



**NSLPP MEETING HELD ON 02/02/22**  
**SECTION 4.55 APPLICATION REPORT**

**Attachments:**

1. Site Plan
2. Architectural Plans

**ADDRESS/WARD:** 30-34 Grosvenor Street, Neutral Bay

**APPLICATION No:** DA 237/20/2

**PROPOSAL:** To modify an approved four (4) storey residential flat building including changes to floor levels, internal layout changes within the basement levels, an additional basement level and an addition to the lift overrun.

**PLANS REF:**

Plan Nos.	Rev	Description of works	Prepared by	Dated
A0097	B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098	D	Basement 01 Floor Plan	Team 2 Architects	3 September 2021
A0099	D	Lower Ground Floor Plan	Team 2 Architects	3 September 2021
A0100	D	Ground Floor Plan	Team 2 Architects	3 September 2021
A0101	D	Level 01 Floor Plan	Team 2 Architects	3 September 2021
A0102	D	Level 02 Floor Plan	Team 2 Architects	3 September 2021
A0103	D	Level 03 Floor Plan	Team 2 Architects	3 September 2021
A0104	D	Level 04 Ground floor Plan	Team 2 Architects	3 September 2021
A0105	D	Roof Plan	Team 2 Architects	3 September 2021
A0200	D	Elevations 01	Team 2 Architects	3 September 2021
A0201	D	Elevations 02	Team 2 Architects	3 September 2021
A0300	D	Section 01	Team 2 Architects	3 September 2021

**OWNER:** Hickory Grove Super Pty Ltd  
Pinot Noir Pty Ltd  
Harold Scruby Consultancies

**APPLICANT:** Paige Matthews

**AUTHOR:** Robin Tse, Senior Assessment Officer

**DATE OF REPORT:** 24 January 2022

**DATE LODGED:** 7 September 2021

**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent (D237/20) for redevelopment of the subject properties to provide a new four (4) storey residential flat building including changes to the design of the basement with a new level, revised floor levels and an increase in the height of the lift overrun.

**The application is reported to NSLPP for determination because the proposed modifications involve changes to the setbacks of the basement from the southern (street) and northern property boundaries as specified in the deferred commencement conditions imposed by the Panel.**

Council's notification of the proposal has attracted no submissions.

The application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, and the visual mass of the development as approved in the original DA.

The proposed modifications to setbacks of the basement walls would not change the setbacks and built forms of the above ground building elements and no adverse impacts on the landscaping treatments as indicated on the approved landscape plan as well as the landscape settings of the approved development.

The proposed modifications to the height of lift overrun above the LEP maximum building height limit would have no material impacts on the form of the approved apartment building and the overall character of the locality.

The proposed modifications would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

Appropriate conditions have been recommended to address the additional excavation works and the use of communal and other facilities within the development.

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



## DESCRIPTION OF PROPOSAL

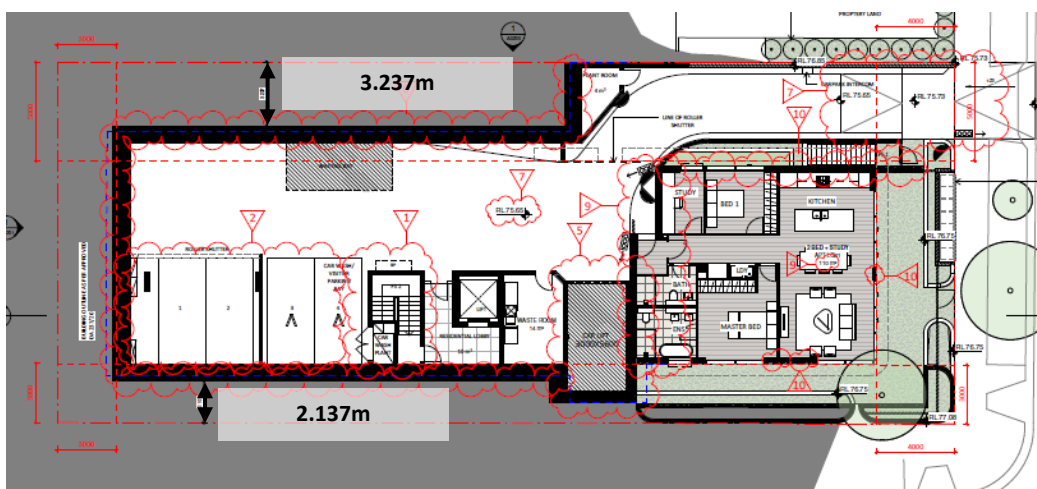
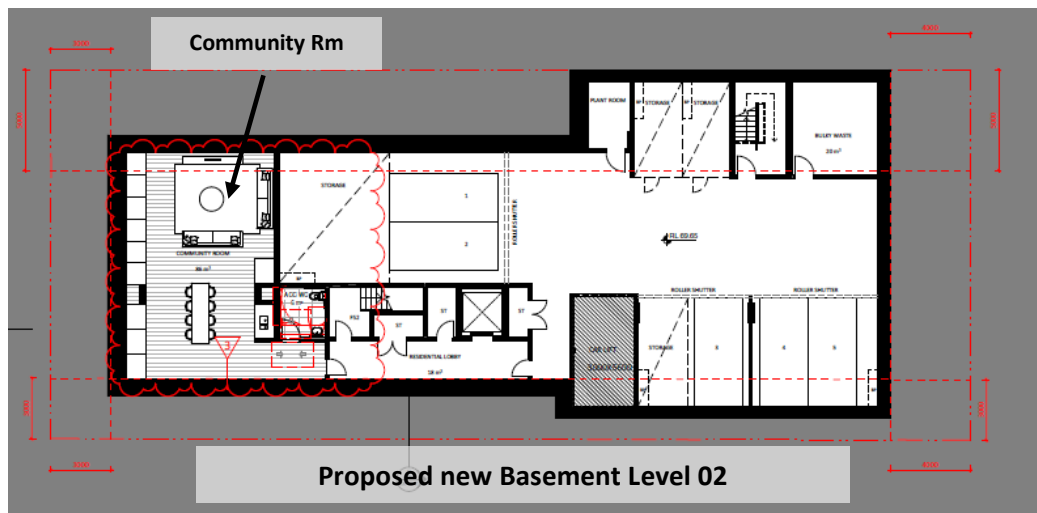
The subject S4.55 application involves modifications to Development Consent (**D237/20**) for the redevelopment of the properties at Nos 30-34 Grosvenor Street, Neutral Bay to provide a four (4) storey residential flat building. The proposed modifications are summarised as follows:

- (a) The addition of a new basement level 02 at RL69.65 matching the footprint of the basement level 01 above to provide five (5) parking spaces, storage areas, a plant room, a bulky waste room and a community room;
- (b) Modifications to the property boundary setbacks for the basement level 01 to provide setback of 3.237m to the northern property boundary and 2.137m to the southern (Grosvenor Street) boundary;
- (c) Modifications to the internal layout of parking areas on basement level 01 and the lower ground level to provide ten (10) parking spaces (including two (2) accessible parking spaces and two (2) visitors spaces), two (2) motorcycle parking spaces, bicycle parking, a plant room, a sprinkler & hydrant pump room and a car lift connecting all parking levels. Installation of roller shutters in front of certain parking spaces and storage areas on basement Levels 01 and 02;
- (d) Modifications to the building facades including the widening of some external walls and the addition of solid upstands to planters along the perimeter of the building;
- (e) An increase in the height of the lift overrun from RL92.55 to RL92.85;
- (f) Modifications to the floor levels:

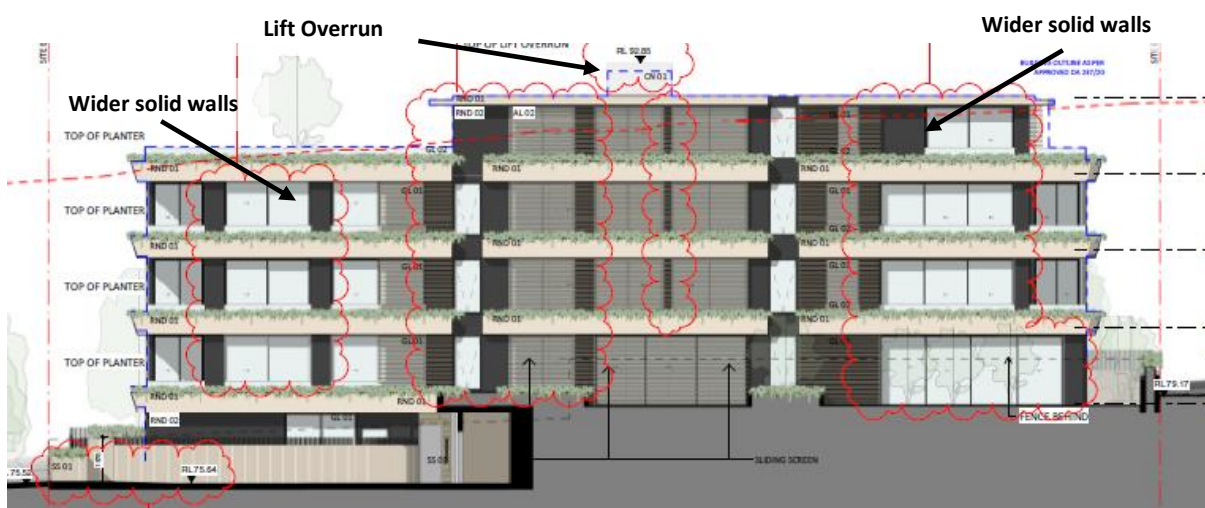
Level	Approved	Proposed
Basement 02	N/A	RL69.65
Basement 01	RL73.10	RL72.50
Lower Ground	RL75.90	RL75.65
Ground	RL79.00	RL78.85
Level 01	RL82.10	RL82.00
Level 02	RL85.20	RL85.15
Level 03	RL88.30	RL88.30
Roof	RL91.40	RL91.40

- (g) Increase in the GFA of the development from 1,223sqm to 1,340sqm resulting from the addition of a basement level and adjustments to unit size as follows:

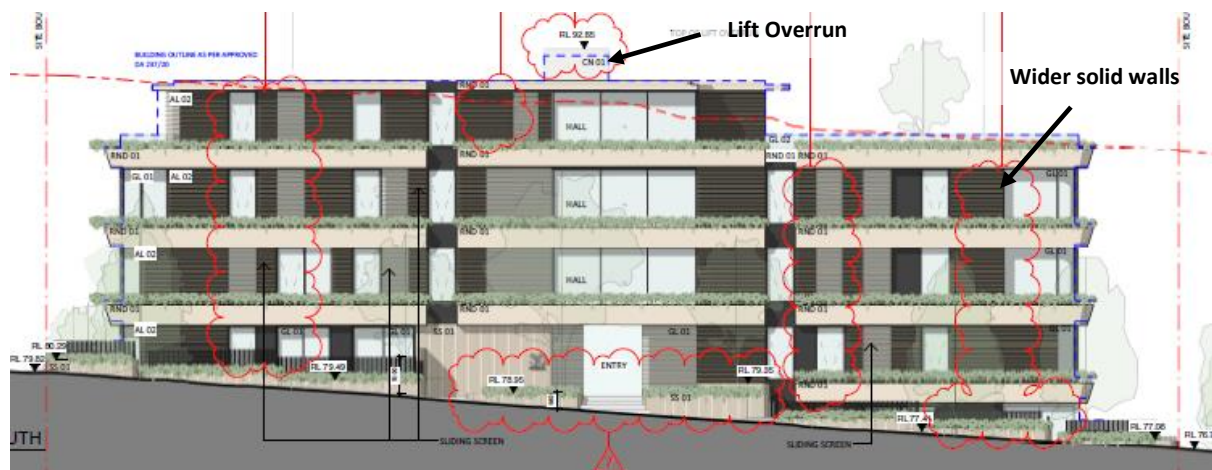
Level/ Nos. of Units & Type	Approved	Proposed
Lower Ground: 1 x 2B + Study	102sqm	110sqm
Ground: 1 x 1B 2 x 3B	66sqm 132sqm & 140sqm	66sqm 131sqm & 140sqm
Level 01: 2 x 3B	120sqm & 158sqm	119sqm & 158sqm
Level 02: 2 x 3B	148sqm & 158sqm	146sqm & 158sqm
Level 03	158sqm	159sqm



Lower Ground Level – Floor Plan



Northern Elevation



**Southern (Grosvenor Street) Elevation**

**Figures 1 – 4: Proposed Modifications**

## STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R4 High Density Residential)
- Item of Heritage - No
- In Vicinity of Item of Heritage - No
- Conservation Area - No
- FSBL – No

North Sydney Infrastructure Contribution Plan 2020

Environmental Planning & Assessment Act 1979 (As amended)

SREP (Sydney Harbour Catchment) 2005

SEPP 55 – Remediation of Land & Draft SEPP

SEPP 65 – Design Quality of Residential Apartment Development & ADG

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

SEPP (Vegetation in Non-Rural Areas) 2017

Draft SEPP Environment 2017

Local Development

## POLICY CONTROLS

DCP 2013

Apartment Design Guidelines (ADG)

Sydney Harbour Foreshores & Waterways Area DCP 2005

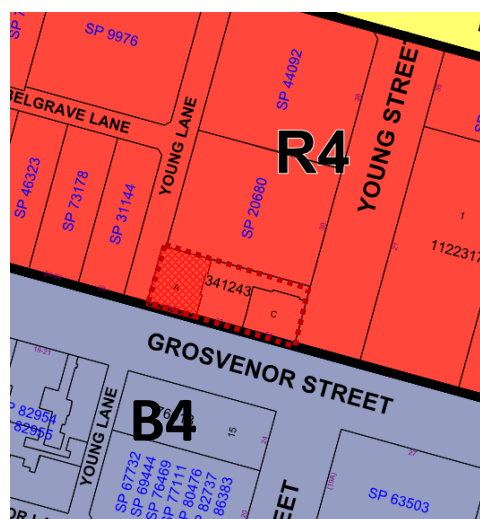


Figure 5: Zoning Map

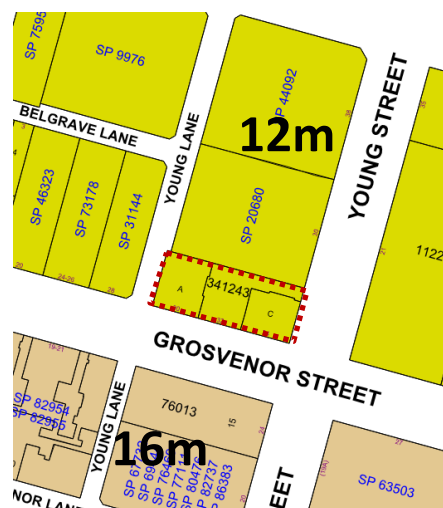


Figure 6: Building Height Map

## DESCRIPTION OF LOCALITY

The subject site is located on the northern side of Grosvenor Street. The subject site comprises three allotments at Nos 30, 32 and 34 Grosvenor Street, legally known as Lots A, B and C of DP341243. The subject site has the main street frontages to Grosvenor Street with frontage to Young street to the east and Young Lane to the west. The site is rectangular in shape with fall of 3.9m from Young Lane towards Young Street to the east with a total area of 839.3sqm.

