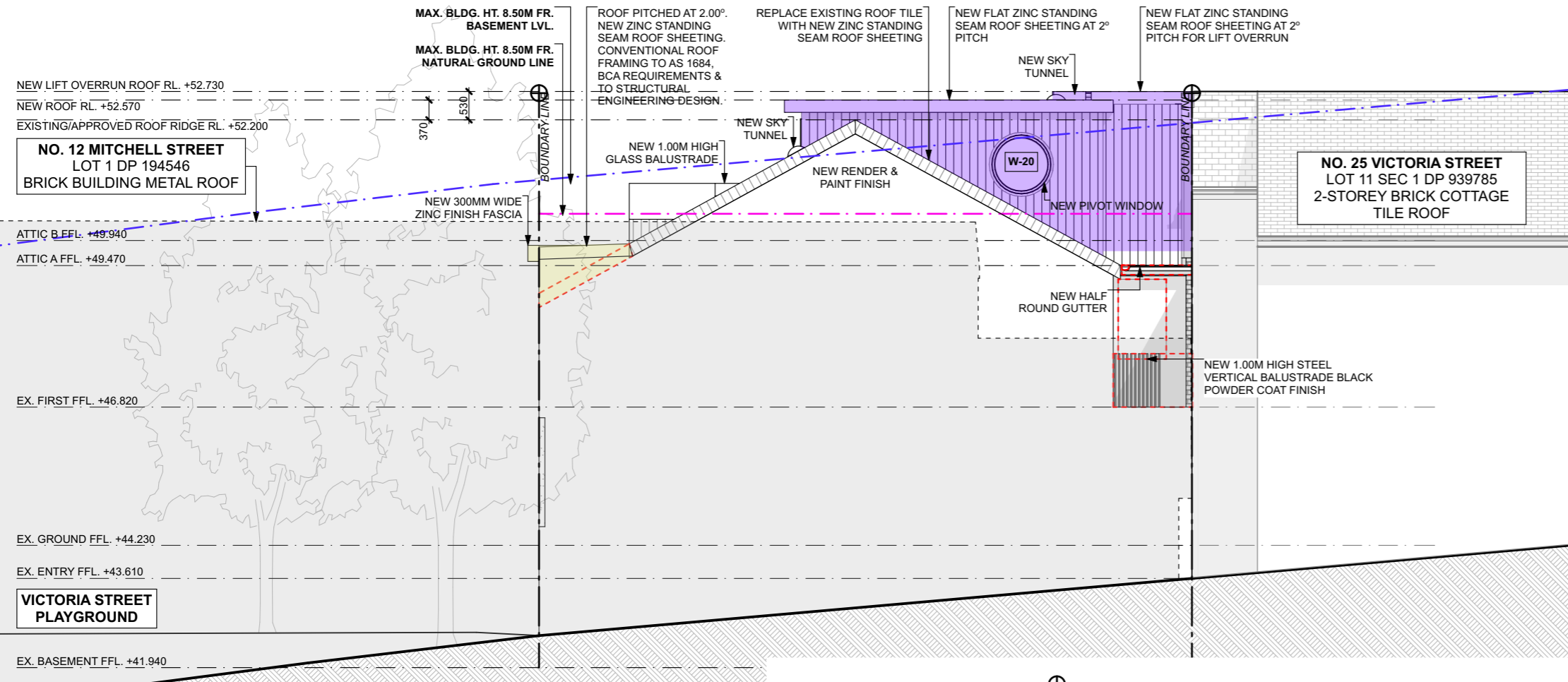


ISSUE FOR	CLIENT	PROJECT	DRAWING
APPROVAL	NITHAN THIRU	McMahons Point Residence	NORTH FRONT & WEST SIDE ELEVATIONS

ISSUE FOR	CLIENT	PROJECT	DRAWING
APPROVAL	NITHAN THIRU	McMahons Point Residence	NORTH FRONT & WEST SIDE ELEVATIONS

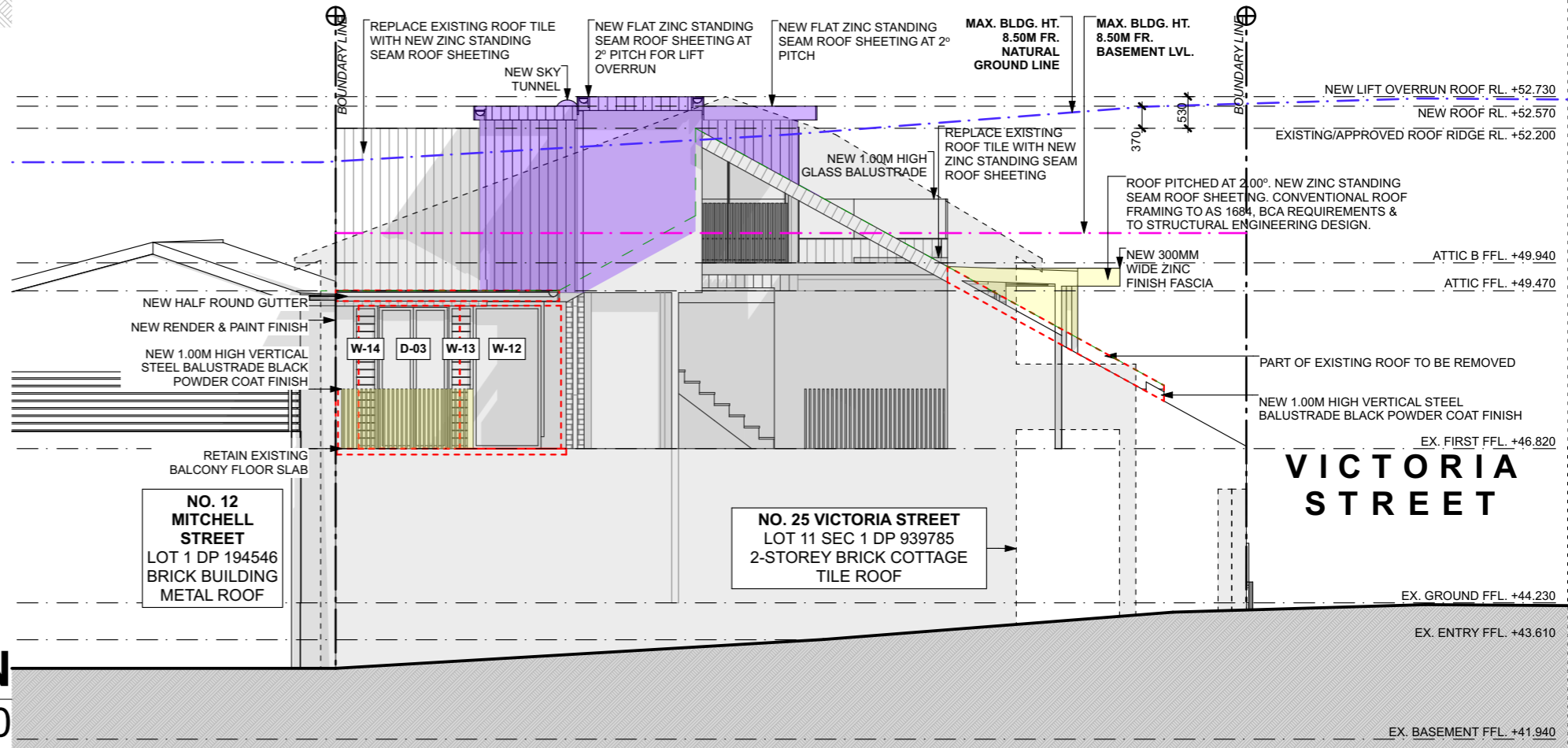
ISSUE FOR	CLIENT	PROJECT	DRAWING
APPROVAL	NITHAN THIRU	McMahons Point Residence	NORTH FRONT & WEST SIDE ELEVATIONS

DRAWN	PROJECT NO.
BARBARA	#PIn
CHECKED	SCALE
FK / BS	1:100@A3
REVISION	DWG NO.
D	13



SOUTH REAR ELEVATION

1:100



EAST SIDE ELEVATION

1:100

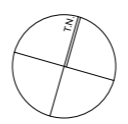
LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- S ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER
- LINE OF EXISTING/APPROVED ROOFLINE