Currently, there are three (3) buildings with one building on each allotment. The single storey building occupying No.30 Grosvenor Street is being used as a counselling centre. The building at No.32 Grosvenor Street is a two storey dwelling containing 4 bedrooms with a driveway along the northern common property boundary to Young Street. The single storey building occupying No.34 Grosvenor Street is being used as a travel agency.

The subject site is located on the northern edge of the Neutral Bay Town Centre and is surrounded by developments with varying heights and building typologies. The subject site and properties on the northern side of Grosvenor Street are located on land zoned R4 (High Density Residential) with a maximum building height of 12m. However, there are existing apartment buildings built in the 1970's/80's with building height well in excess of the current LEP building height limit. Land to the south of the subject site across Grosvenor Street is zoned B4 (Mixed Use) with a maximum height limit of 16m.

Immediately adjoining the subject site to the north is a seven (7) storey residential flat building at No.30 Young Street. A driveway and parking spaces are located on the southern side of this adjoining property adjacent to the common property boundary with the subject site.

A two (2) storey townhouse development with attic dormers is located to the west of the subject site across Young Lane at No. 28 Grosvenor Street. To the east of the subject site across Young Street is a four (4) storey residential flat building at No. 21 Young Street.

To the south across Grosvenor Street is a part two/three storey commercial building at No. 24 Young Street. The southern side of Grosvenor Street is characterised by mixed used developments up to five storeys.



*Figure 8: Subject Site and the Locality*

## RELEVANT HISTORY

### Previous Applications:

- **2 June 2004** – Development consent (**D82/04**) was granted under delegated authority for the change of use of the premises from a veterinary clinic to training institute/educational establishment for counselling professionals.
- **19 August 2004** – A formerly Section 96 application (**D82/04/2**) seeking modifications to approved development to include the demolition of an external shed and the construction of a replacement building was approved under delegated authority.
- **August 2010** – Council records revealed that the property at No.32 Grosvenor Street was registered as a skin penetration premises. The property was registered with Council as a commercial premises but is now used as a dwelling containing 4 bedrooms.
- **3 March 2021** – A deferred commencement consent (**D237/20**) was granted by the NSLPP for the redevelopment of the subject site involving the demolition of the existing buildings and the construction of a four (4) storey residential flat building with nine (9) apartments and basement parking for fifteen (15) cars.



In particular, Condition AA1(f) required the following:

*The design of the basement be amended to provide a 2.4m setback from the southern (Grosvenor Street) boundary and a 3.5m setback from the northern property boundary as indicated on the applicant's submission "Basement Plan" dated 2 March 2021. Soft landscaping must be provided within the modified Grosvenor Street setback including the planting of a canopy tree (Pyrus Ussuriensis Manchurian Pear). The landscape plan as required in Condition AA2 must reflect the additional landscaping treatments required by this condition.*

- **24 May 2021** – An operative consent was issued following the approval of the plans, information and reports submitted to satisfy the requirements of all deferred commencement conditions.

Current Application:

- **7 September 2021** – The subject S4.55 application (**D237/20/2**) seeking various modifications to the approved development was lodged with Council.
- **24 September to 10 October 2020** - The application was notified to adjoining properties and the Brightmore Precinct. The notification attracted no submissions.
- **29 November 2021** – The applicant submitted additional information in relation to the reasons for the proposed changes to the basement design including the increase in the thickness of the shoring walls to meet geotechnical requirements.

## REFERRALS

## BUILDING

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

## ENGINEERING

The subject S4.55 application was referred to Council's Senior Development Engineer who indicated that the engineering conditions imposed in the original DA consent would generally be adequate to address the proposed modifications.

Given that the proposal involves additional excavation for the new basement level, it is recommended that the geotechnical report condition (**Condition C1**) be modified to include a reference to the geotechnical report submitted for the modified development to ensure the structural integrity of the subject site and the adjoining sites during the excavation process.

## **TRAFFIC**

Council's Traffic and Transport Engineer has reviewed the proposal and raised no objection to the proposed changes. There would be no further changes to the conditions previously imposed in the original consent.

## **LANDSCAPING**

Council's Landscape Officer was consulted who raised no objection to the proposal given that the changes to the basement setbacks are considered to be minimal and would have no material impacts on the implementation of the approved landscaping treatments and landscape quality of the subject site

## **DESIGN EXCELLENCE PANEL**

A referral of the subject application to Council's Design Excellence Panel is not considered necessary because the proposed modifications would not materially change the overall design, appearance, building height and the external building envelope of the approved development. Furthermore, the proposal would not change the overall level of compliance with SEPP 65 and the Apartment Design Guide (ADG) as detailed later in this report.

## **SUBMISSIONS**

The owners of adjoining properties and the Brightmore Precinct were notified between 24 September and 10 October 2021. The notification has attracted no submissions.

## **CONSIDERATION**

Council is required to assess the s4.55 application under the EPA Act 1979 (As amended) 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), and**

The application involves the addition of a basement level, changes to basement setbacks, floor level changes and modifications to façade treatments. The proposed modifications would not materially change the overall building height, external building envelope, and the use of the approved development. The addition of a new basement level would increase the scale of the development, however, the new level would primarily be used for parking, storage and a community room serving the apartments above. Consequently, the proposal is considered to be “substantially the same”.

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

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

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

The owners of adjoining properties and the Brightmore Precinct were notified between 24 September and 10 October 2021. The notification has attracted no submissions.

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

## **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 modifications not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given that the subject site is not visible from the harbour as the site is far enough away from the foreshores of Sydney Harbour as to have no impacts on the harbour and its foreshores. As such, the proposed modifications are 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**

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 had been used for residential purpose until the construction of the existing commercial building in the 1980s. Therefore, the subject site is unlikely to contain any contamination and the requirements of SEPP 55 and the Draft SEPP have been satisfactorily addressed.

### **SEPP (Vegetation in Non-Urban Areas) 2017**

The proposal meets the objectives of the SEPP because subject site is located within the Neutral Bay Town Centre and the proposed modifications would not involve additional clearance of native vegetation or any materials impacts on bushland (if any) in the vicinity of the subject site.

### **SEPP (Building Sustainability Index: BASIX) 2004**

Whilst the proposal would involve some changes to the width of some external walls, it is however noted that the changes are minor in nature and would not alter the overall thermal performance of the approved development. Therefore, a revised BASIX Certificate is not required.

### **Draft SEPP Environment 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 proposed modifications would not offend the relevant provisions of the draft SEPP due to the nature of the proposed development as the building would not be visible from the harbour and negligible impacts on the scenic quality and the ecology of Sydney Harbour and its foreshores.

### **SEPP 65 – Design Quality of Residential Apartment Development**

State Environmental Planning Policy No. 65 aims to improve the design quality of residential flat buildings in New South Wales. The primary design principles in the SEPP are discussed as follows:

#### ***Principles 1 and 2: Context, Built Form and Scale***

The subject site is located within a R4 (High Density Residential) zone and the proposal for a residential flat building development would generally be suitable for the site context and be compatible with the desirable future character for development with Neutral Bay Town Centre.

The proposed modifications would not change the approved four storey building in terms of overall height, form and appearance, therefore, the proposal would be consistent with the apartment development within the R4 (High Density Residential) zone with a height limit of 12m and the mixed use/shop top housing developments within B4 (Mixed Use) zone on the southern side of Grosvenor Street with a height limit of 16m.

***Principle 3: Density***

The proposed modifications would not change the number of apartments and unit mix within the approved development.

***Principle 4: Sustainability***

As mentioned earlier in this report, the proposed external changes are minor in nature and would not alter the overall thermal performance of the approved development. There would be no change to the sustainable design elements in the approved development such as the use of shade/screens on the building facades and the extent of planting within the subject site.

***Principle 5: Landscape***

The proposed modifications do not involve changes to the landscaping treatments as originally approved. The changes to the setbacks of the basement walls from the northern and southern property boundaries by around 300mm would have no material impacts on the overall landscape setting and the quality of landscaping within the subject site.

***Principle 6: Amenity***

The proposed modifications would not affect the overall level of compliance with the ADG. There would be improvements to the amenity for the residents in terms of additional storage and a community room as the result of the proposed modifications. It is recommended that a condition be imposed to ensure that the additional storage and communal space be used for the specified purposes (**Condition I9**).

***Principle 7: Safety***

The proposed modifications would not affect the overall level of safety and security of the approved development. It is however noted that the introduction of shutters to some basement parking spaces/storage areas would provide additional security for residents.

***Principle 8: Housing Diversity and Social Dimensions***

The proposed modifications would not offend this principle given that there would be no change to the number of apartments, a very small change to the apartment size and the overall amenity of these apartment as originally approved.

**Principle 9: Aesthetics**

The proposed modifications would not change the overall aesthetic quality of the approved development. It is noted that the widening of some external walls would result in some reduction in the extent of exposed glazing and would further improve the aesthetic quality of the building.

**It is concluded that the proposed modifications are found to be generally consistent with the key SEPP 65 design principles and therefore is supported.**

**APARTMENT DESIGN GUIDE (ADG)**

The proposed modifications have also been assessed against the relevant provisions within the ADG as follows:

Amenity	Design Criteria	Comment	Compliance
<b>2F - Building Separation</b>	<i>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</i> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies (6m to boundary)</li> <li>• 9m between habitable and non-habitable rooms (4.5m to boundary)</li> <li>• 6m between non-habitable rooms (3m to boundary)</li> </ul>	The proposed modifications would not affect the separation between the apartment building and the adjoining buildings because the proposal would only affect the setbacks of basement walls and not the setbacks above the ground level.	No change
<b>3E – Deep Soil Zones</b>	<i>Deep soil zones are to meet the following minimum requirements:</i> <ul style="list-style-type: none"> <li>• 3m minimum width</li> <li>• Minimum 7% of the site area</li> </ul>	The proposed modifications would provide a complying 214.8sqm (24.6%) of deep soil planting area.	Yes
<b>3F - Visual privacy</b>	<i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i> <p>6m (between habitable rooms and balconies to boundaries)            3m (between non-habitable rooms)</p>	As mentioned above, the proposed modifications would not change the separation distance between the approved apartment building and the buildings within the adjoining properties. Therefore, there would be no material change to the visual separation between buildings and visual privacy as a whole.	No change

<p><b>3H – Vehicle Access</b></p>	<p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</i></p>	<p>The approved vehicular driveway to the basement parking off Young Street would be maintained.</p>	<p>No change</p>
<p><b>3J – Bicycle and Car parking</b></p>	<p><i>The car parking needs for a development must be provided off street</i></p> <p><i>Parking and facilities are provided for other modes of transport</i></p>	<p>The proposal maintains the approved number of car parking spaces (15) as well as bicycle parking facilities within the basement parking area as originally approved.</p> <p>The proposed modifications also included two (2) motorcycle parking space within the basement.</p>	<p>Yes</p>
<p><b>4A - Solar and daylight access</b> <b>4B - Natural ventilation</b></p>	<p><i>Solare access - min. 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter</i></p> <p><i>Natural Ventilation – min. 60% of apartments are naturally cross ventilated</i></p>	<p>The proposed modifications would not change the level of compliance with the ADG’s solar access and natural ventilation requirements.</p>	<p>No change</p>
<p><b>4C - Ceiling Heights</b></p>	<p><i>Ceiling height achieves sufficient natural ventilation and daylight access - Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.</i></p>	<p>The proposed changes would maintain a minimum floor to ceiling height of 2.7m for the habitable spaces within the apartment building.</p>	<p>Yes</p>
<p><b>4D 1 - 3 - Apartment size and layout</b></p>	<p><i>Apartments are required to have the following minimum internal areas:</i>  <i>50m<sup>2</sup> (1B),</i>  <i>70m<sup>2</sup> (2B),</i>  <i>90m<sup>2</sup> (3B)</i></p> <p>All bedrooms have a minimum area of 10 m<sup>2</sup></p> <p>All secondary bedrooms have a minimum width of 3m</p> <p>Living rooms have a minimum width of 3.6m (S and 1B) and 4m (2B and 3B)</p> <p>The maximum habitable room depth is 8m from a window</p>	<p>1B: 66m<sup>2</sup>          2B: 110m<sup>2</sup>          3B: 120m<sup>2</sup> - 164m<sup>2</sup></p> <p>All master bedrooms are suitably sized in excess of 10 m<sup>2</sup></p> <p>The secondary bedrooms comply with the minimum width of 3m.</p> <p>1B – 6.5m (min)          2B/3B – 4.8m (min)</p> <p>All habitable areas would be within 8m from windows.</p>	<p>Yes          Yes          Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes          Yes</p> <p>Yes</p>

<p><b>4E - Private open space and balconies</b></p>	<p><i>All apartments are required to have primary balconies as follows:</i></p> <p><i>Studio apartments - 4m<sup>2</sup></i></p> <p><i>1 bedroom apartments - 8m<sup>2</sup>, minimum depth 2m</i></p> <p><i>2 bedroom apartments 10m<sup>2</sup> minimum depth 2m</i></p> <p><i>3+ bedroom apartments 12m<sup>2</sup> minimum depth 2.4m</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p><i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</i></p>	<p>N/A</p> <p>1B - 32m<sup>2</sup> (on ground level)</p> <p>2B – 51sqm (on ground level)</p> <p>3B – minimum 13m<sup>2</sup></p> <p>Depth of balconies in excess of 1m</p> <p>Ground level terrace minimum 32m<sup>2</sup></p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4F - Common circulation and spaces</b></p>	<p><i>The maximum number of apartments off a circulation core on a single level is eight</i></p>	<p>A maximum of three (3) apartments served by each circulation core on all residential levels.</p> <p>In addition to the communal roof terrace on Level 03, a community room is proposed at basement level 02.</p>	<p>Yes</p>
<p><b>4G -Storage</b></p>	<p><i>Studio apartments- 4m<sup>3</sup></i></p> <p><i>1 bedroom apartments- 6m<sup>3</sup></i></p> <p><i>2 bedroom apartments- 8m<sup>3</sup></i></p> <p><i>3+bedroom apartments- 10m<sup>3</sup></i></p>	<p>Satisfactory storage areas are provided within the apartments given the generous size of each apartment significantly above the minimum ADG requirements.</p> <p>In addition, new storage facilities have been proposed at the basement levels to provide further storage. A condition is recommended requiring the storage area to be used for this purpose only (<b>Condition I9</b>).</p>	<p>Yes</p>

The amended is considered satisfactory having regard to the design criteria specified in the ADG.



## NORTH SYDNEY LEP 2013

### Permissibility

The land affected by the proposal is zoned R4 (High Density Residential) pursuant to the North Sydney LEP 2013, and development for the purpose of a residential flat building is permissible in the zone with the consent of Council.

### Zone Objectives

The objectives of the R4 (High Density Residential) zone are expressed as follows:

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

The proposed modifications to the approved apartment development is generally consistent with the above objectives of the R4(High Density Residential) zone as detailed throughout this report.

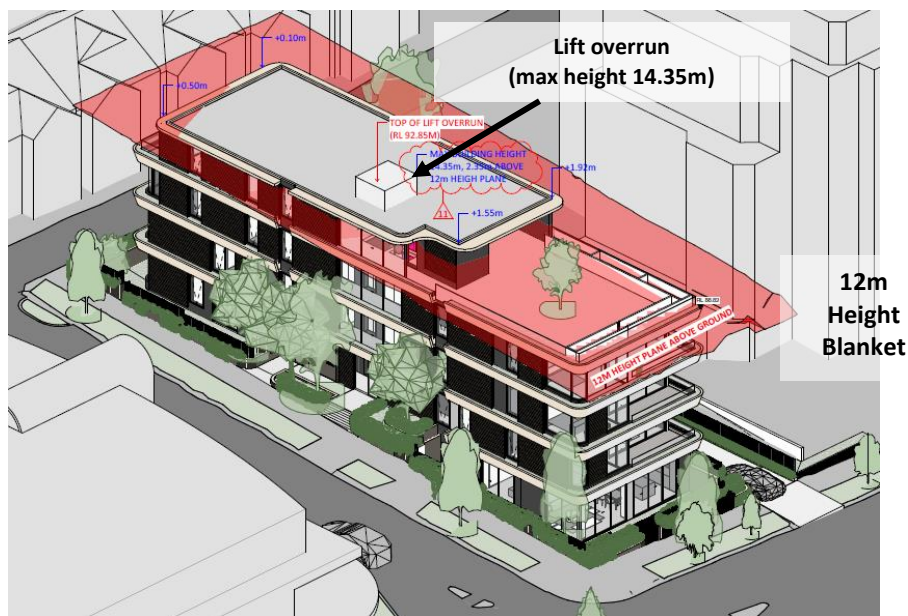
### Principal Development Standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
Site Area – 839.3m <sup>2</sup>	Approved	Proposed	Control	Complies
Clause 4.3 – Heights of Building	14.05m (in part)	14.35m (in part)	<b>12m</b>	NO

### Building Heights

Clause 4.3(2) of the LEP 2013 and the LEP building height map specify a maximum building height of 12m for the subject site. The building elements in breach of the LEP building height limit primarily relate to the roof slab and its parapet walls, lift overrun, the upper portion of the covered communal room area of Level 3 of the proposed residential flat building.

The maximum building height breach would be 2.35m for the top north-eastern corner of the lift overrun. The non-complying building elements are shown in red in **Figure 9** below.



**Figure 9: Proposed Development and the LEP Maximum Building Height**

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 (formerly Section 96) which results in a new or modified variation to a development standard, does not require the submission of an objection pursuant to SEPP 1 or a request for variation to the Development Standard under Clause 4.6 of the LEP. In this regard, reference is made to the provisions of S4.55(4) of the Act which distinguishes between the modification of a development consent pursuant to S4.55 and the granting of development consent.

In addition, consideration has been given to the objectives of the LEP building height control and the environmental grounds justifying the proposed building height variation as a measure of the performance of the proposed modifications. These matters have been considered below:

**(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 modifications would not change the building form of the approved apartment building and the overall landform within the subject site.

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

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

The modified building elements in breach of the LEP building height limit would primarily be the lift overrun because the levels and the design of the roof above the apartment and the communal room on Level 03 are unchanged.

It is considered that the proposed modifications to the lift overrun would have no material impacts on significant views as seen from the public domain and surrounding properties as well as additional shadowing onto the adjoining properties because the location and the scale of the modified structure located away from the edge of the approved building. Therefore, the lift overrun would not be highly visible from the public domain and the adjoining properties and any additional shadows would fall on the roof of the subject apartment building.

***(1)(d) To maintain privacy for residents of existing dwelling and to promote privacy for residents of new buildings*** – There would be no new openings on the non-complying building elements, therefore, no additional impacts are anticipated on visual and acoustic privacy.

***(1)(e) To ensure compatibility between development, particularly 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 proposed modifications to the lift overrun would not materially change the design of the development as originally approved. The approved development is generally consistent with the variable height, bulk, scale and built form of other properties within the locality.

Furthermore, it is considered that the building element above the LEP building height limit would have no material impacts on neighbouring properties and the locality in terms of the built forms within the locality and the amenity of the surrounding properties subject to the imposition of appropriate conditions. There are sufficient environmental planning grounds to justify the modifications to the variation to the building height control.

## **Earthworks**

The proposed modifications involve additional excavation to provide a new basement level. Council's Development Engineer has raised no in-principle objection to the proposal as indicated earlier in this report.

The applicant has submitted a further geotechnical report covering the additional works. It is recommended that the geotechnical report condition **(Condition C1)** be modified to include a reference to the geotechnical report submitted for the modified development to ensure the structural integrity of the subject site and the adjoining sites during the excavation process.

**NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013**

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

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1- Residential Development</b>		
	<i>complies</i>	<i>Comments</i>
<b>1.2 Social Amenity</b>		
<b>1.2.1 Population Mix</b> <b>1.2.2 Maintaining Residential Accommodation</b> <b>1.2.3 Affordable Housing</b> <b>1.2.4 Senior Housing</b>	No change	The proposed modifications would not change the population mix and supply of housing within the locality.
<b>1.3 Environmental Criteria</b>		
<b>1.3.1 Topography</b>	Yes	<p>The proposed modifications would not change the stepped design of the building to follow the landform of the subject site.</p> <p>The proposed modifications would lower the level of the lower ground floor by 230mm from RL75.88 to RL75.65. The proposal is unlikely to have a detrimental impact on the amenity the 2 bedroom unit on this level because the main living areas and bedrooms are located on the eastern side of the unit that benefits from the lower natural ground level.</p> <p>The proposed excavation would be carried out within the approved building footprint, therefore, there would be no further changes to the landform on ground level.</p>
<b>1.3.6 Views</b> <b>1.3.7 Solar Access</b>	Yes	<p>The proposed modifications would not significantly change the overall building height and building envelope above the ground level.</p> <p>Therefore, the modified development is unlikely to cause material impacts for the adjoining properties in terms of the loss of significant views and/or overshadowing.</p>
<b>1.3.8 Acoustic Privacy</b> <b>1.3.10 Visual Privacy</b>	Yes	<p>The proposed modifications are unlikely to cause material impacts in terms of visual privacy and/or noise nuisance because the majority of the proposed changes are internal.</p> <p>The proposed external changes, such as the widening of some external walls, changes to floor levels and the height increase of the lift overrun, would have no significant impacts on the size and locations of openings and/or the approved structures as well as the overall relationship and building separation between the subject apartment development and the surrounding buildings.</p> <p>Therefore, the proposed modifications are considered to be acceptable having regard to privacy impacts.</p>



<p><b>1.5.4 Vehicle Access and Parking</b></p>	<p>Yes</p>	<p><i>Vehicular Access:</i></p> <p>The proposed modifications would not change the location of the driveway off Young Street as originally approved. Council’s Development Engineer has raised no objection to the design of the driveway crossing and the engineering aspect of the basement parking and no further changes are required for the engineering conditions already imposed in the original DA consent.</p> <p><i>Car Parking</i></p> <p>As indicated earlier in this report, the proposal maintains the number of parking spaces for fifteen (15) car as well as bicycle parking facilities within the basement parking area as originally approved.</p>																				
<p><b>1.5.5 Site Coverage</b> <b>1.5.6 Landscape Area</b></p>	<p>No (acceptable on merit)</p>	<p>The proposed changes to the basement walls setback would result in additional unbuilt upon area as detailed in the compliance table below :</p> <table border="1" data-bbox="719 936 1410 1294"> <thead> <tr> <th>Site Area: 839.3m<sup>2</sup></th> <th>Approved</th> <th>Proposed</th> <th>Control</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td>Site Coverage</td> <td>389.6 m<sup>2</sup> (46.4%)</td> <td>389.6 m<sup>2</sup> (46.4%)</td> <td>377.7 m<sup>2</sup> (45% Max.)</td> <td>No change</td> </tr> <tr> <td>Unbuilt upon Area</td> <td>223.9 m<sup>2</sup> (26.7%)</td> <td>234.9 m<sup>2</sup> (28%)</td> <td>125.9 m<sup>2</sup> (15% max.)</td> <td>No</td> </tr> <tr> <td>Landscaped Area</td> <td>225.8 m<sup>2</sup> (26.9%)</td> <td>214.8 m<sup>2</sup> (25.6%)</td> <td>335.7 m<sup>2</sup> (40% min.)</td> <td>No</td> </tr> </tbody> </table> <p>Whilst the proposal would result in a 1.3% increase in unbuilt upon area, it is noted that the increase would occur along the northern and southern alignments of the basement walls and would have no material impacts on the provision of landscaping/planting as required in the approved landscape plan. Therefore, the proposed modifications are unlikely to have adverse impacts on the landscape quality of the development and the landscape setting within the locality.</p>	Site Area: 839.3m <sup>2</sup>	Approved	Proposed	Control	Complies	Site Coverage	389.6 m <sup>2</sup> (46.4%)	389.6 m <sup>2</sup> (46.4%)	377.7 m <sup>2</sup> (45% Max.)	No change	Unbuilt upon Area	223.9 m <sup>2</sup> (26.7%)	234.9 m <sup>2</sup> (28%)	125.9 m <sup>2</sup> (15% max.)	No	Landscaped Area	225.8 m <sup>2</sup> (26.9%)	214.8 m <sup>2</sup> (25.6%)	335.7 m <sup>2</sup> (40% min.)	No
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<p><b>1.5.7 Excavation</b></p>	<p>Yes (via condition)</p>	<p>The proposed modifications involve additional excavation to provide a new basement level. Council’s Development Engineer has raised no in-principle objection to the proposal as indicated earlier in this report.</p> <p>The proposed excavation would comply with the DCP maximum of 70% of the site area. Furthermore, the proposed additional excavation would not materially change the landscaping treatments within the subject site.</p> <p>The applicant has submitted a further geotechnical report covering the additional works. It is recommended that the geotechnical report condition (<b>Condition C1</b>) be modified to include a reference to the geotechnical report submitted for the modified development to ensure the structural integrity of the subject site and the adjoining sites during the excavation process.</p>																				

1.5.8 Landscaping	Yes	As mentioned earlier in this report, Council’s Landscape Officer was consulted who raised no objection to the proposal given that the changes to the basement setbacks are considered to be minimal and would have no material impacts on the implementation of the approved landscaping treatments and landscape quality of the subject site
1.5.10 Private and Communal Open Space	Yes	<p>The modified proposal would not change the provision of private open space in the form of either courtyards or balconies for each of the apartments as originally approved.</p> <p>There would be no change to the approved communal facilities on Level 03 of the proposed apartment building. The proposed modifications also include a new community room on the new basement level 02.</p> <p>It is recommended that <b>condition 11</b> be modified and a new <b>condition G22</b> be imposed to ensure that communal areas within the development are to be used for this purpose and by the residents and their guests only.</p>
1.5.13 Garbage Storage	Yes	The proposed modifications include the provision of a larger bulky waste storage room and this aspect of the modifications is considered to be acceptable subject to a condition requiring the storage rooms to be used for this purpose only ( <b>Condition I9</b> ).

## CHARACTER STATEMENTS – PART C

### North Cremorne Planning Area (Waters Neighbourhood) – Part C of NSDCP 2013

The proposed modifications would be generally consistent with Part C of North Sydney DCP 2013 in particular Section 5 of the Character Statement for North Cremorne Planning Area and Section 5.3 for Waters Neighbourhood.

The proposed residential flat building would be compatible with the desired medium to high density development character for the neighbourhood in Section 5.3.2 of the DCP.

### SECTION 7.11 CONTRIBUTIONS PLAN

A Section 7.11 contribution has been levied with respect to the original DA as a condition of consent (**Condition C38**). The subject application does not warrant a further Section 7.11 contribution.

### REASONS FOR THE ORIGINAL APPROVAL

Section 4.55 (3) requires the reasons given by the consent authority for the grant of the consent that is sought to be modified. In this case, the reasons for granting the original permission, which is sought through this application to be modified, are set out in the notice of determination of the original DA.

The reasons given in the assessment report to NSLPP for the original application are as follows:

- *The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have material impacts on the overall character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.*
- *The proposed four storey apartment building, as amended by the recommended deferred commencement conditions, is considered to be appropriate in terms of height and built form within a R4 (High Density Residential) zone.*
- *The proposal would not result in unacceptable impacts on the amenity of the adjoining properties subject to the imposition of appropriate conditions.*

The reasons given by the NSLPP for the deferred commencement approval of the original application including the additional requirements for setbacks of basement walls are as follows:

*The Panel considers the development is satisfactory subject to the conditions.*

It is considered that the proposed modifications would be consistent with the above reasons for approval as detailed below:

- The proposed modifications to setbacks of the basement walls would not change the setbacks and built forms of the above ground building elements and there would be no adverse impacts on the landscaping treatments as indicated on the approved landscape plan as well as the landscape setting of the approved development;
- The proposed modifications to the height of lift overrun above the LEP maximum building height limit would have no material impacts on the form of the approved apartment building, its visual mass and the overall character of the locality; and
- The proposed modifications would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

<b>ENVIRONMENTAL APPRAISAL</b>	<b>CONSIDERED</b>
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	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes



- |     |   |     |
|-----|---|-----|
| 8.  | Site Management Issues  | Yes |
| 9.  | All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979     | Yes |
| 10. | Section 89 LGA 93 including Clause 12 Consideration of Local Government (Approvals) Regulation 1993 | Yes |

### **PUBLIC INTEREST**

The proposed modifications considered to be in the public interest for the reasons stated throughout this report.