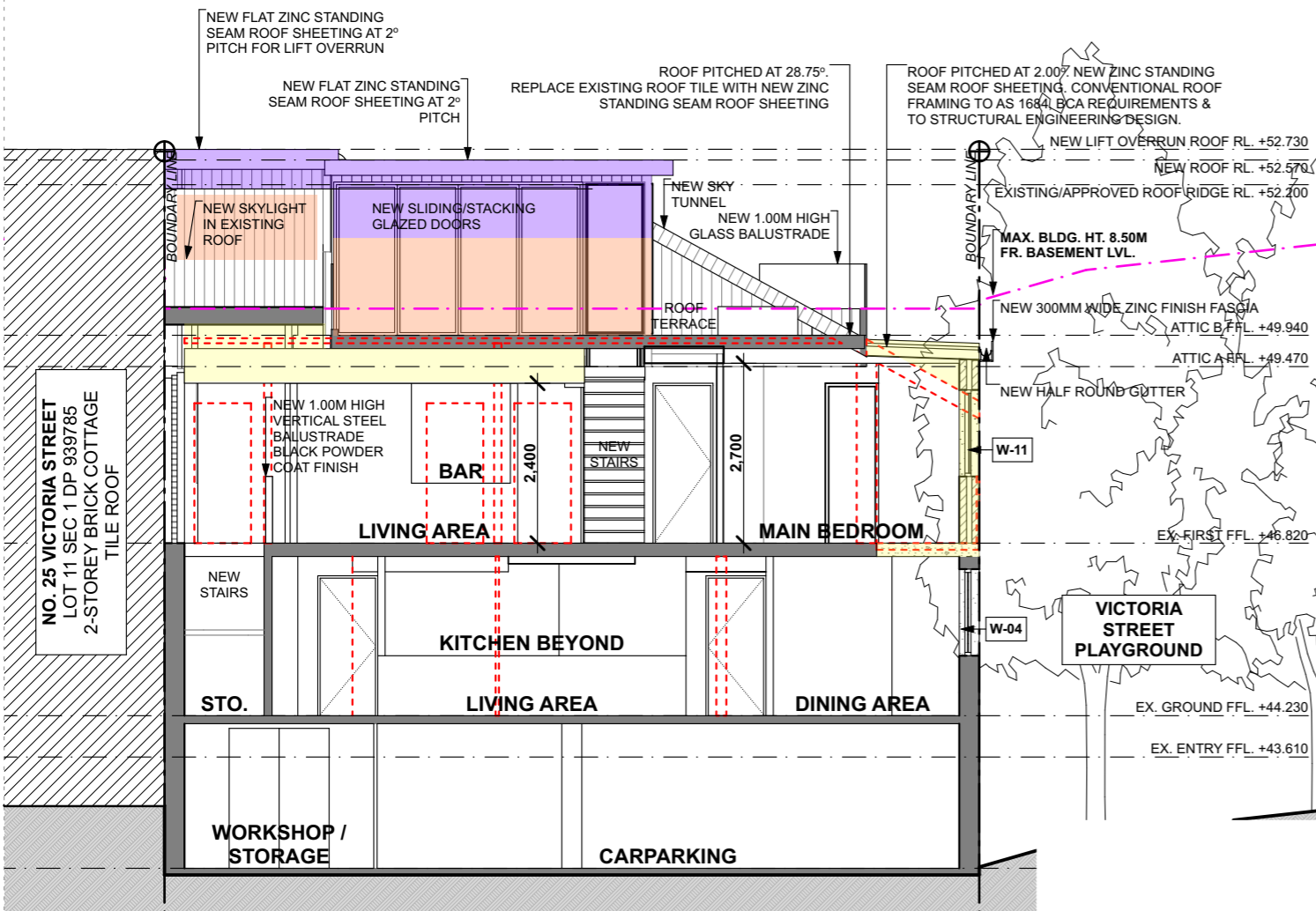
GENERAL NOTE

1. FIREPLACE TO BCA REQUIREMENTS
2. ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
3. BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
4. ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.

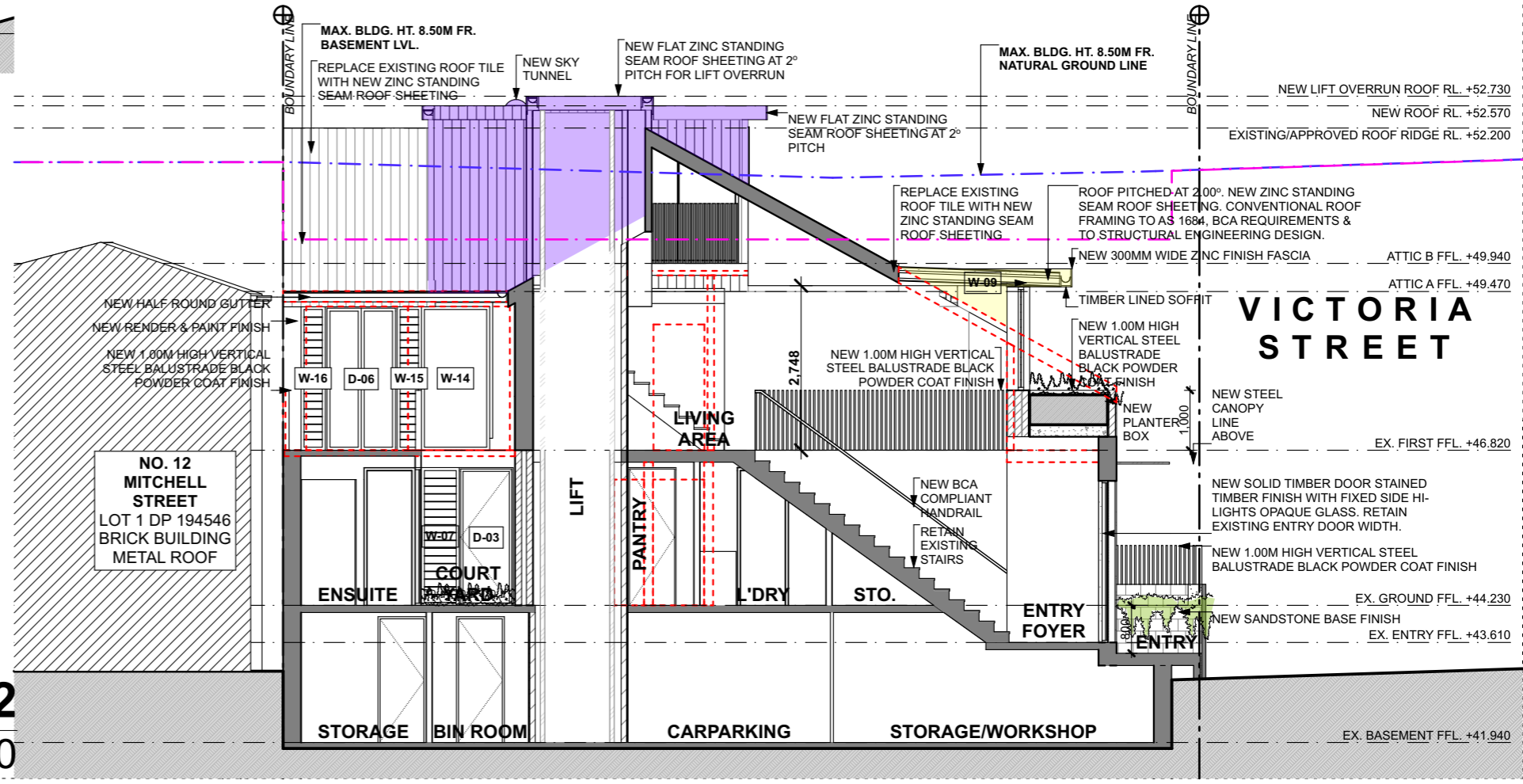
DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR APPROVAL	CLIENT NITHAN THIRU	PROJECT McMahons Point Residence 23 VICTORIA STREET MCMAHONS POINT NSW, 2060	DRAWING SOUTH REAR & EAST SIDE ELEVATIONS	DRAWN BARBARA #Pln	PROJECT NO. #Pln
				CHECKED FK / BS	SCALE 1:100@ A3
				REVISION D	DWG NO. 14