### **SUITABILITY OF THE SITE**

The proposal would be located in a R4 (High Residential Density) zone where a residential flat building is a permissible form of development. Consequently, the proposed modifications considered to be suitable for the site having regard to the merits of the proposal and the imposition of appropriate modified and new conditions as described in the above report.

### **COMMUNITY VIEWS**

The owners of adjoining properties and the Brightmore Precinct were notified between 24 September and 10 October 2021. The notification has attracted no submissions.

### **CONCLUSION & REASONS**

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

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, and the visual mass of the development as approved in the original DA.

The proposed modifications to the setbacks of the basement walls would not change the setbacks and built forms of the above ground building elements with no adverse impacts on the landscaping treatments as indicated on the approved landscape plan as well as the landscape settings of the approved development.

The proposed modifications to the height of lift overrun above the LEP maximum building height limit would have no material impacts on the form of the approved apartment building and the overall character of the locality.

The proposed modifications would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

Appropriate conditions have been recommended to address the additional excavation works and the use of communal and other facilities within the development.

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

## RECOMMENDATION

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

**THAT** the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent **D273/20** dated 3 March 2021 in respect of a proposal to the redevelopment of the site for a four storey apartment building development with basement parking at Nos 30 -34 Grosvenor Street, Neutral Bay under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. *To modify the conditions of (D237/20) in particular conditions A1, C1, G22 and I1 to read as follows:*

### Development in Accordance with Plans (S4.55 Amendments)

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

Drawing No.	Date	Drawn by	Received
A0011 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0098 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0099 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0100 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0101 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0102 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0103 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0104 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0200 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0201 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0300 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/2:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098 Rev D	Basement 01 Floor Plan	Team 2 Architects	3 September 2021
A0099 Rev D	Lower Ground Floor Plan	Team 2 Architects	3 September 2021
A0100 Rev D	Ground Floor Plan	Team 2 Architects	3 September 2021
A0101 Rev D	Level 01 Floor Plan	Team 2 Architects	3 September 2021
A0102 Rev D	Level 02 Floor Plan	Team 2 Architects	3 September 2021
A0103 Rev D	Level 03 Floor Plan	Team 2 Architects	3 September 2021
A0104 Rev D	Level 04 Ground floor Plan	Team 2 Architects	3 September 2021
A0105 Rev D	Roof Plan	Team 2 Architects	3 September 2021
A0200 Rev D	Elevations 01	Team 2 Architects	3 September 2021
A0201 Rev D	Elevations 02	Team 2 Architects	3 September 2021
A0300 Rev D	Section 01	Team 2 Architects	3 September 2021

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

## Geotechnical Report

- C1. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared, with reference to the Geotechnical desktop report study, dated August 2020 and the Addendum to this report dated 1 September 2021, both prepared by Douglas Partners, which addresses at a minimum (but is not limited to) the following:-
- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
  - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
  - c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
  - d) The existing groundwater levels in relation to the basement structure, where influenced;
  - e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and
  - f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

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

The design principles for the geotechnical report are as follows:

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

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

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

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

#### **Covenant and Restriction (Use of Communal Areas)**

G22 An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act* 1919 and one copy must be submitted to Council in registrable form, providing for:

- 1) a restriction as to user and positive covenant in favour of North Sydney Council burdening Nos. 30-34 Grosvenor Street, Neutral Bay restricting the use of the communal areas for residents and guest to be maintained as such and shall only be varied with approval of Council; and

- 2) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier.

Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and to maintain communal use of the communal area)

### **Communal Areas**

11. The roof terrace communal area on Level 03, the communal facilities on Level 03 and the community room on basement level 02 must be used for communal purposes only by the residents and their guests of the approved development.

The operating hours of the outdoor communal facilities within the proposed development shall be as follows:

Sunday to Thursday: 7.00am to 10.00pm

Friday to Saturday: 7.00am to 11.00pm

A sign showing the above operating hours must be installed at a highly visible location within the affected communal area.

The above operating hours must be incorporated in the by-law of any strata plan for the approved development.

(Reason: To restrict the use of the facilities and amenity protection.)

2. *To insert new conditions A3 and 19 to read as follows:*

### **Terms of Consent (D398/19/2)**

- A7. Approval is granted for the following modifications only:

- (a) The addition of a new basement level 02 at RL69.65 matching the footprint of the basement level 01 above to provide five (5) parking spaces, storage areas, a plant room, a bulk waste room and a community room;

- (b) Modifications to property boundary setbacks for the basement level 01 to provide a setback of 3.237m to the northern property boundary and 2.137m to the southern (Grosvenor Street) boundary;
- (c) Modifications to the internal layout of parking areas on basement level 01 and the lower ground level to provide ten (10) parking spaces (including two (2) accessible parking spaces and two (2) visitors spaces), two (2) motorcycle parking spaces, bicycle parking, a plant room, a sprinkler & hydrant pump room and a car lift connecting all parking levels. The installation of roller shutters in front certain parking spaces and storage areas on basement Levels 01 and 02;
- (d) Modifications to the building facades including the widening of some external walls and the addition of solid upstands to planters along the perimeter of the building;
- (e) An increase in the height of the lift overrun from RL92.55 to RL92.85;
- (f) Modifications to the floor levels:

Level	Approved	Proposed
Basement 02	N/A	RL69.65
Basement 01	RL73.10	RL72.50
Lower Ground	RL75.90	RL75.65
Ground	RL79.00	RL78.85
Level 01	RL82.10	RL82.00
Level 02	RL85.20	RL85.15
Level 03	RL88.30	RL88.30
Roof	RL91.40	RL91.40

- (g) Increase in the GFA of the development from 1,223sqm to 1,340sqm resulting from the addition of a basement level and adjustments to unit size as follows:

Level/ Nos. of Units & Type	Approved	Proposed
Lower Ground: 1 x 2B + Study	102sqm	110sqm
Ground: 1 x 1B 2 x 3B	66sqm 132sqm & 140sqm	66sqm 131sqm & 140sqm
Level 01: 2 x 3B	120sqm & 158sqm	119sqm & 158sqm
Level 02: 2 x 3B	148sqm & 158sqm	146sqm & 158sqm
Level 03	158sqm	159sqm

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

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

### **Use of Underground Facilities**

19. The underground parking and storage facilities on the lower ground level, basement levels 01 and 02 must be used for the nominated purposes as shown on the approved plans and only by the residents and their guests of the approved development.

Any changes to the allocation of the use and design of these facilities would require further approval from Council.

The restrictions on the use of the underground parking and storage facilities must be incorporated in the by-law of any strata plan for the approved development.

(Reason: To ensure compliance.)

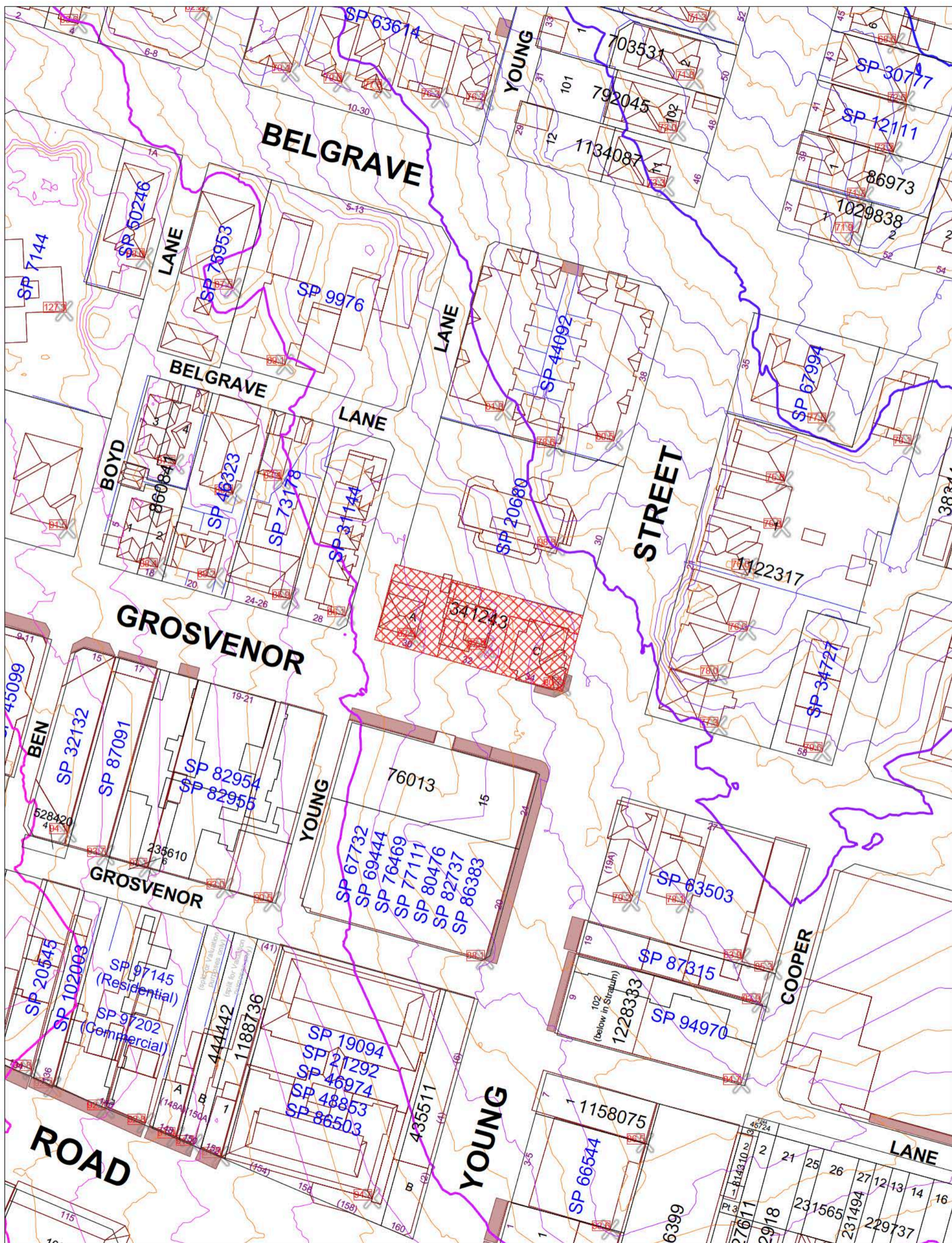
**Robin Tse**  
**SENIOR ASSESSMENT OFFICER**

**Robyn Pearson**  
**TEAM LEADER ASSESSMENTS**

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**STEPHEN BEATTIE**  
**DEVELOPMENT SERVICES**

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**North Sydney Council**

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



# 30-34 GROSVENOR STREET

S4.55 A

NEUTRAL BAY, NSW 2089

## ARCHITECTURAL DRAWING LIST

REV

A0000	COVER PAGE	B
A0001	PROJECT SUMMARY	D
A0097	BASEMENT 02 FLOOR PLAN	A
A0098	BASEMENT 01 FLOOR PLAN	D
A0099	LOWER GROUND FLOOR PLAN	D
A0100	GROUND FLOOR PLAN	D
A0101	LEVEL 01 FLOOR PLAN	D
A0102	LEVEL 02 FLOOR PLAN	D
A0103	LEVEL 03 FLOOR PLAN	D
A0104	ROOF PLAN	D
A0200	ELEVATIONS 01	D
A0201	ELEVATIONS 02	D
A0300	SECTION 01	D
A0451	GFA DIAGRAMS	D



**PROJECT SUMMARY**

**Address** 30-34 GROSVENOR STREET  
**Site Area** 839.3m<sup>2</sup>  
**Land Use** R4 High Density Residential

**PROPOSAL SUMMARY / COUNCIL DCP & LEP REQUIREMENTS**

	PROPOSED	CONTROL
<b>Building Height (m)</b>	12.24m to 14.55m	12m
<b>Setbacks</b>	Grosvenor Street – 3m Young Lane – Ground Level to Level 02 - 3m Level 03 - 5.4m Young Street – 4m Rear – 5m	Front – Alignment of primary facades on adjoining properties (1.5m) Side – 1.5m AND must not exceed a building 3.5m at 45 degrees Rear – 1.5m AND must not exceed a building 3.5m at 45 degrees
<b>Car Parking</b>	1 or 2 Bed: 2 Carspace (2 x 1) 3 Bed: 11 Carspace (7 x 1.5) Visitor: 2 Carspace (9 x 0.25) <b>Total: 15 Carspaces</b>	1 or 2 Bed: 1 space/unit 3+Bed: 1.5 space/unit Visitor: 0.25 spaces/unit (min 1 space)
<b>Site Coverage</b>	400m <sup>2</sup> = 47.6% (Excluding the raised planters 56.7m <sup>2</sup> = 6.8%)	Max 45% of site area (377.7m <sup>2</sup> )
<b>Deep Soil Landscaping</b>	227m <sup>2</sup> = 27%	Min 30% of site area (251.8m <sup>2</sup> )
<b>Landscaping on Structure</b>	54.6m <sup>2</sup> = 6.5%	Min 10% of site area (83.9m <sup>2</sup> )
<b>Unbuilt Upon Area</b>	101.6m <sup>2</sup> = 12.1%	Max 15% of site area (125.9m <sup>2</sup> )
<b>Excavated Area</b>	575.5m <sup>2</sup> = 68.6%	Max 70% of site area (587.5m <sup>2</sup> )
<b>Adaptable Housing</b>	9 apartments = 2 apartment to be adaptable (22.2%)	Min 15% of dwellings to be adaptable housing

**ADG REQUIREMENTS**



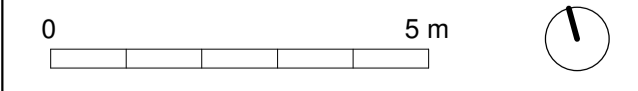
	COMPLIANCE	CONTROL
<b>4A.1 Solar Access</b>	88.8% (8/9 Apartments)  0% (No apartments without solar access)	Min. 70% of apartments between 9am and 3pm Max. 15% no solar access
<b>4B.3 Natural Cross Ventilation</b>	88.8% (8/9 Apartments)	At least 60%
<b>3D.1 Deep Soil</b>	227m <sup>2</sup> = 27%	7% of site area
<b>3D.1 Communal &amp; Public Open Space</b>	25% (210m <sup>2</sup> )	25% of site area (209.8m <sup>2</sup> )

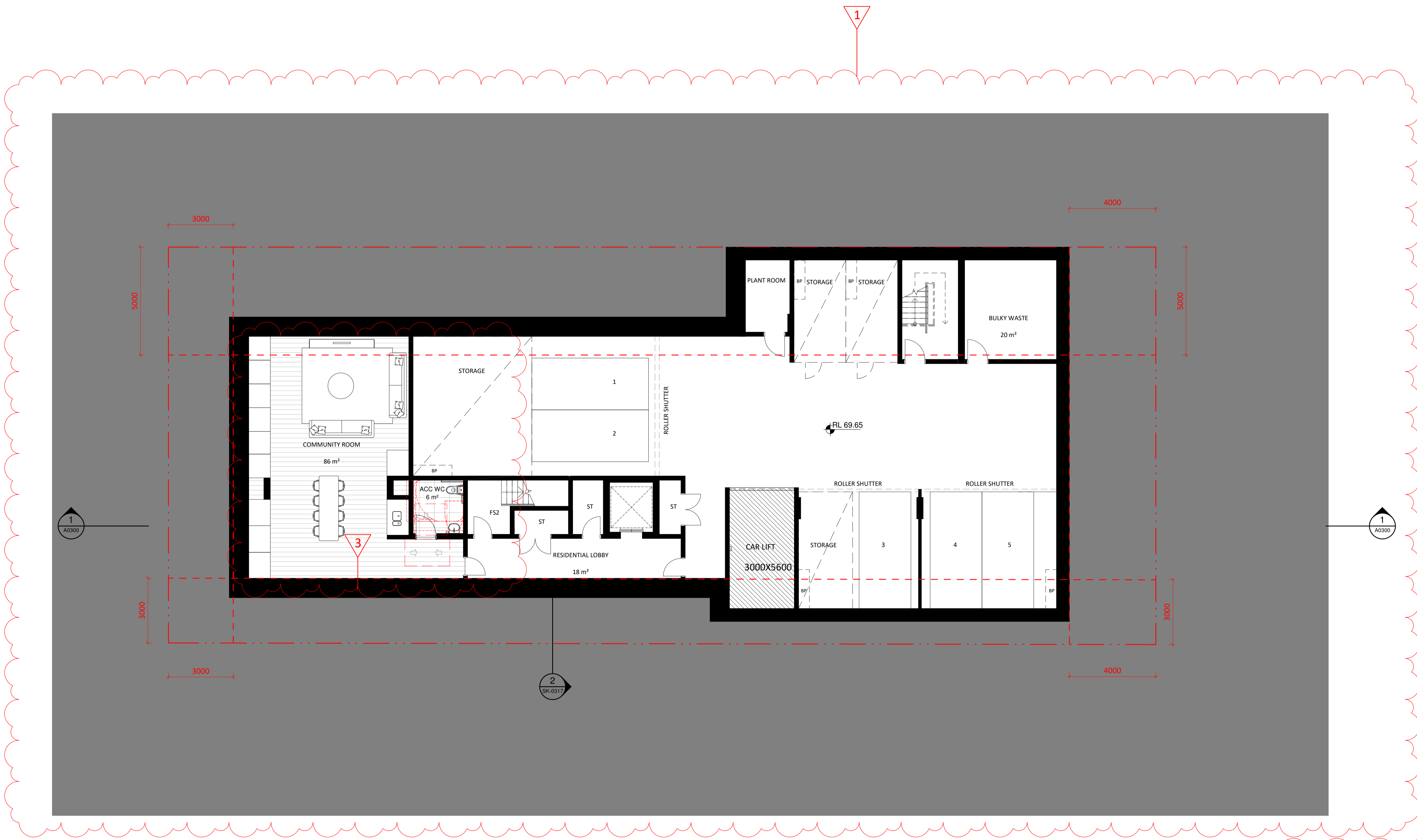
**GFA BREAKDOWN**

<b>BASEMENT 02</b>	114 m <sup>2</sup>
<b>BASEMENT 01</b>	10 m <sup>2</sup>
<b>LOWER GROUND</b>	121 m <sup>2</sup>
<b>GROUND FLOOR</b>	319 m <sup>2</sup>
<b>LEVEL 01</b>	305 m <sup>2</sup>
<b>LEVEL 02</b>	309 m <sup>2</sup>
<b>LEVEL 03</b>	160 m <sup>2</sup>
<b>TOTAL</b>	1339 m <sup>2</sup>

**UNIT BREAKDOWN**

	1 BED	2 BED	3 BED	
<b>LOWER GROUND</b>	0	1	0	
<b>GROUND FLOOR</b>	1	0	2	
<b>LEVEL 01</b>	0	0	2	
<b>LEVEL 02</b>	0	0	2	
<b>LEVEL 03</b>	0	0	1	
<b>TOTAL</b>	1 (11%)	1 (11%)	7 (78%)	9 UNITS TOTAL

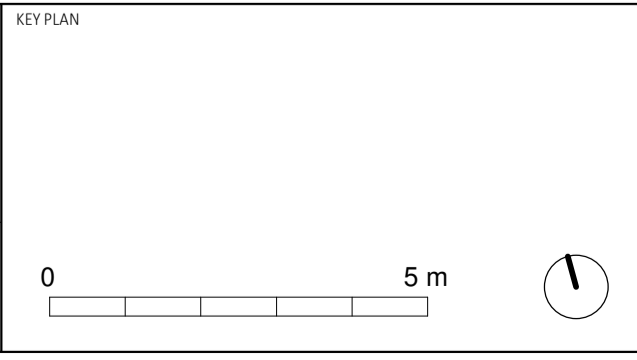
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PARKING SUMMARY	
DESCRIPTION	PARKING COUNT
RESIDENT CAR BAY 5400 x 2400	11
RESIDENT DISABLED CAR BAY (AS2890-2009)	2
VISITOR CAR BAY 5400 x 2400 (V)	1
VISITOR CAR BAY/WASH BAY (V)	1
MOTORBIKE	2

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	S4 ISS A ISSUE	SD	RD	06.09.21					
B	S4 ISSA ADDITIONAL INFORMATION	KD	PS	29.11.21					

LEGEND
REVISION ON HOLD



CLIENT  
**MOSMAN FINANCE No.13 PTY LTD**  
 3.01/95 PITT STREET, SYDNEY NSW 2000  
 ABN: 95 619 934 146

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**MELBOURNE**  
 313/737 Burwood Road  
 Hawthorn East VIC  
 3123  
 ABN: 72 104 833 507  
 REG VIC: 19340

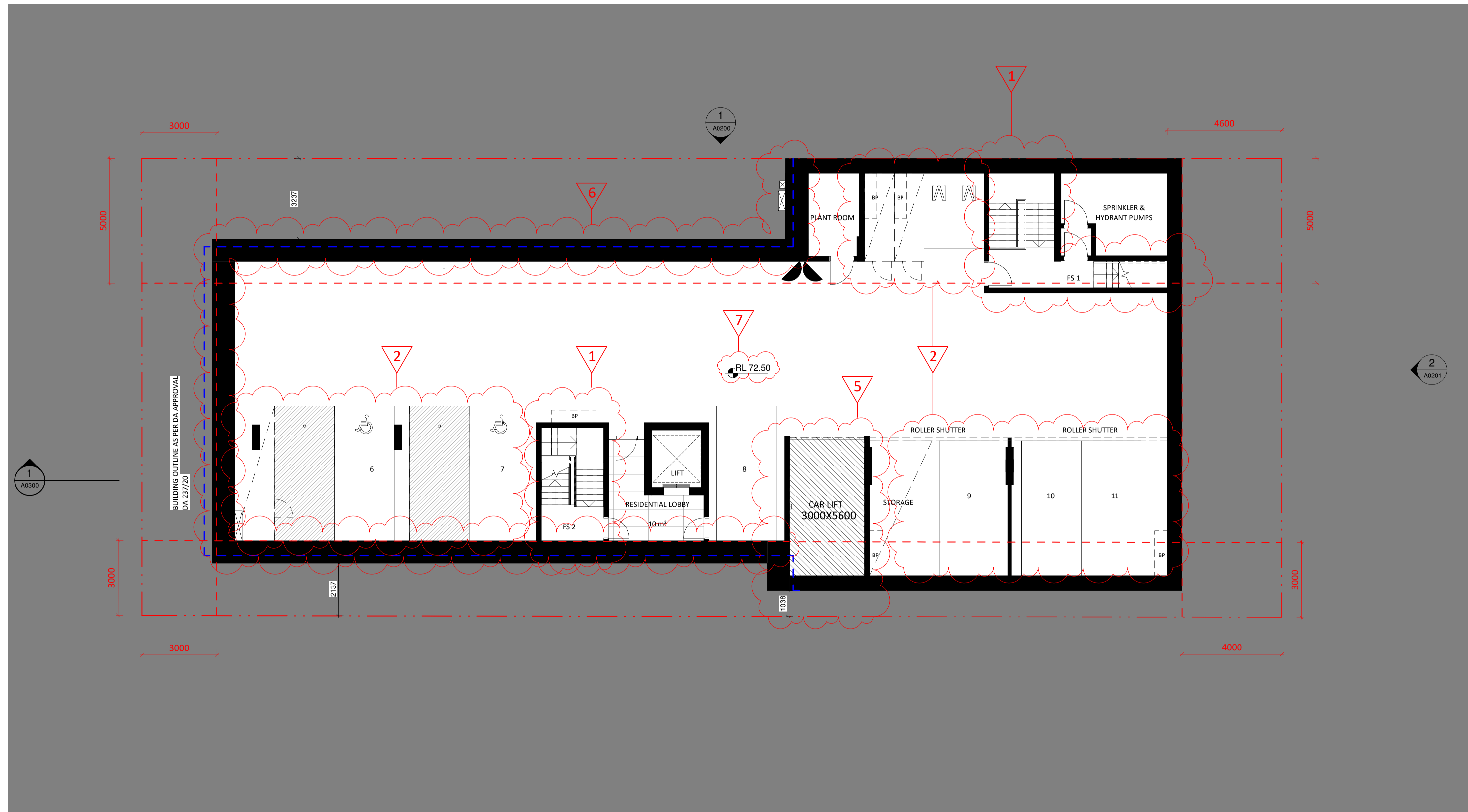
PROJECT  
**30-34 GROSVENOR STREET**  
 NEUTRAL BAY, NSW 2089

STATUS  
**DEVELOPMENT APPLICATION**

DATE: 29.11.21  
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 DWG NO: A0097

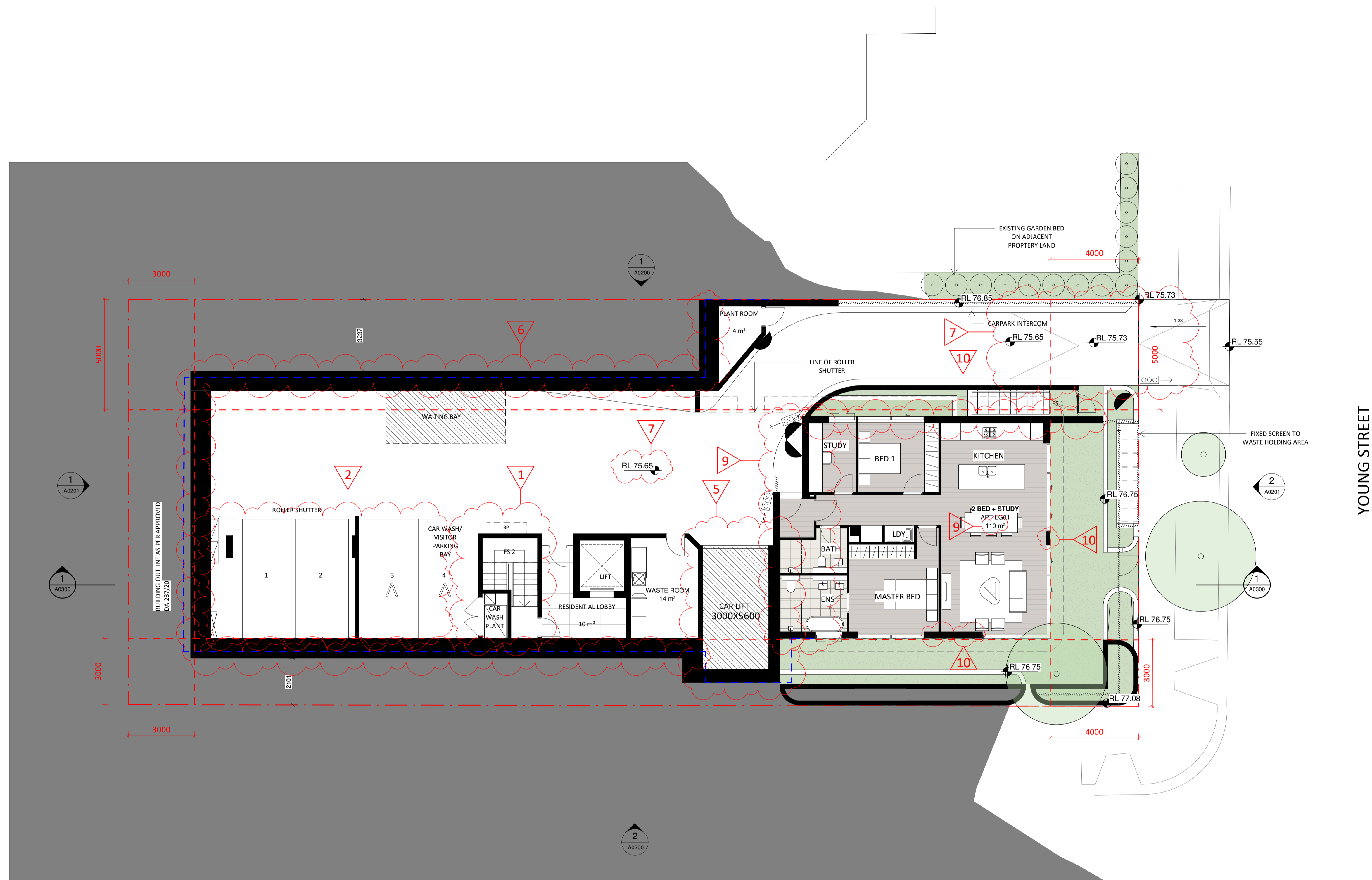
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PARKING SUMMARY	
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MOTORBIKE	2