SECTION 01
1:100



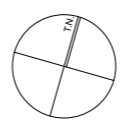
SECTION 02
1:100

LEGEND

- EXISTING STRUCTURES TO REMAIN
- EXISTING STRUCTURES TO BE DEMOLISHED
- PREVIOUSLY PROPOSED ALTERATION / ADDITIONS
- PROPOSED WORK WITHIN EXISTING/APPROVED ENVELOPE
- PROPOSED WORK OUTSIDE OF EXISTING / APPROVED ENVELOPE
- NEW STRUCTURES TO BE BUILT
- S ALL SMOKE ALARM MAIN POWERED WITH BATTERY BACK UP INTERCONNECTED TO EACH OTHER

GENERAL NOTE

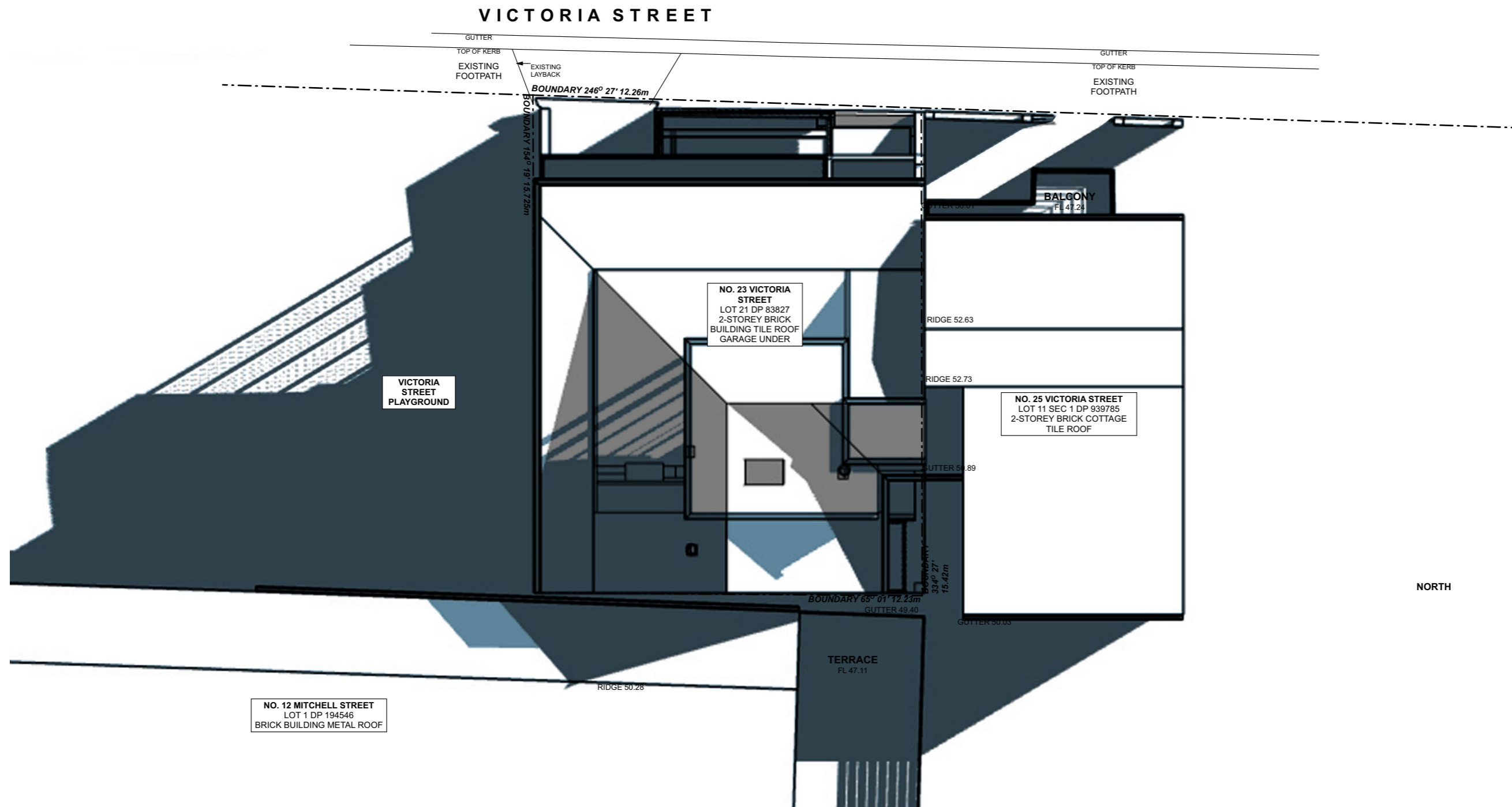
1. FIREPLACE TO BCA REQUIREMENTS
2. ALL STAIRS TO HAVE A BCA COMPLIANT HANDRAIL WHERE REQUIRED
3. BATHROOMS TO HAVE MECHANICAL EXHAUST WHERE REQUIRED TO MEET BCA REQUIREMENTS
4. ALL OPENING WINDOWS ON THE GROUND & FIRST FLOOR ARE TO BE RESTRICTED TO 125MM TO MEET BCA REQUIREMENTS.



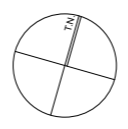
LEGEND

- APPROVED SHADOWS - RELEVANT
- APPROVED SHADOWS - NOT RELEVANT
- PROPOSED SHADOWS - SECTION 4.55

NOTE: NEW SHADOWS ONLY INCLUDE BUILT FORM & DO NOT INCLUDE BOUNDARY FENCES OR TREES.



DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
26.08.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR APPROVAL

CLIENT
NITHAN THIRU

PROJECT
McMahons Point Residence
23 VICTORIA STREET
MCMAHONS POINT
NSW, 2060

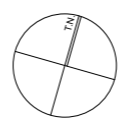
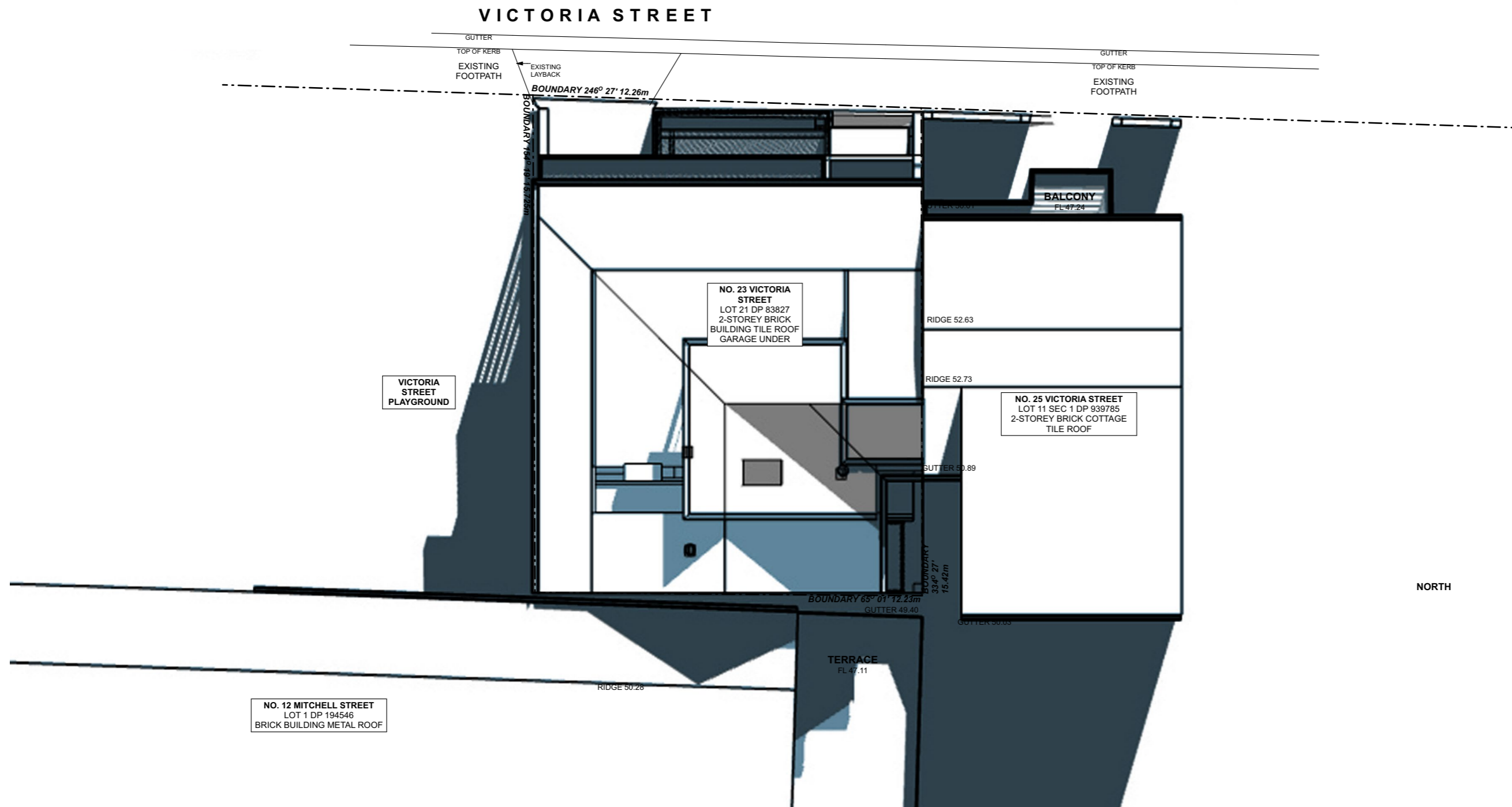
DRAWING
SHADOW PLAN 21ST JUNE 9AM