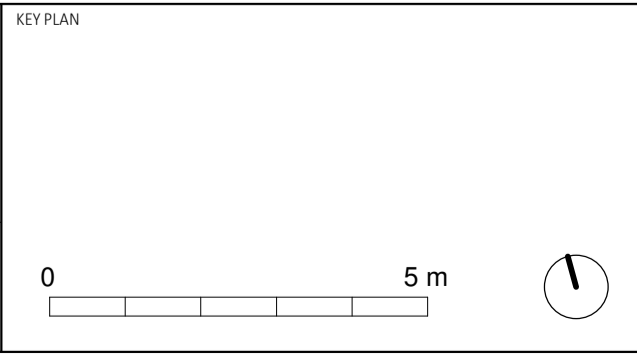
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CLIENT

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 3.01/95 PITT STREET, SYDNEY NSW 2000  
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 ABN: 72 104 833 507  
 REG VIC: 19340



PROJECT

30-34 GROSVENOR STREET  
 NEUTRAL BAY, NSW 2089

STATUS

DEVELOPMENT APPLICATION

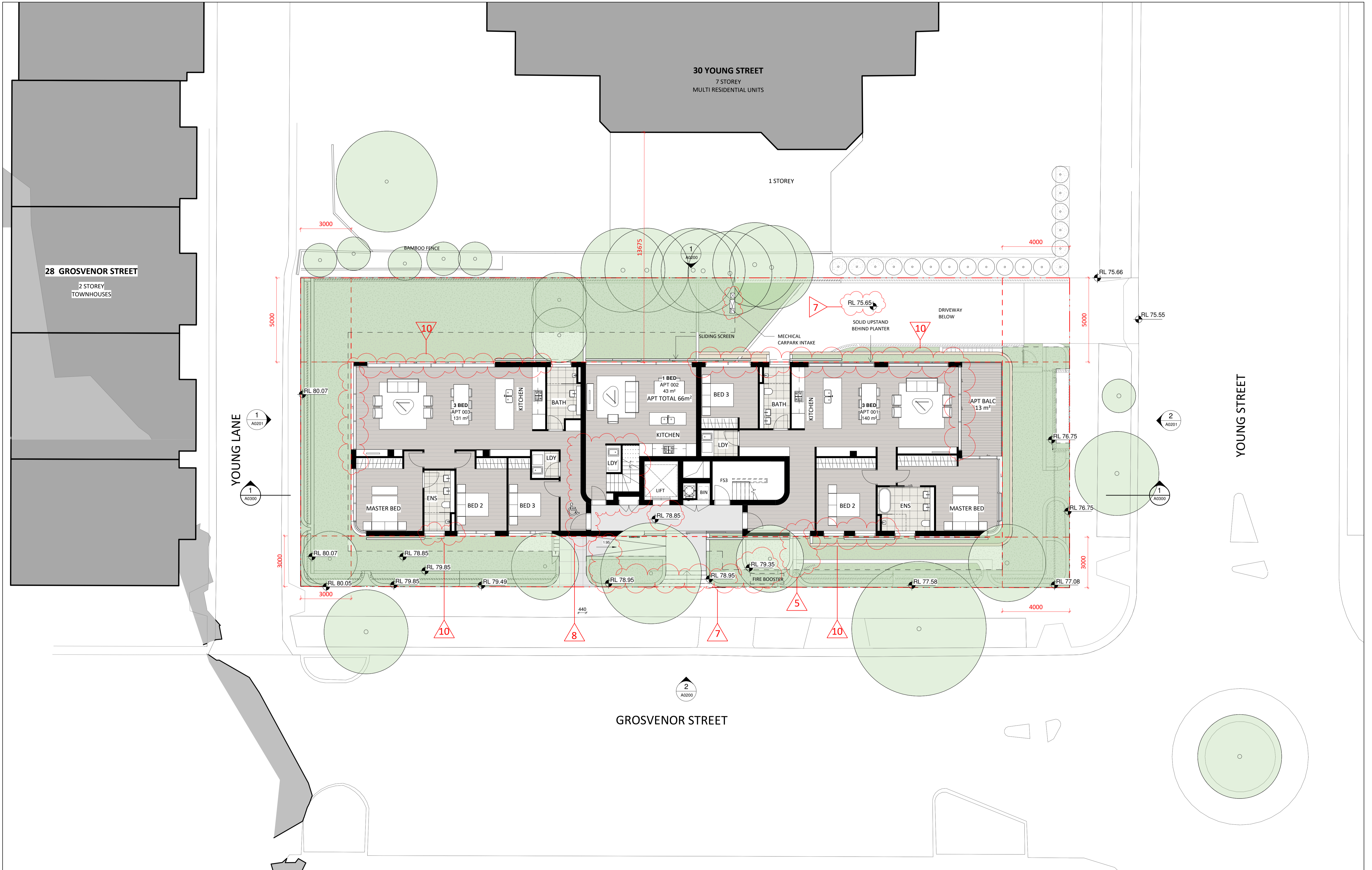
DWG TITLE

LOWER GROUND FLOOR PLAN

DATE	03.09.21	DRAWN	SO
SCALE	1:100@A1, 1:200@A3	CHECKED	KD
PROJ. NO.	1031	APPROVED	
DWG. NO.	A0099	REVISION	D

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C	DEFERRAL RESPONSE	SF	AC	24/03/21					
D	\$4.55 A ISSUE	SO	KD	03/09/21					

NO.	REVISION	BY	CHK	DATE

LEGEND

REVISION (Red dashed circle)

ON HOLD (Red dashed square)

KEY PLAN

0 5 m

CLIENT

MOSMAN FINANCE No.13 PTY LTD  
 3.01/95 PITT STREET, SYDNEY NSW 2000  
 ABN: 95 619 934 146

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PROJECT

30-34 GROSVENOR STREET  
 NEUTRAL BAY, NSW 2089

STATUS

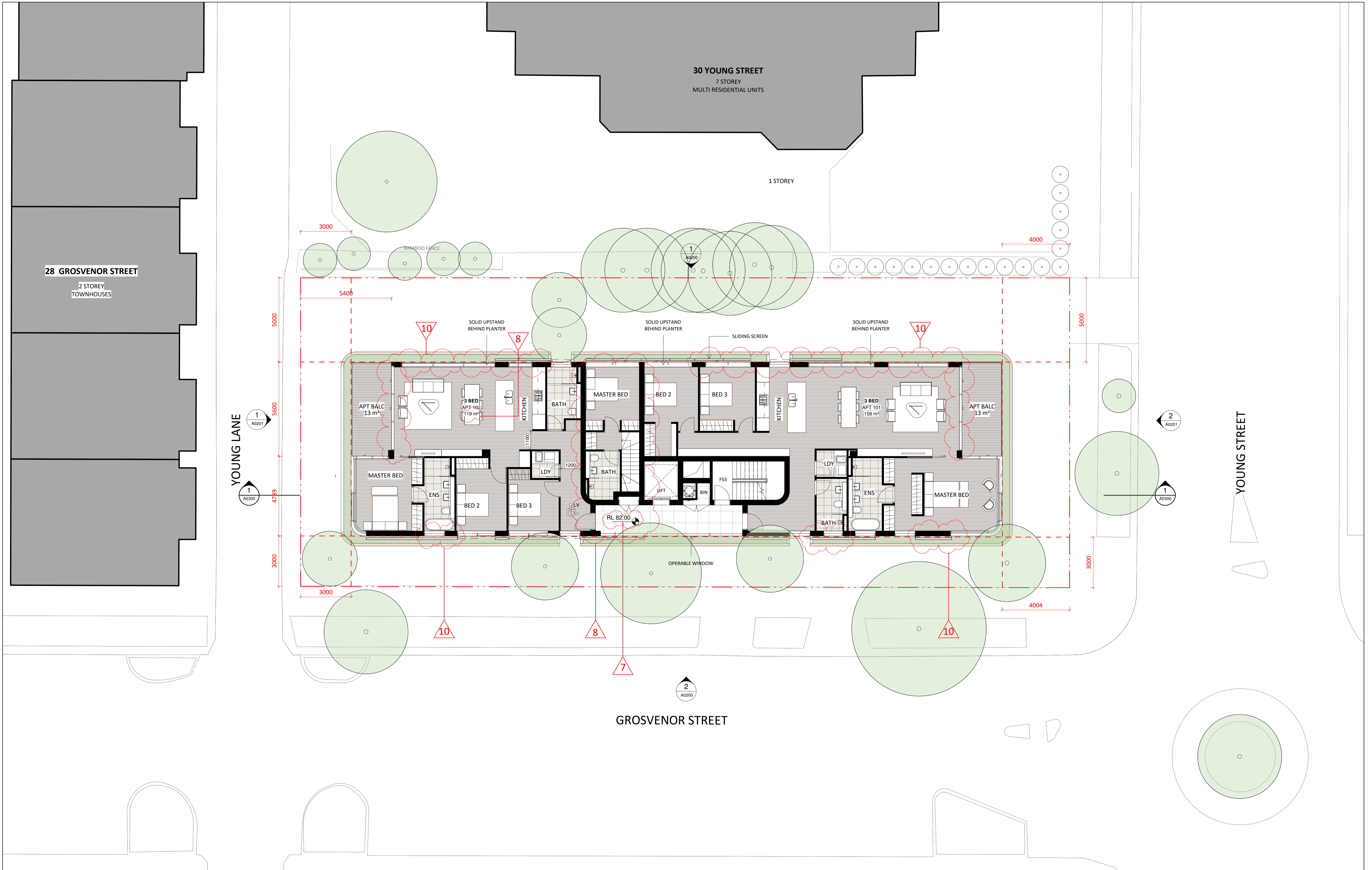
DEVELOPMENT APPLICATION

DWG TITLE

GROUND FLOOR PLAN

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PROJ. NO.	1031	APPROVED	
DWG. NO.	A0100	REVISION	D

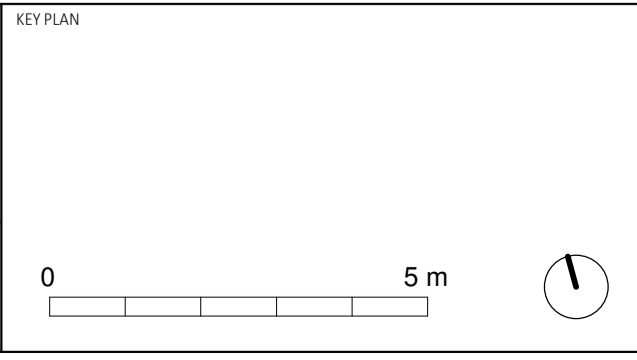
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D	S4.55 A ISSUE	SO	KD	03/09/21					

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CLIENT  
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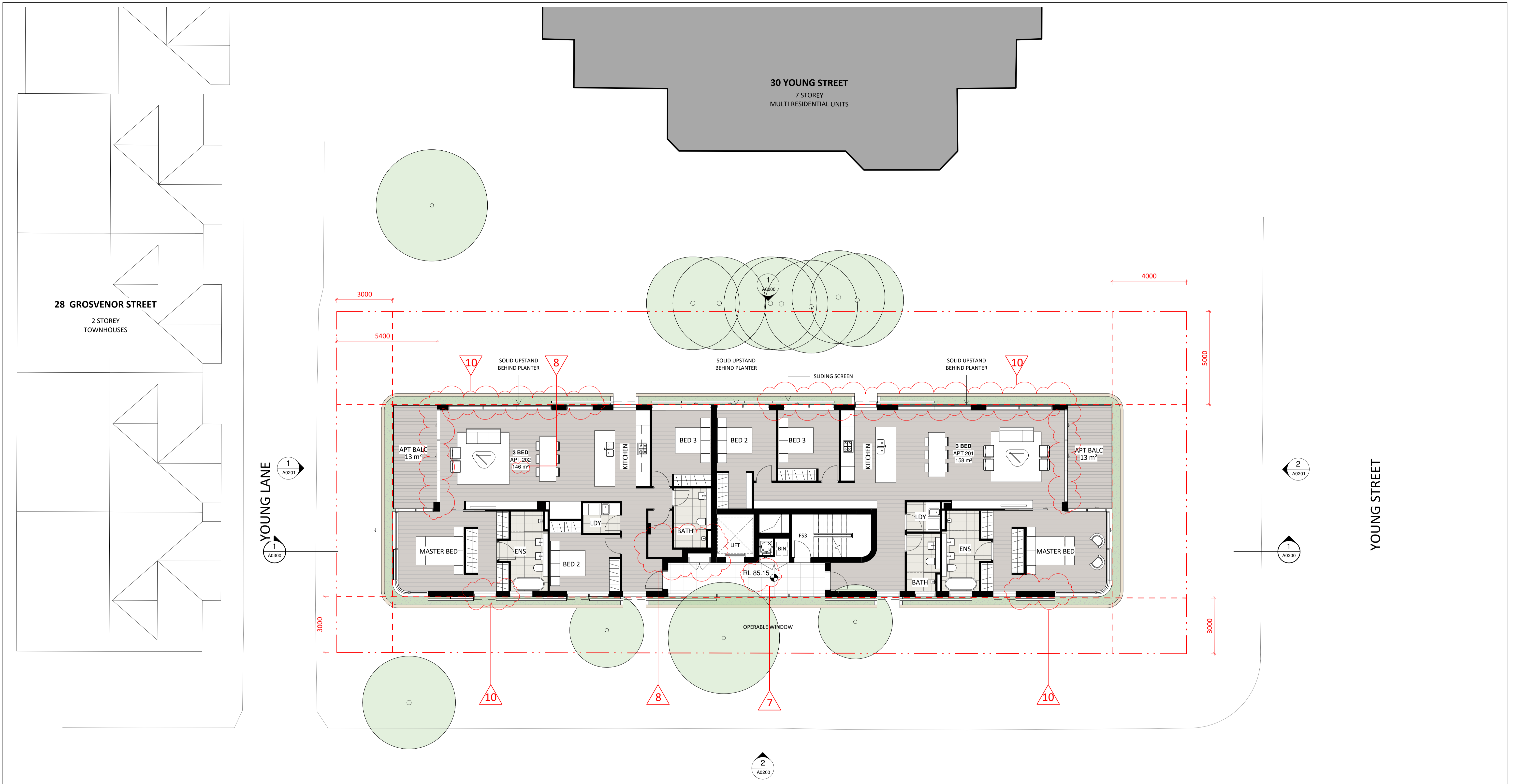
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PROJECT  
**30-34 GROSVENOR STREET**  
 NEUTRAL BAY, NSW 2089  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 LEVEL 01 FLOOR PLAN

DATE	03.09.21	DRAWN	SO
SCALE	1:100@A1, 1:200@A3	CHECKED	KD
PROJ. NO.	1031	APPROVED	
DWG. NO.	A0101	REVISION	D

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D	S4.55A ISSUE	SO	KD	03/09/21					

NO.	REVISION	BY	CHK	DATE

KEY PLAN

0 5 m

CLIENT  
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 ABN: 95 619 934 146

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PROJECT  
**30-34 GROSVENOR STREET**  
 NEUTRAL BAY, NSW 2089

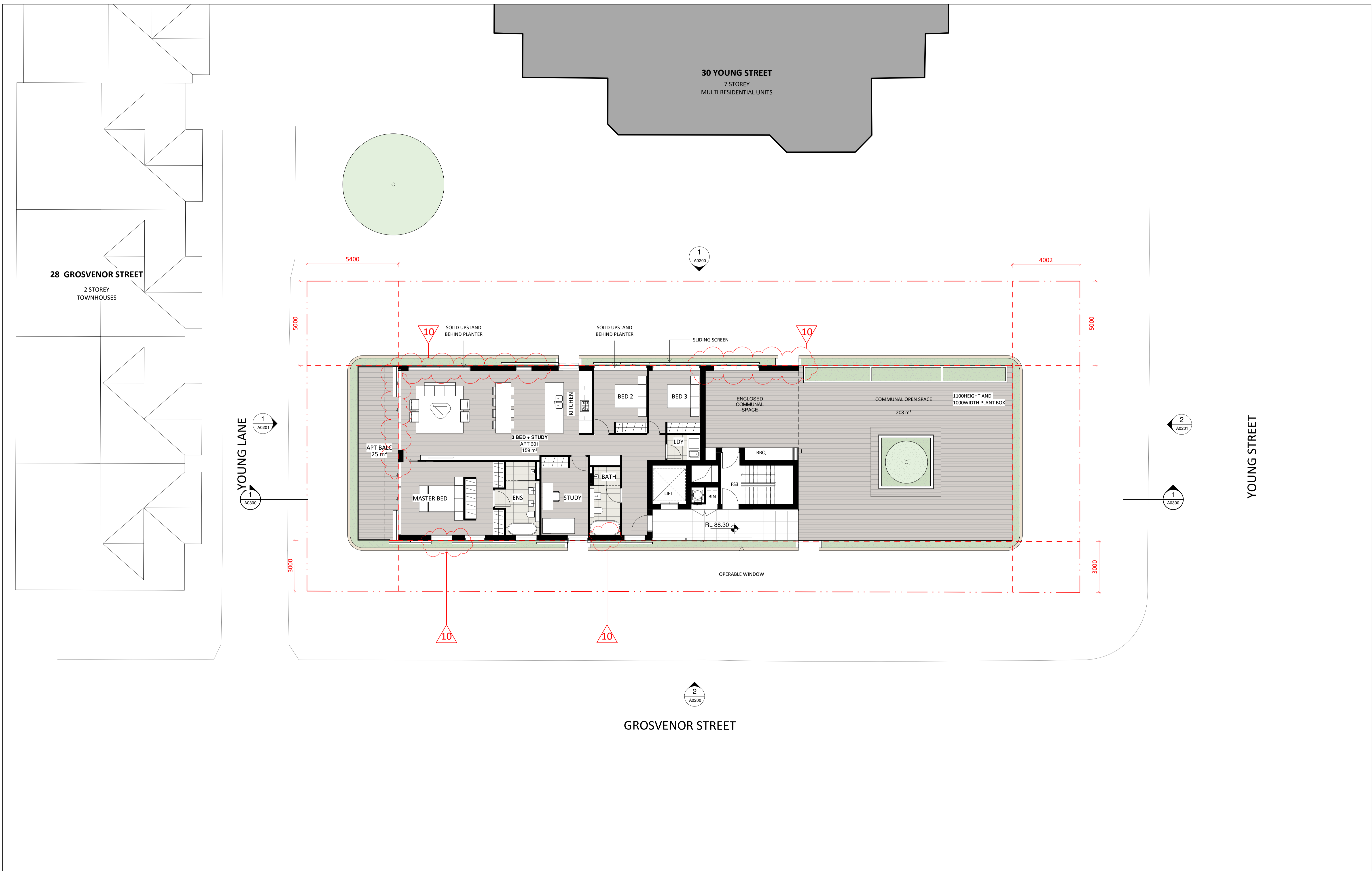
STATUS  
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DWG TITLE  
 LEVEL 02 FLOOR PLAN

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PROJ. NO.	1031	APPROVED	
DWG. NO.	A0102	REVISION	D

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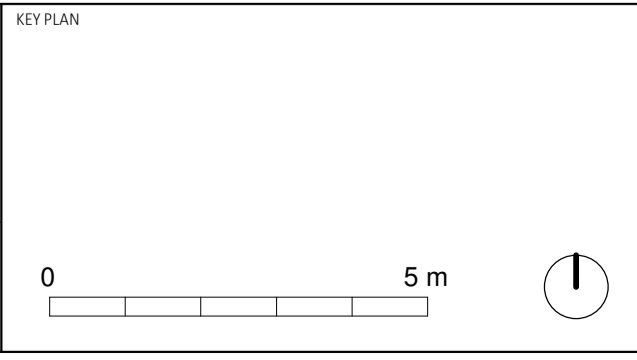
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LEGEND

CLOUD LEGEND

REVISION (Red dashed line)

ON HOLD (Red dotted line)



CLIENT

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 ABN: 95 619 934 146

ARCHITECT

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PROJECT

30-34 GROSVENOR STREET  
 NEUTRAL BAY, NSW 2089

STATUS

DEVELOPMENT APPLICATION

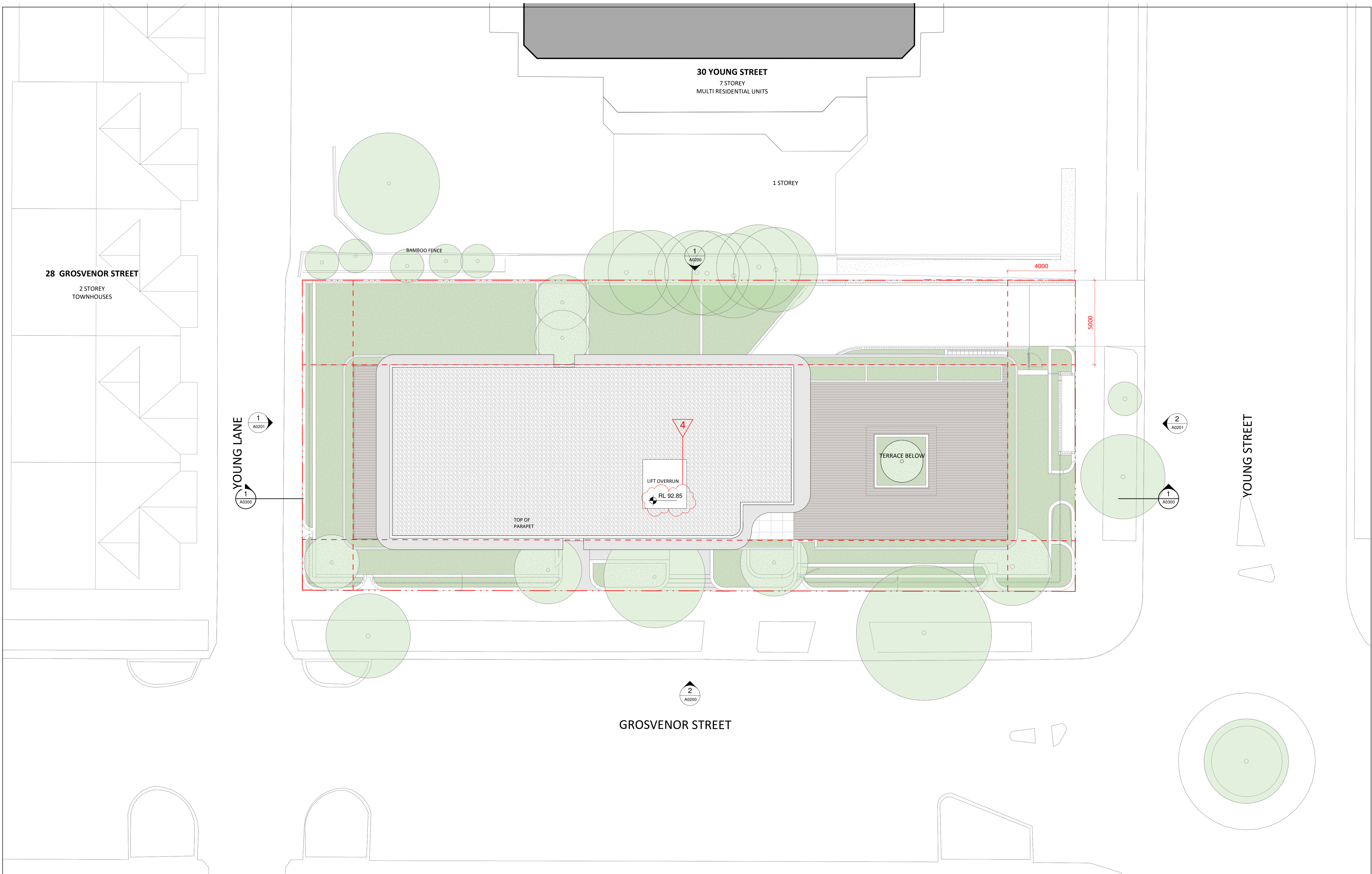
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LEVEL 03 FLOOR PLAN

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DWG. NO.	A0103	REVISION	D

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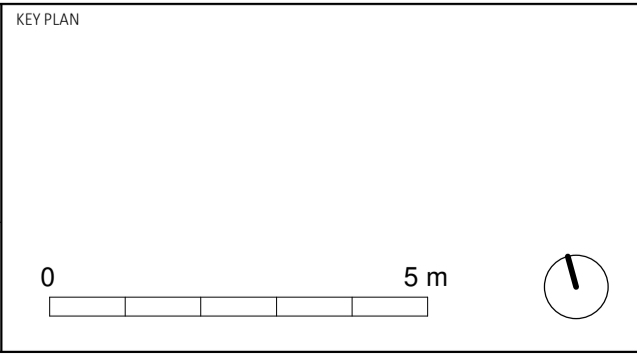
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LEGEND
CLOUD LEGEND
REVISION
ON HOLD



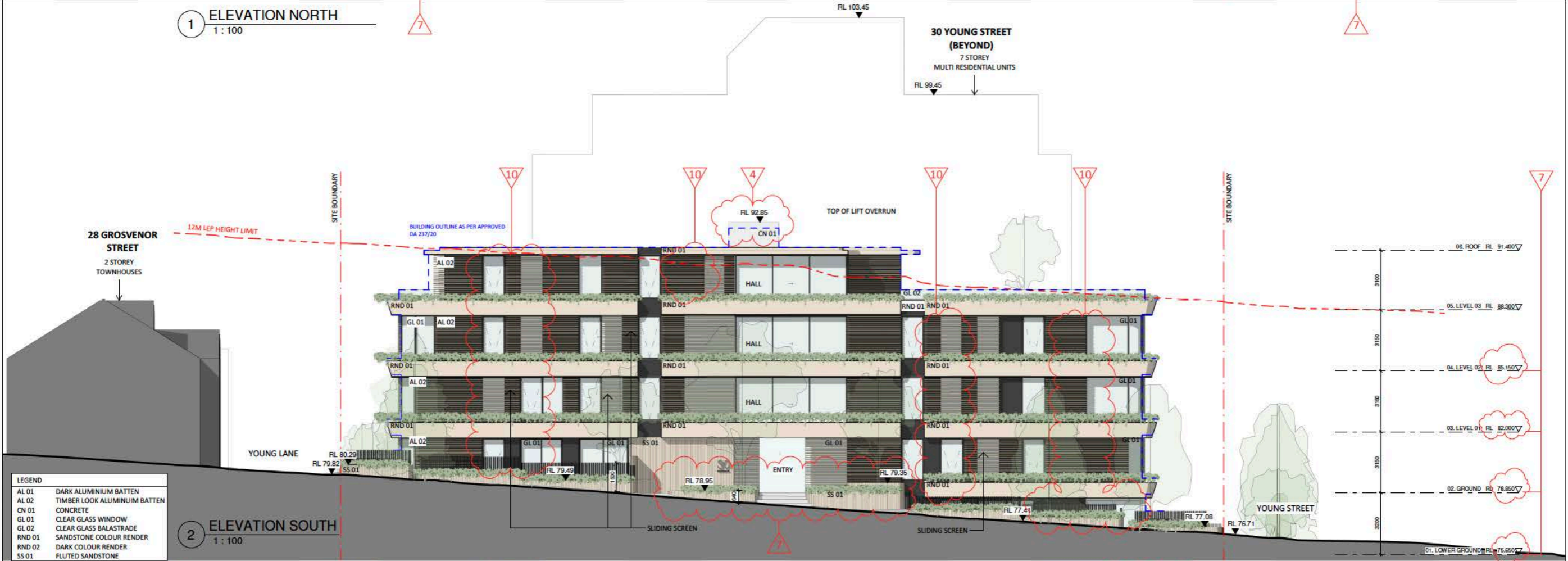
CLIENT  
 MOSMAN FINANCE No.13 PTY LTD  
 3.01/95 PITT STREET, SYDNEY NSW 2000  
 ABN: 95 619 934 146

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 REG NSW: 9940  
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 Hawthorn East VIC  
 3123  
 ABN: 72 104 833 507  
 REG VIC: 19340

PROJECT  
 30-34 GROSVENOR STREET  
 NEUTRAL BAY, NSW 2089  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 ROOF PLAN