DRAWN BARBARA	PROJECT NO. #P1n
CHECKED FK / BS	SCALE 1:137.88@A3
REVISION D	DWG NO. 16

LEGEND

- APPROVED SHADOWS - RELEVANT
- APPROVED SHADOWS - NOT RELEVANT
- PROPOSED SHADOWS - SECTION 4.55

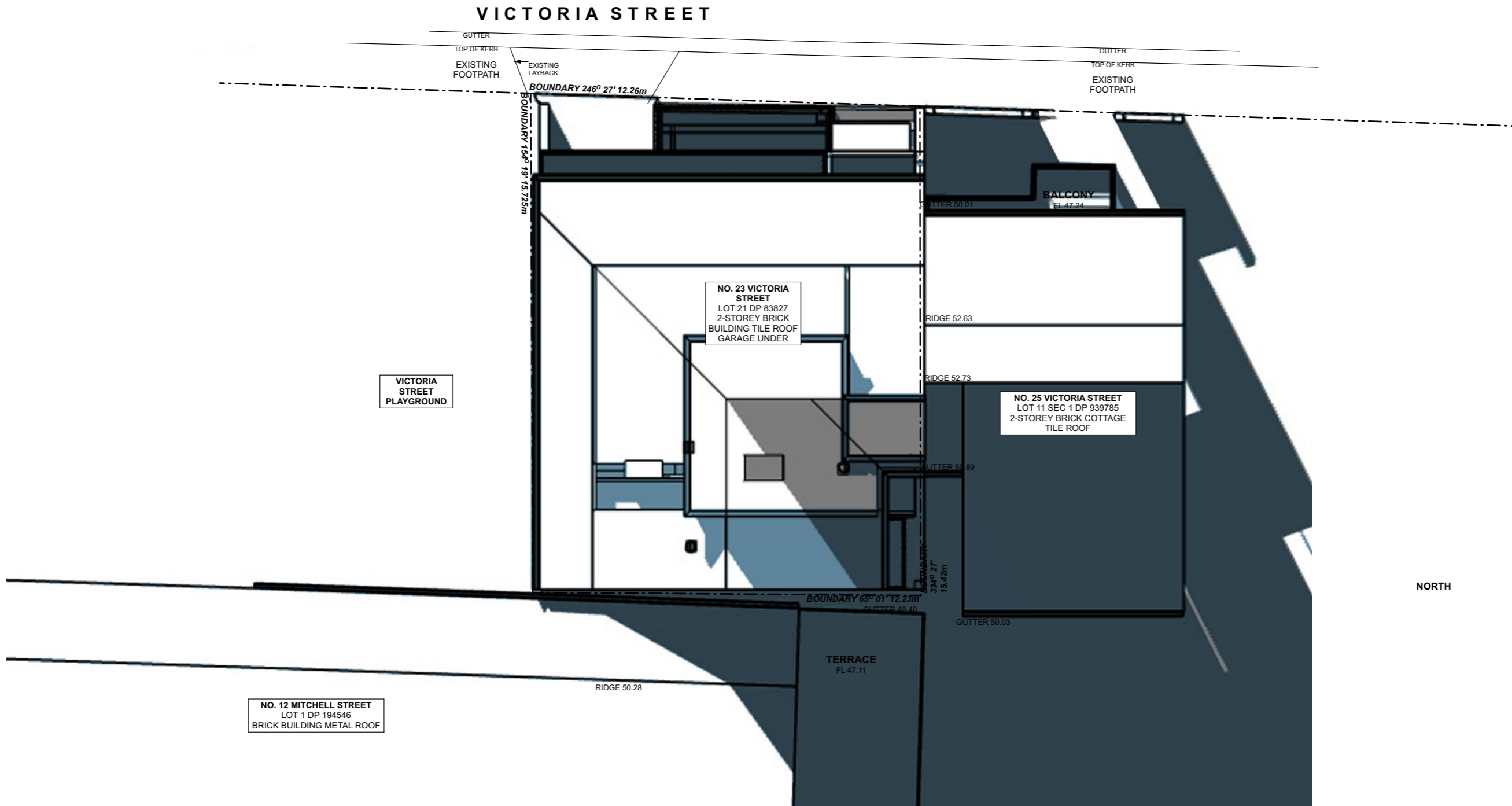
NOTE: NEW SHADOWS ONLY INCLUDE BUILT FORM & DO NOT INCLUDE BOUNDARY FENCES OR TREES.



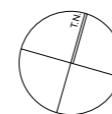
LEGEND

- APPROVED SHADOWS - RELEVANT
- APPROVED SHADOWS - NOT RELEVANT
- PROPOSED SHADOWS - SECTION 4.55

NOTE: NEW SHADOWS ONLY INCLUDE BUILT FORM & DO NOT INCLUDE BOUNDARY FENCES OR TREES.



DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



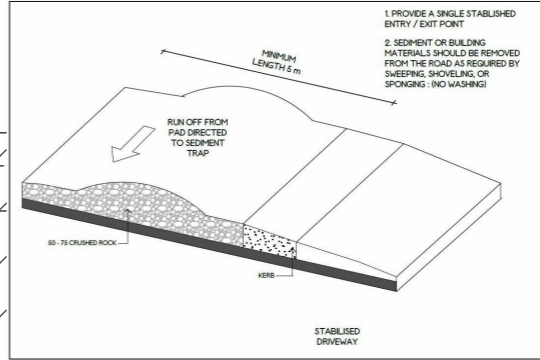
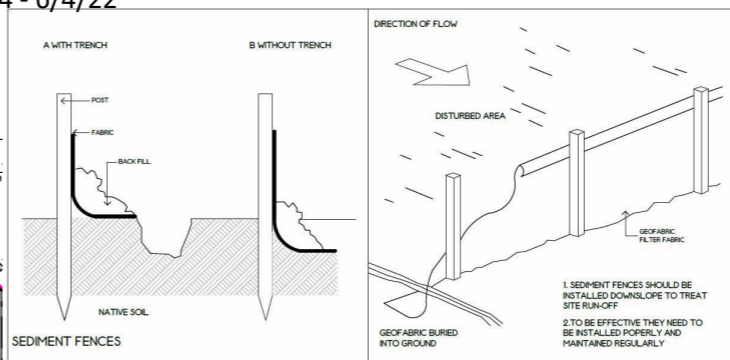
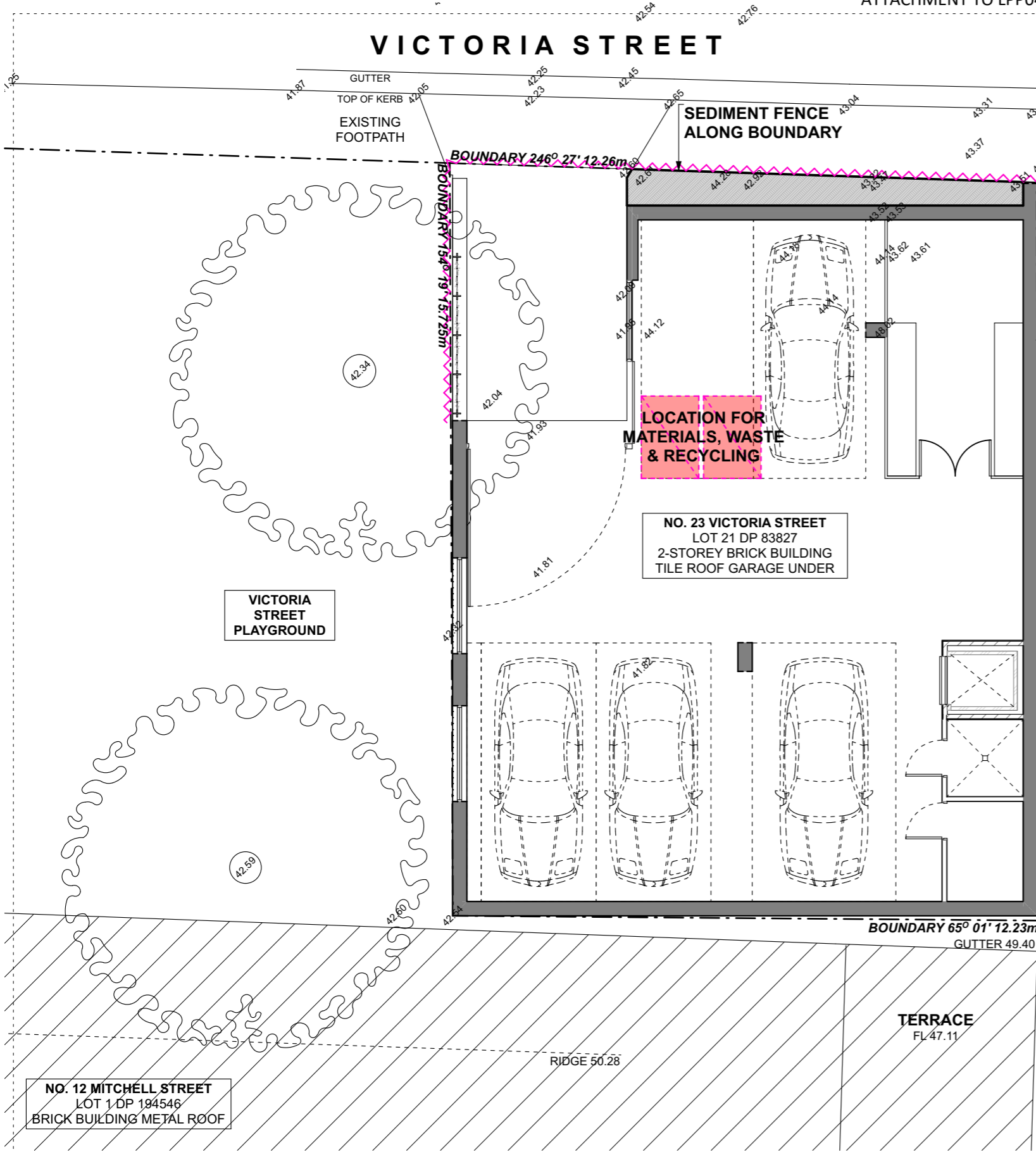
ISSUE FOR
APPROVAL

CLIENT
NITHAN THIRU

PROJECT
**McMahons Point
Residence**
23 VICTORIA STREET
MCMAHONS POINT
NSW, 2060

DRAWING
SHADOW PLAN 21ST JUNE 3PM

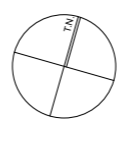
DRAWN BARBARA	PROJECT NO. #Pln
CHECKED FK / BS	SCALE 1:137.88@A3
REVISION D	DWG NO. 18