DATE	03.09.21	DRAWN	SO
SCALE	1:100@A1, 1:200@A3	CHECKED	KD
PROJ. NO.	1031	APPROVED	
DWG. NO.	A0104	REVISION	D

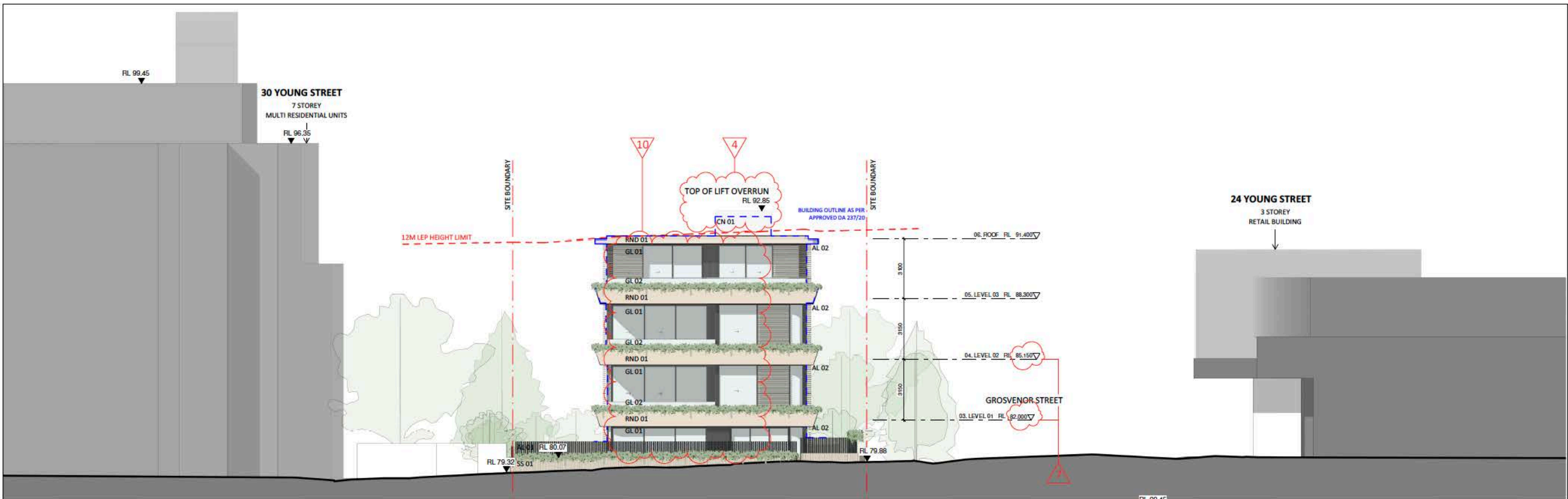
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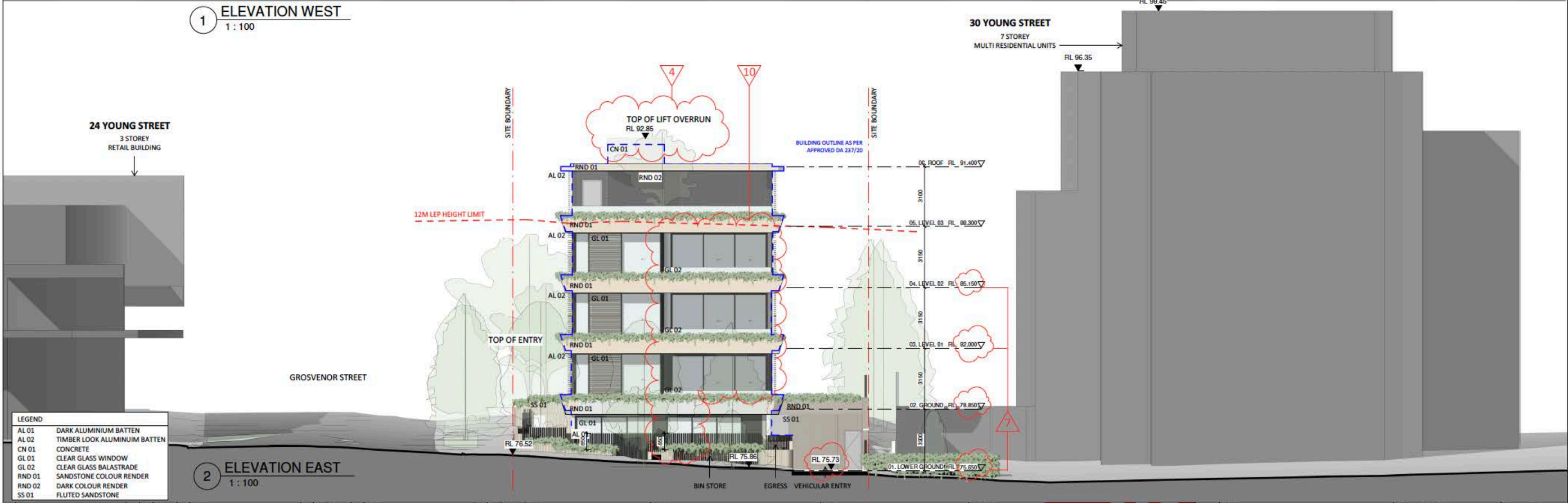
**LEGEND**

AL 01	DARK ALUMINIUM BATTEN
AL 02	TIMBER LOOK ALUMINIUM BATTEN
CN 01	CONCRETE
GL 01	CLEAR GLASS WINDOW
GL 02	CLEAR GLASS BALASTRADE
RND 01	SANDSTONE COLOUR RENDER
RND 02	DARK COLOUR RENDER
SS 01	FLUTED SANDSTONE

<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>CHK</th> <th>DATE</th> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>CHK</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>ISSUE</td> <td>MS</td> <td>JAC</td> <td>03/09/20</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>B</td> <td>RE SUBMISSION</td> <td>MS</td> <td>JAC</td> <td>11/10/20</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>C</td> <td>EXPERIENCE RESPONSE</td> <td>MS</td> <td>JAC</td> <td>24/02/21</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>D</td> <td>SASIA ISSUE</td> <td>MS</td> <td>MS</td> <td>03/02/21</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	A	ISSUE	MS	JAC	03/09/20						B	RE SUBMISSION	MS	JAC	11/10/20						C	EXPERIENCE RESPONSE	MS	JAC	24/02/21						D	SASIA ISSUE	MS	MS	03/02/21						<p><b>CLIENT</b> MOSMAN FINANCE No.13 PTY LTD 3.01/95 PITT STREET, SYDNEY NSW 2000 ABN: 95 619 934 146</p>	<p><b>ARCHITECT</b> SYDNEY 791/1 Chandos Street St Leonards NSW 2055 T: + 61 2 9437 3166 E: info@team2.com.au REG NSW: 9940 <b>MELBOURNE</b> 313/37 Burwood Road Hawthorn East VIC 3123 ABN: 72 104 833 507 REG VIC: 19340</p>	<p><b>PROJECT</b> 30-34 GROSVENOR STREET NEUTRAL BAY, NSW 2089</p> <p><b>STATUS</b> DEVELOPMENT APPLICATION</p> <p><b>DWG TITLE</b> ELEVATIONS 01</p>	<p><b>DATE</b> 03.09.21</p> <p><b>SCALE</b> 1:100@A1, 1:200@A3</p> <p><b>FIG. NO.</b> 1031</p> <p><b>DWG. NO.</b> A0200</p> <p><b>NOTES</b> DO NOT SCALE FROM DRAW RISE. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT &amp; HOCHTITZ BANAGA ARCHITECTS.</p>
NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE																																													
A	ISSUE	MS	JAC	03/09/20																																																		
B	RE SUBMISSION	MS	JAC	11/10/20																																																		
C	EXPERIENCE RESPONSE	MS	JAC	24/02/21																																																		
D	SASIA ISSUE	MS	MS	03/02/21																																																		



1 ELEVATION WEST  
1 : 100

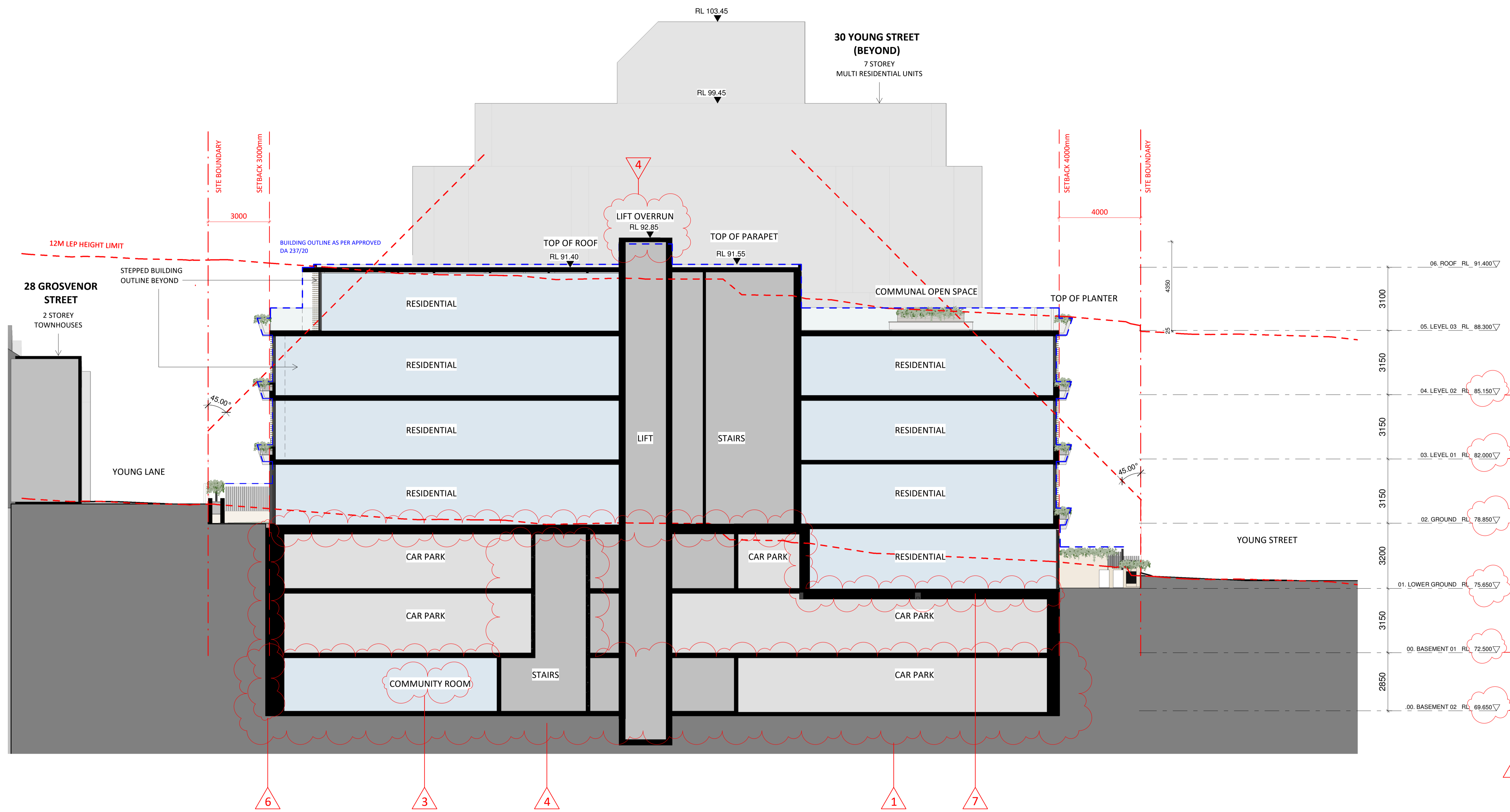


2 ELEVATION EAST  
1 : 100

**LEGEND**

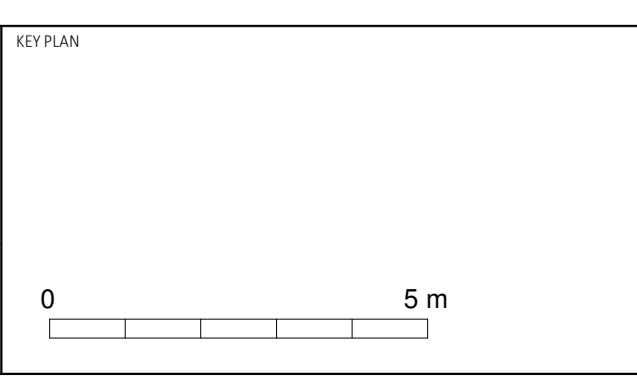
AL 01	DARK ALUMINIUM BATTEN
AL 02	TIMBER LOOK ALUMINIUM BATTEN
CN 01	CONCRETE
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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE																																														
1	ISSUE	AS	AS	03/09/21																																																			
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4	ISSUE	SC	RD	03/09/21																																																			



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	DA ISSUE	AG	AC	02/09/20					
B	DA RE-SUBMISSION	JP	AC	11/12/20					
C	DEFERRAL RESPONSE	SF	AC	24/03/21					
D	S4.55A ISSUE	SO	KD	03/09/21					

NO.	REVISION	BY	CHK	DATE



CLIENT

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 REG VIC: 19340



PROJECT

30-34 GROSVENOR STREET  
 NEUTRAL BAY, NSW 2089

STATUS

DEVELOPMENT APPLICATION

DWG TITLE

SECTION 01

DATE	03.09.21	DRAWN	SO
SCALE	1:100@A1, 1:200@A3	CHECKED	KD
PROJ. NO.	1031	APPROVED	
DWG. NO.	A0300	REVISION	D

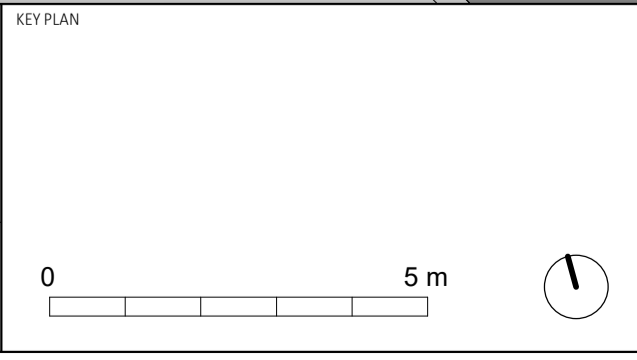
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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	DA ISSUE	AG	AC	02/09/20					
B	DA RE-SUBMISSION	JD	AC	11/02/20					
C	RESPONSE TO DEFERRED COMMENCEMENT	SF	AC	24/03/21					
D	SH SSA ADDITIONAL INFORMATION	KD	PG	28.11.21					

NO.	REVISION	BY	CHK	DATE



CLIENT  
**MOSMAN FINANCE No.13 PTY LTD**  
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 ABN: 95 619 934 146

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 ABN: 72 104 833 507  
 REG VIC: 19340



PROJECT  
**30-34 GROSVENOR STREET**  
 NEUTRAL BAY, NSW 2089

STATUS  
 DEVELOPMENT APPLICATION

DWG TITLE  
 HEIGHT PLANE DIAGRAM

DATE	29.11.21	DRAWN	KD
SCALE	1:100@A1, 1:200@A3	CHECKED	PG
PROJ NO.	1031	APPROVED	
DWG NO.	A0403	REVISION	D

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