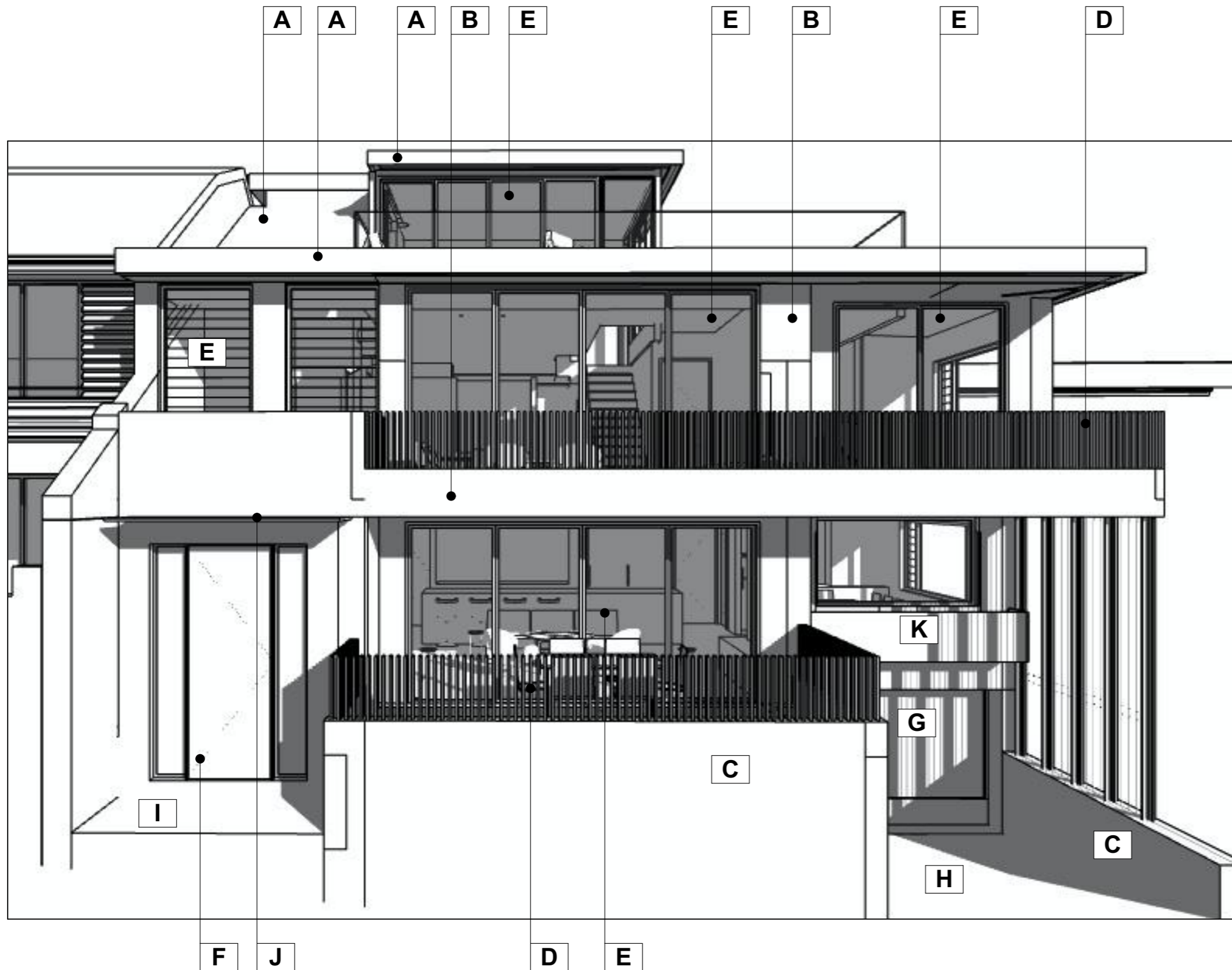
- SILTATION NOTES:**
1. ALL EROSION AND SILTATION DEVICES ARE TO BE CONSTRUCTED PRIOR TO THE COMMENCEMENT OF WORKS.
 2. ANY SILT TRAPS ARE TO HAVE DEPOSITED SILT REMOVED FREQUENTLY.
 3. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PIPES LIKELY TO COLLECT SILT LADEN WATER TO COUNCIL'S STANDARDS.
 4. NOT WITHSTANDING THE DETAILS SHOWN, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE CLEAN WATERS ACT.



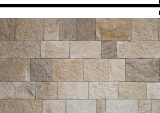
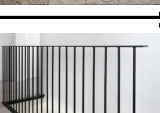



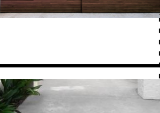


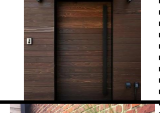
1 **EROSION & SEDIMENT CONTROL PLAN** **1:100**

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR APPROVAL	CLIENT NITHAN THIRU	PROJECT McMahons Point Residence 23 VICTORIA STREET MCMAHONS POINT NSW, 2060	DRAWING EROSION & SEDIMENT CONTROL PLAN	DRAWN BARBARA #PIn	PROJECT NO.
				CHECKED FK / BS	SCALE 1:100@ A3
				REVISION D	DWG NO. 19



INDEX	FINISHES / MATERIALS	COLOUR
A	NEW ROOF. VM ZINC QUARTZ ZINC STANDING SEAM	
B	NEW RENDER & PAINT FINISH. DULUX NATURAL WHITE	
C	NEW SANDSTONE WALL CLADDING. ECO OUTDOOR BARRIMAH TRADITIONAL FORMAT WALLING	
D	NEW VERTICAL STEEL BALUSTRADE. VERTICAL STEEL RODS WITH FLAT BAR TOP HANDRAIL DULUX BLACK ACE FLAT POWDERCOAT FINISH	
E	NEW DOORS & WINDOWS. ALUMINIUM FRAME DULUX BLACK ACE FLAT POWDERCOAT FINISH	
F	NEW TIMBER ENTRY DOOR. WALNUT STAIN OR SIMILAR	
G	NEW TIMBER SLIDING GARAGE DOOR. WALNUT STAIN OR SIMILAR	
H	NEW CONCRETE DRIVEWAY	
I	NEW TRAVERTINE PAVER	
J	NEW DULUX BLACK ACE POWDER COAT AWNING	
K	NEW DULUX BLACK ACE POWDER COAT PLANTER BOX	

NOTE: COLOURS & FINISHES MAY VARY SLIGHTLY DURING CONSTRUCTION

SCHEDULE OF FINISHES & MATERIALS

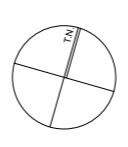
BARBARA
ARCHITECTURE & INTERIORS

SUITE 6/20 MADDOX ST,
ALEXANDRIA NSW
T: #61 400 304 070
E: info@studiobarbara.com.au
REGISTERED ARCHITECT:
NSW #10607 Felicity King

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
DO NOT SCALE OFF DRAWING
ALL WORKS TO COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS
ALL WORKS TO COMPLY WITH NCC (FORMERLY THE BCA)
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY
STUDIO BARBARA
ALL WORKS TO COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
NOT FOR CONSTRUCTION

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55

DATE	REVISION	ISSUE
04.09.20	A	ISSUE FOR DA SUBMISSION
28.01.21	B	ISSUE FOR CLIENT/PLANNER REVIEW
05.02.21	C	ISSUE FOR SECTION 4.55 DRAFT
26.08.21	D	ISSUE FOR SECTION 4.55



ISSUE FOR APPROVAL

CLIENT
NITHAN THIRU

PROJECT
McMahons Point Residence
23 VICTORIA STREET
MCMAHONS POINT
NSW, 2060

DRAWING
SCHEDULE OF MATERIALS & FINISHES

DRAWN BARBARA	PROJECT NO. #Pln
CHECKED FK / BS	SCALE 1:100@ A3
REVISION D	DWG NO. 20

